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AGENCIES



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INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.270 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of positions being included into the AFSCME bargaining unit and the agreement with AFSCME to include those positions under the Personnel Code.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
305.260	New Section	32 Ill. Reg. 14367; September 5, 2008
- 11) Statement of Statewide Policy Objective: This proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62706

217/785-1793

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

Section

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 33 Ill. Reg. _____, effective _____.

Section 305.270 Extends Jurisdiction A, B and C (December 30, 2008)

Effective December 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Service's Bureau of Communication and Computer Services positions performing work as network or systems engineers, managers and support staff that were transferred into the Department from the State Board of Education's Illinois Century Network, consolidated from other agencies, or subsequently hired as non-Code employees in these positions to work within the Bureau. Effective December 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to all network services, management, technical and supportive program employees. This excludes positions represented under the Teamsters bargaining unit. With the exception of the previously identified Teamster-represented positions, the foregoing affected employees in the Bureau serving prior to December 30, 2008 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 30, 2008 will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to employees of the above named network services program effective December 30, 2008.

(Source: Added at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.47	Amendment
310.50	Amendment
310.80	Amendment
310.220	Amendment
310.260	Amendment
310.280	Amendment
310.410	Amendment
310.415	Amendment
310.APPENDIX A TABLE V	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.47, the new in-hiring rates for the Juvenile Justice Specialist and Juvenile Justice Specialist Intern titles are added.

In Section 310.50, the explanation of the Public Service Administrator title's Option 8T is updated to match the explanation for Option 8T found in Section 310.500.

In Section 310.80, the pay provisions for an employee's promotion from Step 8 are extended to all employees assigned pay grades that have a Step 8.

In Section 310.220, the pay provisions for an employee's promotion from Step 8 are extended to all employees assigned pay grades that have a Step 8.

In Section 310.260, the trainee titles assigned MS- salary ranges have the assignments added.

In Section 310.280, the designated rate of \$130,000 annually effective August 1, 2008 for the Department of Public Health Senior Public Service Administrator position, position number 40070-20-20-000-00-81, is added.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.410, MS- salary ranges are assigned to titles for use with positions excluded from bargaining unit representation or with emergency, provisional or temporary employee appointments. The Executive Secretary III and Telecommunications Supervisor titles are removed from the title table assigning MC-salary ranges.

In Section 310.415, MS- salary ranges are assigned to the titles for use with positions excluded from bargaining unit representation so that is added.

In Section 310.Appendix A Table V, the Public Service Administrator title option 7 positions with the agency's Corrections Parole Supervisor working title is added to the rate tables with its title code 37015 and pay grade CU-500-24 effective May 10, 2007. This is based on the Memorandum of Understanding signed August 1, 2008.

In Section 310.Appendix A Table X, the Occupational Therapist Supervisor title replaces that of Public Service Administrator Option 8O only for the positions in the RC-063 bargaining unit. The Occupational Therapist Supervisor title was approved to be established by the Civil Service Commission effective May 1, 2008. The positions represented by the RC-063 bargaining unit and allocated to the Public Service Administrator title option 8O are reclassified into the Occupational Therapist Supervisor title. The Note after the title table is made current.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

ILCS 415/8 and 8a].

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective

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February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended

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at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27,

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2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a

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maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill.

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Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.47 In-Hiring Rate

- a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, salary grade pay grade, merit compensation pay range or broad-band pay range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.
- b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.
- c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.

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- d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.
- e) Approved In-Hiring Rates –

Effective January 1, 2008

Title	Pay Grade or Range	In-Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	Step 3
Actuarial Examiner Trainee	RC-062-13	Step 4
Children & Family Services Intern, Option 2	RC-062-15	Step 1b
Civil Engineer I	RC-063-15	Step 2
Civil Engineer II	RC-063-17	Step 1
Civil Engineer Trainee	NR-916	To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering program, add \$40/quarter work experience up to 8, add \$60 if passed Engineering Intern exam, and add \$40/quarter master's program up to 8
Commerce Commission Police Officer Trainee	MS-10	\$2,943
Correctional Officer	RC-006-09	Step 2
Correctional Officer Trainee	RC-006-05	Step 4
Engineering Technician I	NR-916	See Note
Engineering Technician II	NR-916	See Note

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Engineering Technician III	NR-916	See Note
Engineering Technician IV	NR-916	See Note
Environmental Engineer I	RC-063-15	Step 2
Environmental Engineer II	RC-063-17	Step 1
Environmental Protection Engineer I	RC-063-15	Step 5
Environmental Protection Engineer II	RC-063-17	Step 4
Financial Institutions Examiner Trainee	RC-062-13	Step 2
Forensic Scientist Trainee	RC-062-15	Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago
Information Services Intern	RC-063-15	See Note
Information Services Specialist I	RC-063-17	Step 1a for Outside Cook County and Step 2 for Cook County
Information Services Specialist II	RC-063-19	Step 1a for Cook County
Insurance Company Financial Examiner Trainee	RC-062-13	Step 4
Internal Auditor Trainee	MS-09	\$2,854
Juvenile Justice Specialist	RC-006-14	Step 1 for a bachelor's degree and Step 2 for a master's degree
Juvenile Justice Specialist Intern	RC-006-11	Step 1 for a bachelor's degree and Step 2 for a master's degree
Meat & Poultry Inspector Trainee	RC-033	Step 3 for Regions 1 and 6
Physician Specialist, Option C	RC-063-MD-C	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Physician Specialist, Option D	RC-063-MD-D	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Police Lieutenant	MC-09	\$3,450

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Products & Standards Inspector Trainee	MS-09	\$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and \$2,854 for all other counties
Revenue Auditor Trainee	RC-062-12 (IL); RC-062-15 (CA or NJ); and RC-062-13 (states other than IL, CA, or NJ)	Step 5
Revenue Special Agent Trainee	RC-062-14	Step 2
Security Therapy Aide Trainee	RC-009-13	Step 5 for the Joliet Treatment and Detention Facility
State Mine Inspector	RC-062-19	Step 1
Telecommunicator	RC-014-12	Step 2 for District 2
Telecommunicator Trainee	RC-014-10	Step 3 for Kane County and Step 7 for Cook County
Terrorism Research Specialist Trainee	RC-062-14	Step 2

Note: The Engineering Technician series has the following in-hiring rates –

Education Level

Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	\$2,435
Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,340
An Associate Degree from an accredited 2 year civil engineering technology program	\$2,545
Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	\$2,545
Completion of 4 years of college courses in areas other than civil	\$2,435

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engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit)	
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	\$2,650
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	\$3,005

The Information Services Intern title has the following in-hiring rates –

Education	Outside Cook County	Cook County
Computer Science degree at 4-year college	Step 4	Step 6
Computer Science degree at 2-year technical school	Step 2	Step 4
Non-Computer Science degree at 4-year college	Step 1	Step 3

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), Negotiated Rates of Pay (Appendix A), and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's

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monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step. A new creditable service date will follow an increase of a step or more, except for the following actions:

Revaluation as provided for in Section 310.80(d)(2) for non-bargaining-unit employees.

Reallocation as provided for in Section 310.80(d)(1) for non-bargaining-unit employees.

Adjustments as provided for in Section 310.80(e) for non-bargaining-unit employees.

Interim assignment as provided for in Section 310.100(e).

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on him/her during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

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"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor
- 8D = Special License – Federal Communications Commission License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner

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- 8I = Special License – Professional Land Surveyor License
- 8J = Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Teaching Certificate Type 75 or General Administrative Type 61
- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8X = Special License – Blaster Certificate
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training
- 9G = Special License – Registered Professional Geologist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- 7 = Salary Grade regular pension formula rate
- 8 = Salary Grade alternative pension formula rate
- 9 = Salary Grade maximum-security institution rate
- B = Negotiated regular pension formula rate for the State of Illinois
- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois

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- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Grade" – The system of pay practices applied to specific positions or employees not represented by a bargaining unit, and not in the Merit

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Compensation System, which includes Broad-Band and Medical Administrator positions.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 310.80 Increases in Pay

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
 - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.
 - 2) A satisfactory performance increase shall become effective on the first day

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of the month within which the required period of creditable service is reached.

- 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Other Pay Increases –
- 1) Promotion –
 - A) Standard Procedures –
 - i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the

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targeted pay grade that represents at least a full step increase in the former pay grade.

- ii) From Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) [and effective September 1, 2008 for any employee who](#) is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between Step 7 and Step 8 in the former pay grade. To compute this, add the dollar difference between Step 7 and Step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.
 - B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.
- 2) Reallocation –
- A) Standard Procedures –

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- i) From Other Than Step 8 – Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
 - ii) From Step 8 – When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.
- B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.
- 3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

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- 4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.
 - 5) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.
- e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees. The effective dates for the 4% and 3% adjustment increases effective December 2, 2005 and January 1, 2007, respectively, are as stated.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

- a) Rates by Geographic Area, Agency or Agency Area – The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the

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Illinois Department of Labor for designated classifications.

- b) Rates for Positions Excluded from Bargaining Unit Representation – An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall be assigned to the Merit Compensation System (Subpart C) and receive the rates within the Merit Compensation System Salary Schedule (Appendix D) based on the salary range assigned to the classification title in Section 310.410.
- c) Rates for Higher Duties – As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.
- d) Promotion from Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) [and effective September 1, 2008 for any employee who](#) is promoted from Step 8, the employee shall be paid as provided in Section 310.80(d)(1)(A)(ii).
- e) Signing Pay – Effective July 10, 2008, if the employee is represented by the VR-704 bargaining unit and would have been eligible for an annual merit compensation evaluation between June 8, 2007 and December 31, 2007, potentially receiving a one-time merit compensation bonus at that time, the employee is eligible for the signing pay. The signing pay is calculated by taking the employee's VR-704 monthly salary effective June 8, 2007 times 12 months and multiplying the result by 3%. The VR-704 monthly salaries are located in [Section 310](#).Appendix A Table S.
- f) To Locate Rates – The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A, unless the rates are red-circled.
- g) Red-Circled Rates – Red-circled rates are the negotiated or arbitrator assigned base salaries not otherwise on a step in the pay grade assigned to a classification or in the Pay Plan. The base salaries may be above the pay grade's maximum base salary or between two base salaries on consecutive steps. An employee who takes a position in a Trainee Program (80 Ill. Adm. Code 302.170) classification that represents a reduction when comparing classifications (Section 310.45) shall

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have the base salary red-circled at the amount of the former classification. If through negotiation of a classification assignment to a pay grade where the base salary exceeds Step 8, the base salary shall be red-circled at its current rate and may receive contractual adjustments.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	None
Actuarial Examiner Trainee	00196	RC-062-13	None
Administrative Services Worker Trainee	00600	RC-014-02	None
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	None
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09 None
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12 None
Civil Engineer Trainee	07607	NR-916	None
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	None

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Clinical Psychology Associate	08255	RC-063-18	None
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	None
Correctional Officer Trainee	09676	RC-006-05	None
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10 None
Data Processing Operator Trainee	11428	RC-014-02	MS-02 None
Data Processing Technician Trainee	11443	RC-028-06	MS-04 None
Disability Claims Adjudicator Trainee	12539	RC-062-13	None
Economic Development Representative Trainee	12939	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	None
Financial Institutions Examiner Trainee	14978	RC-062-13	None
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	None
Forensic Scientist Trainee	15897	RC-062-15	None
Geographic Information Trainee	17276	RC-063-15	None
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	None
Hearing and Speech Associate	18231	RC-063-18	None
Human Resources Trainee	19694	None	MS-04
Human Services Grants Coordinator Trainee	19796	RC-062-12	None
Industrial Services Consultant Trainee	21125	RC-062-11	None
Industrial Services Hygienist Trainee	21133	RC-062-12	None
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	None
Insurance Company Financial Examiner Trainee	21610	RC-062-13	None

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Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	None
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	None
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	None
Meat and Poultry Inspector Trainee	26075	RC-033	None
Mental Health Administrator Trainee	26817	None	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	None
Mental Health Technician Trainee I	27021	RC-009-01	None
Methods and Procedures Career Associate Trainee	27137	RC-062-09	None
Office Occupations Trainee	30075	None	MS-01
Police Officer Trainee	32985	None	MS-06
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	None
Psychologist Associate	35626	RC-063-15	None
Psychologist Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11 None
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09 None
Public Safety Inspector Trainee	37010	RC-062-10	None
Public Service Trainee	37025	None	MS-01
Rehabilitation Counselor Trainee	38159	RC-062-15	None
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	None

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Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	None
Revenue Auditor Trainee	38375	RC-062-12	None
Revenue Collection Officer Trainee	38405	RC-062-12	None
Revenue Special Agent Trainee	38565	RC-062-14	None
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07 None
Security Therapy Aide Trainee	39905	RC-009-13	None
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03 None
Social Services Career Trainee	41320	RC-062-12	MS-09 None
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	None
Terrorism Research Specialist Trainee	45375	RC-062-14	None
Weatherization Specialist Trainee	49105	RC-062-12	None

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 310.280 Designated Rate

- a) Requirements – The rate of pay for a specific position or class of positions excluded from the other requirements of this Pay Plan shall be only as designated by the Governor. A designated rate is the fixed rate of pay assigned usually to one position within a position classification. The fixed rate is above the maximum of the pay grade or salary range assigned to the position classification.

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The fixed rate is the value the employing agency determines for the uniquely combined position and employee or the candidate recruited to be the employee. A designated rate may be assigned to a position classification and, therefore, all positions within the position classification. The establishment of or change to a designated rate requires a request from the head of the employing agency to the Director of Central Management Services.

- b) Request from the Head of the Employing Agency – The request from the employing agency head shall explain the unique nature of the employee's education and experience combined with the position's scope, responsibility, and reporting that warrant the requested designated rate, how the requested designated rate was determined, and the requested effective date. The employing agency shall attach to the request the current position description (CMS-104) and the candidate's or employee's current State employment or promotional employment application (CMS-100 or CMS-100B).
- c) Review and Approval – The Director of Central Management Services shall review the requested designated rate by comparing the value given to other positions and employees in the employing agency, the State, and other states when available. Following the review, the Director of Central Management Services shall seek the Governor's approval for the designated rate and its effective date.
- d) Employee Payment – When the rate is approved, this Section shall be amended to include the approved designated rate. Once amended, the employing agency shall pay the employee the designated rate retroactively to the effective date approved by the Governor.
- e) Annual Designated Rates by Employing Agency –

Department of Human Services

Senior Public Service Administrator
(Pos. No. 40070-10-66-200-00-01)

Annual Salary
132,000

Department of Public Health

Senior Public Service Administrator
(Pos. No. 40070-20-80-000-00-81)

Annual Salary
139,364

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[Senior Public Service Administrator
\(Pos. No. 40070-20-20-000-00-81\)](#)

[Annual Salary
130,000](#)

Department of Revenue

Senior Public Service Administrator
(Pos. No. 40070-25-60-000-00-01)

Annual Salary
136,608

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Effective January 1, 2008

Title	Title Code	Salary Plan
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Executive Secretary III	14033	MC-02
Human Services Casework Manager	19788	MC-07
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Police Lieutenant	32977	MC-09
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02

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Statistical Research Supervisor	42745	MC-07
Telecommunications Supervisor	45305	MC-07

Title	Title Code	Salary Range
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-12
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-20
Activity Therapist	00157	MS-12
Activity Therapist Supervisor	00163	MS-24
Actuary III	00203	MS-36
Administrative Assistant I	00501	MS-18
Administrative Assistant II	00502	MS-22
Agricultural Marketing Representative	00810	MS-20
<u>Aircraft Pilot I</u>	<u>00955</u>	<u>MS-22</u>
<u>Aircraft Pilot II</u>	<u>00956</u>	<u>MS-28</u>
<u>Aircraft Pilot II – Dual Rating</u>	<u>00957</u>	<u>MS-30</u>
Animal and Animal Products Investigator Trainee	01075	MS-09
Appraisal Specialist Trainee	01255	MS-09
Arson Investigations Trainee	01485	MS-12
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assistant Automotive Shop Supervisor	01565	MS-17
Automotive Mechanic	03700	MS-12
Automotive Shop Supervisor	03749	MS-24
Boat Safety Inspection Supervisor	04850	MS-22
Bridge Tender	05320	MS-15
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building/Grounds Laborer	05598	MS-08
Building Services Worker	05616	MS-03
Business Manager	05815	MS-20

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Child Development Aide	07184	MS-07
Child Protection Advanced Specialist	07161	MS-21
Child Protection Associate Specialist	07162	MS-14
Child Protection Specialist	07163	MS-19
Child Welfare Administrator Case Reviewer	07190	MS-27
Child Welfare Advanced Specialist	07215	MS-21
Child Welfare Associate Specialist	07216	MS-14
Child Welfare Court Facilitator	07196	MS-27
Child Welfare Nurse Specialist	07197	MS-22
Child Welfare Senior Specialist	07217	MS-27
Child Welfare Specialist	07218	MS-19
Child Welfare Staff Development Coordinator I	07201	MS-16
Child Welfare Staff Development Coordinator II	07202	MS-21
Child Welfare Staff Development Coordinator III	07203	MS-23
Child Welfare Staff Development Coordinator IV	07204	MS-27
Children & Family Service Intern, Option 1	07241	MS-09
Children & Family Service Intern, Option 2	07242	MS-12
Clerical Trainee	08050	MS-01
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Conservation Education Representative	09300	MS-09
Conservation/Historic Preservation Worker	09317	MS-01
Corrections Leisure Activities Specialist III	09813	MS-22
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter Supervisor	09903	MS-26
Criminal Justice Specialist I	10231	MS-14
Criminal Justice Specialist II	10232	MS-23
Criminal Justice Specialist Trainee	10236	MS-10
Data Processing Administrative Specialist	11415	MS-11
Data Processing Assistant	11420	MS-04
Data Processing Operator	11425	MS-03
Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04

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Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19
Deck Hand	11500	MS-14
Disability Claims Analyst	12540	MS-22
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-25
Electrical Engineer	13180	MS-30
Employment Security Field Office Supervisor	13600	MS-22
Engineering Technician IV	13734	MS-24
Equine Investigator	13840	MS-09
Executive I	13851	MS-20
Executive II	13852	MS-24
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Facility Fire Chief	14433	MS-13
Fingerprint Technician Trainee	15209	MS-05
Fire Certification Specialist	15285	MS-16
Fire Protection Specialist I	15351	MS-14
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Governmental Career Trainee	17325	MS-09
Guard I	17681	MS-04
Guard II	17682	MS-08
Guard Supervisor	17685	MS-11
Guardianship Supervisor	17720	MS-24
Health Facilities Surveillance Nurse	18150	MS-22
Highway Construction Supervisor I	18525	MS-24
Highway Construction Supervisor II	18526	MS-28
Highway Maintainer	18639	MS-10
Historical Library Chief of Acquisitions	18987	MS-22

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Historical Research Specialist	19008	MS-23
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Mediator	19771	MS-20
Human Services Caseworker	19785	MS-14
Industrial & Community Development Representative I	21051	MS-16
Industrial & Community Development Representative II	21052	MS-21
Information Services Intern	21160	MS-12
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Inhalation Therapy Supervisor	21260	MS-07
Insurance Analyst I	21561	MS-06
Insurance Company Claims Examiner I	21601	MS-16
Internal Auditor I	21721	MS-20
Internal Auditor Trainee	21726	MS-09
International Marketing Representative I	21761	MS-20
Janitor I	21951	MS-12
KidCare Supervisor	22003	MS-24
Laborer (Maintenance)	23080	MS-14
Laundry Manager I	23191	MS-11
Liability Claims Adjuster Trainee	23375	MS-09
Librarian II	23402	MS-20
Licensed Practical Nurse II	23552	MS-08
Lottery Regional Coordinator	24504	MS-24
Maintenance Equipment Operator	25020	MS-15
Maintenance Worker	25500	MS-15
Management Operations Analyst I	25541	MS-22
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Manpower Planner III	25593	MS-23
Manuscripts Manager	25610	MS-22
Meat and Poultry Inspector	26070	MS-10
Medical Administrator I, Option C	26400	MS-60

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Medical Administrator I, Option D	26401	MS-62
Medical Administrator II, Option C	26402	MS-61
Medical Administrator II, Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator Trainee	26817	MS-12
Mental Health Program Administrator	26908	MS-63
Methods and Procedures Advisor III	27133	MS-24
Mine Rescue Station Assistant	28150	MS-07
Natural Resource Technician I	28851	MS-07
Natural Resource Technician II	28852	MS-10
Occupational Therapist Supervisor	29910	MS-23
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-13
Office Administrator V	29995	MS-17
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-10
Pharmacist Technician	32008	MS-04
Physician	32200	MS-36
Physician Assistant	32210	MS-27
Physician Specialist – Option A	32221	MS-37
Physician Specialist – Option B	32222	MS-38
Physician Specialist – Option C	32223	MS-61
Physician Specialist – Option D	32224	MS-63

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NOTICE OF PROPOSED AMENDMENTS

Physician Specialist – Option E	32225	MS-64
Plumbing Consultant	32910	MS-28
Police Lieutenant	32977	MS-31
Police Officer Trainee	32985	MS-06
Polygraph Examiner Trainee	33005	MS-12
Private Secretary I	34201	MS-13
Private Secretary II	34202	MS-18
Products and Standards Inspector Trainee	34605	MS-09
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Appeals Advisor	35750	MS-19
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Family Support Specialist I	35841	MS-16
Public Aid Family Support Specialist II	35842	MS-20
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16
Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16
Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-24
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09
Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Service Trainee	37025	MS-01

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NOTICE OF PROPOSED AMENDMENTS

Radiologic Technologist Chief	37505	MS-17
Real Estate Professions Examiner	37760	MS-27
Registered Nurse I	38131	MS-18
Registered Nurse II	38132	MS-22
Registered Nurse – Advanced Practice	38135	MS-27
Rehabilitation Workshop Supervisor III	38196	MS-20
Reimbursement Officer II	38200	MS-20
Reproduction Service Supervisor I	38201	MS-13
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician III	38205	MS-08
Research Fellow, Option B	38211	MS-19
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Revenue Audit Supervisor	38369	MS-32
Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-27
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-12
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Security Officer Sergeant	39877	MS-11
Seed Analyst Trainee	39953	MS-07
Sign Shop Foreman	41000	MS-22
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-07
Social Service Aide Trainee	41285	MS-03
Social Service Career Trainee	41320	MS-09
Social Service Community Planner	41295	MS-08
Social Service Program Planner I	41311	MS-12

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Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-27
Social Worker Intern	41430	MS-15
Staff Development Specialist I	41771	MS-20
Staff Development Technician II	41782	MS-17
State Mine Inspector-At-Large	42240	MS-31
Statistical Research Specialist III	42743	MS-22
Storekeeper I	43051	MS-09
Storekeeper II	43052	MS-10
Storekeeper III	43053	MS-11
Stores Clerk	43060	MS-04
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Technical Advisor I	45251	MS-20
Technical Advisor II	45252	MS-24
Technical Advisor III	45253	MS-29
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Technician Trainee	45314	MS-05
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Emissions Compliance Supervisor	47583	MS-20
Veterans Nursing Assistant – Certified	47750	MS-05
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-24
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 310.415 Merit Compensation Salary Range Assignments

- a) Emergency, Temporary or Provisional Positions – When a position is allocated to a title only assigned to a bargaining unit pay grade and the agency is to appoint an employee to the position on an Emergency (80 Ill. Adm. Code 302.150(b)), Temporary (80 Ill. Adm. Code 302.150(c)) or Provisional (80 Ill. Adm. Code 302.150(d)) basis, a merit compensation salary range to be used for the position shall be assigned to the title as approved by the Director of Central Management Services. The approval of the merit compensation salary range assignment shall be after comparing the highest maximum base salary within the bargaining unit pay grade assigned the title with the maximum base salary in the merit compensation salary range that is not more than the highest maximum base salary within the bargaining unit pay grade and after considering the merit compensation salary ranges assigned to other titles in the same classification series and the merit compensation salary ranges assigned to other titles assigned the same bargaining unit pay grade. The titles and their merit compensation salary range assignments from the previous and anticipated fiscal years shall be listed in the Section 310.410 proposed amendments to the Pay Plan for adoption at the beginning of each fiscal year.
- b) Trainee Program Titles – When a classification is established as a Trainee Program (80 Ill. Adm. Code 302.170), the merit compensation salary range assigned to the Trainee Program title shall be approved by the Director of Central Management Services. The approval shall be based on the recommendation of the agency head where the Trainee Program is established, comparison of the salary ranges assigned to other Trainee Program titles, and the maximum base salary in the recommended merit compensation salary range normally being less than the in-hiring rate or the minimum base salary of the targeted classification title for which training is being conducted.
- c) Positions excluded from bargaining unit representation by the Illinois Labor Relations Board – When a position is allocated to a title only assigned to a bargaining unit pay grade and the agency or the position is excluded from bargaining unit representation by the Illinois Labor Relations Board, a merit compensation salary range to be used for the position shall be assigned to the title as approved by the Director of Central Management Services. The approval of

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NOTICE OF PROPOSED AMENDMENTS

the merit compensation salary range assignment shall be made using the provisions in subsection (a) if the title is not a Trainee Program title or subsection (b) if the title is a Trainee Program title.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)****Effective May 10, 2007**
Bargaining Unit: CU-500

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>Q</u>	<u>5096</u>	<u>5246</u>	<u>5403</u>	<u>5564</u>	<u>5856</u>	<u>6157</u>	<u>6450</u>	<u>6743</u>	<u>7045</u>	<u>7484</u>	<u>7707</u>
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>S</u>	<u>5164</u>	<u>5314</u>	<u>5470</u>	<u>5631</u>	<u>5921</u>	<u>6223</u>	<u>6517</u>	<u>6812</u>	<u>7114</u>	<u>7551</u>	<u>7774</u>

Effective July 1, 2007
Bargaining Unit: CU-500

Title	Title Code	Pay Plan Code	STEPS										
			1c	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271
Correctional Casework Supervisor	09655	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Correctional Lieutenant	09673	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Correctional Lieutenant	09673	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008
Corrections Clerk III	09773	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections	09773	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104

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Clerk III													
Corrections													
Food Service													
Supervisor III 09795	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592	
Corrections													
Food Service													
Supervisor III 09795	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666	
Corrections													
Identification													
Supervisor 09800	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290	
Corrections													
Identification													
Supervisor 09800	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362	
Corrections													
Industry													
Supervisor 09807	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592	
Corrections													
Industry													
Supervisor 09807	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666	
Corrections													
Laundry													
Manager II 09809	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290	
Corrections													
Laundry													
Manager II 09809	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362	
Corrections													
Leisure													
Activity													
Specialist IV 09814	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271	
Corrections													
Leisure													
Activity													
Specialist IV 09814	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346	
Corrections													
Maintenance													
Supervisor 09822	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029	
Corrections													
Maintenance													
Supervisor 09822	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104	
Corrections													
Residence													
Counselor II 09838	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290	
Corrections													
Supply													
Supervisor III 09863	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592	
Corrections													
Supply													
Supervisor 09863	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666	

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Supervisor III Property and Supply Clerk III	34793	Q	2564	2623	2687	2751	2837	2921	3012	3094	3184	3330	3463
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>Q</u>	<u>5249</u>	<u>5403</u>	<u>5565</u>	<u>5731</u>	<u>6032</u>	<u>6342</u>	<u>6643</u>	<u>6945</u>	<u>7256</u>	<u>7708</u>	<u>8013</u>
<u>Public Service Administrator option 7 (Corrections Parole Supervisor)</u>	<u>37015</u>	<u>S</u>	<u>5319</u>	<u>5473</u>	<u>5634</u>	<u>5800</u>	<u>6399</u>	<u>6410</u>	<u>6712</u>	<u>7016</u>	<u>7327</u>	<u>7777</u>	<u>8085</u>
Storekeeper III Youth	43053	Q	3031	3111	3191	3274	3396	3528	3665	3793	3935	4154	4320
Supervisor IV Youth	49914	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Supervisor IV	49914	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008

**Effective January 1, 2008
Bargaining Unit: CU-500**

Title	Title Code	Pay Plan Code	STEPS										
			1c	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Correctional Casework Supervisor	09655	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Correctional Lieutenant	09673	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Correctional Lieutenant	09673	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188
Corrections Clerk III	09773	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections Clerk III	09773	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections Food Service Supervisor III	09795	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760

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Corrections													
Food Service													
Supervisor III	09795	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections													
Identification													
Supervisor	09800	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections													
Identification													
Supervisor	09800	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections													
Industry													
Supervisor	09807	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections													
Industry													
Supervisor	09807	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections													
Laundry													
Manager II	09809	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections													
Laundry													
Manager II	09809	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections													
Leisure													
Activity													
Specialist IV	09814	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Corrections													
Leisure													
Activity													
Specialist IV	09814	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Corrections													
Maintenance													
Supervisor	09822	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections													
Maintenance													
Supervisor	09822	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections													
Residence													
Counselor II	09838	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections													
Supply													
Supervisor III	09863	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections													
Supply													
Supervisor III	09863	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Property and													
Supply Clerk													
III	34793	Q	2641	2702	2768	2834	2922	3009	3102	3187	3280	3430	3567

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NOTICE OF PROPOSED AMENDMENTS

Public Service
Administrator
option 7
(Corrections
Parole
Supervisor) 37015 Q 5406 5565 5732 5903 6213 6532 6842 7153 7474 7939 8253

Public Service
Administrator
option 7
(Corrections
Parole
Supervisor) 37015 S 5478 5637 5803 5974 6282 6602 6913 7226 7547 8010 8327

Storekeeper III	43053	Q	3122	3204	3287	3372	3498	3634	3775	3907	4053	4279	4450
Youth Supervisor IV	49914	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Youth Supervisor IV	49914	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188

Effective May 1, 2008
Bargaining Unit: CU-500

Title	Title Code	Pay Plan Code	STEPS										
			1c	1b	1a	1	2	3	4	5	6	7	8
Juvenile Justice Supervisor	21980	Q	4543	4678	4813	4956	5209	5453	5707	5964	6210	6591	6852
Juvenile Justice Supervisor	21980	S	4614	4749	4885	5029	5278	5526	5779	6036	6280	6663	6927

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

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Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8O	37015	RC-063	21
Rehabilitation/Mobility Instructor	38163	RC-063	19

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NOTICE OF PROPOSED AMENDMENTS

Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; 8E; 8H; ~~8Q~~; and 9G. See the definition of option in Section 310.50.

Effective July 1, 2007
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	Q	5846	6022	6204	6454	6805	7165	7528	7880	8232	8765	9116
26	S	5903	6079	6262	6516	6870	7235	7600	7954	8312	8851	9205

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Effective January 1, 2008**Bargaining Unit: RC-063**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389
26	S	6080	6261	6450	6711	7076	7452	7828	8193	8561	9117	9481

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Predatory Lending Database Program
- 2) Code Citation: 47 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.101	New Section
390.102	New Section
390.103	New Section
390.104	New Section
390.105	New Section
390.106	New Section
390.107	New Section
390.108	New Section
390.109	New Section
390.110	New Section
390.111	New Section
390.201	New Section
390.202	New Section
390.301	New Section
390.302	New Section
390.303	New Section
390.304	New Section
390.305	New Section
390.306	New Section
390.307	New Section
390.308	New Section
390.309	New Section
- 4) Statutory Authority: Implemented and authorized by PA 95-731, the Illinois Housing Development Act [20 ILCS 3905/7.19 and 7.20] and the Residential Real Property Disclosure Act [765 ILCS 77/80]. The Illinois Housing Development Authority (IHDA) is the designated administrator for the Predatory Lending Database (the Program) in Illinois, which was established by the Residential Real Property Disclosure Act.
- 5) A Complete Description of the Subjects and Issues Involved: Predatory lending has greatly contributed to high foreclosure rates in Illinois. The funding administered by IHDA under the Program will help local HUD-certified non-profit housing counseling agencies counsel new homebuyers as to the riskiness of their proposed loan. With this

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

counseling, homebuyers will be able to make informed choices about the type of loan product they are utilizing.

The database that will be built by these counselors (in large part using the funding under the Program), as well as mortgage brokers and other lenders, will help the Illinois Department of Financial and Professional Regulation (IDFPR) target lenders that promote predatory lending products, which is another mandate under the statute. This cooperation between IDFPR and IHDA will help Illinois alleviate future foreclosures of single family homes.

Published Studies or reports, and sources of underlying data, used to compose the rulemaking: Historical data was obtained from HUD-housing counseling agencies who took part in a database pilot program under HB 4050/PA 94-280 (see 765 ILCS 77/70). IHDA used this data to project the volume of counseling sessions (termed File Reviews in the rules), the capacity necessary to properly perform File Reviews, and the existing capacity of agencies that will perform File Reviews.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not create or expand any State mandate
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Charlotte Flickinger, Esq;
401 N Michigan Ave., Suite 900
Chicago, IL 60611

- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- A) Types of small businesses, small municipalities and not for profit corporations affected: HUD-certified counseling agencies
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements, books and records of each Agency shall be subject to examination by allocating agency
 - C) Types of Professional skills necessary for compliance: No new professional skills required.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas, because the need for this rulemaking was not anticipated at the time the agendas were published.

The full text of the Proposed Rulemaking is identical to that of the Emergency Rulemaking of this Part, and can be found in this issue of the Illinois Register on page 16013:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code citation: 35 Ill. Adm. Code 611
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
611.101	Amend
611.102	Amend
611.350	Amend
611.351	Amend
611.353	Amend
611.354	Amend
611.355	Amend
611.356	Amend
611.357	Amend
611.358	Amend
611.359	Amend
611.360	Amend
611.381	Amend
611.480	Amend
611.526	Amend
611.531	Amend
611.600	Amend
611.611	Amend
611.612	Amend
611.645	Amend
611.720	Amend
611.801	Amend
611.802	Amend
611.884	Amend
611.920	Amend
611.1004	Amend
611.1007	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 17, 17.5, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments proposed in this Notice replace amendments published in the August 29, 2008 issue of the *Illinois Register*, at 32 Ill. Reg. 14065, which were based on an August 7, 2008 Board proposal for public comment. The present amendments are a more comprehensive set of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amendments that include amendments added by a September 4, 2008 supplemental opinion and order of the Board. A Notice of Withdrawal of Proposed Amendments will appear in the *Illinois Register* with regard to the August 29, 2008 Notice of Proposed Amendments.

The following briefly describes the subjects and issues involved in the consolidated R-08-7/R08-13 rulemaking that would amend 35 Ill. Adm. Code 611. A comprehensive description is contained in the Board's opinion and order of August 7, 2008 and supplemental opinion and order of September 4, 2008, proposing amendments in consolidated docket R-08-7/R08-13, which opinions and orders is available from the address below.

This proceeding updates the Illinois drinking water rules derived from to correspond with amendments to federal Safe Drinking Water Act (SDWA) rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods. The docket and time periods that are involved in this proceeding are the following:

- R08-7 Federal wastewater pretreatment amendments that occurred during the period January 1, 2007 through June 30, 2007 and June 3, 2008.
- R08-13 Federal wastewater pretreatment amendments that occurred during the period July 1, 2007 through December 31, 2007.

The consolidated R-08-7/R08-13 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the two update periods:

- March 12, 2007 USEPA modified the testing procedures approved for
(72 Fed. Reg. 11200) sampling and analysis in programs established under the
Clean Water Act (CWA) and the SDWA. The Primary
Drinking Water Regulations are established under SDWA.
The amendments updated the versions allowed for existing
methods and approved new methods for use. The drinking
water aspects of these amendments relate closely to later
amendments adopted by USEPA on June 3, 2008.

POLLUTION CONTROL BOARD

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October 10, 2007
(71 Fed. Reg. 65574)

USEPA amended the lead and copper rule to strengthen its implementation in the areas of monitoring, treatment processes, public education, customer awareness, and lead service line replacement. The federal amendments were effective on December 10, 2007. Compliance by regulated entities is due no later than December 10, 2009.

In addition to the federal actions that fall within the timeframe of this docket, the Board included one additional federal action that occurred later. The Board added the June 3, 2008 amendments to this docket because they were closely related to many of the drinking water-related amendments that USEPA adopted on March 12, 2007.

June 3, 2008
(73 Fed. Reg. 31616)

USEPA approved 99 alternative test methods for analysis of contaminants in drinking water.

Tables appear in the Board's opinion and order of August 7, 2008 and supplemental opinion and order of September 4, 2008 in consolidated docket R-08-7/R08-13 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 August 7, 2008 opinion and order and September 4, 2008 supplemental opinion and order in consolidated docket R-08-7/R08-13.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. 35 Ill. Adm. Code 611.102 is a centralized location for various federal regulations, statutes, and regulatory guidelines; national standards; and analytical methods requirements incorporated by reference into the Illinois drinking water program. The amendments update and add many documents relating to analysis for drinking water parameters. The Board has used this opportunity to update all of the incorporations by reference of federal regulations and statutes that appear in this Section to the latest editions currently available. The Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

has also used this opportunity to review the incorporations by reference, and a limited number of corrections to existing incorporations have resulted.

- 10) Are there any other proposed rulemakings pending on this Part? No. The amendments proposed in this Notice or Proposed Amendments replace amendments published in the August 29, 2008 issue of the *Illinois Register*, at 32 Ill. Reg. 14065, which were based on an August 7, 2008 Board proposal for public comment. The present amendments are a more comprehensive set of amendments that include amendments added by a September 4, 2008 supplemental opinion and order of the Board. A Notice of Withdrawal of Proposed Amendments will appear in the *Illinois Register* with regard to the August 29, 2008 Notice of Proposed Amendments.
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R08-7/R08-13 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R08-7/R08-13:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312/814-3620, or download a copy

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: June 2007

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	
611.100	Purpose, Scope, and Applicability
611.101	Definitions
611.102	Incorporations by Reference
611.103	Severability
611.105	Electronic Reporting
611.107	Agency Inspection of PWS Facilities
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Relief Equivalent to SDWA Section 1415(a) Variances
611.112	Relief Equivalent to SDWA Section 1416 Exemptions
611.113	Alternative Treatment Techniques
611.114	Siting Requirements
611.115	Source Water Quantity
611.120	Effective Dates
611.121	Maximum Contaminant Levels and Finished Water Quality
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead
611.130	Special Requirements for Certain Variances and Adjusted Standards
611.131	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160	Composite Correction Program
611.161	Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

SUBPART B: FILTRATION AND DISINFECTION

Section	
611.201	Requiring a Demonstration
611.202	Procedures for Agency Determinations

POLLUTION CONTROL BOARD

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611.211	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.220	General Requirements
611.230	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-Specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration
611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
611.271	Protection during Repair Work
611.272	Disinfection Following Repair
611.276	Recycle Provisions

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	
611.280	Point-of-Entry Devices
611.290	Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section	
611.295	General Requirements
611.296	Acrylamide and Epichlorohydrin
611.297	Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	
611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants

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611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants
611.330	Maximum Contaminant Levels for Radionuclides
611.331	Beta Particle and Photon Radioactivity (Repealed)

SUBPART G: LEAD AND COPPER

Section	
611.350	General Requirements
611.351	Applicability of Corrosion Control
611.352	Corrosion Control Treatment
611.353	Source Water Treatment
611.354	Lead Service Line Replacement
611.355	Public Education and Supplemental Monitoring
611.356	Tap Water Monitoring for Lead and Copper
611.357	Monitoring for Water Quality Parameters
611.358	Monitoring for Lead and Copper in Source Water
611.359	Analytical Methods
611.360	Reporting
611.361	Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS,
AND DISINFECTION BYPRODUCT PRECURSORS

Section	
611.380	General Requirements
611.381	Analytical Requirements
611.382	Monitoring Requirements
611.383	Compliance Requirements
611.384	Reporting and Recordkeeping Requirements
611.385	Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.480	Alternative Analytical Techniques

POLLUTION CONTROL BOARD

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611.490	Certified Laboratories
611.491	Laboratory Testing Equipment
611.500	Consecutive PWSs
611.510	Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section	
611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.560	Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.591	Violation of a State MCL
611.592	Frequency of State Monitoring
611.600	Applicability
611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency
611.603	Inorganic Monitoring Frequency
611.604	Nitrate Monitoring
611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring

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611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-5/R08-7/R08-13 at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.101 Definitions

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As used in this Part, the following terms have the given meanings:

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

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health (Public Health or DPH) regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" will mean the Department of Public Health.

"Approved source of bottled water," for the purposes of Section 611.130(d) (4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) ~~(2007)~~(2006). The Board cannot compile an exhaustive listing of all federal, State, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Bag filters" means pressure-driven separation devices that remove particulate matter larger than one micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

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"Bank filtration" means a water treatment process that uses a well to recover surface water that has naturally infiltrated into groundwater through a river bed or banks. Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other wells.

"Best available technology" or "BAT" means the best technology, treatment techniques, or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

"Bin classification" or "bin" means, for the purposes of Subpart Z of this Part, the appropriate of the four treatment categories (Bin 1, Bin 2, Bin 3, or Bin 4) that is assigned to a filtered system supplier pursuant to Section 611.1010 based on the results of the source water Cryptosporidium monitoring described in the previous section. This bin classification determines the degree of additional Cryptosporidium treatment, if any, the filtered PWS must provide.

BOARD NOTE: Derived from 40 CFR 141.710 and the preamble discussion at 71 Fed. Reg. 654, 657 (Jan. 5, 2006).

"Board" means the Illinois Pollution Control Board.

"Cartridge filters" means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

"CAS No." means "Chemical Abstracts Services Number."

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (RDC or C) in mg/l determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points. (See "CT_{99.9}".)

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"CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Appendix B of this Part. (See "Inactivation Ratio.")

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 [\(2007\)](#)~~(2006)~~.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

"Community water system" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle began January 1, 1993, and ended December 31, 2001; the second began January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period ran from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; the third from January 1, 1999 to December 31, 2001.

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: The final sentence of the definition of "comprehensive

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performance evaluation" in 40 CFR 141.2 is codified as Section 611.160(a)(2), since it contains substantive elements that are more appropriately codified in a substantive provision.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

"Consecutive system" means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which the following occur:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"Disinfectant contact time" or "T" means the time in minutes that it takes for

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water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is as follows:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured; and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Disinfection byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

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"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under Subpart W of this Part and determining compliance with the TTHM and HAA5 MCLs under Subpart Y of this Part.

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removing particulate matter from water by

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passage through porous media.

"Finished water" means water that is introduced into the distribution system of a public water system which is intended for distribution and consumption without further treatment, except that treatment which is necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals, etc.).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"Flowing stream" means a course of running water flowing in a definite channel.

"40/30 certification" means the certification, submitted by the supplier to the Agency pursuant to Section 611.923, that the supplier had no TTHM or HAA5 monitoring violations, and that no individual sample from its system exceeded 0.040 mg/ℓ TTHM or 0.030 mg/ℓ HAA5 during eight consecutive calendar quarters.

BOARD NOTE: Derived from 40 CFR 141.603(a) [\(2007\)](#)~~(2006)~~.

"GAC10" means granular activated carbon (GAC) filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 that is used as a best available technology for compliance with the MCLs set forth in Subpart Y of this Part pursuant to Section 611.312(b)(2) is 120 days.

"GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

"GC" means "gas chromatography" or "gas-liquid phase chromatography."

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle

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emission as inferred from measurements on a dry sample.

"Groundwater system" or "GWS" means a public water supply (PWS) that uses only groundwater sources, including a consecutive system that receives finished groundwater.

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2006)~~ and 40 CFR 141.400(b) ~~(2007)~~, as added at 71 Fed. Reg. 65576 (Nov. 8, 2006).

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens, such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics, such as turbidity, temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water" is as determined in Section 611.212.

"Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter (mg/l) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Halogen" means one of the chemical elements chlorine, bromine, or iodine.

"HPC" means "heterotrophic plate count," measured as specified in Section 611.531(c).

"Hydrogeologic sensitivity assessment," for the purposes of Subpart S of this Part, means a determination of whether a GWS supplier obtains water from a hydrogeologically sensitive setting.

BOARD NOTE: Derived from 40 CFR 141.400(c)(5) ~~(2007)~~, as added at 71 Fed. Reg. 65574 (Nov. 8, 2006).

"Inactivation ratio" or "Ai" means as follows:

$$A_i = CT_{\text{calc}}/CT_{99.9}$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection

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sequence as follows:

$$B = \Sigma(A_i)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 [\(2007\)](#)~~(2006)~~.

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium, as they apply to a supplier whose system has fewer than 150 service connections, for which it means the three-year compliance period that began on January 1, 1996.

"Initial distribution system evaluation" or "IDSE" means the evaluation, performed by the supplier pursuant to Section 611.921(c), to determine the locations in a distribution system that are representative of high TTHM and HAA5 concentrations throughout the distribution system. An IDSE is used in conjunction with, but is distinct from, the compliance monitoring undertaken to identify and select monitoring locations used to determine compliance with Subpart [I of this Part](#)~~X~~.

BOARD NOTE: Derived from 40 CFR [141.601\(c\)](#) ~~(2007)~~~~611.601(e)~~ ~~(2006)~~.

"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) [\(2007\)](#)~~(2006)~~.

"ℓ" means "liter."

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"Lake or reservoir" means a natural or man made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Locational running annual average" or "LRAA" means the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

"Maximum contaminant level goal" or "MCLG" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act [415 ILCS 5/17.5].

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)

"Maximum residual disinfectant level goal" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an

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adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Maximum total trihalomethane potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after seven days at a temperature of 25° C or above.

"Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

"MFL" means millions of fibers per liter larger than 10 micrometers.
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) [\(2007\)](#)~~(2006)~~.

"mg" means milligrams (1/1000 of a gram).

"mg/l " means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note [\(2007\)](#)~~(2006)~~.

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

"nm" means nanometer (1/1,000,000,000 of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water

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system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system (TWS)" or a "non-transient non-community water system (NTNCWS)."

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over six months per year.

"NPDWR" means "national primary drinking water regulation."

"NTU" means "nephelometric turbidity units."

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional State requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test."

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" or "PE sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

"Person" means an individual, corporation, company, association, partnership, state, unit of local government, or federal agency.

"Phase I" refers to that group of chemical contaminants and the accompanying

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regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source (e.g., a river or lake) into the treatment plant.

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

"Point-of-entry treatment device" or "POE" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

"Point-of-use treatment device" or "POU" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Presedimentation" means a preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

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

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water

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supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" must mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). A PWS does not include any facility defined as "special irrigation district." Such term includes the following:

Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F of this Part, "public water supply" means the same as "public water system."

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance documents. "Radioactive contaminants" include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B [\(2007\)\(2006\)](#). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U of this Part when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency must base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) [\(2007\)\(2006\)](#).

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"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/ℓ in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

"Sanitary survey" means an onsite review of the delineated WHPAs (identifying sources of contamination within the WHPAs and evaluations or the hydrogeologic sensitivity of the delineated WHPAs conducted under source water assessments or utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system (PWS) to evaluate the adequacy of the system, its sources, and operations for the production and distribution of safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2006)~~ and 40 CFR 142.16(o)(2) ~~(2007)~~, as added at 71 Fed. Reg. 65574 (Nov. 8, 2006).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

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The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2000)).

"Significant deficiency" means a deficiency identified by the Agency in a groundwater system pursuant to Section 611.803. A significant deficiency might include, but is not limited to, a defect in system design, operation, or maintenance or a failure or malfunction of the sources, treatment, storage, or distribution system that the Agency determines to be causing or have potential for causing the introduction of contamination into the water delivered to consumers.

BOARD NOTE: Derived from 40 CFR 142.16(o)(2)(iv) (~~2007~~), as added at 71 Fed. Reg. 65574 (Nov. 8, 2006). The Agency must submit to USEPA a definition and description of at least one significant deficiency in each of the eight sanitary survey elements listed in Section 611.801(c) as part of the federal primacy requirements. The Board added the general description of what a significant deficiency might include in non-limiting terms, in order to provide this important definition within the body of the Illinois rules. No Agency submission to USEPA can provide definition within the context of Board regulations.

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs," or "synthetic organic chemicals" or "synthetic organic contaminants," in USEPA regulatory discussions and guidance

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documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo(a)pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

BOARD NOTE: See the Board note appended to Section 611.311 for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2007)(2006)~~ and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) ~~(2007)(2000)~~).

"Standard monitoring" means the monitoring, performed by the supplier pursuant to Section 611.921(a) and (b), at various specified locations in a distribution system including near entry points, at points that represent the average residence time in the distribution system, and at points in the distribution system that are

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representative of high TTHM and HAA5 concentrations throughout the distribution system.

BOARD NOTE: Derived from 40 CFR 141.601(a) and (b) [\(2007\)](#)~~(2006)~~.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B of this Part and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, Appendix B of this Part, and Appendix C of this Part.

"Subpart I compliance monitoring" means monitoring required to demonstrate compliance with disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I of this Part.

"Subpart I system" means a public water system that uses surface water or groundwater as a source and which is subject to the disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I of this Part.

"Subpart Y compliance monitoring" means monitoring required to demonstrate compliance with Stage 2 disinfection byproducts requirements of Subpart Y of this Part.

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian."

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (in mg/ℓ).

"SWS" means "surface water system," a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of

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surface water."

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note [\(2007\)\(2006\)](#).

"System-specific study plan" means the plan, submitted by the supplier to the Agency pursuant to Section 611.922, for studying the occurrence of TTHM and HAA5 in a supplier's distribution system based on either monitoring results or modelling of the system.

BOARD NOTE: Derived from 40 CFR 141.602 [\(2007\)\(2006\)](#).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Total organic carbon" or "TOC" means total organic carbon (in mg/ℓ) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/ℓ), rounded to two significant figures.

BOARD NOTE: See the definition of "trihalomethanes" for a listing of the four compounds that USEPA considers TTHMs to comprise.

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: The federal regulations apply to all "public water systems," which are defined as all systems that have at least 15 service connections or which regularly serve water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies," which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

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"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a point-of-use treatment device or a point-of-entry treatment device as defined in this Section. Treatment includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)

"Two-stage lime softening" means a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

"µg" means micrograms (1/1,000,000 of a gram).

"USEPA" means the U.S. Environmental Protection Agency.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is used to store water which will undergo no further treatment to reduce microbial pathogens except residual disinfection and which is directly open to the atmosphere.

"Very small system waiver" means the conditional waiver from the requirements of Subpart W of this Part applicable to a supplier that serves fewer than 500 persons and which has taken TTHM and HAA5 samples pursuant to Subpart I of this Part.

BOARD NOTE: Derived from 40 CFR 141.604 [\(2007\)](#)~~(2006)~~.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

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"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs," "volatile organic chemicals," or "volatile organic contaminants," in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

"Wellhead protection area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section [17.147.2](#) of the Act [~~(415 ILCS 5/17.15/17.2)~~]) pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.

BOARD NOTE: The Agency uses two guidance documents for identification of WHPAs:

"Guidance Document for Groundwater Protection Needs Assessments," Illinois Environmental Protection Agency, Illinois State Water Survey, and Illinois State Geologic Survey joint report, January 1995; and

"The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act," Illinois Environmental Protection Agency, No. 22480, October 1992.

"Wellhead protection program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 USC 300h-7.

BOARD NOTE: Derived from 40 CFR 141.71(b) ~~(2007)(2006)~~. The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act [415 ILCS 5/17.1] and 35 Ill. Adm. Code 615-617.

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"Wholesale system" means a public water system that treats source water as necessary to produce finished water, which then delivers some or all of that finished water to another public water system. Delivery by a wholesale system may be through a direct connection or through the distribution system of one or more consecutive systems.

BOARD NOTE: Derived from 40 CFR 141.2 [\(2007\)](#)~~(2006)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from Millipore Corporation, Technical Services Department.

"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.

"Determination of Inorganic Oxyhalide" means "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," available from NTIS.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

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"E*Colite Test" means "Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," available from Charm Sciences, Inc. and USEPA, Water Resource Center.

"EC-MUG" means "Method 9221 F: Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia coli Procedure (Proposed)," available from American Public Health Association and American Waterworks Association.

"Enterolert" means "Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," available from American Society for Microbiology.

["Georgia Radium Method" means "The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge\(Li\) Detectors," Revision 1.2, December 2004, available from the Environmental Resources Center, Georgia Institute of Technology.](#)

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

["ITS Method D99-003" means Method D99-003, Revision 3.0, "Free Chlorine Species \(HOCl and OCl\) by Test Strip," available from Industrial Test Systems, Inc.](#)

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, August 2001, EPA 821/B-01/009, available from the National Technical Information Service (NTIS).

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"m-ColiBlue24 Test" means "Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," available from Hach Company and USEPA, Water Resource Center.

"Membrane Filter Technique using Chromocult Doliform Agar" means "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"NA-MUG" means "Method 9222 G: Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures," available from American Public Health Association and American Waterworks Association.

"NCRP" means "National Council on Radiation Protection."

"NTIS" means "National Technical Information Service."

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

["OI Analytical Method OIA-1677" means "Method OIA-1677, DW Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," available from ALPKEM, Division of OI Analytical.](#)

"ONPG-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 18th, 19th, 20th, or 21st ed., from American Public Health Association and the American Water Works Association.

"Palintest Method 1001" means "Method Number 1001," available from Palintest, Ltd. or the Hach Company.

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"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

"Readycult Coliforms 100 Presence/Absence Test" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"SimPlate Method" means "IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," available from NTIS.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," available from the American Public Health Association or the American Waterworks Association.

["Standard Methods Online" means the website maintained by the Standard Methods Organization \(at www.standardmethods.org\) for purchase of the latest versions of methods in an electronic format.](http://www.standardmethods.org)

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Analytical Technology, Inc.

["Technical Notes on Drinking Water Methods" means the USEPA document by that title, October 1994, USEPA document number EPA 600/R-94/173, available from NTIS.](#)

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

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"USDOE Manual" means "EML Procedures Manual," available from the United State Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976. Available from NTIS.

"USEPA Method 1600" means "Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," available from USEPA, Water Resource Center.

"USEPA Method 1601" means "Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," available from USEPA, Water Resource Center.

"USEPA Method 1602" means "Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," available from USEPA, Water Resource Center.

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"USEPA Method 1604" means "Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," available from USEPA, Water Resource Center.

"USEPA NERL Method 200.5 (rev. 4.2)" means Method 200.5, Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively-Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115. Available from USEPA, Office of Research and Development.

~~"USEPA Method 1622 (05)" means "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," December 2005, available from USEPA, Office of Ground Water and Drinking Water.~~

~~"USEPA Method 1622 (01)" means "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 2001, available from USEPA, Office of Ground Water and Drinking Water.~~

~~"USEPA Method 1622 (99)" means "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," January 1999, available from USEPA, Office of Ground Water and Drinking Water.~~

~~"USEPA Method 1623 (05)" means "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," December 2005, available from the USEPA, Office of Ground Water and Drinking Water.~~

~~"USEPA Method 1623 (01)" means "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 2001, available from USEPA, Office of Ground Water and Drinking Water.~~

~~"USEPA Method 1623 (99)" means "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 1999, available from the USEPA, Office of Ground Water and Drinking Water.~~

"USEPA NERL Method 415.3 (rev. 1.1)" means Method 415.3, Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," USEPA, February 2005,

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EPA 600/R-05/055. Available from the USEPA, Office of Research and Development.

"USEPA OGWDW Methods" means one of the methods listed as available from the USEPA, Office of Ground Water and Drinking Water (Methods 317.0 (rev. 2.0), 326.0 (rev. 1.0), 327.0 (rev. 1.1), 515.4 (rev. 1.0), 531.2 (rev. 1.0), ~~and 552.3 (rev. 1.0)~~, [1622 \(99\)](#), [1622 \(01\)](#), [1622 \(05\)](#), [1623 \(99\)](#), [1623 \(01\)](#), and [1623 \(05\)](#)).

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, for Methods 506, 547, 550, 550.1, and 551; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, for Methods 504.1, 508.1, 515.2, 524.2, 525.2, 548.1, 549.1, 552.1, 552.2, and 555; and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, for Methods 502.2, 524.2, 551.1, and 552.2. ~~Method 515.4, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," Revision 1.0, April 2000, EPA 815/B-00/001, and Method 531.2, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," Revision 1.0, September 2001, EPA 815/B-01/002, are both available on line from USEPA, Office of Ground Water and Drinking Water.~~

"USEPA Organic and Inorganic Methods" means "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1," EPA 815/R-00/014, PB2000-106981, August 2000. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979.

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Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual," EPA 520/5-84/006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

- b) The Board incorporates the following publications by reference:

[ALPKEM, Division of OI Analytical, P.O. Box 9010, College Station, TX 77842-9010, telephone: 979-690-1711, Internet: www.oico.com.](#)

["Method OIA-1677 DW, Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry," EPA 821/R-04/001, January 2004 \(referred to as "OI Analytical Method OIA-1677"\), referenced in Section 611.611.](#)

[BOARD NOTE: Also available online for download from www.epa.gov/waterscience/methods/method/cyanide/1677-2004.pdf.](#)

APHA. American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 202-777-2742.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed."). See the methods listed separately for the same references under American Waterworks Association.

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"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed."). See the methods listed separately for the same references under American Waterworks Association.

American Society for Microbiology, 1752 N Street N.W., Washington, DC 20036, 202-737-3600:

"Evaluation of Enterolert for Enumeration of Enterococci in Recreational Waters," Applied and Environmental Microbiology, Oct. 1996, vol. 62, no. 10, p. 3881 (referred to as "Enterolert"), referenced in Section 611.802.

BOARD NOTE: At the table to 40 CFR 141.402(c)(2), USEPA approved the method as described in the above literature review. The method itself is embodied in the printed instructions to the proprietary kit available from IDEXX Laboratories, Inc. (accessible on-line and available by download from www.asm.org, as "Enterolert™ Procedure"). ASTM approved the method as "Standard Test Method for Enterococci in Water Using Enterolert™," which is available in two versions from ASTM: ASTM D 6503-99 (superseded) and ASTM D 6503-99 (2005).

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While it is more conventional to incorporate the method as presented in the kit instructions or as approved by ASTM by reference, the Board is constrained to incorporate the version that appears in the technical literature by reference, which is the version that USEPA has explicitly approved.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303-794-7711).

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method," S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988), referenced in Appendix D to this Part.

"Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 303, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 304, Radium in Water by Precipitation, referenced in Section 611.720.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 306, Tritium in Water, referenced in Section 611.720.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

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Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium in Water, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium in Water by Precipitation, referenced in Section 611.720.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total), referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

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"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy,

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Inductively-Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

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Method 4500-Cl⁻ H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl⁻ I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

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Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

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Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed), referenced in Section 611.720.

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method (Proposed), referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method (Proposed), referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections

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611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9223, Chromogenic Substrate Coliform Test (Proposed) (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526, and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

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"Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1994.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections

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611.611 and 611.612.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively-Coupled Plasma (ICP) Method, referenced in Sections 611.611 and 611.612.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg E, Magnesium, Calculation Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Sections 611.381 and 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method,

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referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Sections 611.381 and 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II, referenced in Sections 611.381 and 611.531.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

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Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si E, Silica, Heteropoly Blue Method, referenced in Section 611.611.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Section 611.381.

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, referenced in Section 611.381.

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Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

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Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Section 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

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Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.526, and 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (Proposed), referenced in Section 611.1004.

"Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

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Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.

Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.

Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.

Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively-Coupled Plasma (ICP) Method, referenced in [Sections 611.611 and Section 611.612](#).

Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method, referenced in Section 611.611.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation, referenced in Section 611.611.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.

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Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.531.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.531.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.531.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.531.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.531.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method, referenced in Section 611.531.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section ~~and~~ 611.531.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.

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Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.

Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.

Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.

Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method, referenced in Section 611.611.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method, referenced in Section 611.611.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method, referenced in Section 611.611.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method, referenced in Section 611.531.

Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.

Method 4500-Si C, Silica, Molybdosilicate Method, referenced in Section 611.611.

Method 4500-Si D, Silica, Heteropoly Blue Method, referenced in Section 611.611.

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Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.

Method 6651, Glyphosate Herbicide (Proposed), referenced in Section 611.645.

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed), referenced in Section 611.720.

Method ~~7120~~[7120-B](#), Gamma-Emitting Radionuclides, ~~Gamma Spectrometric Method~~, referenced in Section 611.720.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.

Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.

Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.

Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.

Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.

Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.

[Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.](#)

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.

Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.

Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method, referenced in Section 611.531.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of

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Bacterial Density, referenced in Sections 611.526 and 611.531.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test, referenced in Sections 611.526.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure (Proposed), referenced in Section 611.802.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.

Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.

Method 9223, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System")

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and "Colisure Test"), referenced in Sections 611.526, 611.531.

Method 9223 B, Chromogenic Substrate Coliform Test (also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"), referenced in Sections 611.802 and 611.1004.

Method 9230 B, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.

Method 9230 C, Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques, referenced in Section 611.802.

"Standard Methods for the Examination of Water and Wastewater," 21st Edition, 2005 (referred to as "Standard Methods, 21st ed.").

[Method 2130 B, Turbidity, Nephelometric Method, referenced in Section 611.531.](#)

[Method 2320 B, Alkalinity, Titration Method, referenced in Section 611.611.](#)

[Method 2510 B, Conductivity, Laboratory Method, referenced in Section 611.611.](#)

[Method 2550, Temperature, Laboratory, and Field Methods, referenced in Section 611.611.](#)

[Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method, referenced in Sections 611.611 and 611.612.](#)

[Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method, referenced in Section 611.611.](#)

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[Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method, referenced in Section 611.611.](#)

[Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method, referenced in Sections 611.611 and 611.612.](#)

[Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method, referenced in Section 611.611.](#)

[Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively-Coupled Plasma \(ICP\) Method, referenced in Sections 611.611 and 611.612.](#)

[Method 3500-Ca B, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.](#)

[Method 3500-Ca D, Calcium, EDTA Titrimetric Method, referenced in Section 611.611.](#)

[Method 3500-Mg B, Magnesium, Calculation Method, referenced in Section 611.611.](#)

[Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity, referenced in Section 611.611.](#)

Method 4500-Cl D, Chlorine, Amperometric Titration Method, referenced in Section 611.381.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method, referenced in Section 611.381.

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Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method, referenced in Section 611.381.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method, referenced in Section 611.381.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method, referenced in Section 611.381.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method, referenced in Section 611.381.

[Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I, referenced in Section 611.531.](#)

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed), referenced in Section ~~and~~ 611.381.

[Method 4500-CN⁻ E, Cyanide, Colorimetric Method, referenced in Section 611.611.](#)

[Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method, referenced in Section 611.611.](#)

[Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation, referenced in Section 611.611.](#)

[Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step, referenced in Section 611.611.](#)

[Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method, referenced in Section 611.611.](#)

[Method 4500-F⁻ D, Fluoride, SPADNS Method, referenced in Section 611.611.](#)

[Method 4500-F⁻ E, Fluoride, Complexone Method, referenced in Section 611.611.](#)

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[Method 4500-H⁺ B, pH Value, Electrometric Method, referenced in Section 611.611.](#)

[Method 4500-NO₂⁻ B, Nitrogen \(Nitrite\), Colorimetric Method, referenced in Section 611.611.](#)

[Method 4500-NO₃⁻ D, Nitrogen \(Nitrate\), Nitrate Electrode Method, referenced in Section 611.611.](#)

[Method 4500-NO₃⁻ E, Nitrogen \(Nitrate\), Cadmium Reduction Method, referenced in Section 611.611.](#)

[Method 4500-NO₃⁻ F, Nitrogen \(Nitrate\), Automated Cadmium Reduction Method, referenced in Section 611.611.](#)

[Method 4500-O₃ B, Ozone \(Residual\) \(Proposed\), Indigo Colorimetric Method, referenced in Section 611.531.](#)

[Method 4500-P E, Phosphorus, Ascorbic Acid Method, referenced in Section 611.611.](#)

[Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method, referenced in Section 611.611.](#)

[Method 4500-SiO₂ C, Silica, Molybdosilicate Method, referenced in Section 611.611.](#)

[Method 4500-SiO₂ D, Silica, Heteropoly Blue Method, referenced in Section 611.611.](#)

[Method 4500-SiO₂ E, Silica, Automated Method for Molybdate-Reactive Silica, referenced in Section 611.611.](#)

Method 5310 B, TOC, Combustion-Infrared Method, referenced in Section 611.381.

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Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, referenced in Section 611.381.

Method 5310 D, TOC, Wet-Oxidation Method, referenced in Section 611.381.

Method 5910 B, UV-Absorbing Organic Constituents, Ultraviolet Absorption Method, referenced in Sections 611.381 and 611.382.

Method 6251, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, referenced in Section 611.381.

[Method 6610, Carbamate Pesticide Method, referenced in Section 611.645.](#)

[Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta, referenced in Section 611.720.](#)

[Method 7110 C, Gross Alpha and Beta Radioactivity \(Total, Suspended, and Dissolved\), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water \(Proposed\), referenced in Section 611.720.](#)

[Method 7120, Gamma-Emitting Radionuclides, referenced in Section 611.720.](#)

[Method 7500-Cs B, Radioactive Cesium, Precipitation Method, referenced in Section 611.720.](#)

[Method 7500-³H B, Tritium, Liquid Scintillation Spectrometric Method, referenced in Section 611.720.](#)

[Method 7500-I B, Radioactive Iodine, Precipitation Method, referenced in Section 611.720.](#)

[Method 7500-I C, Radioactive Iodine, Ion-Exchange Method, referenced in Section 611.720.](#)

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[Method 7500-I D, Radioactive Iodine, Distillation Method, referenced in Section 611.720.](#)

[Method 7500-Ra B, Radium, Precipitation Method, referenced in Section 611.720.](#)

[Method 7500-Ra C, Radium, Emanation Method, referenced in Section 611.720.](#)

[Method 7500-Ra D, Radium, Sequential Precipitation Method, referenced in Section 611.720.](#)

[Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method, referenced in Section 611.720.](#)

[Method 7500-U B, Uranium, Radiochemical Method, referenced in Section 611.720.](#)

[Method 7500-U C, Uranium, Isotopic Method, referenced in Section 611.720.](#)

[Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.](#)

[Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique, referenced in Sections 611.526 and 611.531.](#)

[Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density, referenced in Sections 611.526 and 611.531.](#)

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[Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence \(P-A\) Coliform Test, referenced in Section 611.526.](#)

[Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure, referenced in Sections 611.526 and 611.531.](#)

[Method 9221 F, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Escherichia Coli Procedure \(Proposed\), referenced in Section 611.802.](#)

[Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction, referenced in Sections 611.526 and 611.531.](#)

[Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure, referenced in Sections 611.526 and 611.531.](#)

[Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure, referenced in Sections 611.526 and 611.531.](#)

[Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure, referenced in Section 611.531.](#)

[Method 9222 G, Membrane Filter Technique for Members of the Coliform Group, MF Partition Procedures, referenced in Section 611.526.](#)

[Method 9223, Chromogenic Substrate Coliform Test \(also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"\), referenced in Sections 611.526 and 611.531.](#)

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[Method 9223 B, Chromogenic Substrate Coliform Test \(also referred to as the variations "Autoanalysis Colilert System" and "Colisure Test"\), referenced in Sections 611.802 and 611.1004.](#)

BOARD NOTE: [Individual Methods from Standard Methods](#) are available online at www.standardmethods.org.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129.

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water," July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601"), referenced in Section 611.611.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 (610-832-9585).

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 1993, referenced in Section 611.611.

[ASTM Method D511-03 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A – Complexometric Titration" & "Test Method B – Atomic Absorption Spectrophotometric," approved 2003, referenced in Section 611.611.](#)

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water," "Test Method A – Colorimetric Ascorbic Acid Reduction," approved August 19, 1988, referenced in Section 611.611.

ASTM Method ~~D859-94~~[D859-88](#), "Standard Test Method for Silica in Water," approved ~~1994~~[August 19, 1988](#), referenced in Section 611.611.

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[ASTM Method D859-00, "Standard Test Method for Silica in Water," approved 2000, referenced in Section 611.611.](#)

[ASTM Method D859-05, "Standard Test Method for Silica in Water," approved 2005, referenced in Section 611.611.](#)

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved May 15, 1992, referenced in Section 611.611.

[ASTM Method D1067-02 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B – Electrometric or Color-Change Titration," approved in 2002, referenced in Section 611.611.](#)

ASTM Method ~~D1125-95 (1999)~~~~D1125-94~~ A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A – Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved [1995, reapproved 1999](#)~~June 15, 1991~~, referenced in Section 611.611.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1993, referenced in Section 611.611.

[ASTM Method D1179-99 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 1999, referenced in Section 611.611.](#)

[ASTM Method D1179-04 B, "Standard Test Methods for Fluoride in Water," "Test Method B – Ion Selective Electrode," approved 2004, referenced in Section 611.611.](#)

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water," reapproved 1992, referenced in Section 611.381.

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ASTM Method D1253-96, "Standard Test Method for Residual Chlorine in Water," reapproved 1996, referenced in Section 611.381.

ASTM Method D1253-03, "Standard Test Method for Residual Chlorine in Water," reapproved 2003, referenced in [Sections](#)~~Section~~ 611.381 [and 611.531](#).

ASTM Method [D1293-95 A or B](#) ~~BD1293-84~~, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved [1995](#)~~October 26, 1984~~, referenced in Section 611.611.

[ASTM Method D1293-99 A or B, "Standard Test Methods for pH of Water," "Test Method A – Precise Laboratory Measurement" & "Test Method B – Routine or Continuous Measurement," approved 1999, referenced in Section 611.611.](#)

ASTM Method [D1688-95](#)~~D1688-90~~ A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved [1995](#)~~March 15, 1990~~, referenced in Section 611.611.

[ASTM Method D1688-02 A or C, "Standard Test Methods for Copper in Water," "Test Method A – Atomic Absorption, Direct" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2002, referenced in Section 611.611.](#)

ASTM Method [D2036-98](#)~~D2036-91~~ A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to Chlorination by Difference," approved [1998](#)~~September 15, 1991~~, referenced in Section 611.611.

[ASTM Method D2036-06 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A – Total Cyanides after Distillation" & "Test Method B – Cyanides Amenable to](#)

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[Chlorination by Difference," approved 2006, referenced in Section 611.611.](#)

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," approved July 28, 1972, discontinued 1988, referenced in Section 611.720.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water," approved 1990, referenced in Section 611.720.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A – Direct Fluorometric" & "Test Method B – Extraction," approved June 15, 1991, referenced in Section 611.720.

ASTM Method ~~D2972-97~~[D2972-93](#) B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved ~~1997~~[1993](#), referenced in Section 611.611.

[ASTM Method D2972-03 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.](#)

ASTM Method ~~D3223-97~~[D3223-91](#), "Standard Test Method for Total Mercury in Water," approved ~~1997~~[September 23, 1991](#), referenced in Section 611.611.

[ASTM Method D3223-02, "Standard Test Method for Total Mercury in Water," approved 2002, referenced in Section 611.611.](#)

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water," approved 1991, referenced in Section 611.720.

ASTM Method D3559-96 D, "Standard Test Methods for Lead in

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Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved August 6, 1990, referenced in Section 611.611.

[ASTM Method D3559-03 D, "Standard Test Methods for Lead in Water," "Test Method D – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.](#)

ASTM Method D3645-97 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved ~~1997~~¹⁹⁹³, referenced in Section 611.611.

[ASTM Method D3645-03 B, "Standard Test Methods for Beryllium in Water," "Method B – Atomic Absorption, Graphite Furnace," approved 2003, referenced in Section 611.611.](#)

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1991, referenced in Section 611.720.

[ASTM Method D3649-98a, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water," approved 1998, referenced in Section 611.720.](#)

ASTM Method D3697-92, "Standard Test Method for Antimony in Water," approved June 15, 1992, referenced in Section 611.611.

[ASTM Method D3697-02, "Standard Test Method for Antimony in Water," approved 2002, referenced in Section 611.611.](#)

ASTM Method ~~D3859-98~~^{D3859-93} A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method," approved ~~1998~~¹⁹⁹³, referenced in Section 611.611.

[ASTM Method D3859-03 A, "Standard Test Methods for Selenium in Water," "Method A – Atomic Absorption, Hydride Method," approved 2003, referenced in Section 611.611.](#)

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water," "Test Method A – Automated Cadmium

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Reduction" & "Test Method B – Manual Cadmium Reduction," approved January 10, 1990, referenced in Section 611.611.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 1990, referenced in Section 611.720.

[ASTM Method D3972-02, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry," approved 2002, referenced in Section 611.720.](#)

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water," approved 1991, referenced in Section 611.720.

[ASTM Method D4107-98, "Standard Test Method for Tritium in Drinking Water," approved 1998 \(reapproved 2002\), referenced in Section 611.720.](#)

ASTM Method ~~D4327-97~~[D4327-91](#), "Standard Test Method for Anions in Water by Ion Chromatography," approved ~~1997~~[October 15, 1991](#), referenced in Section 611.611.

[ASTM Method D4327-03, "Standard Test Method for Anions in Water by Ion Chromatography," approved 2003, referenced in Section 611.611.](#)

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water," approved 1988, referenced in Section 611.720.

[ASTM Method D4785-00a, "Standard Test Method for Low-Level Iodine-131 in Water," approved 2000, referenced in Section 611.720.](#)

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 1991, referenced in Section 611.720.

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[ASTM Method D5174-02, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry," approved 2002, referenced in Section 611.720.](#)

[ASTM Method D5317-93, "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1993, referenced in Section 611.645.](#)

[ASTM Method D5317-98, "Standard Test Method for Determination of Chlorinated Organic Acid Compounds in Water by Gas Chromatography with an Electron Capture Detector," approved 1998 \(reapproved 2003\), referenced in Section 611.645.](#)

ASTM Method D5673-03, "Standard Test Method for Elements in Water by Inductively-Coupled Plasma – Mass Spectrometry," approved 2003, referenced in Section 611.720.

[ASTM Method D5673-05, "Standard Test Method for Elements in Water by Inductively-Coupled Plasma – Mass Spectrometry," approved 2005, referenced in Section 611.720.](#)

[ASTM Method D6508-00\(2005\)e2 \(rev. 2\), "Standard Test Method for Determination of Dissolved Inorganic Anions in Aqueous Matrices Using Capillary Ion Electrophoresis and Chromate Electrolyte," approved 2000 \(revised 2005\), referenced in Section 611.611.](#)

ASTM Method D6581-00, "Standard Test Method for Bromate, Bromide, Chlorate, and Chlorite in Drinking Water by Chemically Suppressed Ion Chromatography," approved 2000, referenced in Section 611.381.

[ASTM Method D6919-03, "Standard Test Method for Determination of Dissolved Alkali and Alkaline Earth Cations and Ammonium in Water and Wastewater by Ion Chromatography," approved 2003, referenced in Section 611.611.](#)

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[ASTM Method D6888-04, "Standard Test Method for Available Cyanide with Ligand Displacement and Flow Injection Analysis \(FIA\) Utilizing Gas Diffusion Separation and Amperometric Detection," approved 2004, referenced in Section 611.611.](#)

Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089.

"Fluoride in Water and Wastewater," Industrial Method #129-71W, December 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 ([2007](#))(~~2006~~), referenced in Section 611.611.

"Fluoride in Water and Wastewater," #380-75WE, February 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 ([2007](#))(~~2006~~), referenced in Section 611.611.

Charm Sciences, Inc., 659 Andover St., Lawrence, MA 01843-1032:

"Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998 (referred to as "E*Colite Test"), referenced in Section 611.802 (also available from USEPA, Water Resource Center).

CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA 95403
(800-878-7654 /fax: 707-545-7901/Internet address:
www.cpiinternational.com).

"Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," August 2001, referenced in Section 611.526.

EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany),
480 S. Democrat Road, Gibbstown, NJ 08027-1297. (800-222-0342/e-
mail:adellenbusch@emscience.com).

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"Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0, referenced in Section 611.526.

"Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0, referenced in Section 611.526.

[Environmental Resources Center, Georgia Institute of Technology, 620 Cherry Street, Atlanta, GA 30332-0335 \(404-894-3776\).](#)

["The Determination of Radium-226 and Radium-228 in Drinking Water by Gamma-ray Spectrometry Using HPGE or Ge\(Li\) Detectors," Revision 1.2, December 2004 \(called "Georgia Radium Method"\), referenced in Section 611.720.](#)

ERDA Health and Safety Laboratory, New York, NY.

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) [\(2007\)\(2006\)](#), referenced in Section 611.720.

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223.

GLI Method 2, "Turbidity," Nov. 2, 1992, referenced in Section 611.531.

The Hach Company, P.O. Box 389, Loveland, CO 80539-0389 (800-227-4224).

"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999, referenced in Section 611.611.

"Determination of Turbidity by Laser Nephelometry," January 2000, Revision 2.0 (referred to as "Hach FilterTrak Method 10133"), referenced in Section 611.531.

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"Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, Revision 2, August 17, 1999 (referred to as "m-ColiBlue24 Test"), referenced in Section 611.802 (also available from USEPA, Water Resource Center).

IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092 (800-321-0207).

"IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000 (referred to as "SimPlate method"), referenced in Section 611.531.

[Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.](#)

[Method D99-003, Revision 3.0, "Free Chlorine Species \(HOCl and OCl⁻\) by Test Strip," November 21, 2003 \(referred to as "ITS Method D99-003"\), referenced in Section 611.381.](#)

Lachat Instruments, 6645 W. Mill Rd., Milwaukee, WI 53218 (414-358-4200).

"Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," Revision 2.1, November 30, 2000 (referred to as "QuikChem Method 10-204-00-1-X"), referenced in Section 611.611.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 (800-654-5476).

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test"), referenced in Section 611.526.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301-657-2652).

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"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, June 5, 1959, referenced in Section 611.101.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (734-769-8010).

NSF Standard 61, section 9, November 1998, referenced in Sections 611.126 and 611.356.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703-487-4600 or 800-553-6847).

"Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"), referenced in Section 611.720. (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

"Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, ~~and~~ Thiocyanate," Revision 1.2, August 2001, EPA 821/B-01-009 (referred to as "Kelada 01"), referenced in Section 611.611.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce, referenced in Section 611.330.

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," EPA 600/4-83-043, September 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1"), referenced in Section 611.611.

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," EPA 600/R-94-134, June 1994, Doc. No. PB94-201902 (referred to as "USEPA Asbestos

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Methods-100.2"), referenced in Section 611.611.

"Methods for Chemical Analysis of Water and Wastes," March 1983, EPA 600/4-79-020, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.), referenced in Section 611.611.

"Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, EPA 600/R-93-100, Doc. No. PB94-120821 (referred to as "USEPA Environmental Inorganic Methods"), referenced in Sections 611.381, 611.531, and 611.611. (For methods 180.1, 300.0, 335.4, 353.2, and 365.1.)

"Methods for the Determination of Metals in Environmental Samples," June 1991, EPA 600/4-91-010, Doc. No. PB91-231498 and "Methods for the Determination of Metals in Environmental Samples – Supplement I," May 1994, EPA 600/R-94-111, Doc. No. PB95-125472 (referred to as "USEPA Environmental Metals Methods"), referenced in Sections 611.611, 611.612, and 611.720. (For methods 200.7, 200.8, 200.9, and 245.1.)

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1" August 2000, EPA 815/R-00/014, Doc. No. PB2000-106981 (referred to as "USEPA Organic and Inorganic Methods"), referenced in Section 611.381. (For methods 300.1 and 321.8.)

"Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039, Doc. No. PB91-231480 (referred to as "USEPA Organic Methods"), referenced in Sections 611.645 and 611.648. (For methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, EPA 600/4-90/020, Doc. No. PB91-146027 (referred to as "USEPA Organic Methods"), referenced in Section 611.645. (For methods 506, 547, 550, 550.1, and 551.)

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"Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, EPA 600/R-92/129, Doc. No. PB92-207703 (referred to as "USEPA Organic Methods"), referenced in Sections 611.381 and 611.645. (For methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555.)

"Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, EPA 600/R-95/131, Doc. No. PB95-261616, (referred to as "USEPA Organic Methods"), referenced in Sections 611.381 and 611.645. (For methods 502.2, 524.2, 551.1, and 552.2.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80/032, August 1980, (Doc. No. PB 80-224744) (referred to as "USEPA Radioactivity Methods"), referenced in Section 611.720. (For methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA, referenced in Section 611.720.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979, Doc. No. EMSL LV 053917 (referred to as "USEPA Radiochemical Analyses"), referenced in Section 611.720. (Pages 1, 19, 33, 65, 87, 92)

"Radiochemistry Procedures Manual," EPA 520/5-84-006, August 1984, Doc. No. PB84-215581 (referred to as "USEPA Radiochemistry Methods"), referenced in Section 611.720. (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods," EPA 600/R-94/173, October 1994, Doc. No. PB95-104766 (referred to as "USEPA Technical Notes"), referenced in Sections 611.531, 611.611, and 611.685.

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BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) ~~(2007)~~(2006): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996." Also available online at <http://nepis.epa.gov/EPA/html/Pubs/pubtitleORD.htm> under the document designation "600R94173."

"Method 1613: Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA 821/B-94/005, Doc. No. 94-104774 (referred to as "Dioxin and Furan Method 1613"), referenced in Section 611.645.

USEPA Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," USEPA, June 2002, EPA 815/R-03/007, Doc. No. PB2003-107402 (referred to as "OGWDW Methods, Method 326.0, rev. 1.0"), referenced in Sections 611.381 and 611.382.

BOARD NOTE: Also available from United States Environmental Protection Agency, Office of Ground Water and Drinking Water.

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

"Determination of Radium 228 in Drinking Water," August 1990 (referred to as "New Jersey Radium Method"), referenced in Section 611.720.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.

"Determination of Ra-226 and Ra-228 (Ra-02)," January 1980, Revised June 1982 (referred to as "New York Radium Method"), referenced in Section 611.720.

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Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY (800-835-9629).

"Lead in Drinking Water by Differential Pulse Anodic Stripping Voltammetry," Method 1001, August 1999 (referred to as "Palintest Method 1001"), referenced in Section 611.611.

[Standard Methods Online, available online from the Standard Methods Organization at www.standardmethods.org.](http://www.standardmethods.org)

[Method 6610 B-04, Carbamate Pesticides, High-Performance Liquid Chromatographic Method, referenced in Section 611.645.](#)

[Method 9230 B-04, Fecal Streptococcus and Enterococcus Groups, Multiple Tube Techniques, referenced in Section 611.802.](#)

Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419 (336-632-6000).

"Atrazine in Drinking Water by Immunoassay," February 2001 (referred to as "Syngenta AG-625"), referenced in Section 611.645.

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621.

"EML Procedures Manual," 27th Edition, Volume 1, 1990 (referred to as "USDOE Manual"), referenced in Section 611.720.

United States Environmental Protection Agency, Office of Ground Water and Drinking Water (accessible on-line and available by download from <http://www.epa.gov/safewater/methods/>).

USEPA [OGWDW Methods](#), Method 317.0, Revision 2.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography with the Addition of a Postcolumn Reagent for Trace Bromate Analysis," USEPA, July 2001, EPA 815/B-01/001 (referred to as "OGWDW Methods,

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Method 317.0, rev. 2.0"), referenced in [Sections](#)~~Section~~ 611.381 and 611.382.

USEPA [OGWDW Methods](#), Method 326.0, Revision 1.0, "Determination of Inorganic Oxyhalide Disinfection By-Products in Drinking Water Using Ion Chromatography Incorporating the Addition of a Suppressor Acidified Postcolumn Reagent for Trace Bromate Analysis," USEPA, June 2002, EPA 815/R-03/007 (referred to as "OGWDW Methods, Method 326.0, rev. 1.0"), referenced in Sections 611.381 and 611.382.

BOARD NOTE: Also available from NTIS.

USEPA [OGWDW Methods](#), Method 327.0, Revision 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815/R-05/008 (referred to as "OGWDW Methods, Method 327.0, rev. 1.1"), referenced in [Sections](#)~~Section~~ 611.381 [and](#) [611.531](#).

USEPA [OGWDW Methods](#), Method 515.4, Revision 1.0, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," April 2000, EPA 815/B-00/001 (document file name "met515_4.pdf") (referred to as "OGWDW Methods, Method 515.4, rev. 1.0"), referenced in Section 611.645.

USEPA [OGWDW Methods](#), Method 531.2, Revision 1.0, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," September 2001, EPA 815/B-01/002 (document file name "met531_2.pdf") (referred to as "OGWDW Methods, Method 531.2, rev. 1.0"), referenced in Section 611.645.

USEPA [OGWDW Methods](#), Method 552.3, Revision 1.0, "Determination of Haloacetic Acids and Dalapon in Drinking

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Water by Liquid-liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection," USEPA, July 2003, EPA 815/B-03/002 (referred to as "OGWDW Methods, Method 552.3, rev. 1.0"), referenced in [Sections 611.381 and 611.645](#).

USEPA [OGWDW Methods](#), Method 1622 (05), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/001 (referred to as "USEPA Method 1622 (05)"), referenced in Sections 611.1004 and 611.1007.

USEPA [OGWDW Methods](#), Method 1622 (01), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/026, (referred to as "USEPA Method 1622 (01)"), referenced in Section 611.1007.

USEPA [OGWDW Methods](#), Method 1622 (99), "Method 1622: Cryptosporidium in Water by Filtration/IMS/FA," April 1999, EPA 821/R-99/001, (referred to as "USEPA Method 1622 (99)"), referenced in Section 611.1007.

USEPA [OGWDW Methods](#), Method 1623 (05), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," December 2005, EPA 815/R-05/002 (referred to as "USEPA Method 1623 (05)"), referenced in Sections 611.1004 and 611.1007.

USEPA [OGWDW Methods](#), Method 1623 (01), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," April 2001, EPA 821/R-01/025 (referred to as "USEPA Method 1623 (01)"), referenced in Section 611.1007.

USEPA [OGWDW Methods](#), Method 1623 (99), "Method 1623: Cryptosporidium and Giardia in Water by Filtration/IMS/FA," January 1999, EPA 821/R-99/006 (referred to as "USEPA Method 1623 (99)"), referenced in Sections 611.1007.

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 (513-569-7586).

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"Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75/008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"), referenced in Section 611.720. See NTIS.

"Methods for the Determination of Organic Compounds in Drinking Water," December 1988, revised July 1991, EPA 600/4-88/039 (referred to as "USEPA Organic Methods"), referenced in Sections 611.645 and 611.648. (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," referenced in Section 611.720. See NTIS.

USEPA, Office of Research and Development, National Exposure Research Laboratory, Microbiological & Chemical Exposure Assessment Research Division (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/ordmeth.htm>).

[USEPA Method 200.5, Revision 4.2, "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively-Coupled Plasma – Atomic Emission Spectrometry," October 2003, EPA 600/R-06/115 \(referred to as "USEPA NERL Method 200.5"\), referenced in Sections 611.611 and 611.612.](#)

USEPA Method 415.3, Revision 1.1, "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," February 2005, EPA 600/R-05/055 (referred to as "USEPA NERL Method 415.3 (rev. 1.1)"), referenced in Section 611.381.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C. 20460.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources," October 1989, referenced in Sections 611.111 and 611.212.

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USEPA Water Resource Center (RC-4100T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460:

"Charm E*Colite Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water," January 9, 1998 (referred to as "E*Colite Test"), referenced in Section 611.802 (also available from Charm Sciences, Inc.).

"Total Coliforms and E. coli Membrane Filtration Method with m-ColiBlue24® Broth," Method No. 10029, Revision 2, August 17, 1999 (referred to as "m-ColiBlue24 Test"), referenced in Section 611.802 (also available from The Hach Company).

"EPA Method 1600: Enterococci in Water by Membrane Filtration Using Membrane-Enterococcus Indoxyl-b-D-Glucoside Agar (mEI)," September 2002, EPA 821/R-02/022 (referred to as "USEPA Method 1600") is an approved variation of Standard Methods, Method 9230 C, "Fecal Streptococcus and Enterococcus Groups, Membrane Filter Techniques" (which has not itself been approved for use by USEPA) (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1600sp02.pdf>), referenced in Section 611.802.

"Method 1601: Male-specific (F⁺) and Somatic Coliphage in Water by Two-step Enrichment Procedure," April 2001, EPA 821/R-01/030 (referred to as "USEPA Method 1601") (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1601ap01.pdf>), referenced in Section 611.802.

"Method 1602: Male-specific (F⁺) and Somatic Coliphage in Water by Single Agar Layer (SAL) Procedure," April 2001, EPA 821/R-01/029 (referred to as "USEPA Method 1602") (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1602ap01.pdf>), referenced in Section 611.802.

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"Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium)," September 2002, EPA 821/R-02/024 (referred to as "USEPA Method 1604") (accessible on-line and available by download from <http://www.epa.gov/nerlcwww/1604sp02.pdf>), referenced in Section 611.802.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.

Methods available upon request by method number from "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," Open File Report 93-125, 1993, or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85, referenced in Section 611.611.

I-1601-85, referenced in Section 611.611.

I-1700-85, referenced in Section 611.611.

I-2598-85, referenced in Section 611.611.

I-2601-90, referenced in Section 611.611.

I-2700-85, referenced in Section 611.611.

I-3300-85, referenced in Section 611.611.

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments," Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey," 1997.

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R-1110-76, referenced in Section 611.720.

R-1111-76, referenced in Section 611.720.

R-1120-76, referenced in Section 611.720.

R-1140-76, referenced in Section 611.720.

R-1141-76, referenced in Section 611.720.

R-1142-76, referenced in Section 611.720.

R-1160-76, referenced in Section 611.720.

R-1171-76, referenced in Section 611.720.

R-1180-76, referenced in Section 611.720.

R-1181-76, referenced in Section 611.720.

R-1182-76, referenced in Section 611.720.

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 (800-252-4752 [or 508-482-2131](tel:508-482-2131), [fax: 508-482-3625](tel:508-482-3625)).

"Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011"), referenced in Section 611.611.

- c) The Board incorporates the following federal regulations by reference:

40 CFR 3.2 [\(2007\)\(2006\)](#) (How Does This Part Provide for Electronic Reporting?), referenced in Section 611.105.

40 CFR 3.3 [\(2007\)\(2006\)](#) (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

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40 CFR 3.10 ~~(2007)~~(2006) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

40 CFR 3.2000 ~~(2007)~~(2006) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

40 CFR 136.3(a) ~~(2007)~~(2006), referenced in Section 611.1004.

Appendix B to 40 CFR 136 ~~(2007)~~(2006), referenced in Sections 611.359, 611.609, and 611.646.

d) This Part incorporates no later amendments or editions.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.350 General Requirements

a) Applicability and Scope

- 1) Applicability. The requirements of this Subpart G constitute national primary drinking water regulations for lead and copper. This Subpart G applies to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).
- 2) Scope. This Subpart G establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.

b) Definitions. For the purposes of only this Subpart G, the following terms have the following meanings:

"Action level" means that concentration of lead or copper in water computed pursuant to subsection (c) of this Section that determines, in some cases, the treatment requirements of this Subpart G that a supplier

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must complete. The action level for lead is 0.015 mg/ℓ. The action level for copper is 1.3 mg/ℓ.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Effective corrosion inhibitor residual" means a concentration of inhibitor in the drinking water sufficient to form a passivating film on the interior walls of a pipe.

"Exceed," as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is greater than the action level for that contaminant.

"First draw sample" means a one-liter sample of tap water, collected in accordance with Section 611.356(b)(2), that has been standing in plumbing pipes for at least six hours and which is collected without flushing the tap.

"Large system" means a water system that regularly serves water to more than 50,000 persons.

"Lead service line" means a service line made of lead that connects the water main to the building inlet, including any lead pigtail, gooseneck, or other fitting that is connected to such lead line.

"Maximum permissible concentration" or "MPC" means that concentration of lead or copper for finished water entering the supplier's distribution system, designated by the Agency by a SEP pursuant to Sections 611.110 and 611.353(b) that reflects the contaminant removal capability of the treatment properly operated and maintained.

BOARD NOTE: Derived from 40 CFR 141.83(b)(4) [\(2007\)](#)~~(2002)~~. (See Section 611.353(b)(4)(B).)

"Medium-sized system" means a water system that regularly serves water to more than 3,300 up to 50,000 or fewer persons.

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"Meet," as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is less than or equal to the action level for that contaminant.

"Method detection limit" or "MDL" is as defined at Section 611.646(a). The MDL for lead is 0.001 mg/ℓ. The MDL for copper is 0.001 mg/ℓ, or 0.020 mg/ℓ by atomic absorption direct aspiration method.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iii) [\(2007\)](#)~~(2002)~~.

"Monitoring period" means any of the six-month periods of time during which a supplier must complete a cycle of monitoring under this Subpart G.

BOARD NOTE: USEPA refers to these as "monitoring periods." The Board uses "six-month monitoring period" to avoid confusion with "compliance period," as used elsewhere in this Part and defined at Section 611.101.

"Multiple-family residence" means a building that is currently used as a multiple-family residence, but not one that is also a "single-family structure."

"90th percentile level" means that concentration of lead or copper contaminant exceeded by ten percent or fewer of all samples collected during a six-month monitoring period pursuant to Section 611.356 (i.e., that concentration of contaminant greater than or equal to the results obtained from 90 percent of the samples). The 90th percentile levels for copper and lead must be determined pursuant to subsection (c)(3) of this Section.

BOARD NOTE: Derived from 40 CFR 141.80(c) [\(2007\)](#)~~(2002)~~.

"Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

"Practical quantitation limit" or "PQL" means the lowest concentration of a contaminant that a well-operated laboratory can reliably achieve within

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specified limits of precision and accuracy during routine laboratory operating conditions. The PQL for lead is 0.005 mg/ℓ. The PQL for copper is 0.050 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(ii) and (a)(1)(iv) [\(2007\)](#)~~(2002)~~.

"Service line sample" means a one-liter sample of water, collected in accordance with Section 611.356(b)(3), that has been standing for at least six hours in a service line.

"Single-family structure" means a building that was constructed as a single-family residence and which is currently used as either a residence or a place of business.

"Small system" means a water system that regularly serves water to 3,300 or fewer persons.

BOARD NOTE: Derived from 40 CFR 141.2 [\(2007\)](#)~~(2002)~~.

c) Lead and Copper Action Levels.

- 1) The lead action level is exceeded if the 90th percentile lead level is greater than 0.015 mg/ℓ.
- 2) The copper action level is exceeded if the 90th percentile copper level is greater than 1.3 mg/ℓ.
- 3) Suppliers must compute the 90th percentile lead and copper levels as follows:
 - A) List the results of all lead or copper samples taken during a six-month monitoring period in ascending order, ranging from the sample with the lowest concentration first to the sample with the highest concentration last. Assign each sampling result a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level must be equal to the total number of samples taken.
 - B) Determine the number for the 90th percentile sample by

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multiplying the total number of samples taken during the six-month monitoring period by 0.9.

- C) The contaminant concentration in the sample with the number yielded by the calculation in subsection (c)(3)(B) of this Section is the 90th percentile contaminant level.
 - D) For suppliers that collect five samples per six-month monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.
 - E) For a supplier that has been allowed by the Agency to collect fewer than five samples in accordance with Section 611.356(c), the sample result with the highest concentration is considered the 90th percentile value.
- d) Corrosion Control Treatment Requirements.
- 1) All suppliers must install and operate optimal corrosion control treatment.
 - 2) Any supplier that complies with the applicable corrosion control treatment requirements specified by the Agency pursuant to Sections 611.351 and 611.352 is deemed in compliance with the treatment requirement of subsection (d)(1) of this Section.
- e) Source water treatment requirements. Any supplier whose system exceeds the lead or copper action level must implement all applicable source water treatment requirements specified by the Agency pursuant to Section 611.353.
- f) Lead service line replacement requirements. Any supplier whose system exceeds the lead action level after implementation of applicable corrosion control and source water treatment requirements must complete the lead service line replacement requirements contained in Section 611.354.
- g) Public education requirements. Pursuant to Section 611.355, the supplier must provide a consumer notice of the lead tap water monitoring results to the persons served at each site (tap) that is tested. Any supplier whose system exceeds the lead action level must implement the public education requirements ~~contained in Section 611.355.~~

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- h) Monitoring and analytical requirements. Suppliers must complete all tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this Subpart G in compliance with Sections 611.356, 611.357, 611.358, and 611.359.
- i) Reporting requirements. Suppliers must report to the Agency any information required by the treatment provisions of this Subpart G and Section 611.360.
- j) Recordkeeping requirements. Suppliers must maintain records in accordance with Section 611.361.
- k) Violation of national primary drinking water regulations. Failure to comply with the applicable requirements of this Subpart G, including conditions imposed by the Agency by SEP pursuant to these provisions and Section 611.110, will constitute a violation of the national primary drinking water regulations for lead or copper.

BOARD NOTE: Derived from 40 CFR 141.80 ([2007](#)), as amended at [72 Fed. Reg. 57782 \(October 10, 2007\)](#)(~~2002~~).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.351 Applicability of Corrosion Control

- a) Corrosion control required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.
 - 1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must complete the corrosion control treatment steps specified in subsection (d) of this Section, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section.
 - 2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must

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complete the corrosion control treatment steps specified in subsection (e) of this Section, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section.

- b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.
- 1) Small- or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.
 - 2) SEP for equivalent activities to corrosion control. The Agency must, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must provide the Agency with the following information in order to support an Agency SEP determination under this subsection (b)(2):
 - A) The results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);

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- B) A report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
 - C) A report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
 - D) The results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).
- A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.
 - B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must have completed a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.

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- C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any upcoming long-term change in treatment or the addition of a new source, as described in that Section. The Agency must review and approve the addition of a new source or any long-term change in water treatment before the addition or long-term change is implemented by the water system ~~require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.~~
- D) ~~As of July 12, 2001,~~ a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.
- E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).
- c) Suppliers not required to complete corrosion control steps for having met both action levels.
- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedence of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:
- A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356; and

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- B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.
- 2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section (or the Agency, if appropriate) must resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.
- 3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must explain the basis for this decision.
- 4) The requirement for any small- or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section) is triggered whenever any small- or medium-sized system supplier exceeds the lead or copper action level.
- d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section, large system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.
- 1) Step 1: The supplier must have conducted initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.
- 2) Step 2: The supplier must have completed corrosion control studies (Section 611.352(c)) on or before July 1, 1994.
- 3) Step 3: The Agency must have approved optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.

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- 4) Step 4: The supplier must have installed optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.
 - 5) Step 5: The supplier must have completed follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
 - 6) Step 6: The Agency must have reviewed installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
 - 7) Step 7: The supplier must operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).
- e) Treatment steps and deadlines for small- and medium-sized system suppliers. Except as provided in subsection (b) of this Section, small- and medium-sized system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) by the indicated time periods.
- 1) Step 1: The supplier must conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after [the end of the monitoring period during which](#) it exceeds one of the action levels.
 - 2) Step 2: Within 12 months after [the end of the monitoring period during which](#) a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within [the appropriate of](#) the following timeframes:
 - A) ~~For~~ medium-sized systems, within 18 months after [the end of](#)

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the monitoring period during which such supplier exceeds the lead action level or the copper action level; or;

- B) ~~For~~ for small systems, within 24 months after the end of the monitoring period during which such supplier exceeds the lead action level or the copper action level.
- 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section), the supplier must complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.
- 4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section), the Agency must, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six months after completion of step 3 (subsection (e)(3) of this Section).
- 5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.
- 6) Step 6: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.
- 7) Step 7: The Agency must review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six months after completion of step 6 (subsection (e)(6) of this Section).
- 8) Step 8: The supplier must operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (2007), as amended at 72 Fed. Reg. 57782 (October 10, 2007)(2003).

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.353 Source Water Treatment

Suppliers must complete the applicable source water monitoring and treatment requirements (described in the referenced portions of subsection (b) of this Section, and in Sections 611.356 and 611.358) by the following deadlines.

- a) Deadlines for completing source water treatment steps.
 - 1) Step 1: A supplier exceeding the lead action level or the copper action level must complete lead and copper and source water monitoring (Section 611.358(b)) and make a treatment recommendation to the Agency (subsection (b)(1) of this Section) within 180 days~~six months~~ after the end of the monitoring period during which the supplier exceeded~~exceeding~~ the pertinent action level.
 - 2) Step 2: The Agency must, by a SEP issued pursuant to Section 611.110, make a determination regarding source water treatment (subsection (b)(2) of this Section) within six months after submission of monitoring results under step 1.
 - 3) Step 3: If the Agency requires installation of source water treatment, the supplier must install that treatment (subsection (b)(3) of this Section) within 24 months after completion of step 2.
 - 4) Step 4: The supplier must complete follow-up tap water monitoring (Section 611.356(d)(2)) and source water monitoring (Section 611.358(c)) within 36 months after completion of step 2.
 - 5) Step 5: The Agency must, by a SEP issued pursuant to Section 611.110, review the supplier's installation and operation of source water treatment and specify MPCs for lead and copper (subsection (b)(4) of this Section) within six months after completion of step 4.
 - 6) Step 6: The supplier must operate in compliance with the Agency-specified lead and copper MPCs (subsection (b)(4) of this Section) and continue source water monitoring (Section 611.358(d)).

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- b) Description of Source Water Treatment Requirements.
- 1) System treatment recommendation. Any supplier that exceeds the lead action level or the copper action level must recommend in writing to the Agency the installation and operation of one of the source water treatments listed in subsection (b)(2) of this Section. A supplier may recommend that no treatment be installed based on a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.
 - 2) Agency determination regarding source water treatment.
 - A) The Agency must complete an evaluation of the results of all source water samples submitted by the supplier to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps.
 - B) If the Agency determines that treatment is needed, the Agency must, by a SEP issued pursuant to Section 611.110, either require installation and operation of the source water treatment recommended by the supplier (if any) or require the installation and operation of another source water treatment from among the following:
 - i) ion exchange;
 - ii) reverse osmosis;
 - iii) lime softening; or
 - iv) coagulation/filtration.
 - C) The Agency may request and the supplier must submit such additional information, on or before a certain date, as the Agency determines is necessary to aid in its review.
 - D) The Agency must notify the supplier in writing of its determination and set forth the basis for its decision.

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- 3) Installation of source water treatment. Each supplier must properly install and operate the source water treatment approved by the Agency under subsection (b)(2) of this Section.
- 4) Agency review of source water treatment and specification of maximum permissible source water levels (MPCs).
 - A) The Agency must review the source water samples taken by the supplier both before and after the supplier installs source water treatment, and determine whether the supplier has properly installed and operated the approved source water treatment.
 - B) Based on its review, the Agency must, by a SEP issued pursuant to Section 611.110, approve the lead and copper MPCs for finished water entering the supplier's distribution system. Such levels must reflect the contaminant removal capability of the treatment properly operated and maintained.
 - C) The Agency must explain the basis for its decision under subsection (b)(4)(B) of this Section.
- 5) Continued operation and maintenance. Each supplier must maintain lead and copper levels below the MPCs approved by the Agency at each sampling point monitored in accordance with Section 611.358. The supplier is out of compliance with this subsection if the level of lead or copper at any sampling point is greater than the MPC approved by the Agency pursuant to subsection (b)(4)(B) of this Section.
- 6) Modification of Agency treatment decisions.
 - A) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to Section 611.110, modify its determination of the source water treatment under subsection (b)(2) of this Section, or the lead and copper MPCs under subsection (b)(4) of this Section.
 - B) A request for modification by a supplier must be in writing, explain why the modification is appropriate, and provide supporting documentation.

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- C) The Agency may, by a SEP issued pursuant to Section 611.110, modify its determination where it concludes that such change is necessary to ensure that the supplier continues to minimize lead and copper concentrations in source water.
 - D) A revised determination made pursuant to subsection (b)(6)(C) of this Section must set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.
 - E) Any interested person may submit information to the Agency, in writing, that bears on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section. An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].
- 7) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator reserves the prerogative to review treatment determinations made by the Agency under subsections (b)(2), (b)(4), or (b)(6) of this Section and issue federal treatment determinations consistent with the requirements of 40 CFR 141.83(b)(2), (b)(4), and (b)(6), where the Administrator finds that the following is true:
- A) the Agency has failed to issue a treatment determination by the applicable deadline contained in subsection (a) of this Section;
 - B) the Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population; or
 - C) the technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.83 [\(2007\)](#), as amended at [72 Fed. Reg. 57782 \(October 10, 2007\)](#)~~(2002)~~.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.354 Lead Service Line Replacement

- a) Suppliers required to replace lead service lines.
- 1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has installed corrosion control or source water treatment (whichever sampling occurs later), the supplier must recommence replacing lead service lines in accordance with the requirements of subsection (b) of this Section.
 - 2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.
- b) Annual replacement of lead service lines.
- 1) Initiation of a lead service line replacement program.
 - A1) A supplier that is required to commence lead service line replacement pursuant to subsection (a) of this Section must annually replace at least seven percent of the initial number of lead service lines in its distribution system.
 - B2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.
 - C3) The supplier must identify the initial number of lead service lines in its distribution system, including an identification of the portions of the system owned by the supplier, based on a materials evaluation, including the evaluation required under Section 611.356(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system.
 - D4) The first year of lead service line replacement must begin on the

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first day following the end of the monitoring period in which date the supplier exceeded the action level pursuant to in-tap sampling refereneed in subsection (a) of this Section.

E) If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs.

F) If the Agency has established an alternate monitoring period by a SEP issued pursuant to Section 611.110, then the end of the monitoring period will be the last day of that period.

2) Resumption of a lead service line replacement program after cessation.

A) A supplier that is resuming a program after cessation of its lead service line replacement program, as allowed pursuant to subsection (f) of this Section, must update its inventory of lead service lines to include those sites that it had previously determined did not require replacement pursuant to the sampling provision of subsection (c) of this Section.

B) The supplier will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven percent lead service line replacement is based on a 15-year replacement program, so that, for example, a supplier resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13).

C) For a supplier that has completed a 15-year lead service line replacement program, the Agency must, by a SEP issued pursuant to Section 611.110, determine a schedule for replacing or retesting lines that were previously tested out under the completed replacement program, whenever the supplier has re-exceeded the action level.

c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or

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equal to 0.015 mg/ℓ.

- d) A water supplier must replace that portion of the lead service line that it owns. In cases where the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner's authorized agent, that the supplier will replace the portion of the service line that it owns and must offer to replace the owner's portion of the line. A supplier is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local, or common law. A water supplier that does not replace the entire length of the service line also must complete the following tasks:
- 1) Notice Prior to Commencement of Work.
 - A) At least 45 days prior to commencing the partial replacement of a lead service line, the water supplier must provide notice to the residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead.
 - B) The Agency, by issuing an appropriate SEP, may allow the water supplier to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where it determines that such replacement is in conjunction with emergency repairs.
 - C) In addition, the water supplier must inform the residents served by the line that the supplier will, at the supplier's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed by Section 611.356(b)(3), within 72 hours after the completion of the partial replacement of the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days of receiving the results.

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- D) Mailed notices post-marked within three business days of receiving the results must be considered "on time."
- 2) The water supplier must provide the information required by subsection (d)(1) of this Section to the residents of individual dwellings by mail or by other methods approved by the Agency by a SEP issued pursuant to Section 611.110. In instances where multi-family dwellings are served by the service line, the water supplier must have the option to post the information at a conspicuous location.
- e) Agency determination of shorter replacement schedule.
- 1) The Agency must, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.
- 2) The Agency must notify the supplier of its finding pursuant to subsection (e)(1) of this Section within six months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a) of this Section.
- f) Cessation of service line replacement.
- 1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:
- A) First draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods; and
- B) The supplier has submitted those results to the Agency.
- 2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier must recommence replacing lead service lines pursuant to subsection (b)(2) of this Section.
- g) To demonstrate compliance with subsections (a) through (d) of this Section, a

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supplier must report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 (2007), as amended at 72 Fed. Reg. 57782 (October 10, 2007)(2003).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.355 Public Education and Supplemental Monitoring

A supplier that exceeds the lead action level based on tap water samples collected in accordance with Section 611.356 must deliver the public education materials required by ~~subsections~~ subsections (a) ~~and (b)~~ of this Section in accordance with the requirements of subsection (b)(e) of this Section. A supplier that exceeds the lead action level must sample the tap water of any customer who requests it in accordance with subsection (c) of this Section. A supplier must deliver a consumer notice of lead tap water monitoring results to persons who are served by the supplier at each site that the supplier has tested, as specified in subsection (d) of this Section.

- a) Content of written public education materials.
- 1) Community water systems and non-transient non-community water systems. A CWS or NTNCWS supplier must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed in subsections (a)(1)(A) through (a)(1)(F). In addition, the supplier must include the language set forth in subsections (a)(1)(A), (a)(1)(B), and (a)(1)(F) of this Section in the materials, exactly as written, except for the text in brackets in these subsections, for which the supplier must include system-specific information. Any additional information presented by a supplier must be consistent with the information set forth in subsections (a)(1)(A) through (a)(1)(F), and the supplier must present the additional information in plain language that can be understood by the general public. The supplier must submit all written public education materials to the Agency prior to delivery, as required by subsection (a)(3) of this Section. ~~text set forth in Appendix E of this Part in all of the printed materials it distributes through its lead public education program. A supplier may delete information pertaining to lead service lines, upon approval by the Agency by a SEP issued pursuant to Section 611.110, if no lead service lines exist anywhere in the water system service area.~~

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~~Public education language at paragraphs (4)(B)(5) and (4)(D)(2) of Appendix E of this Part may be modified regarding building permit record availability and consumer access to these records, if approved by the Agency by a SEP issued pursuant to Section 611.110. A supplier may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85 (1991). Any additional information presented by a supplier must be consistent with the information in Appendix E of this Part and be in plain English that can be understood by lay persons.~~

~~BOARD NOTE: At corresponding 40 CFR 141.85 (a)(1) (2002), USEPA allowed the use of pre-printed copies of the public notices whose content met the requirements of the original lead and copper rule adopted on June 7, 1991 (56 Fed. Reg. 26548). Rather than reference a prior version of this Section of the Illinois rules, the Board has retained the federal reference to the prior requirements.~~

A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. [INSERT NAME OF SUPPLIER] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(A), with the exception that the supplier must insert its name in place of the bracketed text.

B) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the

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child receives lead from the mother's bones, which may affect brain development.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(B).

C) Sources of Lead.

- i) Explain what lead is.
- ii) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home and building plumbing materials and service lines that may contain lead.
- iii) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(C).

D) Discuss the steps the consumer can take to reduce his or her exposure to lead in drinking water.

- i) Encourage running the water to flush out the lead.
- ii) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.
- iii) Explain that boiling water does not reduce lead levels.
- iv) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.
- v) Suggest that parents have their child's blood tested for lead.

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BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(D).

- E) Explain why there are elevated levels of lead in the supplier's drinking water (if known) and what the supplier is doing to reduce the lead levels in homes and buildings in this area.

BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(E).

- F) For more information, call us at [INSERT THE SUPPLIER'S NUMBER] [(IF APPLICABLE), or visit our Web site at [INSERT THE SUPPLIER'S WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit USEPA's Web site at <http://www.epa.gov/lead> or contact your health care provider.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(F), with the exception that the supplier must insert its name in place of the first segment of bracketed text, and it must add the second segment of bracketed text and substitute its Web address for the internal bracketed text.

- 2) ~~Community Non-transient non-community water systems. In addition to including the elements A-NTNCWS must either include the text specified in subsection (a)(1) of this Section, or must include the text set forth in Appendix F of this Part in all of the printed materials it distributes through its lead public education program. A water supplier may delete information pertaining to lead service lines upon approval by the Agency by a SEP issued pursuant to Section 611.110 if no lead service lines exist anywhere in the water system service area. Any additional information presented by a supplier must be consistent with the information below and be in plain English that can be understood by lay persons. a CWS supplier must do both of the following:~~

- A) It must tell consumers how to get their water tested; and
- B) It must discuss lead in plumbing components and the difference between low-lead and lead-free components.

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- 3) Agency review and approval of written public education materials.
- A) The supplier must submit all written public education materials to the Agency for review at least 60 days prior to its planned date for delivery of the materials to the public.
- B) If the Agency determines that the form and content of the supplier's written public education materials is adequate, it may issue a SEP pursuant to Section 611.110 that expressly approves of the materials.
- C) A supplier may immediately distribute its written public education materials after receipt of a SEP or a revised SEP that expressly approves those materials.
- D) If the Agency determines that the form or content of the written public education materials submitted by the supplier does not comply with the requirements of this Section, it must issue a SEP pursuant to Section 611.110. The Agency may issue a revised SEP that expressly supercedes a SEP previously issued under this subsection (a)(1). Any SEP or revised SEP issued by the Agency must identify any deficiencies in the written public education materials with specificity sufficient to guide the supplier to correct the deficiencies in a way that would address the Agency's concerns.
- E) The Agency must issue any SEP or revised SEP under subsection (a)(3)(D) of this Section no later than 30 days after the date on which it received a copy of the supplier's prospective written public education materials, unless the Agency and the supplier have agreed to a later date pursuant to subsection (a)(3)(F) of this Section. The Agency and the supplier may agree to a longer time within which the Agency may issue a SEP or a revised SEP, in which case the Agency must issue the SEP or revised SEP before expiration of the agreed longer time.

BOARD NOTE: The Board has provided that the Agency and the supplier may agree to a longer time before the Agency issues a

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SEP and for the Agency to issue a revised SEP that supercedes an already-issued SEP, in order to allow for negotiation of any issues and the quickest possible distribution of the materials.

- F) If the supplier has not received a SEP from the Agency within 45 days after the date on which the Agency received its written public education materials, those materials are deemed approved, and the supplier may immediately proceed to distribute them.
- G) Once the supplier has revised its written public education materials exactly as described by the Agency in a SEP issued under subsection (a)(3)(D) of this Section, those materials are deemed approved, and the supplier may immediately proceed to distribute them.

BOARD NOTE: At corresponding 40 CFR 141.85(a)(1) (2007), USEPA allowed the State to require prior approval of written public information materials. Rather than require prior Agency approval, the Board has chosen to require submission to the Agency for review sufficiently in advance of distribution to allow the Agency to raise any deficiencies that it may perceive. The Board has used the mechanism of the SEP for the Agency to communicate its concerns, as this would allow the supplier to petition the Board for review of the Agency's determination pursuant to Section 611.110(c).

- b) ~~Content of broadcast materials.—A supplier must include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcast:~~
- ~~1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert "free" or the cost per sample). You can contact the (insert the name of the city or supplier) for information on testing and on simple ways to reduce your exposure to lead in drinking water.~~
 - ~~2) To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the city or~~

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~~supplier).~~

be) Delivery of ~~a~~ public education ~~materials~~program.

- 1) The public education materials of a supplier that serves ~~In communities where a largesignificant~~ proportion of the population speaks a language other than non-English speaking consumers, public education materials must contain information ~~be communicated~~ in the appropriate languages regarding the importance of the notice, or it must contain a telephone number or address where a person served may contact the supplier to obtain a translated copy of the public education materials or to request assistance in the appropriate language.
- 2) A CWS supplier that exceeds the lead action level on the basis of tap water samples collected in accordance with Section 611.356 and which is not already ~~conducting repeating~~ public education tasks pursuant to ~~subsection (e)(3), (e)(7), or (e)(8) of~~ this Section must, within 60 days after the end of the monitoring period in which the exceedance occurred, do each of the following complete the public education tasks according to the following requirements:
 - A) The CWS supplier must deliver printed materials that meet the content requirements of subsection (a) of this Section to all of its bill-paying customers.
 - B) Methods of delivery for a CWS supplier.
 - i) The CWS supplier must contact customers who are most at risk by delivering education materials that meet the content requirements of subsection (a) of this Section to local public health agencies, even if the agencies are not located within the supplier's service area, along with an informational notice that encourages distribution to all of the agencies' potentially affected customers or the supplier's users. The supplier must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations that serve the target populations, which may include organizations outside the

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service area of the supplier. If such lists are provided, the supplier must deliver education materials that meet the content requirements of subsection (a) of this Section to each of the organizations on the provided lists.

- ii) The CWS supplier must contact customers who are most at risk by delivering materials that meet the content requirements of subsection (a) of this Section to the organizations listed in subsections (b)(2)(H)(i) through (b)(2)(H)(vi) that are located within the supplier's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or supplier's users.

BOARD NOTE: The Board found it necessary to move the text of 40 CFR 141.85(b)(2)(ii)(B)(1) through (b)(2)(ii)(B)(6) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007), to appear as subsection (b)(2)(H)(i) through subsection (b)(2)(H)(vi) of this Section, in order to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

- iii) The CWS supplier must make a good faith effort to locate the organizations listed in subsections (b)(2)(I)(i) through (b)(2)(I)(iii) of this Section that are located within the service area and deliver materials that meet the content requirements of subsection (a) of this Section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the supplier's service area.

BOARD NOTE: The Board found it necessary to move the text of 40 CFR 141.85(b)(2)(ii)(C)(1) through (b)(2)(ii)(C)(3) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007), to appear as subsection (b)(2)(I)(i) through

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subsection (b)(2)(I)(iii) of this Section, in order to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

- C) No less often than quarterly, the CWS supplier must provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written, except for the text in brackets for which the supplier must include system-specific information:

[INSERT NAME OF SUPPLIER] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT NAME OF SUPPLIER] [or visit (INSERT SUPPLIER'S WEB SITE HERE)]. The message or delivery mechanism can be modified in consultation with the Illinois Environmental Protection Agency, Division of Public Water Supply; specifically, the Agency may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

- D) The CWS supplier must post material meeting the content requirements of subsection (a) of this Section on the supplier's Web site if the CWS supplier serves a population greater than 100,000.
- E) The CWS supplier must submit a press release to newspaper, television, and radio stations.
- F) In addition to subsections (b)(2)(A) through (b)(2)(E) of this Section, the CWS supplier must implement at least three activities from one or more of the categories listed below. The educational content and selection of these activities must be determined in consultation with the Agency.
- i) Public Service Announcements.

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- ii) Paid advertisements.
 - iii) Public Area Information Displays.
 - iv) E-mails to customers.
 - v) Public Meetings.
 - vi) Household Deliveries.
 - vii) Targeted Individual Customer Contact.
 - viii) Direct material distribution to all multi-family homes and institutions.
 - ix) Other methods approved by the State.
- G) For a CWS supplier that is required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Agency has established an alternate monitoring period, by a SEP issued pursuant to Section 611.110, the last day of that period.
- H) Organizations that the CWS supplier must contact when required to do so pursuant to subsection (b)(2)(B)(ii) of this Section.
- i) Public and private schools or school boards.
 - ii) Women, Infants and Children (WIC) and Head Start programs.
 - iii) Public and private hospitals and medical clinics.
 - vi) Pediatricians.
 - v) Family planning clinics.
 - vi) Local welfare agencies.

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BOARD NOTE: This subsection (b)(2)(H) corresponds with 40 CFR 141.85(b)(2)(ii)(B)(1) through (b)(2)(ii)(B)(6) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007). The Board found it necessary to move the text of those federal provisions to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

- D) Organizations that the CWS supplier must contact when required to do so pursuant to subsection (b)(2)(B)(iii) of this Section.
- i) Licensed childcare centers.
 - ii) Public and private preschools.
 - iii) Obstetricians, gynecologists and midwives.

BOARD NOTE: This subsection (b)(2)(H) corresponds with 40 CFR 141.85(b)(2)(ii)(C)(1) through (b)(2)(ii)(C)(3) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007). The Board found it necessary to move the text of those federal provisions to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

- 3) As long as a CWS supplier exceeds the action level, it must repeat the activities described in subsection (b)(2) of this Section, as described in subsections (b)(3)(A) through (b)(3)(D) of this Section.
- A) A CWS supplier must repeat the tasks contained in subsections (b)(2)(A), (b)(2)(B) and (b)(2)(D) of this Section every 12 months.
 - B) A CWS supplier must repeat tasks contained in subsection (b)(2)(C) of this Section with each billing cycle.
 - C) A CWS supplier serving a population greater than 100,000 must post and retain material on a publicly accessible Web site pursuant to subsection (b)(2)(D) of this Section.

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- D) The CWS supplier must repeat the task in subsection (b)(2)(E) of this Section twice every 12 months on a schedule agreed upon with the Agency by a SEP issued pursuant to Section 611.110. The Agency must, on a case-by-case basis, by a SEP issued pursuant to Section 611.110, extend the time for the supplier to complete the public education tasks set forth in subsection (b)(2) of this Section beyond the 60-day limit if it determines that the extended time is needed for implementation purposes; however, the Agency must issue the SEP granting any extension prior to expiration of the 60-day deadline.
- ~~A) Insert notices in each customer's water utility bill or disseminate to each customer by separately mailing a notice containing the information required by subsection (a)(1) of this Section, along with the following alert in large print on the water bill itself: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." A CWS supplier having a billing cycle that does not include a billing within 60 days after exceeding the action level or a CWS supplier that cannot insert information in the water utility bill without making major changes to its billing system may use a separate mailing to deliver the information in subsection (a)(1) of this Section, as long as the information is delivered to each customer within 60 days after exceeding the action level. Such a water supplier must also include the "alert" language specified in this subsection (c)(2)(A);~~
- ~~B) Submit the information required by subsection (a)(1) of this Section to the editorial departments of the major daily and weekly newspapers circulated throughout the community;~~
- ~~C) Deliver pamphlets or brochures that contain the public education materials in paragraphs (2) and (4) of Appendix E of this Part to facilities and organizations, including the following:~~
- ~~i) Public schools or local school boards;~~

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- ii) ~~The city or county health department;~~
 - iii) ~~Women, Infants, and Children (WIC) and Head Start programs, whenever available;~~
 - iv) ~~Public and private hospitals and clinics;~~
 - v) ~~Pediatricians;~~
 - vi) ~~Family planning clinics; and~~
 - vii) ~~Local welfare agencies; and~~
- D) ~~Submit the public service announcement in subsection (b) of this Section to at least five of the radio and television stations with the largest audiences within the community served by the supplier.~~
- 3) ~~A CWS supplier must repeat the tasks contained in subsections (c)(2)(A) through (c)(2)(D) of this Section for as long as the supplier exceeds the lead action level, at the following minimum frequency:~~
- A) ~~Those of subsections (c)(2)(A) through (c)(2)(C) of this Section, every 12 months; and~~
 - B) ~~Those of subsection (c)(2)(D) of this Section, every six months.~~
- 4) Within 60 days after the end of the monitoring period in which a NTNCWS supplier ~~it~~ exceeds the lead action level (unless it already is repeating public education tasks pursuant to subsection (b)(5)(e)(5) of this Section), it a NTNCWS supplier ~~it a NTNCWS supplier~~ must deliver the public education materials specified by subsection (a) of this Section ~~contained in Appendix E or F of this Part~~, as in subsections (b)(4)(A) and (b)(4)(B) of this Section, subject to the limitation set forth in subsection (b)(4)(C) of this Section follows:
- A) The NTNCWS supplier must post ~~Post~~ informational posters on lead in drinking water in a public place or common area in each of the buildings served by the supplier; and

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- B) The NTNCWS supplier must distribute ~~Distribute~~ informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS supplier. The Agency may, by a SEP granted pursuant to Section 611.110, allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.
- C) For a NTNCWS supplier that is required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Agency has established an alternate monitoring period, by a SEP issued pursuant to Section 611.110, the last day of that period.
- 5) A NTNCWS supplier must repeat the tasks set forth~~contained~~ in subsection ~~(b)~~(4) of this Section at least once during each calendar year in which the supplier exceeds the lead action level. The Agency must, on a case-by-case basis, by a SEP issued pursuant to Section 611.110, extend the time for the supplier to complete the public education tasks set forth in subsection (b)(2) of this Section beyond the 60-day limit if it determines that the extended time is needed for implementation purposes; however, the Agency must issue the SEP granting any extension prior to expiration of the 60-day deadline.
- 6) A supplier may discontinue delivery of public education materials after it has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section 611.356. Such a supplier must begin public education anew in accordance with this Section if it subsequently exceeds the lead action level during any six-month monitoring period.
- 7) A CWS supplier may apply to the Agency, in writing, to use only the text specified in subsection (a)(1) of this Section Appendix F of this Part in lieu of the text in subsections (a)(1) and (a)(2) of this Section Appendix E of this Part and to perform the tasks listed in subsections (b)(4)(e)(4) and (b)(5)(e)(5) of this Section in lieu of the tasks in subsections (b)(2)(e)(2) and (b)(3)(e)(3) of this Section if the following are true:
- A) The supplier is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making

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improvements to plumbing or installing point of use treatment devices; and

- B) The system provides water as part of the cost of services provided, and it does not separately charge for water consumption.

8) A CWS supplier that serves 3,300 or fewer people may limit certain aspects of its public education programs as follows:

A) With respect to the requirements of subsection (b)(2)(F) of this Section, a supplier that serves 3,300 or fewer people must implement at least one of the activities listed in that subsection.

B) With respect to the requirements of subsection (b)(2)(B) of this Section, a supplier that serves 3,300 or fewer people may limit the distribution of the public education materials required under that subsection to facilities and organizations that it serves which are most likely to be visited regularly by pregnant women and children.

C) With respect to the requirements of subsection (b)(2)(E) of this Section, the Agency may, by a SEP issued pursuant to Section 611.110, waive this requirement for a supplier that serves 3,300 or fewer persons, as long as the supplier distributes notices to every household that it serves.

8) ~~Reduced requirements for certain smaller CWS suppliers.~~

A) ~~A CWS supplier serving 3,300 or fewer people may omit the task contained in subsection (c)(2)(D) of this Section. As long as it distributes notices containing the information contained in Appendix E of this Part to every household served by the system, such a supplier may further limit its public education programs as follows:~~

i) ~~A supplier serving 500 or fewer people may forego the task contained in subsection (c)(2)(B) of this Section. Such a system may limit the distribution of the public education materials required under subsection (c)(2)(C) of this~~

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~~Section to facilities and organizations served by the supplier that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Agency in writing that it must make a broader distribution.~~

- ii) ~~If approved by the Agency by a SEP issued pursuant to Section 611.110, a system serving 501 to 3,300 people may omit the task in subsection (c)(2)(B) of this Section or limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~

- B) ~~A CWS supplier serving 3,300 or fewer people that delivers public education in accordance with subsection (c)(8)(A) of this Section must repeat the required public education tasks at least once during each calendar year in which the supplier exceeds the lead action level.~~

- cd) Supplemental monitoring and notification of results. A supplier that fails to meet the lead action level on the basis of tap samples collected in accordance with Section 611.356 must offer to sample the tap water of any customer who requests it. The supplier is not required to pay for collecting or analyzing the sample, nor is the supplier required to collect and analyze the sample itself.

d) Requirement for consumer notice of tap water monitoring results.

- 1) Consumer notice requirement. A supplier must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of Section 611.356 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).
- 2) Timing of consumer notice. The supplier must provide the consumer notice as soon as practical, but no later than 30 days after it learns of the tap monitoring results.
- 3) Content of consumer notice. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of

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the health effects of lead, steps consumers can take to reduce exposure to lead in drinking water, and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from Section 611.883(c).

- 4) Delivery of consumer notice. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Agency, by a SEP issued pursuant to Section 611.110. For example, upon approval by the Agency, a NTNCWS supplier could post the results on a bulletin board in the facility to allow users to review the information. The supplier must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

BOARD NOTE: Derived from 40 CFR 141.85 (2007), as amended at 72 Fed. Reg. 57782 (October 10, 2007)(2002).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.356 Tap Water Monitoring for Lead and Copper

- a) SamplingSample site location.
- 1) Selecting a pool of targeted sampling sites.
 - A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section, each supplier must complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
 - B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section.
 - C) The supplier must select the sites for collection of first draw samples from this pool of targeted sampling sites.

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- D) The supplier must not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.
- 2) Materials evaluation.
- A) A supplier must use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.
- B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section, the supplier must review the following sources of information in order to identify a sufficient number of sampling sites:
- i) All plumbing codes, permits, and records in the files of the building departments that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
 - ii) All inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
 - iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
 - iv) The supplier must seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

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- 3) Tiers of sampling sites. Suppliers must categorize the sampling sites within their pool according to the following tiers:
- A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" must include the following single-family structures:
- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
 - ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) [\(2007\)](#)~~(2003)~~. This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

- B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" must include the following buildings, including multiple-family structures:
- i) Those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
 - ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) [\(2007\)](#)~~(2003)~~. This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

- C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" must include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(C) was derived from segments of 40 CFR 141.86(a)(5) [\(2007\)](#)~~(2003)~~.

- D) NTNCWS Tier 1 sampling sites. "NTNCWS Tier 1 sampling sites" must include the following buildings:

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- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) [\(2007\)](#)~~(2003)~~. This allows the pool of NTNCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

- E) Alternative NTNCWS sampling sites. "Alternative NTNCWS sampling sites" must include the following buildings: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) [\(2007\)](#)~~(2003)~~.

- 4) Selection of sampling sites. Suppliers must select sampling sites for their sampling pool as follows:

- A) CWS Suppliers. CWS suppliers must use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

- i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) [\(2007\)](#)~~(2003)~~.

- ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) [\(2007\)](#)~~(2003)~~.

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- iii) If the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived from a segment of 40 CFR 141.86(a)(5) [\(2007\)](#)~~(2003)~~.

- iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has and complete its sampling pool with representative sites throughout its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from segments of 40 CFR 141.86(a)(5) [\(2007\)](#)~~(2003)~~.

B) NTNCWS suppliers.

- i) An NTNCWS supplier must select NTNCWS tier 1 sampling sites for its sampling pool.

BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) [\(2007\)](#)~~(2003)~~.

- ii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.

BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) [\(2007\)](#)~~(2003)~~.

- iii) If the NTNCWS supplier has an insufficient number of

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NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must use representative sites throughout its distribution system. For the purpose of this subsection (a)(4)(B)(ii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(B)(iii) was derived from segments of 40 CFR 141.86(a)(7) [\(2007\)](#)~~(2003)~~.

- C) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must draw samples during each six-month monitoring period from sampling sites as follows:
- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder; and
 - ii) 50 percent of those samples from sites served by a lead service line.
 - iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines.

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) [\(2007\)](#)~~(2003)~~. This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

- b) Sample collection methods.
- 1) All tap samples for lead and copper collected in accordance with this Subpart G, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must be first-draw samples.
 - 2) First-draw tap samples.

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- A) Each first-draw tap sample for lead and copper must be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.
 - B) First-draw samples from residential housing must be collected from the cold water kitchen tap or bathroom sink tap.
 - C) First-draw samples from a non-residential building must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.
 - D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.
 - E) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).
 - i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.
 - ii) After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed.
 - F) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.
- 3) Service line samples.
- A) Each service line sample must be one liter in volume and have

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stood motionless in the lead service line for at least six hours.

- B) Lead service line samples must be collected in one of the following three ways:
- i) At the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;
 - ii) Tapping directly into the lead service line; or
 - iii) If the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.
- 4) Follow-up first-draw tap samples.
- A) A supplier must collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples.
 - B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.
- 5) Substitute non-first-draw samples.
- A) A NTNCWS supplier or a CWS supplier that meets the criteria of Sections 611.355(be)(7)(A) and (be)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102, may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.
 - B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as

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possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

- C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw [samplingsample](#) sites selected by the system.
- c) Number of samples.
- 1) Suppliers must collect at least one sample from the number of sites listed in the first column of Table D of this Part (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d) of this Section.
 - 2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section must collect one sample from the number of sites specified in the second column of Table D of this Part (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) of this Section. Such reduced monitoring sites must be representative of the sites required for standard monitoring. [A supplier whose system has fewer than five drinking water taps that can be used for human consumption and which can meet the sampling site criteria of subsection \(a\) of this Section to reach the required number of sampling sites listed in this subsection \(c\) must collect multiple samples from individual taps. To accomplish this, the supplier must collect at least one sample from each tap, then it must collect additional samples from those same taps on different days during the monitoring period, in order to collect a total number of samples that meets the required number of sampling sites. Alternatively, the Agency must, by a SEP issued pursuant to Section 611.110, allow a supplier whose system has fewer than five drinking water taps to collect a number of samples that is fewer than the number of sites specified in this subsection \(c\) if it determines that 100 percent of all taps that can be used for human consumption are sampled and that the reduced number of samples will produce the same results as would the collection of multiple samples from some taps. Any Agency approval of a reduction of the minimum number of samples must be based on a request from the supplier or on on-site verification by the Agency.](#) The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

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d) Timing of monitoring.

1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers must begin on the dates specified in Table E of this Part.

- A) All large system suppliers must monitor during each of two consecutive six-month periods.
- B) All small- and medium-sized system suppliers must monitor during each consecutive six-month monitoring period until the following is true:
 - i) The supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must continue monitoring in accordance with subsection (d)(2) of this Section; or
 - ii) The supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section.

2) Monitoring after installation of corrosion control and source water treatment.

- A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must have monitored during each of two consecutive six-month monitoring periods before January 1, 1998.
- B) Any small- or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must monitor during each of two consecutive six-month monitoring

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periods before 36 months after the Agency approves optimal corrosion control treatment, as specified in Section 611.351(e)(6).

- C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must monitor during each of two consecutive six-month monitoring periods before 36 months after completion of step 2, as specified in Section 611.353(a)(4).
- 3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.
After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier must monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.
- 4) Reduced monitoring.
- A) Reduction to annual for small- and medium-sized system suppliers meeting the lead and copper action levels. A small- or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section, and reduce the frequency of sampling to once per year. A small- or medium-sized system supplier that collects fewer than five samples as specified in subsection (c) of this Section and which meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce its frequency of sampling to once per year. In no case can the supplier reduce the number of samples required below the minimum of one sample per available tap. This reduced sampling may only begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.
- B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.
- i) Any supplier that meets the lead action level and which maintains the range of values for the water quality control

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parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and the number of lead and copper samples to that specified by subsection (c) of this Section if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110. This reduced sampling may only begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

- ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to reduce its monitoring frequency to once every three years pursuant to this subsection (d)(4).
 - iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.
- C) Reduction to triennial for small- and medium-sized system suppliers.
- i) Small- and medium-sized system suppliers meeting lead and copper action levels. A small- or medium-sized system supplier that meets the lead action level and which meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.
 - ii) SEP for suppliers meeting optimal corrosion control treatment. Any supplier that maintains the range of values

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for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during three consecutive years of monitoring may reduce its monitoring frequency from annual to once every three years if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110. [Samples collected once every three years must be collected no later than every third calendar year.](#)

- iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must conduct the lead and copper tap sampling during the months of June, July, August, or September, unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

- i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a NTNCWS supplier that does not operate during the months of June through September and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system. [This reduced sampling](#)

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may only begin during the period approved or designated by the Agency in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for a supplier initiating triennial monitoring.

- ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the months of June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).
- E) Any water system that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/ℓ and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.65 mg/ℓ may reduce the number of samples in accordance with subsection (c) of this Section and reduce the frequency of sampling to once every three calendar years.

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- F) Resumption of standard monitoring.
- i) Small- or medium-sized suppliers exceeding lead or copper action level. A small- or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must resume sampling in accordance subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section. Such a supplier must also conduct water quality parameter monitoring in accordance with Section 611.357(b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level. Any such supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section. Any such supplier may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.
 - ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to [meet the lead action level during any four-month monitoring period or that fails to](#) operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct tap water sampling for lead and copper at the frequency specified in subsection (d)(3) of this Section, must collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d). [This standard tap water sampling](#)

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must begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. A supplier may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system only if it fulfills the conditions set forth in subsection (d)(4)(H) of this Section.

BOARD NOTE: The Board moved the material from the last sentence of 40 CFR 141.86(d)(4)(vi)(B) and 40 CFR 141.86(d)(4)(vi)(B)(I) through (d)(4)(vi)(B)(3) (2007) to subsections (d)(4)(H) and (d)(4)(H)(i) through (d)(4)(H)(iii), since Illinois Administrative Code codification requirements allow subsections only to four indent levels.

- G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section ~~that either adds a new source of water or changes any water treatment~~ must notify inform the Agency in writing in accordance with Section 611.360(a)(3) of any upcoming long-term change in treatment or addition of a new source as described in that Section. The Agency must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the supplier. The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.
- H) A supplier required under subsection (d)(4)(F) of this Section to resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:
- i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in

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subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency. [This sampling must begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.](#)

- ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.
- iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.

BOARD NOTE: Subsections [\(d\)\(4\)\(H\) and \(d\)\(4\)\(H\)\(i\) through \(d\)\(4\)\(H\)\(iii\)](#) are derived from [the last sentence of 40 CFR 141.86\(d\)\(4\)\(vi\)\(B\) and 40 CFR 141.86 \(d\)\(4\)\(vi\)\(B\)\(I\) through \(d\)\(4\)\(vi\)\(B\)\(3\) \(2007\)\(2003\)](#), since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

- e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead

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action level or the copper level) under this Subpart G.

- f) Invalidation of lead or copper tap water samples. A sample invalidated under this subsection does not count toward determining lead or copper 90th percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.
- 1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:
 - A) The laboratory establishes that improper sample analysis caused erroneous results;
 - B) The sample was taken from a site that did not meet the site selection criteria of this Section;
 - C) The sample container was damaged in transit; or
 - D) There is substantial reason to believe that the sample was subject to tampering.
 - 2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.
 - 3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
 - 4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to meet the monitoring requirements of a subsequent monitoring period. The

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replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

- g) Monitoring waivers for small system suppliers. Any small system supplier that meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in subsection (g)(1) of this Section and all of the monitoring criteria specified in subsection (g)(2) of this Section. Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").
- 1) Materials criteria. The supplier must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (g)(1), as follows:
- A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system is free of all lead-containing materials, as follows:
- i) It contains no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and
- ii) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Corresponding 40 CFR
141.86(g)(1)(i)(B) specifies "any standard established

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pursuant to 42 USC 300g-6(e) (SDWA section 1417(e))." USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).

- B) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system contains no copper pipes or copper service lines.
- 2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing or copper-containing materials, as appropriate, meet the following criteria:
- A) Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/ℓ.
 - B) Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/ℓ.
- 3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.
- 4) Monitoring frequency for suppliers with waivers.

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- A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results. Samples collected every nine years must be collected no later than every ninth calendar year.
- B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsections (d)(1) through (d)(4) of this Section, as appropriate.
- C) AnyIf a supplier with a full or partial waiver ~~adds a new source of water or changes any water treatment, the supplier~~ must notify the Agency in writing in accordance with Section 611.360(a)(3) of any upcoming long-term change in treatment or addition of a new source, as described in that Section. The Agency must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the supplier. The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier's system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.
- D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days

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after becoming aware of such a change.

- 5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver will be renewed automatically, unless any of the conditions listed in subsection (g)(5)(A) through (g)(5)(C) of this Section occur. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subsections (g)(1) and (g)(2) of this Section.
 - A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (g)(1)(A) of this Section or has a 90th percentile lead level greater than 0.005 mg/l.
 - B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (g)(1)(B) of this Section or has a 90th percentile copper level greater than 0.65 mg/l.
 - C) The State notifies the supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.
- 6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:
 - A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G.
 - B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of [samplingsample](#) sites specified in subsection (c) of this Section.
- 7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:

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- A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (g)(1) of this Section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (g)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the last time the supplier monitored for lead and copper at the tap.
- B) If the supplier has met the materials criteria of subsection (g)(1) of this Section but has not met the monitoring criteria of subsection (g)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it met the criteria of subsection (g)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (g)(2) of this Section.

BOARD NOTE: Derived from 40 CFR 141.86 [\(2007\)](#), as amended at [72 Fed. Reg. 57782 \(October 10, 2007\)](#)~~(2003)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small- and medium-sized system suppliers that exceed the lead action level or the copper action level, must monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Table G of this Part.

- a) General Requirements.
- 1) Sample collection methods.

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- A) Use of tap samples. The totality of all tap samples collected by a supplier must be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).
 - B) Use of entry point samples. Each supplier must collect samples at entry points to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
- 2) Number of samples.
- A) Tap samples. Each supplier must collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) of this Section from the number of sites indicated in the first column of Table E of this Part.
 - B) Entry point samples.
 - i) Initial monitoring. Except as provided in subsection (c)(3) of this Section, each supplier must collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section.

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- ii) Subsequent monitoring. Each supplier must collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section.

- b) Initial Sampling.
 - 1) Large systems. Each large system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

 - 2) Small- and medium-sized systems. Each small- and medium-sized system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

 - 3) Water quality parameters.
 - A) pH;
 - B) Alkalinity;
 - C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
 - D) Silica, when an inhibitor containing a silicate compound is used;
 - E) Calcium;
 - F) Conductivity; and
 - G) Water temperature.

- c) Monitoring after installation of corrosion control.

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- 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(A).
- 2) Small- and medium-sized systems. Each small- or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.
- 3) Any groundwater system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated groundwater sources mixes with water from treated groundwater sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.
- 4) Tap water samples, two samples at each tap for each of the following water quality parameters:
 - A) pH;
 - B) Alkalinity;
 - C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
 - D) Silica, when an inhibitor containing a silicate compound is used; and

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- E) Calcium, when calcium carbonate stabilization is used as part of corrosion control.
- 5) Entry point samples, except as provided in subsection (c)(3) of this Section, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:
- A) pH;
- B) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
- C) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.
- 1) Large system suppliers. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must measure the applicable water quality parameters in accordance with subsection (c) of this Section and determine compliance with the requirements of Section 611.352(g) every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the date the Agency/State specifies the optimal values under Section 611.352(f).
- 2) Small- and medium-sized system suppliers. Each small- or medium-sized system supplier must conduct such monitoring during each six-month monitoring period specified in this subsection (d) in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level exceedence, the start/end of the applicable six-month monitoring period under this subsection (d) must coincide with the start/end of the applicable

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monitoring period under Section 611.356(d)(4).

- 3) Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g).
- e) Reduced monitoring.
- 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section must continue monitoring at the entry points to the distribution system as specified in subsection (c)(4) of this Section. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Table E of this Part during each subsequent six-month monitoring period.
 - 2) Reduction in monitoring frequency.
 - A) Staged reductions in monitoring frequency.
 - i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from every six months to annually. [This reduced sampling may only begin during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs.](#)
 - ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section may reduce the frequency with which it collects the number

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of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from annually to once every three years. This reduced sampling may only begin no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

- B) A water supplier may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates that it has fulfilled the conditions set forth in subsections (e)(2)(B)(i) through (e)(2)(B)(iii) of this Section-the following during two consecutive monitoring periods, subject to the limitation of subsection (e)(2)(B)(iv) of this Section.:
- i) The supplier must demonstrate that~~That~~ its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B);
 - ii) The supplier must demonstrate that~~That~~ its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/ℓ for copper in Section 611.350(c)(2); ~~and~~
 - iii) The supplier must demonstrate that~~That~~ it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f); ~~and-~~
 - iv) Monitoring conducted every three years must be done no later than every third calendar year.
- 3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.
- 4) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period

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specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.

- f) Additional monitoring by suppliers. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 [\(2007\), as amended at 72 Fed. Reg. 57782 \(October 10, 2007\)](#)~~(2002)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.358 Monitoring for Lead and Copper in Source Water

- a) Sample location, collection methods, and number of samples.
- 1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:
- A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- B) A surface water supplier must take a minimum of one sample at

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every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

- C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
 - D) The Agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/ℓ or the copper concentration is greater than or equal to 0.160 mg/ℓ, then the supplier must do either of the following:
 - i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
 - ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.
- 2) SEP requiring an additional sample.
- A) When the Agency determines that the results of sampling indicate an exceedence of the lead or copper MPC established under

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Section 611.353(b)(4), it must, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.

- B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.
- i) Any analytical result below the MDL must be considered as zero for the purposes of averaging.
 - ii) Any value above the MDL but below the PQL must either be considered as the measured value or be considered one-half the PQL.
- b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling must collect one source water sample from each entry point to the distribution system no later than within six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Agency has established an alternate monitoring period by a SEP issued pursuant to Section 611.110, the last day of that period.~~exceedence.~~
- c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before 36 months after completion of step 2, as specified in Section 611.353(a)(4).
- d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.
- 1) A supplier must monitor at the frequency specified by subsection

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(d)(1)(A) or (d)(1)(B) of this Section where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).

A) GWS suppliers.

i) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

ii) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during each subsequent compliance period.

iii) Triennial samples must be collected every third calendar year.

B) A SWS or mixed system supplier must collect samples once during each calendar year~~annually~~, the first annual monitoring period to begin during the year in~~on the date on~~ which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section.

e) Reduced monitoring frequency.

1) A GWS supplier may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 611.101), provided that the samples are collected no later than every ninth calendar year, and only if the supplier meets one of the following criteria:

A) The supplier demonstrates that finished drinking water entering the

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distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or

- B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/ℓ and the concentration of copper in source water was less than or equal to 0.65 mg/ℓ.
- 2) A SWS or mixed system supplier may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101), provided that the samples are collected no later than every ninth calendar year, and only if the supplier meets one of the following criteria:
- A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or
- B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/ℓ and the concentration of copper in source water was less than or equal to 0.65 mg/ℓ.
- 3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).

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BOARD NOTE: Derived from 40 CFR 141.88 [\(2007\), as amended at 72 Fed. Reg. 57782 \(October 10, 2007\)\(2003\)](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature must be conducted using the methods set forth in Section 611.611(a).

- a) Analyses for lead and copper performed for the purposes of compliance with this Subpart G must only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must do the following:
 - 1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and
 - 2) Achieve quantitative acceptance limits as follows:
 - A) For lead: ± 30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/l (the PQL for lead is 0.005 mg/l);
 - B) For copper: ± 10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/l (the PQL for copper is 0.050 mg/l);
 - C) Achieve the method detection limit (MDL) for lead (0.001 mg/l, as defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 186 and appendix B to 40 CFR 136: "Definition and Procedure for the Determination of the Method Detection Limit – Revision 1.11 ~~(2005)~~", incorporated by reference in Section 611.102(c). This need only be accomplished if the laboratory will be processing source water composite samples under Section ~~611.358(a)(1)(D)~~ ~~611.358(a)(1)(C)~~; and
 - D) Be currently certified by USEPA or the Agency to perform

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analyses to the specifications described in subsection ~~(a)(1)(a)(2)~~ of this Section.

BOARD NOTE: Subsection (a) is derived from 40 CFR 141.89(a) and (a)(1) ~~(2007)~~, as amended at 72 Fed. Reg. 57782 (October 10, 2007)~~(2005)~~.

- b) The Agency must, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart G if the data were collected and analyzed in accordance with the requirements of this Subpart G.

BOARD NOTE: Subsection (b) is derived from 40 CFR 141.89(a)(2) ~~(2007)~~~~(2005)~~.

- c) Reporting lead and copper levels.
- 1) All lead and copper levels greater than or equal to the lead and copper PQL ($Pb \geq 0.005 \text{ mg/l}$ and $Cu \geq 0.050 \text{ mg/l}$) must be reported as measured.
 - 2) All lead and copper levels measured less than the PQL and greater than the MDL ($0.005 \text{ mg/l} > Pb > MDL$ and $0.050 \text{ mg/l} > Cu > MDL$) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/l for lead or 0.025 mg/l for copper).
 - 3) All lead and copper levels below the lead and copper MDL ($MDL > Pb$) must be reported as zero.

BOARD NOTE: Subsection (c) is derived from 40 CFR 141.89(a)(3) and (a)(4) ~~(2007)~~~~(2005)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.360 Reporting

A supplier must report all of the following information to the Agency in accordance with this Section.

- a) Reporting for tap, lead, and copper, and water quality parameter monitoring.

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- 1) Except as provided in subsection (a)(1)(viii) of this Section, a supplier must report the following information for all samples specified in Section 611.356 and for all water quality parameter samples specified in Section 611.357 within ten days of the end of each applicable sampling period specified in Sections 611.356 and 611.357 (i.e., every six months, annually, every three years, or every nine years). [For a monitoring period with a duration less than six months, the end of the monitoring period is the last date on which samples can be collected during that period, as specified in Sections 611.356 and 611.357.](#)
 - A) The results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (a)(7) under which the site was selected for the supplier's sampling pool;
 - B) Documentation for each tap water lead or copper sample for which the water supplier requests invalidation pursuant to Section 611.356(f)(2);
 - C) This subsection (a)(1)(C) corresponds with 40 CFR 141.90(a)(1)(iii), a provision that USEPA removed and marked "reserved." This statement preserves structural parity with the federal rules;
 - D) The 90th percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each sampling period (calculated in accordance with Section 611.350(c)(3)), unless the Agency calculates the system's 90th percentile lead and copper levels under subsection (h) of this Section;
 - E) With the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier must designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;
 - F) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate

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or silica collected pursuant to Section 611.357(b) through (e);

- G) The results of all samples collected at entry points for applicable water quality parameters pursuant to Section 611.357(b) through (e).
 - H) A water supplier must report the results of all water quality parameter samples collected under Section 611.357(c) through (f) during each six-month monitoring period specified in Section 611.357(d) within the first 10 days following the end of the monitoring period, unless the Agency has specified, by a SEP granted pursuant to Section 611.110, a more frequent reporting requirement.
- 2) For a NTNCWS supplier, or a CWS supplier meeting the criteria of Sections 611.355(~~be~~)(7)(A) and (~~be~~)(7)(B), that does not have enough taps which can provide first-draw samples, the supplier must do either of the following:
- A) Provide written documentation to the Agency that identifies standing times and locations for enough non-first-draw samples to make up its sampling pool under Section 611.356(b)(5) by the start of the first applicable monitoring period under Section 611.356(d) that commenced after April 11, 2000, unless the Agency has waived prior Agency approval of non-first-draw ~~samplingsample~~ sites selected by the supplier pursuant to Section 611.356(b)(5); or
 - B) If the Agency has waived prior approval of non-first-draw ~~samplingsample~~ sites selected by the supplier, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to subsection (a)(1)(A) of this Section.
- 3) At a time specified by the Agency, by a SEP issued pursuant to Section 611.110, or if no specific time is designated by the Agency, then as early as possible prior to~~No later than 60 days after~~ the addition of a new source or any change in water treatment, ~~unless the Agency requires earlier~~

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~~notification~~, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring pursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver pursuant to Section 611.356(g), must ~~submit~~ send written documentation to the Agency describing the change ~~or addition~~. ~~In those instances where prior Agency approval of the treatment change or new source is not required, USEPA has stated that it encourages water systems to provide the notification to the Agency beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.~~

- 4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted pursuant to Section 611.356(g)(3), must provide the following information to the Agency in writing by the specified deadline:
 - A) By the start of the first applicable monitoring period in Section 611.356(d), any small water system supplier applying for a monitoring waiver must provide the documentation required to demonstrate that it meets the waiver criteria of Sections 611.356(g)(1) and (g)(2).
 - B) No later than nine years after the monitoring previously conducted pursuant to Section 611.356(g)(2) or Section 611.356(g)(4)(A), each small system supplier desiring to maintain its monitoring waiver must provide the information required by Sections 611.356(g)(4)(A) and (g)(4)(B).
 - C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system supplier with a monitoring waiver must provide written notification to the Agency, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the supplier plans to remove these materials.
 - D) By October 10, 2000, any small system supplier with a waiver granted prior to April 11, 2000 and that had not previously met the requirements of Section 611.356(g)(2) must have provided the

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information required by that subsection.

- 5) Each GWS supplier that limits water quality parameter monitoring to a subset of entry points under Section 611.357(c)(3) must provide, by the commencement of such monitoring, written correspondence to the Agency that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.
- b) Reporting for source water monitoring.
 - 1) A supplier must report the sampling results for all source water samples collected in accordance with Section 611.358 within ten days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.
 - 2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier must specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.
 - c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier must report the following information:

- 1) For a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).
- 2) For a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).
- 3) For a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c).
- 4) For a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit

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letter, which acts as certification that the supplier has completed installing the permitted treatment.

- d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier must provide the following information to the Agency:
- 1) If required by Section 611.353(b)(1), its recommendation regarding source water treatment; or
 - 2) For suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.
- e) Reporting for lead service line replacement. A supplier must report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:
- 1) No later than 12 months after the end of a monitoring period in which~~Within 12 months after~~ a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must submit~~report~~ each of the following to the Agency in writing:
 - A) The material~~A demonstration that it has conducted a materials evaluation, including the~~ evaluation conducted as required by Section 611.356(a);
 - B) The~~Identify the~~ initial number of lead service lines in its distribution system at the time the supplier exceeds the lead action level; and
 - C) The~~Provide the Agency with the~~ supplier's schedule for annually replacing at least seven percent of the initial number of lead service lines in its distribution system.
 - 2) Action by the supplier.

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A) ~~No later than~~~~Within~~ 12 months after the end of a monitoring period in which a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier must demonstrate to the Agency in writing that the supplier has done either of the following:

iA) Replaced in the previous 12 months at least seven percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(e)); or

iiB) Conducted sampling that demonstrates that the lead concentration in all service line samples from individual lines, taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/ℓ.

BC) ~~When~~~~Where~~ the supplier makes a demonstration under subsection (e)(2)(~~AB~~)(ii) of this Section, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section ~~611.354(c)~~~~611.354(b)~~, must equal at least seven percent of the initial number of lead lines identified pursuant to subsection ~~(e)(1)(a)~~ of this Section (or the percentage specified by the Agency pursuant to Section 611.354(e)).

3) The annual letter submitted to the Agency pursuant to subsection (e)(2) of this Section must contain the following information:

A) The number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;

B) The number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and

C) If measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.

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- 4) Any supplier that collects lead service line samples following partial lead service line replacement required by Section 611.354 must report the results to the Agency within the first ten days of the month following the month in which the supplier receives the laboratory results, or as specified by the Agency. The Agency may, by a SEP granted pursuant to Section 611.110, eliminate this requirement to report these monitoring results. A supplier must also report any additional information as specified by the Agency, and in a time and manner prescribed by the Agency, to verify that all partial lead service line replacement activities have taken place.
- f) Reporting for public education program.
- 1) Any water supplier that is subject to the public education requirements in Section 611.355 must, within ten days after the end of each period in which the supplier is required to perform public education tasks in accordance with Section [611.355\(b\)](#)~~611.355(e)~~, send written documentation to the Agency that contains the following:
 - A) A demonstration that the supplier has delivered the public education materials that meet the content requirements in [SectionSections](#) 611.355(a) ~~and (b)~~ and the delivery requirements in Section [611.355\(b\)](#)~~611.355(e)~~; and
 - B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the supplier delivered public education materials during the period in which the supplier was required to perform public education tasks.
 - 2) Unless required by the Agency, by a SEP issued pursuant to Section 611.110, a supplier that previously has submitted the information required by subsection (f)(1)(B) of this Section need not resubmit the information required by subsection (f)(1)(B) of this Section, as long as there have been no changes in the distribution list and the supplier certifies that the public education materials were distributed to the same list submitted previously.
 - 3) No later than three months following the end of the monitoring period, each supplier must mail a sample copy of the consumer notification of tap results to the Agency, along with a certification that the notification has

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[been distributed in a manner consistent with the requirements of Section 611.355\(d\).](#)

- g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart G must report the results of that sampling to the Agency within the first ten days following the end of the applicable sampling periods specified by Sections 611.356 through 611.358 during which the samples are collected.
- h) Reporting of 90th percentile lead and copper concentrations where the Agency calculates a system's 90th percentile concentrations. A water supplier is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by subsection (a)(1)(D) of this Section if the following is true:
- 1) The Agency has previously notified the water supplier that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subsection (h)(2)(A) of this Section, and has specified a date before the end of the applicable monitoring period by which the supplier must provide the results of lead and copper tap water samples;
 - 2) The supplier has provided the following information to the Agency by the date specified in subsection (h)(1) of this Section:
 - A) The results of all tap samples for lead and copper including the location of each site and the criteria under Section 611.356(a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) under which the site was selected for the system's sampling pool, pursuant to subsection (a)(1)(A) of this Section; and
 - B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and
 - 3) The Agency has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier before the end of the

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monitoring period.

BOARD NOTE: Derived from 40 CFR 141.90 ([2007](#)), as amended at 72 Fed. Reg. 57782 ([October 10, 2007](#))(~~2003~~).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION
BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.381 Analytical Requirements

- a) A supplier must use only the analytical methods specified in this Section or ~~alternative methods~~[their equivalents](#) as approved by the Agency [pursuant to Section 611.480](#) to demonstrate compliance with the requirements of this Subpart I and with the requirements of Subparts W and Y of this Part.
- b) Disinfection byproducts (DBPs).
 - 1) A supplier must measure disinfection byproducts (DBPs) by the appropriate of the following methods:
 - A) TTHM:
 - i) By purge and trap, gas chromatography, electrolytic conductivity detector, and photoionization detector: USEPA Organic Methods, Method 502.2. If TTHMs are the only analytes being measured in the sample, then a photoionization detector is not required.
 - ii) By purge and trap, gas chromatography, mass spectrometer: USEPA Organic Methods, Method 524.2.
 - iii) By liquid-liquid extraction, gas chromatography, electron capture detector: USEPA Organic Methods, Method 551.1.
 - B) HAA5:

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- i) By liquid-liquid extraction (diazomethane), gas chromatography, electron capture detector: Standard Methods, 19th or 21st ed., Method 6251 B.

[BOARD NOTE: On January 4, 2006 \(at 71 Fed. Reg. 388\), USEPA amended the entry for HAA5 by liquid-liquid extraction \(diazomethane\), gas chromatography, electron capture detector, in the table at corresponding 40 CFR 141.131\(b\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 6251 B \(as approved in 1994\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 6251 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 6251 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- ii) By solid phase extractor (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.1.
- iii) By liquid-liquid extraction (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.2 or 552.3.

C) Bromate:

- i) By ion chromatography: USEPA Organic and Inorganic Methods, Method 300.1.
- ii) By ion chromatography and post-column reaction: USEPA OGWDW Methods, Method 317.0, rev 2.0, or 326.0, rev. 1.0.
- iii) By inductively-coupled plasma ~~—~~ mass spectrometer: USEPA Organic and Inorganic Methods, Method 321.8.

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BOARD NOTE: Ion chromatography and post column reaction or inductively-coupled plasma ~~–~~/mass spectrometry must be used for monitoring of bromate for purposes of demonstrating eligibility of reduced monitoring, as prescribed in Section 611.382(b)(3)(B). For inductively-coupled plasma ~~–~~/mass spectrometry, samples must be preserved at the time of sampling with 50 mg ethylenediamine (EDA) per liter of sample, and the samples must be analyzed within 28 days.

D) Chlorite:

- i) By amperometric titration: Standard Methods, 19th or 21st ed., Method 4500-ClO₂ E.

[BOARD NOTE: On January 4, 2006 \(at 71 Fed. Reg. 388\), USEPA amended the entry for chlorite by amperometric titration, in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 4500-ClO₂ E \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 4500-ClO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-ClO₂ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- ii) By spectrophotometry: USEPA OGWDW Methods, Method 327.0, rev. 1.1.
- iii) By ion chromatography: USEPA Environmental Inorganic Methods, Method 300.0; USEPA Organic and Inorganic Methods, Method 300.1; USEPA OGWDW Methods, Method 317.0, rev. 2.0, or 326.0, rev. 1.0; or ASTM Method D6581-00.

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BOARD NOTE: Amperometric titration or spectrophotometry may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in Section 611.382(b)(2)(A)(i). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in Section 611.382(b)(2)(A)(ii) and (b)(2)(B).

- 2) Analyses under this Section for DBPs must be conducted by laboratories that have received certification by USEPA or the Agency except as specified under subsection (b)(3) of this Section. To receive certification to conduct analyses for the DBP contaminants listed in Sections 611.312 and 611.381 and Subparts W and Y of this Part, the laboratory must fulfill the requirements of subsections (b)(2)(A), (b)(2)(C), and (b)(2)(D) of this Section.
 - A) The laboratory must analyze performance evaluation (PE) samples that are acceptable to USEPA or the Agency at least once during each consecutive 12-month period by each method for which the laboratory desires certification.
 - B) This subsection corresponds with 40 CFR 141.131(b)(2)(ii), which has expired by its own terms. This statement maintains structural consistency with the corresponding federal rule.
 - C) The laboratory must achieve quantitative results on the PE sample analyses that are within the acceptance limits set forth in subsections (b)(2)(C)(i) through (b)(2)(B)(xi) of this Section, subject to the conditions of subsections (b)(2)(C)(xii) and (b)(2)(C)(xiii) of this Section:
 - i) Chloroform (a THM): $\pm 20\%$ of true value;
 - ii) Bromodichloromethane (a THM): $\pm 20\%$ of true value;
 - iii) Dibromochloromethane (a THM): $\pm 20\%$ of true value;
 - iv) Bromoform (a THM): $\pm 20\%$ of true value;

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- v) Monochloroacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - vi) Dichloroacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - vii) Trichloroacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - viii) Monobromoacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - ix) Dibromoacetic Acid (an HAA5): $\pm 40\%$ of true value;
 - x) Chlorite: $\pm 30\%$ of true value; and
 - xi) Bromate: $\pm 30\%$ of true value.
 - xii) The laboratory must meet all four of the individual THM acceptance limits set forth in subsections (b)(2)(B)(i) through (b)(2)(B)(iv) of this Section in order to successfully pass a PE sample for TTHM.
 - xiii) The laboratory must meet the acceptance limits for four out of the five HAA5 compounds set forth in subsections (b)(2)(B)(v) through (b)(2)(B)(ix) of this Section in order to successfully pass a PE sample for HAA5.
- D) The laboratory must report quantitative data for concentrations at least as low as the minimum reporting levels (MRLs) listed in subsections (b)(2)(D)(i) through (b)(2)(D)(xi) of this Section, subject to the limitations of subsections (b)(2)(D)(xii) and (b)(2)(D)(xiii) of this Section, for all DBP samples analyzed for compliance with Sections 611.312 and 611.385 and Subparts W and Y of this Part:
- i) Chloroform (a THM): 0.0010 mg/l;
 - ii) Bromodichloromethane (a THM): 0.0010 mg/l;
 - iii) Dibromochloromethane (a THM): 0.0010 mg/l;
 - iv) Bromoform (a THM): 0.0010 mg/l;

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- v) Monochloroacetic Acid (an HAA5): 0.0020 mg/ℓ;
- vi) Dichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;
- vii) Trichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;
- viii) Monobromoacetic Acid (an HAA5): 0.0010 mg/ℓ;
- ix) Dibromoacetic Acid (an HAA5): 0.0010 mg/ℓ;
- x) Chlorite: 0.020 mg/ℓ, applicable to monitoring as required by Section 611.382(b)(2)(A)(ii) and (b)(2)(B); and
- xi) Bromate: 0.0050, or 0.0010 mg/ℓ if the laboratory uses USEPA OGWDW Methods, Method 317.0, rev. 2.0, or 326.0 or USEPA Organic and Inorganic Methods, Method 321.8.
- xii) The calibration curve must encompass the regulatory MRL concentration. Data may be reported for concentrations lower than the regulatory MRL as long as the precision and accuracy criteria are met by analyzing an MRL check standard at the lowest reporting limit chosen by the laboratory. The laboratory must verify the accuracy of the calibration curve at the MRL concentration by analyzing an MRL check standard with a concentration less than or equal to 110% of the MRL with each batch of samples. The measured concentration for the MRL check standard must be $\pm 50\%$ of the expected value, if any field sample in the batch has a concentration less than five times the regulatory MRL. Method requirements to analyze higher concentration check standards and meet tighter acceptance criteria for them must be met in addition to the MRL check standard requirement.
- xiii) When adding the individual trihalomethane or haloacetic acid concentrations, for the compounds listed in subsections (b)(2)(D)(v) through (b)(2)(D)(ix) of this

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Section, to calculate the TTHM or HAA5 concentrations, respectively, a zero is used for any analytical result that is less than the MRL concentration for that DBP, unless otherwise specified by the Agency.

- 3) A party approved by USEPA or the Agency must measure daily chlorite samples at the entrance to the distribution system.
- c) Disinfectant residuals.
- 1) A supplier must measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the appropriate of the methods listed in subsections (c)(1)(A) through (c)(1)(D) of this Section, subject to the provisions of subsection (c)(1)(E) of this Section:
 - A) Free Chlorine:
 - i) Amperometric titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl D, or ASTM Method 1253-86, 1253-96, or 1253-03;
 - ii) DPD ferrous titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl F;
 - iii) DPD colorimetric using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl G; or
 - iv) Syringaldazine (FACTS) using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl H.
 - B) Combined Chlorine:
 - i) Amperometric titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl D, or ASTM Method 1253-86, 1253-96, or 1253-03;
 - ii) DPD ferrous titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl F; or

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- iii) DPD colorimetric using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl G.
- C) Total Chlorine:
- i) Amperometric titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl D, or ASTM Method 1253-86, 1253-96, or 1253-03;
 - ii) Low-level amperometric titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl E;
 - iii) DPD ferrous titration using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl F;
 - iv) DPD colorimetric using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl G; or
 - v) Iodometric electrode using Standard Methods, 19th, 20th, or 21st ed., Method 4500-Cl I.
- D) Chlorine Dioxide:
- i) DPD using Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO₂ D;
 - ii) Amperometric Method II using Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO₂ E; or
 - iii) Lissamine Green spectrophotometric using USEPA OGWDW Method 327.0 (rev. 1.1).
- E) The methods listed are approved for measuring the specified disinfectant residual. The supplier may measure free chlorine or total chlorine for demonstrating compliance with the chlorine MRDL and combined chlorine, or total chlorine may be measured for demonstrating compliance with the chloramine MRDL.

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BOARD NOTE: On January 4, 2006 (at 71 Fed. Reg. 388), USEPA amended the entries for free chlorine, combined chlorine, and chlorine dioxide in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-Cl D, E, F, G, H, or I or Method 4500-ClO₂ E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 4500-Cl and Method 4500-ClO₂ that appear in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-Cl D, E, F, G, H, or I or Method 4500-ClO₂ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

2) Test strips.A) ITS Method D99-003.

BOARD NOTE: USEPA added ITS Method D99-003 as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

B) If approved by the Agency, a supplier may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

3) A party approved by USEPA or the Agency must measure residual disinfectant concentration.

d) A supplier required to analyze parameters not included in subsections (b) and (c) of this Section must use the methods listed below. A party approved by USEPA or the Agency must measure the following parameters:

- 1) Alkalinity. All methods allowed in Section 611.611(a)(21) for measuring alkalinity.
- 2) Bromide:

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- A) USEPA Inorganic Methods, Method 300.0;
 - B) USEPA Organic and Inorganic Methods, Method 300.1;
 - C) USEPA OGWDW Methods, Method 317.0 (rev. 2.0) or Method 326.0 (rev. 1.0); or
 - D) ASTM Method D6581-00.
- 3) Total Organic Carbon (TOC), by any of the methods listed in subsection (d)(3)(A)(i), (d)(3)(A)(ii), (d)(3)(A)(iii), or (d)(3)(B) of this Section, subject to the limitations of subsection (d)(3)(C) of this Section:
- A) Standard Methods, 19th, 20th, or 21st ed., using one of the following methods:
 - i) Method 5310 B (High-Temperature Combustion Method);
 - ii) Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method); or
 - iii) Method 5310 D (Wet-Oxidation Method).

[BOARD NOTE: On January 4, 2006 \(at 71 Fed. Reg. 388\), USEPA amended the entries for total organic carbon, high-temperature combustion, persulfate-ultraviolet or heated persulfate, and wet oxidation at corresponding 40 CFR 141.131\(d\)\(3\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 5310 B, C, or D \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 5310 B, C, or D that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 5310 B, C, or D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- B) USEPA NERL Method 415.3 (rev. 1.1).

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- C) Inorganic carbon must be removed from the samples prior to analysis. TOC samples may not be filtered prior to analysis. TOC samples must be acidified at the time of sample collection to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified TOC samples must be analyzed within 28 days.
- 4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV_{254}) (measured in m^{-1}) divided by the dissolved organic carbon (DOC) concentration (measured as mg/ℓ). In order to determine SUVA, it is necessary to separately measure UV_{254} and DOC. When determining SUVA, a supplier must use the methods stipulated in subsection (d)(4)(A) of this Section to measure DOC and the method stipulated in subsection (d)(4)(B) of this Section to measure UV_{254} . SUVA must be determined on water prior to the addition of disinfectants/oxidants by the supplier. DOC and UV_{254} samples used to determine a SUVA value must be taken at the same time and at the same location.
- A) Dissolved Organic Carbon (DOC). Standard Methods, 19th ed., 20th ed., or 21st ed., Method 5310 B (High-Temperature Combustion Method), Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Method 5310 D (Wet-Oxidation Method) or USEPA NERL Method 415.3 (rev. 1.1). Prior to analysis, DOC samples must be filtered through the 0.45 μm pore-diameter filter as soon as practical after sampling, not to exceed 48 hours. After filtration, DOC samples must be acidified to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified DOC samples must be analyzed within 28 days after sample collection. Inorganic carbon must be removed from the samples prior to analysis. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following standards: DOC less than 0.5 mg/ℓ ; and

[BOARD NOTE: On January 4, 2006 \(at 71 Fed. Reg. 388\), USEPA amended the entries for specific ultraviolet absorbance-dissolved organic carbon at corresponding 40 CFR](#)

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[141.131\(d\)\(4\)\(i\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 5310 B, C, or D \(as approved in 2000\). The Board has instead cited to the 21st edition of \[Standard Methods for the Examination of Water and Wastewater \\(the printed version of Standard Methods\\)\]\(#\), since the version of Method 5310 B, C, or D that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added \[Method 5310 B, C, or D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \\(at 73 Fed. Reg. 31616\\).\]\(#\)](#)

- B) Ultraviolet Absorption at 254 nm (UV₂₅₄). Method 5910 B (Ultraviolet Absorption Method). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV₂₅₄ samples must be filtered through a 0.45 µm pore-diameter filter. The pH of UV₂₅₄ samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours; and

[BOARD NOTE: On January 4, 2006 \(at 71 Fed. Reg. 388\), USEPA amended the entries for specific ultraviolet absorbance-ultraviolet absorption at 254 nm at corresponding 40 CFR 141.131\(d\)\(4\)\(ii\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 5910 B \(as approved in 2000\). The Board has instead cited to the 21st edition of \[Standard Methods for the Examination of Water and Wastewater \\(the printed version of Standard Methods\\)\]\(#\), since the version of Method 5910 B that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 5910 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- 5) pH. All methods allowed in Section 611.611(a)(17) for measuring pH.
- 6) Magnesium. All methods allowed in Section 611.611(a) for measuring magnesium.

BOARD NOTE: Derived from 40 CFR 141.131 [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2006\).](#)

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.480 Alternative Analytical Techniques

The Agency ~~must~~ may approve, by a SEP issued pursuant to Section 611.110, an ~~alternative~~ alternate analytical technique if it determines that USEPA has approved the method as an alternative method by adding it to 40CFR 141 and the Board has not incorporated the federal approval into this Part 611. The Agency must not approve an ~~alternative~~ alternate analytical technique without the concurrence of USEPA. ~~The Agency must approve an alternate technique if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any MCL.~~ The use of the ~~alternative~~ alternate analytical technique must not decrease the frequency of monitoring required by this Part.

BOARD NOTE: Derived from 40 CFR 141.27 ~~(2007)~~(2002).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS**Section 611.526 Analytical Methodology**

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- c) Suppliers must conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102, or in accordance with an alternative method approved by the Agency pursuant to Section 611.480 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):
 - 1) Total Coliform Fermentation Technique, as set forth in Standard Methods,

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18th, 19th, ~~or~~ 20th, or 21st ed.: Methods 9221 A and B, as follows:

- A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;
 - B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and
 - C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- 2) Total Coliform Membrane Filter Technique, as set forth in Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Methods 9222 A, B, and C.
- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9221 D, as follows:
- A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and
 - B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- 4) ONPG-MUG test: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.; ~~or from Standard Methods outlined~~ Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert System).)
- 5) Colisure Test (Autoanalysis Colilert System). (The Colisure Test may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these

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reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) E*Colite® Test (Charm Sciences, Inc.).
- 7) m-ColiBlue24® Test (Hatch Company).
- 8) ReadyCult Coliforms 100 Presence/Absence Test.
- 9) Membrane Filter Technique using Chromocult Coliform Agar.
- 10) Colitag® Test.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended note 1 to the table at corresponding 40 CFR 141.21\(f\)\(3\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 9221 A, B, and D \(as approved in 1999\) or Method 9222 A, B, and C \(as approved in 1997\); and 9223 B \(as approved in 1997\). The Board has cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\) for Methods 9221 and 9223, since the cited versions of the methods appears in that reference. USEPA later added Method 9221 A, B, and D; Method 9222 A, B, and C; Method 9223 from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved." This statement maintains structural consistency with the federal regulations.
- e) Suppliers must conduct fecal coliform analysis in accordance with the following procedure:
 - 1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

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- 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (the laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at $44.5 \pm 0.2^\circ \text{C}$ for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.
 - 3) EC medium is described in Standard Methods, 18th ed., 19th ed., and 20th ed.: Method 9221E.
 - 4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.
- f) Suppliers must conduct analysis of *E. coli* in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:
- 1) EC medium supplemented with $50 \mu\text{g}/\ell$ of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with $50 \mu\text{g}/\ell$ MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at $44.5 \pm 2^\circ \text{C}$ for 24 ± 2 hours; or
 - 2) Nutrient agar supplemented with $100 \mu\text{g}/\ell$ MUG (final concentration), as described in Standard Methods, 19th ed. and 20th ed.: Method 9222 G. This test is used to determine if a total coliform-positive sample, as determined by the MF technique, contains *E. coli*. Alternatively, Standard Methods, 18th ed.: Method 9221 B may be used if the membrane filter

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containing a total coliform-positive colony or colonies is transferred to nutrient agar, as described in Method 9221 B (paragraph 3), supplemented with 100 µg/l MUG . If Method 9221 B is used, incubate the agar plate at 35° Celsius for four hours, then observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

- 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Appendix D of this Part. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a six-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.
 - 4) The Colisure Test (Autoanalysis Colilert System).
 - 5) The membrane filter method with MI agar.
 - 6) The E*Colite® Test.
 - 7) The m-ColiBlue24® Test.
 - 8) ReadyCult Coliforms 100 Presence/Absence Test.
 - 9) Membrane Filter Technique using Chromocult Coliform Agar.
 - 10) Colitag® Test.
- g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 ml, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.

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- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2003\)](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.531 Analytical Requirements

The analytical methods specified in this Section, [or alternative methods approved by the Agency pursuant to Section 611.480](#), must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart L. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

- a) A supplier shall do as follows:
- 1) Conduct analyses of pH in accordance with one of the methods listed at Section 611.611; and
 - 2) Conduct analyses of total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102, as follows:
 - A) Total Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to

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hold samples below 10° C during transit.

- i) Total coliform fermentation technique: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- ii) Total coliform membrane filter technique: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9222 A, B, and C.

- iii) ONPG-MUG test (also known as the Autoanalysis Colilert System): Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9223.

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

- B) Fecal Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections

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611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Fecal coliform procedure: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9221 E.

BOARD NOTE: A-1 broth may be held up to seven days~~three months~~ in a tightly closed screwcap tube at 4° C (39° F).

- ii) Fecal Coliform Membrane Filter Procedure: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9222 D.

C) Heterotrophic bacteria.

- i) Pour plate method: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- ii) SimPlate method.

D) Turbidity.

BOARD NOTE: Styrene divinyl benzene beads (e.g., AMCO-AEPA-1 or equivalent) and stabilized formazin (e.g., Hach StablCal™ or equivalent) are acceptable substitutes for formazin.

- i) Nephelometric method: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 2130 B.

- ii) Nephelometric method: USEPA Environmental Inorganic Methods: Method 180.1

- iii) GLI Method 2.

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- iv) Hach FilterTrak Method 10133.
- E) Temperature: Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 2550.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for total coliforms, fecal coliforms, heterotrophic bacteria, turbidity, and temperature at corresponding 40 CFR 141.74(a)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2130 B (as approved in 2001); Method 9215 B (as approved in 2000); Method 9221 A, B, and C (as approved in 1999); Method 9222 A, B, C, and D (as approved in 1997); and Method 9223 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 2130, Method 9215, Method 9221, Method 9222, and Method 9223 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 2130 B; Method 9215 B; Method 9221 A, B, C, and E; Method 9222 A, B, C, and D; and Method 9223 from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- b) A supplier must measure residual disinfectant concentrations with one of the following analytical methods ~~from Standard Methods, 18th, 19th, or 20th ed. (the method for ozone, Method 4500-O₃B, appears only in the 18th and 19th editions):~~
 - 1) Free chlorine.
 - A) Amperometric Titration: ~~Method 4500-Cl D.~~
 - i) Standard Methods, 18th, 19th, 20th, or 21st ed.: Method 4500-Cl D.
 - ii) ASTM Method D 1253-03.
 - B) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, or 21st ed.: Method 4500-Cl F.
 - C) DPD Colimetric: Standard Methods, 18th, 19th, 20th, or 21st ed.:

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Method 4500-CI G.

D) Syringaldazine (FACTS): [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI H.

2) Total chlorine.

A) Amperometric Titration: ~~Method 4500-CI D.~~

i) [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI D.

ii) [ASTM Method D 1253-03.](#)

B) Amperometric Titration (low level measurement): [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI E.

C) DPD Ferrous Titrimetric: [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI F.

D) DPD Colimetric: [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI G.

E) Iodometric Electrode: [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CI I.

3) Chlorine dioxide.

A) Amperometric Titration: [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-CIO₂ C or E.

B) DPD Method: [Standard Methods, 18th, 19th or 20th ed.:](#) Method 4500-CIO₂ D.

C) [Spectrophotometric: USEPA OGWDW Methods, Method 327.0.](#)

4) Ozone: Indigo Method: [Standard Methods, 18th, 19th, 20th, or 21st ed.:](#) Method 4500-O₃ B.

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- 5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:
- A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
 - B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a 10-tube test.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for free chlorine, total chlorine, chlorine dioxide, and ozone at corresponding 40 CFR 141.74\(a\)\(2\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 4500-Cl D, E, F, G, and H \(as approved in 2000\); Method 4500-ClO₂ C and E \(as approved in 2000\); and Method 4500-O₃ B \(as approved in 1997\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the versions of Method 4500-Cl, Method 4500-ClO₂, and Method 4500-O₃ that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 4500-Cl D, E, F, G, and H; Method 4500-ClO₂ C and E; and Method 4500-O₃ B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

BOARD NOTE: Derived from 40 CFR 141.74(a) [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)](#)~~(2002)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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Section 611.600 Applicability

The following types of suppliers must conduct monitoring to determine compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart N:

- a) CWS suppliers.
- b) NTNCWS suppliers.
- c) Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.
- d) Detection limits. The following are detection limits for purposes of this Subpart N (MCLs from Section 611.301 are set forth for information purposes only):

Contaminant	MCL (mg/ℓ, except asbestos)	Method	Detection Limit (mg/ℓ)
Antimony	0.006	Atomic absorption-furnace technique	0.003
		Atomic absorption-furnace technique (stabilized temperature)	0.0008 ⁵
		Inductively-coupled plasma – mass spectrometry	0.0004
		Atomic absorption-gaseous hydride technique	0.001
Arsenic	0.010 ⁶	Atomic absorption-furnace technique	0.001

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		Atomic absorption-furnace technique (stabilized temperature)	0.00005 ⁷
		Atomic absorption-gaseous hydride technique	0.001
		Inductively-coupled plasma – mass spectrometry	0.0014 ⁸
Asbestos	7 MFL ¹	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption-furnace technique	0.002
		Atomic absorption-direct aspiration technique	0.1
		Inductively-coupled plasma arc furnace	0.002
		Inductively-coupled plasma	0.001
Beryllium	0.004	Atomic absorption-furnace technique	0.0002
		Atomic absorption-furnace technique (stabilized temperature)	0.00002 ⁵
		Inductively-coupled plasma ²	0.0003
		Inductively-coupled plasma – mass spectrometry	0.0003
Cadmium	0.005	Atomic absorption-furnace technique	0.0001
		Inductively-coupled plasma	0.001

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Chromium	0.1	Atomic absorption-furnace technique	0.001
		Inductively-coupled plasma	0.007
		Inductively-coupled plasma	0.001
Cyanide	0.2	Distillation, spectrophotometric ³	0.02
		Automated distillation, spectrophotometric ³	0.005
		Distillation, selective electrode ³	0.05
		Distillation, amenable, spectrophotometric ⁴	0.002
		UV, distillation, spectrophotometric ⁹	0.0005
		Micro distillation, flow injection, Distillation, spectrophotometric³	0.0006
Mercury	0.002	Ligand exchange with amperometry⁴	0.0005
		Manual cold vapor technique	0.0002
		Automated cold vapor technique	0.0002
Nickel	No MCL	Atomic absorption-furnace technique	0.001

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		Atomic absorption-furnace technique (stabilized temperature)	0.0006 ⁵
		Inductively-coupled plasma ²	0.005
		Inductively-coupled plasma – mass spectrometry	0.0005
Nitrate (as N)	10	Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
		Automated cadmium reduction	0.05
		Ion-selective electrode	1
		Ion chromatography	0.01
		Capillary ion electrophoresis	0.076
Nitrite (as N)	1	Spectrophotometric	0.01
		Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
		Ion chromatography	0.004
		Capillary ion electrophoresis	0.103
Selenium	0.05	Atomic absorption-furnace technique	0.002
		Atomic absorption-gaseous hydride technique	0.002

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Thallium	0.002	Atomic absorption-furnace technique	0.001
		Atomic absorption-furnace technique (stabilized temperature)	0.0007 ⁵
		Inductively-coupled plasma – mass spectrometry	0.0003

Footnotes.

- ¹ "MFL" means millions of fibers per liter less than 10 µm.
- ² Using a 2x preconcentration step as noted in Method 200.7. Lower MDLs may be achieved when using a 4x preconcentration.
- ³ Screening method for total cyanides.
- ⁴ Measures "free" cyanides [when distillation, digestion, or ligand exchange is omitted.](#)
- ⁵ Lower MDLs are reported using stabilized temperature graphite furnace atomic absorption.
- ⁶ The value for arsenic is effective January 23, 2006. Until then, the MCL is 0.05 mg/ℓ.
- ⁷ The MDL reported for USEPA Method 200.9 (atomic absorption-platform furnace (stabilized temperature)) was determined using a 2x concentration step during sample digestion. The MDL determined for samples analyzed using direct analyses (i.e., no sample digestion) will be higher. Using multiple depositions, USEPA Method 200.9 is capable of obtaining an MDL of 0.0001 mg/ℓ.
- ⁸ Using selective ion monitoring, USEPA Method 200.8 (ICP-MS) is capable of obtaining an MDL of 0.0001 mg/ℓ.
- ⁹ [Measures total cyanides when UV-digester is used, and "free" cyanides when UV-digester is bypassed.](#)

BOARD NOTE: Subsections (a) through (c) of this Section are derived from 40 CFR 141.23 preamble [\(2007\)\(2003\)](#); and subsection (d) of this Section is derived from 40 CFR 141.23 (a)(4)(i) [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2003\)](#). See the Board Note at Section 611.301(b) relating to the MCL for nickel.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.611 Inorganic Analysis

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Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the following methods or an alternative [method](#) approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102. ~~(This document also contains approved analytical test methods that remained available for compliance monitoring until July 1, 1996. These methods are not available for use after July 1, 1996.)~~

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium and arsenic by USEPA Environmental Metals Method 200.7, and arsenic by Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed., Method 3120 B sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Methods, 18th, ~~or 19th~~, [or 21st](#) ed., Method 3113 B; and lead by ASTM Method D3559-96 D [or D3559-03 D](#) unless multiple in-furnace depositions are made.

- 1) Alkalinity.

- A) Titrimetric.

- i) ASTM Method D1067-92 [B or D1067-02 B](#); or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.: Method 2320 B.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for alkalinity by titrimetric alkalinity in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online](#)

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(at www.standardmethods.org), Method 2320 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 2320 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 2320 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Electrometric titration: USGS Methods: Method I-1030-85.
- 2) Antimony.
- A) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
 - B) Atomic absorption, hydride technique: ASTM Method D3697-92 or D3697-02.
 - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
 - D) Atomic absorption, furnace technique: Standard Methods, 18th ~~or~~ 19th or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for antimony by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative

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[method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- E) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

3) Arsenic.

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by Methods 200.7, 200.8, or Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed., 3120 B, the arsenic must be in the pentavalent state to provide uniform signal response. For methods 200.7 and 3120 B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of 100 µl of 30% hydrogen peroxide per 100 ml of solution. For direct analysis of arsenic with method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/l of sodium hypochlorite.

A) Inductively-coupled plasma.

BOARD NOTE: Effective January 23, 2006, a supplier may no longer employ analytical methods using the ICP-AES technology because the detection limits for these methods are 0.008 mg/l or higher. This restriction means that the two ICP-AES methods (USEPA Environmental Metals Method 200.7 and Standard Methods, Method 3120 B) approved for use for the MCL of 0.05 mg/l may not be used for compliance determinations for the revised MCL of 0.010 mg/l. However, prior to the 2005 through 2007 compliance period, a supplier may have compliance samples analyzed with these less sensitive methods.

- i) USEPA Environmental Metals Methods: Method 200.7; or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.: Method 3120 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for arsenic by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method for several other metals in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA, however, did not specifically add Method 2130 B as to arsenic in the June 3, 2008 action.

- B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique.
 - i) ASTM Method D2972-97 C or 2972-03 C; or
 - ii) Standard Methods, 18th, ~~or~~ 19th, or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for arsenic by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods),

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since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Atomic absorption, hydride technique.
- i) ASTM Method D2972-97 B or 2972-03 B; or
 - ii) Standard Methods, 18th ~~, or~~ 19th , or 21st ed.: Method 3114 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for antimony by atomic absorption, hydride technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3114 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3114 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3114 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- F) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- 4) Asbestos: Transmission electron microscopy: USEPA Asbestos Methods-100.1 and USEPA Asbestos Methods-100.2.

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- 5) Barium.
- A) Inductively-coupled plasma.
- i) USEPA Environmental Metals Methods: Method 200.7; or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, direct aspiration technique: Standard Methods, 18th, ~~or 19th~~, or 21st ed.: Method 3111 D.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by atomic absorption, direct aspiration technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 D (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as

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acceptable for use. USEPA later added Method 3111 D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- D) Atomic absorption, furnace technique: Standard Methods, 18th, 19th, or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for barium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- 6) Beryllium.

- A) Inductively-coupled plasma.

- i) USEPA Environmental Metals Methods: Method 200.7; or
ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for beryllium by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique.
 - i) ASTM Method D3645-97 B or D3645-03 B; or
 - ii) Standard Methods, 18th ~~, or~~ 19th , or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for beryllium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st

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edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

7) Cadmium.

- A) Inductively-coupled plasma arc furnace: USEPA Environmental Metals Methods: Method 200.7.
- B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ~~or~~ 19th, or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cadmium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

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E) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

8) Calcium.

A) EDTA titrimetric.

i) ASTM Method D511-93 [A or D511-03 A](#); or

ii) Standard Methods, 18th ~~or~~, 19th ~~or 20th~~ ed.: Method 3500-Ca D [or Standard Methods, 20th or 21st ed.: Method 3500-Ca B.](#)

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for calcium by EDTA titrimetric in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3500-Ca D \(as approved in 1997\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 3500-Ca that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3500-Ca B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

B) Atomic absorption, direct aspiration.

i) ASTM Method D511-93 [B or D511-03 B](#); or

ii) Standard Methods, 18th ~~or~~ 19th ~~or 21st~~ ed.: Method 3111 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for calcium by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Inductively-coupled plasma.
- i) USEPA Environmental Metals Methods: Method 200.7; or
 - ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for calcium by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- D) Ion chromatography: ASTM Method D6919-03.

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E) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

9) Chromium.

A) Inductively-coupled plasma.

i) USEPA Environmental Metals Methods: Method 200.7; or

ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for chromium by inductively-coupled plasma in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3120 B \(as approved in 1999\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

D) Atomic absorption, furnace technique: Standard Methods, 18th, ~~or 19th~~, or 21st ed.: Method 3113 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for chromium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

10) Copper.

- A) Atomic absorption, furnace technique.

- i) ASTM Method D1688-95 C or D1688-02 C; or
- ii) Standard Methods, 18th, ~~or~~ 19th, or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods),

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since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Atomic absorption, direct aspiration.
- i) ASTM Method D1688-95 A or 1688-02 A; or
 - ii) Standard Methods, 18th, ~~19th~~, or 21st ed.: Method 3111 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Inductively-coupled plasma.
- i) USEPA Environmental Metals Methods: Method 200.7; or
 - ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for copper by inductively-coupled plasma in the table at corresponding 40

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CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

D) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

F) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

11) Conductivity; Conductance.

A) ASTM Method D1125-95(1999) A; or

B) Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 2510 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for conductivity by conductance in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 2510 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 2510 that appears in that printed volume is that

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cited by USEPA as acceptable for use. USEPA later added Method 2510 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

12) Cyanide.

A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN⁻ C), followed by spectrophotometric, amenable.

i) ASTM Method D2036-98 B or 2036-06 B; or

BOARD NOTE: USEPA added ASTM Method 2036-06 A as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-CN⁻ G.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by spectrophotometric, amenable, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN⁻ G (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-CN⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN⁻ G from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN⁻ C), followed by spectrophotometric, manual.

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- i) ASTM Method D2036-98 A or 2036-06 A;
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-CN⁻ E; or

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by spectrophotometric, manual, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN⁻ E (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-CN⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- iii) USGS Methods: Method I-3300-85.
- C) ~~Spectrophotometric, semiautomated; Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN⁻ C), followed by semiautomated spectrophotometric:~~ USEPA Environmental Inorganic Methods: Method 335.4.
- D) Selective electrode: Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-CN⁻ F.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for cyanide by selective electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-CN⁻ F (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since

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the version of Method 4500-CN⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-CN⁻ F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) UV/Distillation/Spectrophotometric: Kelada 01.
 - F) Microdistillation/Flow Injection/Spectrophotometric:
Distillation/Spectrophotometric: QuickChem 10-204-00-1-X.
 - G) Ligand exchange and amperometry.
 - i) ASTM Method D6888-03.
 - ii) OI Analytical Method OIA-1677 DW.
- 13) Fluoride.
- A) Ion Chromatography.
 - i) USEPA Environmental Inorganic Methods: Method 300.0 or Method 300.1;
 - ii) ASTM Method D4327-97 or D4327-03; or
 - iii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4110 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for

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use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 4500-F⁻ B and D.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by manual distillation, colorimetry SPADNS, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-F⁻ B and D (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ B and D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Manual electrode.

- i) ASTM Method D1179-93 B, D1179-99 B, or D1179-04 B;
or

BOARD NOTE: USEPA added ASTM Method D1179-04 B as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- ii) Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 4500-F⁻ C.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by manual electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online

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(at www.standardmethods.org), Method 4500-F⁻ C (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

D) Automated electrode: Technicon Methods: Method 380-75WE.

E) Automated alizarin.

i) Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 4500-F⁻ E; or

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride by automated alizarin in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-F⁻ E (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-F⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-F⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

ii) Technicon Methods: Method 129-71W.

F) Capillary ion electrophoresis: ASTM Method D6508-00(2005)e2 (rev. 2).

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and revised in 2005. The Board has cited to the ASTM Method D6508-00(2005)e2.

14) Lead.

A) Atomic absorption, furnace technique.

- i) ASTM Method D3559-96 D or D3559-03; or
- ii) Standard Methods, 18th ~~, or~~ 19th , or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for lead by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

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D) Differential Pulse Anodic Stripping Voltammetry: Palintest Method 1001.

E) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

15) Magnesium.

A) Atomic absorption.

i) ASTM Method D511-93 [B or D511-03 B](#); or

ii) Standard Methods, 18th, ~~or 19th~~, [or 21st](#) ed.: Method 3111 B.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for magnesium by atomic absorption in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3111 B \(as approved in 1999\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

B) Inductively-coupled plasma.

i) USEPA Environmental Metals Methods: Method 200.7; or

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- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for magnesium by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

C) Complexation titrimetric.

- i) ASTM Method D511-93 A or D511-03 A; or
- ii) Standard Methods, 18th or 19th ed.: Method 3500-Mg E or Standard Methods, 20th or 21st ed.: Method 3500-Mg B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for magnesium by complexation titrimetric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3500-Mg B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3500-Mg that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3500-Mg B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

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iii) ~~Standard Methods, 20th ed.: Method 3500-Mg-B.~~

D) Ion chromatography: ASTM Method D6919-03.

E) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

16) Mercury.

A) Manual cold vapor technique.

i) USEPA Environmental Metals Methods: Method 245.1;

ii) ASTM Method D3223-97 or D3223-02; or

iii) Standard Methods, 18th ~~, or~~ 19th , or 21st ed.: Method 3112 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for mercury by manual cold vapor technique in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3112 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3112 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3112 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

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- B) Automated cold vapor technique: USEPA Inorganic Methods: Method 245.2.
 - C) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- 17) Nickel.
- A) Inductively-coupled plasma.
 - i) USEPA Environmental Metals Methods: Method 200.7; or
 - ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, direct aspiration technique: Standard Methods, 18th, ~~or 19th~~, or 21st ed.: Method 3111 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by atomic absorption, direct aspiration technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Atomic absorption, furnace technique: Standard Methods, 18th, ~~or~~ 19th, or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nickel by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- F) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- 18) Nitrate.

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- A) Ion chromatography.
- i) USEPA Environmental Inorganic Methods: Method 300.0 [or Method 300.1](#);
 - ii) ASTM Method D4327-97 [or D4327-03](#);
 - iii) Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.: Method 4110 B; or

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for nitrate by ion chromatography in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 4110 B \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- iv) Waters Test Method B-1011, available from Millipore Corporation.

- B) Automated cadmium reduction.
- i) USEPA Environmental Inorganic Methods: Method 353.2;
 - ii) ASTM Method D3867-90 A; or
 - iii) Standard Methods, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.: Method 4500-NO₃⁻ F.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by automated cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻F (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

C) Ion selective electrode.

- i) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-NO₃⁻ D; or

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by ion selective electrode in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- ii) Technical Bulletin 601.

D) Manual cadmium reduction.

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- i) ASTM Method D3867-90 B; or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-NO₃⁻ E.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate by manual cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Capillary ion electrophoresis: ASTM Method D6508-00(2005)e2 (rev. 2).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrate to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and revised in 2005. The Board has cited to the ASTM Method D6508-00(2005)e2.

19) Nitrite.

- A) Ion chromatography.
 - i) USEPA Environmental Inorganic Methods: Method 300.0 or Method 300.1;
 - ii) ASTM Method D4327-97 or D4327-03;

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- iii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4110 B; or

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

- i) USEPA Environmental Inorganic Methods: Method 353.2;
- ii) ASTM Method D3867-90 A; or
- iii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-NO₃⁻ F.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by automated cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ F (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods),

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since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Manual cadmium reduction.
- i) ASTM Method D3867-90 B; or
 - ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-NO₃⁻ E.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by manual cadmium reduction in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₃⁻ E (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-NO₃⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₃⁻ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- D) Spectrophotometric: Standard Methods, 18th, 19th, ~~or 20th~~ or 21st ed.: Method 4500-NO₂⁻ B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite by spectrophotometric in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-NO₂⁻ B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods),

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since the version of Method 4500-NO₂⁻ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-NO₂⁻ B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Capillary ion electrophoresis: ASTM Method D6508-00(2005)e2 (rev. 2).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for nitrite to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and revised in 2005. The Board has cited to the ASTM Method D6508-00(2005)e2.

- 20) Orthophosphate (unfiltered, without digestion or hydrolysis).

- A) Automated colorimetric, ascorbic acid.

- i) USEPA Environmental Inorganic Methods: Method 365.1;
or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-P F.

BOARD NOTE: USEPA added Method 4500-P F from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA also added Method 4500-P F (as approved in 1999) as available from Standard Methods Online (at www.standardmethods.org). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-P F that appears in the printed volume is the 1999 version available from the online source.

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- B) Single reagent colorimetric, ascorbic acid.
- i) ASTM Method D515-88 A; or
 - ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4500-P E.
- BOARD NOTE: USEPA added Method 4500-P E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA also added Method 4500-P E (as approved in 1999) as available from Standard Methods Online (at www.standardmethods.org). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-P E that appears in the printed volume is the 1999 version available from the online source.
- C) Colorimetric, phosphomolybdate: USGS Methods: Method I-1601-85.
- D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods: Method I-2601-90.
- E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods: Method I-2598-85.
- F) Ion Chromatography.
- i) USEPA Environmental Inorganic Methods: Method 300.0 or Method 300.1;
 - ii) ASTM Method D4327-97 or D4327-03; or
 - iii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 4110 B.

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for orthophosphate by ion chromatography in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

G) Capillary ion electrophoresis: Waters Method D6508, rev. 2.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for orthophosphate to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and revised in 2005. The Board has cited to the ASTM Method D6508-00(2005)e2.

21) pH: electrometric.

A) Electrometric.

Ai) USEPA Inorganic Methods: Method 150.1 or Method 150.2;

Bii) ASTM Method D1293-95 or D1293-99; or

Ciii) Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 4500-H⁺4500-H⁺ B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for pH by electrometric in the table at

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corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-H⁺B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-H⁺ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-H⁺ B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

~~B) USEPA Inorganic Methods: Method 150.2.~~

22) Selenium.

A) Atomic absorption, hydride.

- i) ASTM Method D3859-98 A or D3859-03 A; or
- ii) Standard Methods, 18th, ~~or 19th~~, or 21st ed.: Method 3114 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for selenium by atomic absorption, hydride, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3114 B (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3114 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3114 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

B) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

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- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique.
- i) ASTM Method D3859-98 B or D3859-03 B; or
- ii) Standard Methods, 18th ~~, or~~ 19th , or 21st ed.: Method 3113 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for selenium by atomic absorption, furnace technique, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3113 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3113 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3113 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- E) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- 23) Silica.
- A) Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.

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- B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Method I-2700-85.

- C) Colorimetric: ASTM Method [D859-94, D859-00, or D859-05](#)~~D859-95~~.

[BOARD NOTE: USEPA added ASTM Method D859-05 as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- D) Molybdosilicate: Standard Methods, 18th or 19th ed.: Method 4500-Si D or Standard Methods, 20th or 21st ed.: Method [4500-SiO₂4500-Si C](#).

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for silica by molybdosilicate in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 4500-SiO₂ C \(as approved in 1997\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 4500-SiO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂ C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- E) Heteropoly blue: Standard Methods, 18th or 19th ed.: Method 4500-Si E or Standard Methods, 20th or 21st ed.: Method [4500-SiO₂4500-Si D](#).

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for silica by heteropoly blue in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 4500-SiO₂ D \(as approved in 1997\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 4500-SiO₂ that appears in that printed](#)

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volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂ D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- F) Automated method for molybdate-reactive silica: Standard Methods, 18th or 19th ed.: Method 4500-Si F or Standard Methods, 20th or 21st ed.: Method ~~4500-Si~~ 4500-SiO₂ E.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by automated method for molybdate-reactive silica in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 4500-SiO₂ E (as approved in 1997). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 4500-SiO₂ that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 4500-SiO₂ E from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- G) Inductively-coupled plasma.
- i) USEPA Environmental Metals Methods: Method 200.7; or
- ii) Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 3120 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for silica by inductively-coupled plasma in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3120 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3120 that appears in that

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printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3120 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- H) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).

24) Sodium.

- A) Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7.
- B) Atomic absorption, direct aspiration: Standard Methods, 18th, ~~or~~ 19th, or 21st ed.: Method 3111 B.

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for sodium by atomic absorption, direct aspiration, in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 3111 B (as approved in 1999). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 3111 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 3111 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) Ion chromatography: ASTM Method D6919-03.
- D) Axially viewed inductively-coupled plasma – atomic emission spectrometry (AVICP-AES): USEPA Methods: Method 200.5.

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[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- 25) Temperature; thermometric: Standard Methods, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 2550.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entry for temperature by thermometric in the table at corresponding 40 CFR 141.23\(k\)\(1\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 2550 \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 2550 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 2550 from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- 26) Thallium.

- A) Inductively-coupled plasma – mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

- b) Sample collection for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4° C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals

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analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 are followed.

- 1) Antimony.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 2) Arsenic.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 3) Asbestos.
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 4) Barium.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

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- 5) Beryllium.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 6) Cadmium.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 7) Chromium.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 8) Cyanide.
 - A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

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- 9) Fluoride.
 - A) Preservative: None.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within one month.
- 10) Mercury.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.
- 11) Nickel.
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 12) Nitrate, chlorinated.
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 13) Nitrate, non-chlorinated.
 - A) Preservative: Concentrated sulfuric acid to pH less than 2.

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- B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 14) Nitrite.
- A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 15) Selenium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- 16) Thallium.
- A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.
- c) Analyses under this Subpart N must be conducted by laboratories that received approval from USEPA or the Agency. The Agency must certify laboratories to conduct analyses for antimony, arsenic (effective January 23, 2006), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:

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- 1) It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and
- 2) It achieves quantitative results on the analyses within the following acceptance limits:
 - A) Antimony: $\pm 30\%$ at greater than or equal to 0.006 mg/l.
 - B) Arsenic: $\pm 30\%$ at greater than or equal to 0.003 mg/l.
 - C) Asbestos: 2 standard deviations based on study statistics.
 - D) Barium: $\pm 15\%$ at greater than or equal to 0.15 mg/l.
 - E) Beryllium: $\pm 15\%$ at greater than or equal to 0.001 mg/l.
 - F) Cadmium: $\pm 20\%$ at greater than or equal to 0.002 mg/l.
 - G) Chromium: $\pm 15\%$ at greater than or equal to 0.01 mg/l.
 - H) Cyanide: $\pm 25\%$ at greater than or equal to 0.1 mg/l.
 - I) Fluoride: $\pm 10\%$ at 1 to 10 mg/l.
 - J) Mercury: $\pm 30\%$ at greater than or equal to 0.0005 mg/l.
 - K) Nickel: $\pm 15\%$ at greater than or equal to 0.01 mg/l.
 - L) Nitrate: $\pm 10\%$ at greater than or equal to 0.4 mg/l.
 - M) Nitrite: $\pm 15\%$ at greater than or equal to 0.4 mg/l.
 - N) Selenium: $\pm 20\%$ at greater than or equal to 0.01 mg/l.
 - O) Thallium: $\pm 30\%$ at greater than or equal to 0.002 mg/l.

BOARD NOTE: Derived from 40 CFR 141.23(k) [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2003\)](#).

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

- a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:
- 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.
 - 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.
 - 3) This subsection (a)(3) corresponds with 40 CFR 141.23(1)(3), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.
 - 4) This subsection (a)(4) corresponds with 40 CFR 141.23(1)(4), which authorizes the state to determine compliance and initiate enforcement action. This statement maintains structural consistency with USEPA rules.
- b) If the result of an analysis made under subsection (a) of this Section indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must report to the Agency within seven days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b) of this Section, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier must notify the Agency and give notice to the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section

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- d) This subsection (d) corresponds with 40 CFR 141.23(o), which pertains to monitoring for the repealed old MCL for nitrate. This statement maintains structural consistency with USEPA rules.
- e) This subsection (e) corresponds with 40 CFR 141.23(p), which pertains to the use of existing data up until a date long since expired. This statement maintains structural consistency with USEPA rules.
- f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102, [or alternative methods approved by the Agency pursuant to Section 611.480](#).
- 1) Fluoride: The methods specified in Section 611.611(c) must apply for the purposes of this Section.
 - 2) Iron.
 - A) Standard Methods.
 - i) Method 3111 B, 18th, ~~or 19th~~, [or 21st](#) ed.;
 - ii) Method 3113 B, 18th, ~~or 19th~~, [or 21st](#) ed.;
 - iii) Method 3120 B, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for iron in the table at 40 CFR 143.4\(b\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3111 B, Method 3113 B, and Method 3120 B \(as approved in 1999\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the versions of Method 3111, Method 3113, and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111](#)

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[B, Method 3113 B, and Method 3120 B from the 21st edition of Standard Methods as approved alternative methods in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

B) USEPA Environmental Metals Methods.

i) Method 200.7; or

ii) Method 200.9.

[C\) Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

3) Manganese.

A) Standard Methods.

i) Method 3111 B, 18th, ~~or 19th~~, or 21st ed.;

ii) Method 3113 B, 18th, ~~or 19th~~, or 21st ed.; or

iii) Method 3120 B, 18th, 19th, ~~or 20th~~, or 21st ed.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for manganese in the table at 40 CFR 143.4\(b\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3111 B, Method 3113 B, and Method 3120 B \(as approved in 1999\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the versions of Method 3111, Method 3113, and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111 B, Method 3113 B, and Method 3120 B from the 21st edition of](#)

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[Standard Methods as approved alternative methods in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

B) USEPA Environmental Metals Methods.

- i) Method 200.7;
- ii) Method 200.8; or
- iii) Method 200.9.

C) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\): USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

4) Zinc.

A) Standard Methods.

- i) Method 3111 B, 18th, ~~or 19th~~, [or 21st](#) ed.; or
- ii) Method 3120 B, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for zinc in the table at 40 CFR 143.4\(b\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 3111 B and Method 3120 B \(as approved in 1999\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the versions of Method 3111 and Method 3120 that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 3111 B, Method 3113 B, and Method 3120 B from the 21st edition of Standard Methods as approved alternative methods in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

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B) USEPA Environmental Metals Methods.

i) Method 200.7; or

ii) Method 200.8.

C) [Axially viewed inductively-coupled plasma – atomic emission spectrometry \(AVICP-AES\); USEPA Methods: Method 200.5.](#)

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

BOARD NOTE: The provisions of subsections (a) through (f) of this Section derive from 40 CFR 141.23(1) through (p) [\(2007\)\(2002\)](#). Subsections (f)(2) through (f)(4) of this Section relate exclusively to additional State requirements. The Board retained subsection (f) of this Section to set forth methods for the inorganic contaminants for which there is a State-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) [\(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2002\)](#), for secondary MCLs.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential must be conducted using the methods listed in this Section or by [alternativeequivalent](#) methods as approved by the Agency pursuant to Section 611.480. All methods are from USEPA Organic Methods, unless otherwise indicated. All methods are incorporated by reference in Section 611.102. [Other required analytical test procedures germane to the conduct of these analyses are contained in the USEPA document, "Technical Notes of Drinking Water Methods," incorporated by reference in Section 611.102.](#)

Volatile Organic Chemical Contaminants (VOCs).

Contaminant

Analytical Methods

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Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551.1
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2
1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551.1
1,1,1-Trichloroethane	502.2, 524.2, 551.1
Trichloroethylene	502.2, 524.2, 551.1
Toluene	502.2, 524.2
1,2,4-Trichlorobenzene	502.2, 524.2
1,1-Dichloroethylene	502.2, 524.2
1,1,2-Trichloroethane	502.2, 524.2
Vinyl chloride	502.2, 524.2
Xylenes (total)	502.2, 524.2

Synthetic Organic Chemical Contaminants (SOCs).

Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)	Dioxin and Furan Method 1613
2,4-D	515.2, 555, 515.1, 515.3, OGWDW Methods, Method 515.4 , ASTM Method D5317-93 or D5317-98
2,4,5-TP (Silvex)	515.2, 555, 515.1, 515.3, OGWDW Methods, Method 515.4 , ASTM Method D5317-93 or D5317-98
Alachlor	505* ¹ , 507, 508.1, 525.2, 551.1

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Atrazine	505* ¹ , 507, 508.1, 525.2, 551.1, Syngenta AG-625 ²
Benzo(a)pyrene	525.2, 550, 550.1
Carbofuran	531.1, OGWDW Methods, Method 531.2 , Standard Methods, 18 th ed. Supplement, 19 th ed., or 20 th ed.: Method 6610 or Standard Methods 21st ed. or Standard Methods Online: Method 6610 B
Chlordane	505, 508, 508.1, 525.2
Dalapon	515.1, 552.1, 552.2, 515.3, OGWDW Methods, Method 515.4 , OGWDW Methods, Method 552.3
Di(2-ethylhexyl)adipate	506, 525.2
Di(2-ethylhexyl)phthalate	506, 525.2
Dibromochloropropane (DBCP)	504.1, 551.1
Dinoseb	515.1, 515.2, 515.3, OGWDW Methods, Method 515.4 , 555
Diquat	549.1
Endothall	548.1
Endrin	505, 508, 508.1, 525.2, 551.1
Ethylene Dibromide (EDB)	504.1, 551.1
Glyphosate	547, Standard Methods, 18 th ed., 19 th ed., or 20 th ed.: Method 6651
Heptachlor	505, 508, 508.1, 525.2, 551.1
Heptachlor Epoxide	505, 508, 508.1, 525.2, 551.1
Hexachlorobenzene	505, 508, 508.1, 525.2, 551.1
Hexachlorocyclopentadiene	505, 508, 508.1, 525.2, 551.1

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Lindane	505, 508, 508.1, 525.2, 551.1
Methoxychlor	505, 508, 508.1, 525.2, 551.1
Oxamyl	531.1, OGWDW Methods, Method 531.2 , Standard Methods, 18 th ed. Supplement, 19 th ed., or 20 th ed.: Method 6610 or Standard Methods 21st ed. or Standard Methods Online: Method 6610 B
PCBs (measured for compliance purposes as decchlorobiphenyl)	508A
PCBs (qualitatively identified as Aroclors)	505, 508, 508.1, 525.2
Pentachlorophenol	515.1, 515.2, 525.2, 555, 515.3, OGWDW Methods, Method 515.4 , ASTM Method D5317-93 or D5317-98(2003)
Picloram	515.1, 515.2, 555, 515.3, OGWDW Methods, Method 515.4 , ASTM Method D5317-93 or D5317-98(2003)
Simazine	505* ¹ , 507, 508.1, 525.2, 551.2
Toxaphene	505, 508, 525.2, 508.1
Total Trihalomethanes (TTHMs).	
Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2, 524.2, 551.1
State-Only MCLs (for which a method is not listed above).	
Contaminant	Analytical Methods
Aldrin	505, 508, 508.1, 525.2

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DDT	505, 508
Dieldrin	505, 508, 508.1, 525.2

*¹ denotes that, for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

² denotes that Syngenta Method AG-625 may not be used for the analysis of atrazine in any system where chlorine dioxide is used for drinking water treatment. In samples from all other systems, any result for atrazine generated by Syngenta Method AG-625 that is greater than one-half the maximum contaminant level (MCL) (in other words, greater than 0.0015mg/ℓ or 1.5 µg/ℓ) must be confirmed using another approved method for this contaminant and should use additional volume of the original sample collected for compliance monitoring. In instances where a result from Syngenta Method AG-625 triggers such confirmatory testing, the confirmatory result is to be used to determine compliance.

BOARD NOTE: Derived from 40 CFR 141.24(e) (2007) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 (June 3, 2008)(2005).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

a) The methods specified below, or alternative methods approved by the Agency pursuant to Section 611.480, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.

1) Gross Alpha and Beta.

A) Standard Methods.

i) Method 302, 13th ed.; or

ii) Method 7110 B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;

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BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for gross alpha and beta by evaporation in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7110 B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7110 B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) USEPA Interim Radiochemical Methods: page 1;
 - C) USEPA Radioactivity Methods: Method 900.0;
 - D) USEPA Radiochemical Analyses: page 1;
 - E) USEPA Radiochemistry Methods: Method 00-01; or
 - F) USGS Methods: Method R-1120-76.
- 2) Gross Alpha.
- A) Standard Methods, 18th, 19th, ~~or~~ 20th, or 21st ed.: Method 7110 C; or

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for gross alpha by coprecipitation in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7110 C (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7110 that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added

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[Method 7110 C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- B) USEPA Radiochemistry Methods: Method 00-02.
- 3) Radium-226.
 - A) ASTM Methods.
 - i) Method [D2460-97](#)~~D2460-90~~; or
 - ii) Method D3454-97;
 - B) New York Radium Method;
 - C) Standard Methods.
 - i) Method 304, 13th ed.;
 - ii) Method 305, 13th ed.;
 - iii) Method 7500-Ra B, 17th, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.; or
 - iv) Method 7500-Ra C, 17th, 18th, 19th, ~~or 20th~~, [or 21st](#) ed.;

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for radium-226 in the table at corresponding 40 CFR 141.25\(a\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 7500-Ra B and C \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 7500-Ra that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Ra B and C from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

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- D) USDOE Manual: Method Ra-04;
- E) USEPA Interim Radiochemical Methods: pages 13 and 16;
- F) USEPA Radioactivity Methods: Methods 903.0, 903.1;
- G) USEPA Radiochemical Analyses: page 19;
- H) USEPA Radiochemistry Methods: Methods Ra-03, Ra-04; or
- I) USGS Methods.
 - i) Method R-1140-76; or
 - ii) Method R-1141-76.

J) Georgia Radium Method.

- 4) Radium-228.
 - A) Standard Methods, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.: Method 7500-Ra D;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for radium-228 by radiochemical in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-Ra D (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-Ra that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Ra D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) New York Radium Method;
- C) USEPA Interim Radiochemical Methods: page 24;

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- D) USEPA Radioactivity Methods: Method 904.0;
- E) USEPA Radiochemical Analyses: page 19;
- F) USEPA Radiochemistry Methods: Method Ra-05;
- G) USGS Methods: Method R-1142-76; ~~or~~
- H) New Jersey Radium Method; ~~or~~
- I) [Georgia Radium Method.](#)

5) Uranium.

- A) Standard Methods, 17th, 18th, 19th, ~~or~~ 20th, [or 21st](#) ed.: Method 7500-U C;

[BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for uranium by radiochemical and alpha spectrometry in the table at corresponding 40 CFR 141.25\(a\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 7500-U C \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the version of Method 7500-U that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-U B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

- B) Standard Methods, 20th ed.: Method 3125;
- C) ASTM Methods.
 - i) Method D2907-97;
 - ii) Method D3972-97 [or D3972-02](#);

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iii) Method D5174-97 [or D5174-02](#); or

iv) Method D5673-03 [or Method 5673-05](#);

[BOARD NOTE: USEPA added this method as an approved alternative method in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)

D) USEPA Radioactivity Methods: Methods 908.0, 908.1;

E) USEPA Environmental Metals Methods: Method 200.8;

F) USEPA Radiochemical Analyses: page 33;

G) USEPA Radiochemistry Methods: Method 00-07;

H) USDOE Manual: Method U-02 or U-04; or

I) USGS Methods.

i) Method R-1180-76;

ii) Method R-1181-76; or

iii) Method R-1182-76.

BOARD NOTE: If uranium (U) is determined by mass, a conversion factor of 0.67 pCi/μg of uranium must be used. This conversion factor is based on the 1:1 activity ratio of ²³⁴U and ²³⁸U that is characteristic of naturally occurring uranium.

6) Radioactive Cesium.

A) ASTM Methods.

i) Method D2459-72; or

ii) Method D3649-91 [or D3649-98a](#);

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B) Standard Methods.

- i) Method 7120, 19th, ~~or 20th~~, or 21st ed.; or
- ii) Method 7500-Cs B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for radioactive cesium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7120 (as approved in 1997) and Method 7500-Cs B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 7120 and Method 7500-Cs that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7120 and Method 7500-Cs B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

C) USDOE Manual: Method 4.5.2.3;

D) USEPA Interim Radiochemical Methods: page 4;

E) USEPA Radioactivity Methods: Methods 901.0, 901.1;

F) USEPA Radiochemical Analyses: page 92; or

G) USGS Methods.

- i) Method R-1110-76; or
- ii) Method R-1111-76.

7) Radioactive Iodine.

A) ASTM Methods.

- i) D3649-91 or D3649-98a; or

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- ii) D4785-93 or D4785-98;
- B) Standard Methods.
- i) Method 7120, 19th, ~~or 20th~~, or 21st ed.;
 - ii) Method 7500-I B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;
 - iii) Method 7500-I C, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.; or
 - iv) Method 7500-I D, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;
- [BOARD NOTE: On March 12, 2007 \(at 72 Fed. Reg. 11200\), USEPA amended the entries for radioactive iodine in the table at corresponding 40 CFR 141.25\(a\) to allow the use of Standard Methods Online \(at \[www.standardmethods.org\]\(http://www.standardmethods.org\)\), Method 7120 \(as approved in 1997\) and Method 7500-I B, C, and D \(as approved in 2000\). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater \(the printed version of Standard Methods\), since the versions of Method 7120 and Method 7500-I that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7500-I B, C, and D from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 \(at 73 Fed. Reg. 31616\).](#)
- C) USDOE Manual: Method 4.5.2.3;
 - D) USEPA Interim Radiochemical Methods: pages 6, 9;
 - E) USEPA Radiochemical Analyses: page 92; or
 - F) USEPA Radioactivity Methods: Methods 901.1, 902.0.
- 8) Radioactive Strontium-89 & 90.
- A) Standard Methods.

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- i) Method 303, 13th ed.; or
- ii) Method 7500-Sr B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for radioactive strontium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-Sr B (as approved in 2001). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-Sr that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-Sr B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- B) USDOE Manual.
 - i) Method Sr-01; or
 - ii) Method Sr-02;
 - C) USEPA Interim Radiochemical Methods: page 29;
 - D) USEPA Radioactivity Methods: Method 905.0;
 - E) USEPA Radiochemical Analyses: page 65;
 - F) USEPA Radiochemistry Methods: Method Sr-04; or
 - G) USGS Methods: Method R-1160-76.
- 9) Tritium.
- A) ASTM Methods: Method D4107-91 or D4107-98;

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- B) Standard Methods.
- i) Method 306, 13th ed.; or
 - ii) Method 7500-³H B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for tritium in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7500-³H B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 7500-³H that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA later added Method 7500-³H B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) USEPA Interim Radiochemical Methods: page 34;
 - D) USEPA Radioactivity Methods: Method 906.0;
 - E) USEPA Radiochemical Analyses: page 87;
 - F) USEPA Radiochemistry Methods: Method H-02; or
 - G) USGS Methods: Method R-1171-76.
- 10) Gamma Emitters.
- A) ASTM Methods.
 - i) Method D3649-91 or D3649-98a; or
 - ii) Method D4785-93 or D4785-00a;
 - B) Standard Methods.

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- i) Method 7120, 19th, ~~or 20th~~, or 21st ed.;
- ii) Method 7500-Cs B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.; or
- iii) Method 7500-I B, 17th, 18th, 19th, ~~or 20th~~, or 21st ed.;

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entries for gamma emitters in the table at corresponding 40 CFR 141.25(a) to allow the use of Standard Methods Online (at www.standardmethods.org), Method 7120 (as approved in 1997), Method 7500-Cs B (as approved in 2000), and Method 7500-I B (as approved in 2000). The Board has instead cited to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the versions of Method 7120, Method 7500-Cs, and Method 7500-I that appear in that printed volume are those cited by USEPA as acceptable for use. USEPA later added Method 7150, Method 7500-Cs B, and Method 7500-I B from the 21st edition of Standard Methods as an approved alternative method in appendix A to subpart C, added on June 3, 2008 (at 73 Fed. Reg. 31616).

- C) USDOE Manual: Method Ga-01-R;
 - D) USEPA Radioactivity Methods: Methods 901.0, 901.1, or 902.0;
 - E) USEPA Radiochemical Analyses: page 92; or
 - F) USGS Methods: Method R-1110-76.
- b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
- 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," available from NTIS.

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- 2) HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.
- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96σ , where σ is the standard deviation of the net counting rate of the sample).

- 1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

Contaminant	Detection Limit
Gross alpha particle activity	3 pCi/ℓ
Radium-226	1 pCi/ℓ
Radium-228	1 pCi/ℓ
Uranium	1 µg/ℓ

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B [\(2007\)\(2005\)](#).

- 2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/ℓ
Strontium-89	10 pCi/ℓ
Strontium-90	2 pCi/ℓ
Iodine-131	1 pCi/ℓ
Cesium-134	10 pCi/ℓ
Gross beta	4 pCi/ℓ
Other radionuclides	1/10 of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C [\(2007\)\(2005\)](#).

- d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

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BOARD NOTE: Derived from 40 CFR 141.25 (2007) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 (June 3, 2008)(2005).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART S: GROUNDWATER RULE

Section 611.801 Sanitary Surveys for GWS Suppliers

- a) A GWS supplier must provide the Agency, at the Agency's request, any existing information that will enable the Agency to conduct a sanitary survey.
- b) For the purposes of this Subpart S, a "sanitary survey," as conducted by the Agency, includes but is not limited to, an onsite review of the delineated WHPAs (identifying sources of contamination within the WHPAs and evaluations ~~of~~ the hydrogeologic sensitivity of the delineated WHPAs conducted under source water assessments or utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.
- c) The sanitary survey must include an evaluation of the applicable components listed in subsections (c)(1) through (c)(8) of this Section:
 - 1) Source,
 - 2) Treatment,
 - 3) Distribution system,
 - 4) Finished water storage,
 - 5) Pumps, pump facilities, and controls,
 - 6) Monitoring, reporting, and data verification,
 - 7) System management and operation, and

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- 8) Operator compliance with Agency requirements.
- d) The Agency must repeat the sanitary survey as follows:
- 1) The Agency must conduct a sanitary survey that addresses the eight sanitary survey components listed in subsection (c) of this Section no less frequently than every three years for a CWS supplier, except as provided in subsection (d)(3) of this Section, and every five years for a non-CWS supplier. The Agency may conduct more frequent sanitary surveys for any supplier. The initial sanitary survey for each community water system must be conducted before December 31, 2012, unless the supplier meets the requirements of subsection (d)(3) of this Section. The initial sanitary survey for each CWS supplier that meets the requirements of subsection (d)(3) of this Section and for each non-CWS supplier must be conducted before December 31, 2014. The sanitary survey must include an evaluation of each of the elements set forth in subsection (c) of this Section, as applicable.
 - 2) The Agency may use a phased review process to meet the requirements of subsection (d)(1) of this Section if all the applicable elements of subsection (c) of this Section are evaluated within the required interval.
 - 3) The Agency may conduct sanitary surveys once every five years for community water systems under any of the following circumstances:
 - A) If the system either provides at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log inactivation and removal) before or at the first customer for all its groundwater sources; or
 - B) If the supplier has an outstanding performance record, as determined by the Agency and documented in previous sanitary surveys, and the supplier has no history of total coliform MCL or monitoring violations under Sections 611.521 through 611.527 since the last sanitary survey.
 - 4) This subsection (d)(4) corresponds with 40 CFR 142.16(o)(2)(iv), which imposes requirements for describing the elements of the State's regulatory

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system. This statement maintains structural consistency with the corresponding federal provision.

- 5) The Agency must provide a GWS supplier with written notice by a SEP issued pursuant to Section 611.110 that describes any significant deficiency which it has found no later than 30 days after the Agency has identified the significant deficiency. The notice may specify corrective actions and deadlines for completion of corrective actions. The Agency may provide the written notice at the time of the sanitary survey.

BOARD NOTE: Subsections (a) through (c) are derived from 40 CFR 141.401 [\(2007\)](#), [as added at 71 Fed. Reg. 65574 \(Nov. 8, 2006\)](#). Subsection (d) is derived from 40 CFR 142.16(o)(2) [\(2007\)](#), [as added at 71 Fed. Reg. 65574 \(Nov. 8, 2006\)](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.802 Groundwater Source Microbial Monitoring and Analytical Methods

- a) Triggered source water monitoring.
 - 1) General requirements. A GWS supplier must conduct triggered source water monitoring if the following conditions exist:
 - A) The supplier does not provide at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for each groundwater source; and
 - B) The supplier is notified that a sample collected pursuant to Section 611.521 is total coliform-positive, and the sample is not invalidated by the Agency pursuant to Section 611.523.
 - 2) Sampling requirements. A GWS supplier must collect, within 24 hours after notification of the total coliform-positive sample, at least one groundwater source sample from each groundwater source in use at the time the total coliform-positive sample was collected pursuant to Section 611.521, except as provided in subsection (a)(2)(B) of this Section.

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- A) The Agency may, by a SEP issued pursuant to Section 611.110, extend the 24-hour time limit on a case-by-case basis if it determines that the supplier cannot collect the groundwater source water sample within 24 hours due to circumstances beyond the supplier's control. In the case of an extension, the Agency must specify how much time the supplier has to collect the sample.
 - B) If approved by the Agency, a supplier with more than one groundwater source may meet the requirements of this subsection (a)(2) by sampling a representative groundwater source or sources. If directed by the Agency by a SEP issued pursuant to Section 611.110, the supplier must submit for Agency approval a triggered source water monitoring plan that identifies one or more groundwater sources that are representative of each monitoring site in the system's sample siting plan pursuant to Section 611.521 and that the system intends to use for representative sampling pursuant to this subsection (a).
 - C) A GWS supplier that serves 1,000 or fewer people may use a repeat sample collected from a groundwater source to meet both the requirements of Section 611.522 and to satisfy the monitoring requirements of subsection (a)(2) of this Section for that groundwater source only if the Agency approves the use of E. coli as a fecal indicator for source water monitoring pursuant to this subsection (a) by a SEP issued pursuant to Section 611.110. If the repeat sample collected from the groundwater source is E.coli positive, the system must comply with subsection (a)(3) of this Section.
- 3) Additional requirements. If the Agency does not require corrective action pursuant to Section 611.803(a)(2) for a fecal indicator-positive source water sample collected pursuant to subsection (a)(2) of this Section that is not invalidated pursuant to subsection (d) of this Section, the system must collect five additional source water samples from the same source within 24 hours after being notified of the fecal indicator-positive sample.
 - 4) Consecutive and wholesale systems.

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- A) In addition to the other requirements of this subsection (a), a consecutive GWS supplier that has a total coliform-positive sample collected pursuant to Section 611.521 must notify the wholesale systems within 24 hours after being notified of the total coliform-positive sample.
- B) In addition to the other requirements of this subsection (a), a wholesale GWS supplier must comply with the following requirements:
 - i) A wholesale GWS supplier that receives notice from a consecutive system it serves that a sample collected pursuant to Section 611.521 is total coliform-positive must, within 24 hours after being notified, collect a sample from its groundwater sources pursuant to subsection (a)(2) of this Section and analyze it for a fecal indicator pursuant to subsection (c) of this Section.
 - ii) If the sample collected pursuant to subsection (a)(4)(B)(i) of this section is fecal indicator-positive, the wholesale GWS supplier must notify all consecutive systems served by that groundwater source of the fecal indicator source water positive within 24 hours of being notified of the groundwater source sample monitoring result and must meet the requirements of subsection (a)(3) of this Section.
- 5) Exceptions to the triggered source water monitoring requirements. A GWS supplier is not required to comply with the source water monitoring requirements of subsection (a) of this Section if either of the following conditions exists:
 - A) The Agency determines, and documents in writing, by a SEP issued pursuant to Section 611.110, that the total coliform-positive sample collected pursuant to Section 611.521 is caused by a distribution system deficiency; or
 - B) The total coliform-positive sample collected pursuant to Section 611.521 is collected at a location that meets Agency criteria for

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distribution system conditions that will cause total coliform-positive samples.

- b) Assessment source water monitoring. If directed by the Agency by a SEP issued pursuant to Section 611.110, a GWS supplier must conduct assessment source water monitoring that meets Agency-determined requirements for such monitoring. A GWS supplier conducting assessment source water monitoring may use a triggered source water sample collected pursuant to subsection (a)(2) of this Section to meet the requirements of subsection (b) of this Section. Agency-determined assessment source water monitoring requirements may include the following:
- 1) Collection of a total of 12 groundwater source samples that represent each month the system provides groundwater to the public;
 - 2) Collection of samples from each well, unless the system obtains written Agency approval to conduct monitoring at one or more wells within the GWS that are representative of multiple wells used by that system and which draw water from the same hydrogeologic setting;
 - 3) Collection of a standard sample volume of at least 100 ml for fecal indicator analysis, regardless of the fecal indicator or analytical method used;
 - 4) Analysis of all groundwater source samples using one of the analytical methods listed in subsection (c)(2) of this Section for the presence of E. coli, enterococci, or coliphage;
 - 5) Collection of groundwater source samples at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment; and
 - 6) Collection of groundwater source samples at the well itself, unless the system's configuration does not allow for sampling at the well itself and the Agency approves an alternate sampling location by a SEP issued pursuant to Section 611.110 that is representative of the water quality of that well.
- c) Analytical methods.

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- 1) A GWS supplier subject to the source water monitoring requirements of subsection (a) of this Section must collect a standard sample volume of at least 100 ml for fecal indicator analysis, regardless of the fecal indicator or analytical method used.
- 2) A GWS supplier must analyze all groundwater source samples collected pursuant to subsection (a) of this Section using one of the analytical methods listed in subsections (c)(2)(A) through (c)(2)(C) of this Section, [or alternative methods approved by the Agency pursuant to Section 611.480](#), subject to the limitations of subsection (c)(2)(D) of this Section, for the presence of E. coli, enterococci, or coliphage:

A) E. coli:

- i) Autoanalysis Colilert System, Standard Methods, 20th [or 21st](#) ed., Method 9223 B.
- ii) Colisure Test, Standard Methods, 20th [or 21st](#) ed., Method 9223 B.
- iii) Membrane Filter Method with MI Agar, USEPA Method 1604.
- iv) m-ColiBlue24 Test.
- v) E*Colite Test.
- vi) EC-MUG, Standard Methods, 20th ed., Method 9221 F.
- vii) NA-MUG, Standard Methods, 20th ed., Method 9222 G.
- [viii\) Colilert-18, Standard Methods, 20th or 21st ed., Method 9222 G.](#)

BOARD NOTE: EC-MUG (Standard Methods, Method 9221F) or NA-MUG (Standard Methods, Method 9222G) can be used for E. coli testing step, as described in Section 611.526(a) or (b) after use of Standard Methods, Method 9221 B, 9221 D, 9222 B, or 9222 C.

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On June 3, 2008 (at 73 Fed. Reg. 31616), USEPA added appendix A to subpart C of 40 CFR 141, which authorized alternative methods to those listed for E. coli by Colilert and Colisure and added Colilert-18 in the table at corresponding 40 CFR 141.402(c)(2) to allow the use of the 21st edition of Standard Methods for the Examination of Water and Wastewater and Standard Methods Online (at www.standardmethods.org), Method 9223 B (as approved in 1997). The Board has instead cited only to the 21st edition of Standard Methods for the Examination of Water and Wastewater (the printed version of Standard Methods), since the version of Method 9223 B that appears in that printed volume is that cited by USEPA as acceptable for use. USEPA also added the version of Method 9223 B that appears in the 20th edition of Standard Methods as to Colilert-18.

B) Enterococci:

- i) Multiple-Tube Technique, Standard Methods, 20th ed., Method 9230 B or Standard Methods Online, Method 9230 B.

BOARD NOTE: On June 3, 2008 (at 73 Fed. Reg. 31616), USEPA added appendix A to subpart C of 40 CFR 141, which authorized alternative methods to those listed for enterococci by multiple-tube technique at corresponding 40 CFR 141.402(c)(2) to allow the use of the Standard Methods Online (at www.standardmethods.org), Method 9230 B (as approved in 2004).

- ii) Membrane Filter Technique, Standard Methods, 20th ed., Method 9230 C, and USEPA Method 1600.

BOARD NOTE: The holding time and temperature for groundwater samples are specified in subsection (c)(2)(D) of this Section, rather than as specified in Section 8 of USEPA Method 1600.

- iii) Enterolert.

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BOARD NOTE: Medium is available through IDEXX Laboratories, Inc., at the address set forth in Section 611.102(b). Preparation and use of the medium must be as set forth in the article that embodies the method as incorporated by reference in Section 611.102(b).

- C) Coliphage:
 - i) Two-Step Enrichment Presence-Absence Procedure, USEPA Method 1601.
 - ii) Single Agar Layer Procedure, USEPA Method 1602.
 - D) Limitation on methods use. The time from sample collection to initiation of analysis may not exceed 30 hours. The GWS supplier is encouraged but is not required to hold samples below 10°C during transit.
- d) Invalidation of a fecal indicator-positive groundwater source sample.
- 1) A GWS supplier may obtain Agency invalidation of a fecal indicator-positive groundwater source sample collected pursuant to subsection (a) of this Section only under either of the following conditions:
 - A) The supplier provides the Agency with written notice from the laboratory that improper sample analysis occurred; or
 - B) The Agency determines and documents in writing by a SEP issued pursuant to Section 611.110 that there is substantial evidence that a fecal indicator-positive groundwater source sample is not related to source water quality.
 - 2) If the Agency invalidates a fecal indicator-positive groundwater source sample, the GWS supplier must collect another source water sample pursuant to subsection (a) of this Section within 24 hours after being notified by the Agency of its invalidation decision, and the supplier must have it analyzed for the same fecal indicator using the analytical methods in subsection (c) of this Section. The Agency may extend the 24-hour time limit on a case-by-case basis if the supplier cannot collect the source

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water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Agency must specify how much time the system has to collect the sample.

- e) Sampling location.
 - 1) Any groundwater source sample required pursuant to subsection (a) of this Section must be collected at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment.
 - 2) If the supplier's system configuration does not allow for sampling at the well itself, it may collect a sample at an Agency-approved location to meet the requirements of subsection (a) of this Section if the sample is representative of the water quality of that well.
- f) New sources. If directed by the Agency by a SEP issued pursuant to Section 611.110, a GWS supplier that places a new groundwater source into service after November 30, 2009 must conduct assessment source water monitoring pursuant to subsection (b) of this Section. If directed by the SEP, the system must begin monitoring before the groundwater source is used to provide water to the public.
- g) Public Notification. A GWS supplier with a groundwater source sample collected pursuant to subsection (a) or (b) of this Section that is fecal indicator-positive and which is not invalidated pursuant to subsection (d) of this Section, including a consecutive system supplier served by the groundwater source, must conduct public notification pursuant to Section 611.902.
- h) Monitoring Violations. A failure to meet the requirements of subsections (a) through (f) of this Section is a monitoring violation that requires the GWS supplier to provide public notification pursuant to Section 611.904.

BOARD NOTE: Derived from 40 CFR 141.402 [\(2007\)](#) and [appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)](#), as added at [71 Fed. Reg. 65574 \(Nov. 8, 2006\)](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART U: CONSUMER CONFIDENCE REPORTS

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Section 611.884 Required Additional Health Information

- a) All reports must prominently display the following language: "Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Centers for Disease Control and Prevention guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791)."
- b) A supplier that detects arsenic above 0.005 mg/ℓ and up to and including 0.010 mg/ℓ must do the following:
 - 1) The supplier must include in its report a short informational statement about arsenic, using the following language: "While your drinking water meets USEPA's standard for arsenic, it does contain low levels of arsenic. USEPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. USEPA continues to research the health effects of low levels of arsenic, which is a naturally-occurring mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems."; or
 - 2) The supplier may write its own educational statement, but only in consultation with the Agency.
- c) A supplier that detects nitrate at levels above 5 mg/ℓ, but below the MCL, must do the following:
 - 1) The supplier must include a short informational statement about the impacts of nitrate on children, using the following language: "Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an

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infant you should ask advice from your health care provider"; or

- 2) The CWS supplier may write its own educational statement, but only in consultation with the Agency. ~~d) A CWS supplier that detects lead above the action level in more than five percent, and up to and including ten percent, of homes sampled must do the following:~~

d) Every report must include the following lead-specific information:

- 1) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF SUPPLIER] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to two minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

- 2) A supplier may write its own educational statement, but only in consultation with the Agency.

- 1) ~~The CWS supplier must include a short informational statement about the special impact of lead on children, using the following language: "Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to two minutes before using~~

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~~tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791)"; or~~

- 2) ~~The CWS supplier may write its own educational statement, but only in consultation with the Agency.~~
- e) A CWS supplier that detects TTHM above 0.080 mg/ℓ, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the provisions of former Section 611.680, must include the health effects language prescribed by Appendix A of this Part.
- f) Until January 22, 2006, a CWS supplier that detects arsenic above 0.010 mg/ℓ and up to and including 0.05 mg/ℓ must include the arsenic health effects language prescribed by Appendix A to this Part.

BOARD NOTE: Derived from 40 CFR 141.154 [\(2007\)](#), as amended at 72 Fed. Reg. [7782 \(October 12, 2007\)](#)~~(2003)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section 611.920 General Requirements

- a) USEPA has designated that the requirements of this Subpart W constitute National Primary Drinking Water Regulations. The regulations in this Subpart W establish monitoring and other requirements for identifying Subpart Y compliance monitoring locations for determining compliance with maximum contaminant levels for TTHMs and HAA5. The supplier must use an initial distribution system evaluation (IDSE) to determine the locations in its distribution system that are representative of high TTHM and HAA5 concentrations throughout the supplier's distribution system. An IDSE is used in conjunction with, but separate from, Subpart I compliance monitoring, to identify and select Subpart Y compliance monitoring locations.
- b) Applicability. A supplier is subject to the requirements of this Subpart W if it fulfills any of the following conditions:

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- 1) The supplier owns or operates a community water system that uses a primary or residual disinfectant other than ultraviolet light;
 - 2) The supplier delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light; or
 - 3) The supplier owns or operates a non-transient non-community water system that serves at least 10,000 people, and it either uses a primary or residual disinfectant other than ultraviolet light, or it delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.
- c) Schedule. A supplier must comply with the requirements of this Subpart W on the schedule provided in subsection (c)(1) of this Section based on its system type, as set forth in the applicable of subsections (c)(1)(A) through ~~(c)(1)(E)(e)(1)(D)~~ of this Section, subject to the conditions of subsections ~~(c)(1)(F)(e)(1)(E)~~ through ~~(c)(1)(H)(e)(1)(G)~~ of this Section:
- 1) Compliance dates.
 - A) A supplier that is not part of a combined distribution system, or a supplier that serves the largest population in a combined distribution system, and which serves a population of 100,000 or more persons must either have submitted its standard monitoring plan, its system-specific study plan, or its 40/30 certification or must have obtained or have been subject to a very small system waiver before October 1, 2006. The supplier must further complete its standard monitoring or system-specific study before September 30, 2008 and submit its IDSE report to the Agency before January 1, 2009.
 - B) A supplier that is not part of a combined distribution system, or a supplier that serves the largest population in a combined distribution system, and which serves a population of 50,000 to 99,999 persons must either have submitted its standard monitoring plan, its system-specific study plan, or its 40/30 certification or must have obtained or have been subject to a very small system waiver before April 1, 2007. The supplier must further complete its standard monitoring or system-specific study before March 31,

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2009 and submit its IDSE report to the Agency before July 1, 2009.

- C) A supplier that is not part of a combined distribution system, or a supplier that serves the largest population in a combined distribution system, and which serves a population of 10,000 to 49,999 persons must submit its standard monitoring plan, its system-specific study plan, or its 40/30 certification or must obtain or be subject to a very small system waiver before October 1, 2007. The supplier must further complete its standard monitoring or system-specific study before September 30, 2009 and submit its IDSE report to the Agency before January 1, 2010.
- D) A supplier that is not part of a combined distribution system, or a supplier that serves the largest population in a combined distribution system, and which serves a population of fewer than 10,000 persons (and which is a CWS) must submit its standard monitoring plan, its system-specific study plan, or its 40/30 certification or must obtain or be subject to a very small system waiver before April 1, 2008. The supplier must further complete its standard monitoring or system-specific study before March 31, 2010 and submit its IDSE report to the Agency before July 1, 2010.
- E) A supplier that is part of a combined distribution system which does not serve the largest population in the combined system, which is a wholesale system supplier or a consecutive system supplier, must submit its standard monitoring plan, its system-specific study plan, or its 40/30 certification or must obtain or be subject to a very small system waiver; must further complete its standard monitoring or system-specific study; and submit its IDSE report to the Agency at the same time as the supplier in the combined system that has the earliest compliance date.
- ~~F~~E) If, within 12 months after the date when submission of the standard monitoring plan, the system-specific study plan, or the 40/30 certification or becoming subject to a very small system waiver is due, as identified in the applicable of subsections (a)(1) through (a)(4) of this Section, the Agency does not approve a supplier's

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plan or notify the supplier that it has not yet completed its review, the supplier may consider the plan that it submitted as approved. The supplier must implement that plan, and it must complete standard monitoring or a system-specific study no later than the date when completion of the standard monitoring or system-specific study is due, as identified in the applicable of subsections (a)(1) through (a)(4) of this Section.

GF) The supplier must submit its 40/30 certification pursuant to Section 611.923 before the date indicated in the applicable of subsections (a)(1) through (a)(4) of this Section.

HG) If, within three months after the due date for submission of the IDSE report identified in this subsection (c)(1) (nine months after this date if the supplier must comply on the schedule in subsection (c)(1)(C) of this Section), the Agency does not approve the supplier's IDSE report or notify the supplier that it has not yet completed its review, the supplier may consider the report that it submitted to the Agency, and the supplier must implement the recommended Subpart Y monitoring as required.

2) For the purpose of determining the applicable compliance schedule in subsection (c)(1) of this Section, the Agency may, by a SEP issued pursuant to Section 611.110, determine that a combined distribution system does not include certain consecutive systems based on such factors as the receipt of water from a wholesale system only on an emergency basis or the receipt of only a small percentage and small volume of water from a wholesale system. The Agency may also determine, by a SEP issued pursuant to Section 611.110, that a combined distribution system does not include certain wholesale systems based on such factors as the delivery of water to a consecutive system only on an emergency basis or the delivery of only a small percentage and small volume of water to a consecutive system.

d) A supplier must do one of the following: it must conduct standard monitoring that meets the requirements in Section 611.921; it must conduct a system-specific study that meets the requirements in Section 611.922; it must certify to the Agency that it meets the 40/30 certification criteria under Section 611.923; or it must qualify for a very small system waiver under Section 611.924.

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- 1) The supplier must have taken the full complement of routine TTHM and HAA5 compliance samples required of a system that serves the appropriate population and which uses the appropriate source water under Subpart I of this Part (or the supplier must have taken the full complement of reduced TTHM and HAA5 compliance samples required of a system with the supplier's population and source water under Subpart I of this Part if the supplier meets reduced monitoring criteria under Subpart I of this Part) during the period specified in Section 611.923(a) to meet the 40/30 certification criteria in Section 611.923. The supplier must have taken TTHM and HAA5 samples under Sections 611.381 and 611.382 to be eligible for the very small system waiver in Section 611.924.
- 2) If the supplier has not taken the required samples, the supplier must conduct standard monitoring that meets the requirements in Section 611.921, or a system-specific study that meets the requirements in Section 611.922.
- e) The supplier must use only the analytical methods specified in Section 611.381, or otherwise approved by the Agency for monitoring under this Subpart W, to demonstrate compliance with the requirements of this Subpart W.
- f) IDSE results will not be used for the purpose of determining compliance with MCLs in Section 611.312.

BOARD NOTE: Derived from 40 CFR 141.600 [\(2007\)](#)~~(2006)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section 611.1004 Source Water Monitoring Requirements: Analytical Methods

- a) Cryptosporidium. A supplier must analyze for Cryptosporidium using USEPA [OGWDW Methods](#), Method 1623 (05) or USEPA [OGWDW Methods](#), Method 1622 (05), [or alternative methods approved by the Agency pursuant to Section 611.480](#), each incorporated by reference in Section 611.102.
 - 1) The supplier must analyze at least a 10 ℓ sample or a packed pellet volume of at least 2 mℓ as generated by the methods listed in subsection (a) of this

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Section. A supplier unable to process a 10 ℓ sample must analyze as much sample volume as can be filtered by two filters approved by USEPA for the methods listed in subsection (a) of this Section, up to a packed pellet volume of at least 2 mL.

- 2) Matrix spike (MS) samples.
 - A) MS samples, as required by the methods in subsection (a) of this Section, must be spiked and filtered by a laboratory approved for Cryptosporidium analysis pursuant to Section 611.1005.
 - B) If the volume of the MS sample is greater than 10 ℓ, the supplier may filter all but 10 ℓ of the MS sample in the field, and ship the filtered sample and the remaining 10 ℓ of source water to the laboratory. In this case, the laboratory must spike the remaining 10 ℓ of water and filter it through the filter used to collect the balance of the sample in the field.
 - 3) Flow cytometer-counted spiking suspensions must be used for MS samples and ongoing precision and recovery samples.
- b) E. coli. A supplier must use methods for enumeration of E. coli in source water approved in 40 CFR 136.3(a), [or alternative methods approved by the Agency pursuant to Section 611.480](#), incorporated by reference in Section 611.102.
- 1) The time from sample collection to initiation of analysis may not exceed 30 hours, unless the supplier meets the condition of subsection (b)(2) of this Section.
 - 2) The Agency may, by a SEP issued pursuant to Section 611.110, approve on a case-by-case basis the holding of an E. coli sample for up to 48 hours between sample collection and initiation of analysis if it determines that analyzing an E. coli sample within 30 hours is not feasible. E. coli samples held between 30 to 48 hours must be analyzed by the Autoanalysis Colilert System reagent version of Standard Methods, 18th, 19th, or 20th ed., Method 9223 B, as listed in 40 CFR 136.3(a), incorporated by reference in Section 611.102.

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- 3) A supplier must maintain the temperature of its samples between 0°C and 10°C during storage and transit to the laboratory.
- 4) [The supplier may use the membrane filtration, two-step procedure described in Standard Methods, 20th ed., Method 9222 D and G, incorporated by reference in Section 611.102.](#)

[BOARD NOTE: On June 3, 2008 \(at 73 Fed. Reg. 31616\), USEPA added appendix A to subpart C of 40 CFR 141, which authorized alternative methods to those listed for E. coli by multiple-tube technique at corresponding 40 CFR 141.402\(c\)\(2\) to allow the use of Standard Methods for the Examination of Water and Wastewater, Method 9222 D and G.](#)

- c) Turbidity. A supplier must use methods for turbidity measurement approved in Section 611.531(a).

[BOARD NOTE: Derived from 40 CFR 141.704 \(2007\) and appendix A to 40 CFR 141, as added at 73 Fed. Reg. 31616 \(June 3, 2008\)\(2006\).](#)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 611.1007 Source Water Monitoring Requirements: Grandfathering Previously Collected Data

- a) Initial source monitoring and Cryptosporidium samples.
 - 1) A supplier may comply with the initial source water monitoring requirements of Section 611.1001(a) by grandfathering sample results collected before the supplier is required to begin monitoring (i.e., previously collected data). To be grandfathered, the sample results and analysis must meet the criteria in this Section and the Agency must approve the use of the data by a SEP issued pursuant to Section 611.110.
 - 2) A filtered system supplier may grandfather Cryptosporidium samples to meet the requirements of Section 611.1001(a) when the supplier does not have corresponding E. coli and turbidity samples. A supplier that grandfatheres Cryptosporidium samples without E. coli and turbidity samples is not required to collect E. coli and turbidity samples when it

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completes the requirements for Cryptosporidium monitoring pursuant to Section 611.1001(a).

- b) E. coli sample analysis. The analysis of E. coli samples must meet the analytical method and approved laboratory requirements of Sections 611.1004 and 611.1005.
- c) Cryptosporidium sample analysis. The analysis of Cryptosporidium samples must meet the criteria in this subsection (c).
 - 1) Laboratories ~~must analyze~~analyzed Cryptosporidium samples using one of the following analytical methods, or alternative methods approved by the Agency pursuant to Section 611.480:
 - A) USEPA OGWDW Methods, Method 1623 (05), incorporated by reference in Section 611.102;
 - B) USEPA OGWDW Methods, Method 1622 (05), incorporated by reference in Section 611.102;
 - C) USEPA OGWDW Methods, Method 1623 (01), incorporated by reference in Section 611.102;
 - D) USEPA OGWDW Methods, Method 1622 (01), incorporated by reference in Section 611.102;
 - E) USEPA OGWDW Methods, Method 1623 (99), incorporated by reference in Section 611.102; or
 - F) USEPA OGWDW Methods, Method 1622 (99), incorporated by reference in Section 611.102.
 - 2) For each Cryptosporidium sample, the laboratory analyzed at least 10 ℓ of sample or at least 2 ml of packed pellet or as much volume as could be filtered by two filters that USEPA approved for the methods listed in subsection (c)(1) of this Section.
- d) Sampling location. The sampling location must meet the conditions in Section 611.1003.

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- e) Sampling frequency. Cryptosporidium samples were collected no less frequently than each calendar month on a regular schedule, beginning no earlier than January 1999. Sample collection intervals may vary for the conditions specified in Section 611.1002(b)(1) and (b)(2) if the supplier provides documentation of the condition when reporting monitoring results.
- 1) The Agency may, by a SEP issued pursuant to Section 611.110, approve grandfathering of previously collected data where there are time gaps in the sampling frequency if the supplier conducts additional monitoring that the Agency has specified by a SEP issued pursuant to Section 611.110 to ensure that the data used to comply with the initial source water monitoring requirements of Section 611.1001(a) are seasonally representative and unbiased.
 - 2) A supplier may grandfather previously collected data where the sampling frequency within each month varied. If the Cryptosporidium sampling frequency varied, the supplier must follow the monthly averaging procedure in Section 611.1010(b)(5) or Section 611.1012(a)(3), as applicable, when calculating the bin classification for a filtered system supplier or the mean Cryptosporidium concentration for an unfiltered system supplier.
- f) Reporting monitoring results for grandfathering. A supplier that requests to grandfather previously collected monitoring results must report the following information by the applicable dates listed in this subsection. A supplier must report this information to the Agency.
- 1) A supplier must report that it intends to submit previously collected monitoring results for grandfathering. This report must specify the number of previously collected results the supplier will submit, the dates of the first and last sample, and whether a supplier will conduct additional source water monitoring to meet the requirements of Section 611.1001(a). The supplier must report this information no later than the applicable date set forth in Section 611.1002.
 - 2) A supplier must report previously collected monitoring results for grandfathering, along with the associated documentation listed in

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subsections (f)(2)(A) through (f)(2)(D) of this Section, no later than two months after the applicable date listed in Section 611.1001(c).

- A) For each sample result, a supplier must report the applicable data elements in Section 611.1006.
 - B) A supplier must certify that the reported monitoring results include all results that it generated during the time period beginning with the first reported result and ending with the final reported result. This applies to samples that were collected from the sampling location specified for source water monitoring pursuant to this Subpart Z, which were not spiked, and which were analyzed using the laboratory's routine process for the analytical methods listed in this Section.
 - C) The supplier must certify that the samples were representative of a plant's source waters and the source waters have not changed. It must report a description of the sampling locations, which must address the position of the sampling location in relation to its water sources and treatment processes, including points of chemical addition and filter backwash recycle.
 - D) For Cryptosporidium samples, the laboratory or laboratories that analyzed the samples must provide a letter certifying that the quality control criteria specified in the methods listed in subsection (c)(1) of this Section were met for each sample batch associated with the reported results. Alternatively, the laboratory may provide bench sheets and sample examination report forms for each field, matrix spike, initial precision and recovery, ongoing precision and recovery, and method blank sample associated with the reported results.
- g) If the Agency determines that a previously collected data set submitted for grandfathering was generated during source water conditions that were not normal for the supplier, such as a drought, the Agency may, by a SEP issued pursuant to Section 611.110, disapprove the data. Alternatively, the Agency may, by a SEP issued pursuant to Section 611.110, approve the previously collected data if the supplier reports additional source water monitoring data, as determined by the

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Agency, to ensure that the data set used pursuant to Section 611.1010 or Section 611.1012 represents average source water conditions for the supplier.

- h) If a supplier submits previously collected data that fully meet the number of samples required for initial source water monitoring pursuant to Section 611.1001(a), and some of the data are rejected due to not meeting the requirements of this Section, the supplier must conduct additional monitoring to replace rejected data on a schedule that the Agency has approved by a SEP issued pursuant to Section 611.110. A supplier is not required to begin this additional monitoring until two months after notification that data have been rejected and additional monitoring is necessary.

BOARD NOTE: Derived from 40 CFR 141.707 [\(2007\)](#)~~(2006)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720

<u>Section Numbers:</u>	<u>Proposed Action:</u>
720.110	Amend
720.111	Amend
720.122	Amend

- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the docket R09-3 rulemaking of which the amendments to Part 720 are a single segment. Also affected is 35 Ill. Adm. Code 721, 724, 725, and 728, 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 September 4, 2008, proposing amendments in docket R09-3, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (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:

R09-3	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2008 through June 30, 2008.
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The R09-3 docket amends rules in Parts 720, 721, 724, 725, and 728. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

January 2, 2008 (73 Fed. Reg. 57)	USEPA broadened an existing exclusion from the definition of solid waste for oil-bearing secondary materials that are reinserted into the refining process. The exclusion now embraces the gasification of oil-bearing secondary materials when they are processed in a gasification system at a refinery for production of synthesis gas.
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April 8, 2008 (73 Fed. Reg. 18970)	USEPA amended the October 12, 2005 (70 Fed. Reg. 59402) Hazardous Waste Combustor Rule. The body of the hazardous waste combustor rule is codified as an air rule, at subpart EEE of 40 CFR 63, and the major portion of the April 8, 2008 amendments involved subpart EEE. The HWM facility standards of 40 CFR 264 through 266 include limited segments that describe the interplay between the hazardous waste combustor rule and the HWM facility standards. The April 8, 2008 amendments included limited amendments to the HWM facility standards.
June 4, 2008 (73 Fed. Reg. 31756)	USEPA amended the F019 hazardous waste listing to exempt wastewater treatment sludges from zinc phosphating when generated by a motor vehicle manufacturing process, subject to limitations. F019 waste is wastewater treatment sludge from the chemical conversion coating of aluminum.

Specifically, the amendments to Part 720 implement segments of the federal amendments of January 2, 2008 and April 8, 2008. The amendments add the new definition of "gasification" to broaden the exclusion from the definition of solid waste for secondary materials reintroduced to the petroleum refining process. They further update the incorporation of the federal National Emission Standards for Hazardous Air Pollutants by reference to incorporate the federal amendments to the Hazardous Waste Combustor Rule.

Tables appear in the Board's opinion and order of September 4, 2008 in docket R09-3 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 September 4, 2008 opinion and order in docket R09-3.

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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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The present amendments update several of the incorporations to include the latest version of the *Code of Federal Regulations*, including citations to subsequent amendments that appeared in the *Federal Register*, where necessary. The Board also updated citations to the *United States Code* to the latest version of the incorporated provisions.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of statewide policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-3 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

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100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: January 2008

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

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TITLE 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
720.104	Electronic Reporting

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 of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations

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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].

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; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. _____, effective _____.

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SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, 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.

"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 that consists of one or more electrically connected

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electrochemical cells that 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.

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

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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 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.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released.

"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.

"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 pursuant to the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"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

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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.

"CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, 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 (2005);

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The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (2005); or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

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-, hexa-, 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

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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:

It is used for neutralizing wastes 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 only for this reason; and

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 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"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

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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.

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

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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 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.

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"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 pursuant to 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, 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 pursuant to 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 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

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facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 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 that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Gasification" means, for the purpose of complying with 35 Ill. Adm. Code 721.104(a)(12)(A), a process conducted in an enclosed device or system that is designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials, through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.

"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, 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

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pipings and underlying containment 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 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 both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

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 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list 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:

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Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

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;

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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

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.

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"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 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 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.

"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.

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"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 USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A) originated and signed by the generator or offeror that contains the information required by Subpart B of 35 Ill. Adm. Code 722 and the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"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 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,

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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 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 pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 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 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 that may be divided by public or private right-of-way, provided the entrance and exit between

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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 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.

"Performance Track member facility" means a facility that has been accepted by USEPA for membership in the National Environmental Performance Track Program (Program) and which is still a member of that Program. The National Environmental Performance Track Program is a voluntary, facility-based, program for top environmental performers. A program member must demonstrate a good record of compliance and past success in achieving environmental goals, and it must commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.

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BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/performancetrack.

"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 35 Ill. Adm. Code 724 or 725.

"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(c);

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(c), 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(c), 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

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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 310.110.

"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.).

"RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J

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of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"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 pursuant to 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.

"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.

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"SIC code" means "Standard Industrial Classification code," as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication "Standard Industrial Classification Manual," incorporated by reference in Section 720.111(a).

"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 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" means a generator that generates less than 1,000 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 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.

"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

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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) 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) 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 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 that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment.

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An example is a pipe in which waste acid is neutralized.

"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.

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"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 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 pursuant to 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;

Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; and

Lamps, as described in 35 Ill. Adm. Code 733.105.

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"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 (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" means the United States Environmental Protection Agency.

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"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;

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 that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge 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.

"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 33 Ill. Reg. _____, effective _____)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

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- 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 November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

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, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks," API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984.

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

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"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. 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, referenced in 35 Ill. Adm. Code 724.292 and 725.292. 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, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis," approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes," approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

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ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.

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ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

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, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

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 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18,

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2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

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 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions," December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, 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," USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: EPA-821/R-98-002 is also available on the Internet for free download as a PDF document from the USEPA website at: www.epa.gov/waterscience/methods/16640514.pdf.

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: EPA-600/4-79-020 is also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

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"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: EPA-454/R-92-019 is also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address:

www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

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Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar[®] Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

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Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

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Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: EPA-530/SW-846 is also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD "Amber List of Wastes," Appendix 4 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

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OECD "Amber Tier," Section IV of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final (revised July 1994), referenced in 35 Ill. Adm. Code 722.187.

OECD "Green List of Wastes," Appendix 3 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1994) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD "Green Tier," Section III of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.

OECD "Red List of Wastes," Appendix 5 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD "Red Tier," Section V of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988), amended by C(94)152/Final (July 28, 1994), "Decision of the Council on Transfrontier Movements of Hazardous Wastes," referenced in 35 Ill. Adm. Code 722.181 and 722.187.

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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), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

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"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: EPA-454/R-92-019 is also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

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, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

- 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 ~~(2008)(2007)~~ (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in Appendix B to 10 CFR 20 ~~(2008)(2007)~~ (Water

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Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 [\(2008\), as amended at 73 Fed. Reg. 30456 \(May 28, 2008\)](#)~~(2007)~~ (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 [\(2008\), as amended at 73 Fed. Reg. 30456 \(May 28, 2008\)](#)~~(2007)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 [\(2008\)](#)~~(2007)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 [\(2008\)](#)~~(2007)~~ (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.2 (2007) (How Does This Part Provide for Electronic Reporting?), referenced in Section 720.104.

40 CFR 3.3 (2007) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2007) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2007) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2007) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2007) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models," Revised 1986,

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USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (2007) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2007), [as amended at 72 Fed. Reg. 51365 \(September 7, 2007\)](#), [72 Fed. Reg. 51494 \(September 7, 2007\)](#), [72 Fed. Reg. 55278 \(September 28, 2007\)](#), [72 Fed. Reg. 59190 \(October 19, 2007\)](#), [72 Fed. Reg. 62414 \(November 5, 2007\)](#), [72 Fed. Reg. 64860 \(November 16, 2007\)](#), [73 Fed. Reg. 3568 \(January 18, 2008\)](#), [73 Fed. Reg. 18162 \(April 3, 2008\)](#), [73 Fed. Reg. 24870 \(May 6, 2008\)](#), [73 Fed. Reg. 29691 \(May 22, 2008\)](#), [73 Fed. Reg. 30308 \(May 27, 2008\)](#), [73 Fed. Reg. 31368 \(June 2, 2008\)](#), [73 Fed. Reg. 31372 \(June 2, 2008\)](#), and [73 Fed. Reg. 35838 \(June 24, 2008\)](#) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (2007), [as amended at 72 Fed. Reg. 64860 \(November 16, 2007\)](#) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Appendix A to 40 CFR 60 (2007), [as amended at 72 Fed. Reg. 51365 \(September 7, 2007\)](#), [72 Fed. Reg. 51494 \(September 7, 2007\)](#), [72 Fed. Reg. 55278 \(September 28, 2007\)](#), [73 Fed. Reg. 29691 \(May 22, 2008\)](#) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, 725.934, and 726.205.

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Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

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Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

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Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.987 and 725.987.

40 CFR 61 (2007), [as amended at 73 Fed. Reg. 18162 \(April 3, 2008\)](#) and [73 Fed. Reg. 24870 \(May 6, 2008\)](#) (National Emission Standards for

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Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2007) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61 (2007) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2007), [amended in 72 Fed. Reg. 36363 \(July 3, 2007\)](#), [72 Fed. Reg. 38864 \(July 16, 2007\)](#), [72 Fed. Reg. 61060 \(October 29, 2007\)](#), [72 Fed. Reg. 73180 \(December 26, 2007\)](#), [72 Fed. Reg. 73611 \(December 28, 2007\)](#), [72 Fed. Reg. 74088 \(December 28, 2007\)](#), [73 Fed. Reg. 226 \(January 2, 2008\)](#), [73 Fed. Reg. 1738 \(January 9, 2008\)](#), [73 Fed. Reg. 1916 \(January 10, 2008\)](#), [73 Fed. Reg. 3568 \(January 18, 2008\)](#), [73 Fed. Reg. 7210 \(February 7, 2008\)](#), [73 Fed. Reg. 12276 \(March 7, 2008\)](#), [73 Fed. Reg. 17252 \(April 1, 2008\)](#), [73 Fed. Reg. 18169 \(April 3, 2008\)](#), [73 Fed. Reg. 18970 \(April 8, 2008\)](#), [73 Fed. Reg. 21825 \(April 23, 2008\)](#), and [73 Fed. Reg. 24870 \(May 6, 2008\)](#) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart RR of 40 CFR 63 (2007) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982, 724.984, 724.985, 725.983, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (2007), [as amended at 73 Fed. Reg. 18970 \(April 8, 2008\)](#) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the

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Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2007) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 (2007) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2007) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2007), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2007) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2007) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2007) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258 (2007) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 (2007) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

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Appendix I to 40 CFR 260 (2007) (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

Appendix III to 40 CFR 261 (2007) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 (2007) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 (2007) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 (2007) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 (2007) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 (2007) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 (2007) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2007) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 (2007) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2007) (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

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Appendix V to 40 CFR 264 (2007) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2007) (Political Jurisdictions in Which Compliance with §264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306 and 724.118.

Appendix I to 40 CFR 265 (2007) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2007) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2007) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2007) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2007) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December

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1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 270.5 (2007) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 (2007), [amended in 72 Fed. Reg. 53152 \(September 18, 2007\)](#) and [72 Fed. Reg. 57235 \(October 9, 2007\)](#) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2007) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2007), [amended in 72 Fed. Reg. 57235 \(October 9, 2007\)](#) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2007), [amended in 72 Fed. Reg. 57235 \(October 9, 2007\)](#) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2007), [amended in 72 Fed. Reg. 57235 \(October 9, 2007\)](#) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#), [73 Fed. Reg. 4699 \(January 28, 2008\)](#), and [73 Fed. Reg. 23362 \(April 30, 2008\)](#) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2007) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#), [73 Fed. Reg. 4699 \(January 28, 2008\)](#), and [73 Fed. Reg. 23362 \(April 30, 2008\)](#) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

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49 CFR 171.15 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2007) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#), [72 Fed. Reg. 59146 \(October 18, 2007\)](#), [73 Fed. Reg. 1089 \(January 7, 2008\)](#), [73 Fed. Reg. 4699 \(January 28, 2008\)](#), and [73 Fed. Reg. 20752 \(April 16, 2008\)](#) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#), [73 Fed. Reg. 4699 \(January 28, 2008\)](#), and [73 Fed. Reg. 23362 \(April 30, 2008\)](#) (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2007) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2007), [amended in 73 Fed. Reg. 4699 \(January 28, 2008\)](#) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and 725.987.

49 CFR 173.28 (2007) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

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49 CFR 173.50 (2007) (Class 1 – Definitions), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.54 (2006) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.115 (2007) (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) and [73 Fed. Reg. 20752 \(April 16, 2008\)](#) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#), [73 Fed. Reg. 4699 \(January 28, 2008\)](#), and [73 Fed. Reg. 23362 \(April 30, 2008\)](#) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) and [73 Fed. Reg. 4699 \(January 28, 2008\)](#) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2007), [amended in 73 Fed. Reg. 4699 \(January 28, 2008\)](#) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) and [72 Fed. Reg. 59146 \(October 18, 2007\)](#) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2007), [amended in 72 Fed. Reg. 55678 \(October 1, 2007\)](#) and [73 Fed. Reg. 4699 \(January 28, 2008\)](#) (Continuing

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Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended through [January 3, 2006](#)~~January 3, 2005~~, referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended through [January 3, 2006](#)~~January 3, 2005~~, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through [January 3, 2006](#)~~January 3, 2005~~, referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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 may file a petition, as specified in subsection (n) 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) 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

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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, "EPA RCRA Delisting Program -- Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- 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, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a) 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.
- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I," "C," "R," or "E" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner 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 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; 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, "EPA

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RCRA Delisting Program -- Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- d) Toxic waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste fulfills the following criteria:
 - A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or
 - B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused 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.
 - 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 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.
- e) Acute hazardous waste. If the waste is listed with the code "H" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not meet the criterion

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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, "EPA RCRA Delisting Program -- Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a).
 - 3) The petitioner 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.
- f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked "reserved." This statement maintains structural consistency with the federal regulations.
 - g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked "reserved." This statement maintains structural consistency with the federal regulations.
 - h) 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.
 - i) Each petition must include, in addition to the information required by subsection (n) 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;

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- 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 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.

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- j) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.
- k) 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.
- l) 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 "EPA RCRA Delisting Program -- Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a).
- m) Delisting of specific wastes from specific sources that have been adopted by USEPA may be proposed as State regulations that are identical in substance pursuant to Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g) 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 101.304, the petitioner must serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:
- USEPA
Office of Solid Waste and Emergency Response
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
- USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604
- 2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.

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- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of all adjusted standards granted by the Board.
- o) 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 will not be conclusive with reference to other persons or the Board.
- p) 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.
- q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.
- r) Delistings apply only within Illinois. Generators 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 33 Ill. Reg. _____, effective _____)

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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>
721.102	Amend
721.104	Amend
721.123	Amend
721.131	Amend
721.133	Amend
721.APPENDIX G	Amend
721.APPENDIX Y	Amend
721.APPENDIX Z	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete description of the subjects and issues involved: The amendments to Part 721 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 724, 725, 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 docket R09-3 rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of September 4, 2008, proposing amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 721 implement segments of the federal amendments of April 8, 2008 and June 4, 2008. The amendments add "gasification" to broaden the exclusion from the definition of solid waste for secondary materials reintroduced to the petroleum refining process. The amendments add the exclusion of wastewater treatment sludges from zinc phosphating generated by motor vehicle manufacturing processes to the F019 hazardous waste listing, including limitations on the exclusion and ancillary requirements.

Tables appear in the Board's opinion and order of September 4, 2008 in docket R09-3 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

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corrections and amendments should refer to the September 4, 2008 opinion and order in docket R09-3.

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).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 721, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-3 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.

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Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: January 2008

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

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TITLE 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

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SUBPART D: LISTS OF HAZARDOUS WASTE

Section

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

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section

721.138	Comparable or Syngas Fuel Exclusion
721.139	Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling
721.140	Conditional Exclusion for Used, Intact CRTs Exported for Recycling
721.141	Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse
721.APPENDIX A	Representative Sampling Methods
721.APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.APPENDIX C	Chemical Analysis Test Methods
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.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
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.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

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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. 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; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992,

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effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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;
 - 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) A material is a solid waste if it is abandoned in one of the following ways:
 - 1) It is disposed of;
 - 2) It is burned or incinerated; or
 - 3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
- c) A material is a solid waste if it is recycled —or accumulated, stored, or treated before recycling —as specified in subsections (c)(1) through (c)(4) of this Section, if one of the following occurs with regard to the material:

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- 1) The material is used in a manner constituting disposal.
 - A) A material that is noted with a "yes" in column 1 of the table in Appendix Z of this Part is a solid waste when one of the following occurs :
 - i) The material is applied to or placed on the land in a manner that constitutes disposal; or
 - ii) 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 product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.
- 2) The material is burned for energy recovery.
 - A) A material that is noted with a "yes" in column 2 of the table in Appendix Z of this Part is a solid waste when one of the following occurs:
 - i) It is burned to recover energy;
 - ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) It is contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.
- 3) Reclaimed. A material noted with a "yes" in column 3 of the table in Appendix Z of this Part is a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a " — — " in column 3 of Appendix Z of this Part is not a solid waste when

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reclaimed.

- 4) Accumulated speculatively. A material noted with "yes" in column 4 of the table in Appendix Z of this Part is a solid 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) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or 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:
 - 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 material is ordinarily disposed of, burned, or incinerated; or
 - ii) The 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 material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and

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- 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) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:
 - A) It is used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed; or
 - B) It is used or reused as effective substitutes for commercial products; or
 - C) It is returned to the original process from which it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the material must be managed in such a manner that there is no placement on the land. In cases where the 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) A material used in a manner constituting disposal or used to produce a product that is applied to the land; or
 - B) A material burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - C) A material accumulated speculatively; or
 - D) A material listed in subsections (d)(1) and (d)(2) of this Section.

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- f) Documentation of claims that a material is not a solid waste or is conditionally exempt from regulation. A respondent in an action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that 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 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, an owner or operator of a facility claiming that it actually is recycling a material must show that it has the necessary equipment to recycle that material.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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 [415 ILCS 5/12(f)] 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.

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- 3) Irrigation return flows.
- 4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- 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 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 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

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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 plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving 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, 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 prepares 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 until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of

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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 the 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].

- 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, [gasification \(as defined in 35 Ill. Adm. Code 720.110\)](#), or thermal cracking units (i.e., cokers)), unless the

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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. 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 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

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- B) The circuit boards are free of mercury switches, mercury relays, 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:
- 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 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

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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 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 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

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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 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 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

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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).
 - 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 that 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

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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 Section.
- 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).

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- 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.
- 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

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- 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 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:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4

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Chromium	0.6
Lead	2.8
Mercury	0.3

- 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 subsection (a)(21)(B) of this Section. Such records must at a minimum include the following:
- i) The dates and times product samples were taken, and the dates the samples were analyzed;
 - ii) The 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;

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- 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).
- 22) Used CRTs.
- A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.
 - B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.
 - C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.
 - D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).
- 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 of, 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 facility:

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- A) The facility receives and burns only the following waste:
- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- B) 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

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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 (Section 721.124 and Appendix B to this Part) because 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 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) 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):
 - 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

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- 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;
 - 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

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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; 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;

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- 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;
 - 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

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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.
- 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.

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- 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 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 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 |
| K176, K177, and K178 | May 20, 2002 |
| K181 | August 23, 2005 |
- 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, K172, K176, K177, or K178 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge.

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After February 26, 2007, leachate or gas condensate derived from K181 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) 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, and 722 through 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.
- 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, and 722 through 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;

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- 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 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

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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, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of 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 2,500 kg of media contaminated with acute hazardous waste, 1,000 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 subsection (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.

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- 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
 - 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.

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- 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 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 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 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

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- 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 subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 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

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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, 2,500 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, 2,500 kg of media contaminated with acute hazardous waste, 1,000 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 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

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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 includes the following information for the previous calendar year:
- 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);

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- 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 meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- "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 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

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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 33 Ill. Reg. _____, effective _____)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

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 at standard temperature and pressure.
 - 8) It is a forbidden explosive, as defined in federal 49 CFR 173.54 (Forbidden Explosives) or a Division 1.1, 1.2, or 1.3 explosive, as defined in 49 CFR 173.50 (Class 1—Definitions), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Corresponding 40 CFR 261.23 cites to 49 CFR 173.51

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for a definition of "forbidden explosive," to 49 CFR 173.53 for a definition of "Class A explosive," and to 49 CFR 173.88 for a definition of "Class B explosive." 49 CFR 173.54 now sets forth the definition of "forbidden explosive," and 49 CFR 173.53 explains that what were once Class A explosives and Class B explosives are now classified as Division 1.1, Division 1.2, and Division 1.3 materials. The Board has updated the Illinois provision to correspond with the current USDOT regulations.

- b) A solid waste that exhibits the characteristic of reactivity has the USEPA hazardous waste number of D003.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

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: (T)
tetrachloroethylene, methylene chloride,
trichloroethylene, 1,1,1-trichloroethane, chlorobenzene,
1,1,2-trichloro-1,2,2-trifluoroethane,
orthodichlorobenzene, trichlorofluoromethane, 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: (I)
xylene, 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: (T)
cresols 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.
- F005 The following spent non-halogenated solvents: (I, T)
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

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solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

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| 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 operations where cyanides are used in the process. | (R, T) |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations. | (R, T) |
| F012 | Quenching wastewater treatment sludges from metal 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)

Wastewater treatment sludge from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the waste is not placed outside on the land prior to shipment to a landfill for disposal and it is disposed of in a regulated landfill that fulfills either of the following conditions:

It is located in Illinois, and it is one of the following types of landfills:

It is a landfill that is a hazardous waste management unit, as defined in 35 Ill. Adm. Code 720.110;

It is a municipal solid waste landfill, as defined in 35 Ill. Adm. Code 810.103; or

It is a putrescible or chemical waste landfill that is subject to the requirements of Subpart C of 35 Ill. Adm. Code 811.

It is located outside Illinois, and it is one of the following types of landfills:

It is a RCRA Subtitle D municipal solid waste or industrial solid waste landfill unit that is equipped with a single clay liner and which is permitted, licensed or otherwise authorized by the state; or

It is a landfill unit that is subject to or which otherwise meets the landfill requirements in 40 CFR 258.40, 264.301 or 265.301.

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[For the purposes of this hazardous waste listing, "motor vehicle manufacturing" is defined in subsection \(b\)\(4\)\(A\) of this Section, and subsection \(b\)\(4\)\(B\) of this Section describes the recordkeeping requirements for motor vehicle manufacturing facilities.](#)

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| 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) |

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- 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)
- 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. (T)
- 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)

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| 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) |
| 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) |

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- 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)
- 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, 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. (T)
- F038 Petroleum refinery secondary (emulsified) 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 (T)

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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 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. "(I, T)" should be used to specify mixtures that are ignitable and contain toxic constituents.

- b) 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:
 - A) "Aggressive biological treatment units" are defined as units 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

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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 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:
 - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at

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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.

4) For the purposes of the F019 hazardous waste listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process:

A) "Motor vehicle manufacturing" is defined to include the manufacture of automobiles and light trucks or utility vehicles (including light duty vans, pick-up trucks, minivans, and sport utility vehicles). A facility owner or operator must be engaged in manufacturing complete vehicles (body and chassis or unibody) or chassis only; and

B) The generator must maintain, in its on-site records, documentation and information sufficient to prove that the wastewater treatment sludge to be exempted from the F019 listing meets the conditions of the listing. These records must include the following information: the volumes of waste generated and disposed of off site; documentation showing when the waste volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. The generator must maintain these documents on site for no less than three years. The retention period for the documentation is automatically extended during the pendency of any enforcement action or as requested by USEPA or by the Agency in writing.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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

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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 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

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use 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 USEPA 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. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

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

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P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-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 ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O 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)-
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 (3a <i>S</i> - <i>cis</i>)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3- <i>b</i>) 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

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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- methylethyl)-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
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 ,4 β ,5 α ,8 α ,8 β)-

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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
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	Ethanimidothioic 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

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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(dimethylcarbomodithioato-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-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-((methylamino)-carbonyloxy)phenyl)-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyloxy)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-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate

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P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P128 P129	315-18-4 315-8-4	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-
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

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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
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	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, 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

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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-hexahydro-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	Tetraethyldithiopyrophosphate
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 Tl ₂ O ₃
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH
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

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P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O 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(dimethylcarbamodithioato-S,S')
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent (R, T)
P205	137-30-4	Ziram

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
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
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent
P002	591-08-2	Acetamide, N-(aminothioxomethyl)
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
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 ,4 β ,5 α ,8 α ,8 β)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine

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P008	504-24-5	4-Pyridinamine
P009	131-74-8	Ammonium picrate (R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H_3AsO_4
P011	1303-28-2	Arsenic oxide As_2O_5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As_2O_3
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis(chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide $CuCN$
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile

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P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
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)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2- (ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O- pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2- (methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1- methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2- (methylamino)-2-oxoethyl) ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O- ((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α -dimethyl-
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret

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P049	541-53-7	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a- hexahydro-, 3-oxide
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-, (1α,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethylenimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10- hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R, T)
P065	628-86-4	Mercury fulminate (R, T)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)- carbonyl)oxy)-, methyl ester
P066	16752-77-5	Methomyl
P067	75-55-8	Aziridine, 2-methyl
P067	75-55-8	1,2-Propylenimine

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P068	60-34-4	Hydrazine, methyl-
P068	60-34-4	Methyl hydrazine
P069	75-86-5	2-Methylactonitrile
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P070	116-06-3	Aldicarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O- ((methylamino)carbonyl)oxime
P071	298-00-0	Methyl parathion
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4- nitrophenyl) ester
P072	86-88-4	α -Naphthylthiourea
P072	86-88-4	Thiourea, 1-naphthalenyl-
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
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts
P076	10102-43-9	Nitric oxide
P076	10102-43-9	Nitrogen oxide NO
P077	100-01-6	Benzenamine, 4-nitro-
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P085	152-16-9	Diphosphoramidate, octamethyl-
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	Endothall
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion

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P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl))phenyl) O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Argentate(1-), bis(cyano-C), potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
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
P108	57-24-9*	Strychnine and salts
P109	3689-24-5	Tetraethyldithiopyrophosphate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P110	78-00-2	Plumbane, tetraethyl-
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Methane, tetranitro- (R)

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P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P115	7446-18-6	Thallium (I) sulfate
P116	79-19-6	Hydrazinecarbothioamide
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10 percent (R, T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P127	1563-66-2	Carbofuran
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P128 P129	315-18-4 315-8-4	Mexacarbate
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime
P185	26419-73-8	Tirpate
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)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan

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P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-(((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine

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P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
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 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. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

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)

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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-(1a α ,8 β ,8a α ,8b α))-
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
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2- propynyl)-
U018	56-55-3	Benz(a)anthracene
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N- 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'-methylenebis(2-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)

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U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-(bis(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(4-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-
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)-

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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(rst)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(a)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-
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))-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid

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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(iminocarbonothioyl))bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, 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)
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

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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 ₂ CrO 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 Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-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	Dibenz(a,h)anthracene
U064	189-55-9	Dibenzo(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
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

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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
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-

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U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-(methylenebis(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
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

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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-nitrosoureido)-, 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)
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-

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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(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
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)
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'-Methylenebis(2-chloroaniline)

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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-amino-2,3,6-trideoxy- α -L-lyxo-hexapyranosyl)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	Naphthaleneamine, 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'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, 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
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

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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'-methylenebis(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
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-

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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-chloroethyl) 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
U201	108-46-3	Resorcinol

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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 ₂ N)C(S)) ₂ S 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	Ethane, 1,1,2-trichloro-
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-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10 percent or less

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U001	75-07-0	Acetaldehyde (I)
U001	75-07-0	Ethanal (I)
U002	67-64-1	Acetone (I)
U002	67-64-1	2-Propanone (I)
U003	75-05-8	Acetonitrile (I, T)
U004	98-86-2	Acetophenone
U004	98-86-2	Ethanone, 1-phenyl-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U005	53-96-3	2-Acetylaminofluorene

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U006	75-36-5	Acetyl chloride (C, R, T)
U007	79-06-1	Acrylamide
U007	79-06-1	2-Propenamide
U008	79-10-7	Acrylic acid (I)
U008	79-10-7	2-Propenoic acid (I)
U009	107-13-1	Acrylonitrile
U009	107-13-1	2-Propenenitrile
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyloxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-
U010	50-07-7	Mitomycin C
U011	61-82-5	Amitrole
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U012	62-53-3	Aniline (I, T)
U012	62-53-3	Benzenamine (I, T)
U014	492-80-8	Auramine
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-
U015	115-02-6	Azaserine
U015	115-02-6	L-Serine, diazoacetate (ester)
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U017	98-87-3	Benzene, (dichloromethyl)-
U018	56-55-3	Benz(a)anthracene
U019	71-43-2	Benzene (I, T)
U020	98-09-9	Benzenesulfonic acid chloride (C, R)
U020	98-09-9	Benzenesulfonyl chloride (C, R)
U021	92-87-5	Benzidene
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine
U022	50-32-8	Benzo(a)pyrene
U023	98-07-7	Benzene, (trichloromethyl)-
U023	98-07-7	Benzotrichloride (C, R, T)
U024	111-91-1	Dichloromethoxy ethane
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-
U025	111-44-4	Dichloroethyl ether
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-
U026	494-03-1	Chlornaphazin
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-

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U027	108-60-1	Dichloroisopropyl ether
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028	117-81-7	Diethylhexyl phthalate
U029	74-83-9	Methane, bromo-
U029	74-83-9	Methyl bromide
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U030	101-55-3	4-Bromophenyl phenyl ether
U031	71-36-3	1-Butanol (I)
U031	71-36-3	n-Butyl alcohol (I)
U032	13765-19-0	Calcium chromate
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U033	353-50-4	Carbonic difluoride
U033	353-50-4	Carbon oxyfluoride (R, T)
U034	75-87-6	Acetaldehyde, trichloro-
U034	75-87-6	Chloral
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2- chloroethyl)amino)-
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, α and γ isomers
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-
U037	108-90-7	Benzene, chloro-
U037	108-90-7	Chlorobenzene
U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U041	106-89-8	Epichlorohydrin
U041	106-89-8	Oxirane, (chloromethyl)-
U042	110-75-8	2-Chloroethyl vinyl ether
U042	110-75-8	Ethene, (2-chloroethoxy)-
U043	75-01-4	Ethene, chloro-
U043	75-01-4	Vinyl chloride
U044	67-66-3	Chloroform
U044	67-66-3	Methane, trichloro-
U045	74-87-3	Methane, chloro- (I, T)

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U045	74-87-3	Methyl chloride (I, T)
U046	107-30-2	Chloromethyl methyl ether
U046	107-30-2	Methane, chloromethoxy-
U047	91-58-7	β -Chloronaphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U048	95-57-8	o-Chlorophenol
U048	95-57-8	Phenol, 2-chloro-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U052	1319-77-3	Phenol, methyl-
U053	4170-30-3	2-Butenal
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U055	98-82-8	<u>Cumene</u> Cumene (I)
U056	110-82-7	Benzene, hexahydro- (I)
U056	110-82-7	Cyclohexane (I)
U057	108-94-1	Cyclohexanone (I)
U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)- α -L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz(a,h)anthracene
U064	189-55-9	Benzo(rst)pentaphene

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U064	189-55-9	Dibenzo(a,i)pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	2-Butene, 1,4-dichloro- (I, T)
U074	764-41-0	1,4-Dichloro-2-butene (I, T)
U075	75-71-8	Dichlorodifluoromethane
U075	75-71-8	Methane, dichlorodifluoro-
U076	75-34-3	Ethane, 1,1-dichloro-
U076	75-34-3	Ethylidene dichloride
U077	107-06-2	Ethane, 1,2-dichloro-
U077	107-06-2	Ethylene dichloride
U078	75-35-4	1,1-Dichloroethylene
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	1,2-Dichloroethylene
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U080	75-09-2	Methane, dichloro-
U080	75-09-2	Methylene chloride
U081	120-83-2	2,4-Dichlorophenol
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	2,6-Dichlorophenol
U082	87-65-0	Phenol, 2,6-dichloro-
U083	78-87-5	Propane, 1,2-dichloro-
U083	78-87-5	Propylene dichloride
U084	542-75-6	1,3-Dichloropropene
U084	542-75-6	1-Propene, 1,3-dichloro-

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U085	1464-53-5	2,2'-Bioxirane
U085	1464-53-5	1,2:3,4-Diepoxybutane (I, T)
U086	1615-80-1	N,N'-Diethylhydrazine
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U090	94-58-6	Dihydrosafrole
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U092	124-40-3	Methanamine, N-methyl- (I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-
U094	57-97-6	7,12-Dimethylbenz(a)anthracene
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide (R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U097	79-44-7	Carbamic chloride, dimethyl-
U097	79-44-7	Dimethylcarbamoil chloride
U098	57-14-7	1,1-Dimethylhydrazine
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	1,2-Dimethylhydrazine
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U101	105-67-9	2,4-Dimethylphenol
U101	105-67-9	Phenol, 2,4-dimethyl-
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-

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U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Diethyleneoxide
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U110	142-84-7	Dipropylamine (I)
U110	142-84-7	1-Propanamine, N-propyl- (I)
U111	621-64-7	Di-n-propylnitrosamine
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U112	141-78-6	Acetic acid, ethyl ester (I)
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts and esters
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters
U115	75-21-8	Ethylene oxide (I, T)
U115	75-21-8	Oxirane (I, T)
U116	96-45-7	Ethylenethiourea
U116	96-45-7	2-Imidazolidinethione
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U117	60-29-7	Ethyl ether
U118	97-63-2	Ethyl methacrylate
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U119	62-50-0	Ethyl methanesulfonate
U119	62-50-0	Methanesulfonic acid, ethyl ester
U120	206-44-0	Fluoranthene
U121	75-69-4	Methane, trichlorofluoro-
U121	75-69-4	Trichloromonofluoromethane
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C, T)
U124	110-00-9	Furan (I)
U124	110-00-9	Furfuran (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U125	98-01-1	Furfural (I)
U126	765-34-4	Glycidylaldehyde
U126	765-34-4	Oxiranecarboxyaldehyde

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U127	118-74-1	Benzene, hexachloro-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U128	87-68-3	Hexachlorobutadiene
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-
U129	58-89-9	Lindane
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Ethane, hexachloro-
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-
U133	302-01-2	Hydrazine (R, T)
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
U136	75-60-5	Arsinic acid, dimethyl-
U136	75-60-5	Cacodylic acid
U137	193-39-5	Indeno(1,2,3-cd)pyrene
U138	74-88-4	Methane, iodo-
U138	74-88-4	Methyl iodide
U140	78-83-1	Isobutyl alcohol (I, T)
U140	78-83-1	1-Propanol, 2-methyl- (I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
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))-
U143	303-34-4	Lasiocarpene
U144	301-04-2	Acetic acid, lead (2+) salt
U144	301-04-2	Lead acetate
U145	7446-27-7	Lead phosphate
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)

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U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U146	1335-32-6	Lead subacetate
U147	108-31-6	2,5-Furandione
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U149	109-77-3	Malononitrile
U149	109-77-3	Propanedinitrile
U150	148-82-3	Melphalan
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl- (I, T)
U153	74-93-1	Methanethiol (I, T)
U153	74-93-1	Thiomethanol (I, T)
U154	67-56-1	Methanol (I)
U154	67-56-1	Methyl alcohol (I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U155	91-80-5	Methapyrilene
U156	79-22-1	Carbonochloridic acid, methyl ester (I, T)
U156	79-22-1	Methyl chlorocarbonate (I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U159	78-93-3	2-Butanone (I, T)
U159	78-93-3	Methyl ethyl ketone (MEK) (I, T)
U160	1338-23-4	2-Butanone, peroxide (R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R, T)
U161	108-10-1	Methyl isobutyl ketone (I)
U161	108-10-1	4-Methyl-2-pentanone (I)
U161	108-10-1	Pentanol, 4-methyl-
U162	80-62-6	Methyl methacrylate (I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I, T)
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U163	70-25-7	MNNG
U164	56-04-2	Methylthiouracil

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U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-
U165	91-20-3	Naphthalene
U166	130-15-4	1,4-Naphthalenedione
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	1-Naphthalenamine
U167	134-32-7	α -Naphthylamine
U168	91-59-8	2-Naphthalenamine
U168	91-59-8	β -Naphthylamine
U169	98-95-3	Benzene, nitro-
U169	98-95-3	Nitrobenzene (I, T)
U170	100-02-7	p-Nitrophenol
U170	100-02-7	Phenol, 4-nitro-
U171	79-46-9	2-Nitropropane (I, T)
U171	79-46-9	Propane, 2-nitro- (I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	N-Nitroso-N-methylurea
U177	684-93-5	Urea, N-methyl-N-nitroso-
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U179	100-75-4	Piperidine, 1-nitroso-
U180	930-55-2	N-Nitrosopyrrolidine
U180	930-55-2	Pyrrolidine, 1-nitroso-
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U181	99-55-8	5-Nitro-o-toluidine
U182	123-63-7	Paraldehyde
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U183	608-93-5	Benzene, pentachloro-
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Ethane, pentachloro-
U184	76-01-7	Pentachloroethane

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U185	82-68-8	Benzene, pentachloronitro-
U185	82-68-8	Pentachloronitrobenzene (PCNB)
U186	504-60-9	1-Methylbutadiene (I)
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U189	1314-80-3	Phosphorus sulfide (R)
U189	1314-80-3	Sulfur phosphide (R)
U190	85-44-9	1,3-Isobenzofurandione
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U191	109-06-8	Pyridine, 2-methyl-
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U192	23950-58-5	Pronamide
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U193	1120-71-4	1,3-Propane sultone
U194	107-10-8	1-Propanamine (I, T)
U194	107-10-8	n-Propylamine (I, T)
U196	110-86-1	Pyridine
U197	106-51-4	p-Benzoquinone
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U200	50-55-5	Reserpine
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-
U201	108-46-3	1,3-Benzenediol
U201	108-46-3	Resorcinol
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
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)

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U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoareido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-
U206	18883-66-4	Streptozotocin
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Ethene, tetrachloro-
U210	127-18-4	Tetrachloroethylene
U211	56-23-5	Carbon tetrachloride
U211	56-23-5	Methane, tetrachloro-
U213	109-99-9	Furan, tetrahydro- (I)
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Acetic acid, thallium (1+) salt
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
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	Nitric acid, thallium (1+) salt
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Ethanethioamide
U218	62-55-5	Thioacetamide
U219	62-56-6	Thiourea
U220	108-88-3	Benzene, methyl-
U220	108-88-3	Toluene
U221	25376-45-8	Benzenediamine, ar-methyl-
U221	25376-45-8	Toluenediamine
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U222	636-21-5	o-Toluidine hydrochloride
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R, T)
U223	26471-62-5	Toluene diisocyanate (R, T)
U225	75-25-2	Bromoform
U225	75-25-2	Methane, tribromo-
U226	71-55-6	Ethane, 1,1,1-trichloro-

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U226	71-55-6	Methylchloroform
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Ethene, trichloro-
U228	79-01-6	Trichloroethylene
U234	99-35-4	Benzene, 1,3,5-trinitro-
U234	99-35-4	1,3,5-Trinitrobenzene (R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt
U236	72-57-1	Trypan blue
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-
U237	66-75-1	Uracil mustard
U238	51-79-6	Carbamic acid, ethyl ester
U238	51-79-6	Ethyl carbamate (urethane)
U239	1330-20-7	Benzene, dimethyl- (I, T)
U239	1330-20-7	Xylene (I)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U240	P 94-75-7	2,4-D, salts and esters
U243	1888-71-7	Hexachloropropene
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U244	137-26-8	Thioperoxydicarbonic diamide ((H ₂ N)C(S)) ₂ S ₂ , tetramethyl-
U244	137-26-8	Thiram
U246	506-68-3	Cyanogen bromide CNBr
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-
U247	72-43-5	Methoxychlor
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
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less

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U249	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-

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U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

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.
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.

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- 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.
- 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 nonwastewaters) under Table B to 35 Ill. Adm. Code 728 (Constituent Concentrations in Waste).

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- 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.
- 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.

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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.
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.

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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.
K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
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.

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- 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.
- 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.

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- 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 hexachlorodibenzofurans (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- octachlorodibenzofuran (OCDF), all pentachlorodibenzofurans (PeCDFs), all tetrachlorodibenzo-p-dioxins (TCDDs), all tetrachlorodibenzofurans (TCDFs).
- K175 Mercury.
- K176 Arsenic, lead.
- K177 Antimony.
- K178 Thallium.
- K181 Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, 1,3-phenylenediamine.

N.A. — Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

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	9,000	18,400	4,900	
Total Halogens as C1	NA	1,000	18,400	540	
Total Organic Halogens as C1	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	18,100	31	
Manganese	7439-96-5	ND	--	1.2	
Mercury, total	7439-97-6	ND	--	0.25	
Nickel, total	7440-02-0	106	18,400	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	--	2,400	
Benzene	71-43-2	8,000	19,600	4,100	
Benzo(b)fluoranthene	205-99-2	ND	--	2,400	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Benzo(k)fluoranthene	207-08-9	ND	--	2,4002	
Benzo(a)pyrene	50-32-8	ND	--	2,400	
Chrysene	218-01-9	ND	--	2,400	
Dibenzo(a,h)anthracene	53-70-3	ND	--	2,400	
7,12-Dimethylbenz(a)-anthracene	57-97-6	ND	--	2,400	
Fluoranthene	206-44-0	ND	--	2,400	
Indeno(1,2,3-cd)pyrene	193-39-5	ND	--	2,400	
3-Methylcholanthrene	56-49-5	ND	--	2,400	
Naphthalene	91-20-3	6,200	19,400	3,200	
Toluene	108-88-3	69,000	19,400	36,000	
Oxygenates:					
Acetophenone	98-86-2	ND	--	2,400	
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	--	2,400	
Butyl benzyl phthalate	85-68-7	ND	--	2,400	
o-Cresol (2-Methyl phenol)	95-48-7	ND	--	2,4002	
m-Cresol (3-Methyl phenol)	108-39-4	ND	--	2,400	
p-Cresol (4-Methyl phenol)	106-44-5	ND	--	2,400	
Di-n-butyl phthalate	84-74-2	ND	--	2,400	
Diethyl phthalate	84-66-2	ND	--	2,400	
2,4-Dimethylphenol	105-67-9	ND	--	2,400	
Dimethyl phthalate	131-11-3	ND	--	2,400	
Di-n-octyl phthalate	117-84-0	ND	--	2,400	
Endothall	145-73-3	ND	--	100	
Ethyl methacrylate	97-63-2	ND	--	39	
2-Ethoxyethanol (Ethylene glycol monoethyl ether)	110-80-5	ND	--	100	

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Isobutyl alcohol	78-83-1	ND	--	39	
Isosafrole	120-58-1	ND	--	2,400	
Methyl ethyl ketone (2-Butanone)	78-93-3	ND	--	39	
Methyl methacrylate	80-62-6	ND	--	39	
1,4-Naphthoquinone	130-15-4	ND	--	2,400	
Phenol	108-95-2	ND	--	2,400	
Propargyl alcohol (2-Propyn-1-ol)	107-19-7	ND	--	30	
Safrole	94-59-7	ND	--	2,400	
Sulfonated Organics:					
Carbon disulfide	75-15-0	ND	--	ND	39
Disulfoton	298-04-4	ND	--	ND	2,400
Ethyl methanesulfonate	62-50-0	ND	--	ND	2,400
Methyl methane-sulfonate	66-27-3	ND	--	ND	2,400
Phorate	298-02-2	ND	--	ND	2,400
1,3-Propane sultone	1120-71-4	ND	--	ND	100
Tetraethyldithiopyrophosphate (Sulfotepp)	3689-24-5	ND	--	ND	2,400
Thiophenol (Benzene-thiol)	108-98-5	ND	--	ND	30
O,O,O-Triethyl phosphorothioate	126-68-1	ND	--	ND	2,400
Nitrogenated Organics:					
Acetonitrile (Methyl cyanide)	75-05-8	ND	--	ND	39
2-Acetylaminofluorene (2-AAF)	53-96-3	ND	--	ND	2,400
Acrylonitrile	107-13-1	ND	--	ND	39
4-Aminobiphenyl	92-67-1	ND	--	ND	2,400
4-Aminopyridine	504-24-5	ND	--	ND	100
Aniline	62-53-3	ND	--	ND	2,400
Benzidine	92-87-5	ND	--	ND	2,400
Dibenz(a,j)acridine	224-42-0	ND	--	ND	2,400

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O,O-Diethyl O-pyrazinyl phosphorothioate (Thionazin)	297-97-2	ND	--	ND	2,400
Dimethoate	60-51-5	ND	--	ND	2,400
p-(Dimethylamino)azobenzene (4-Dimethylaminoazobenzene)	60-11-7	ND	--	ND	2,400
3,3'-Dimethylbenzidine	119-93-7	ND	--	ND	2,400
a,a-Dimethylphenethylamine	122-09-8	ND	--	ND	2,400
3,3'-Dimethoxybenzidine	119-90-4	ND	--	ND	100
1,3-Dinitrobenzene (m-Dinitrobenzene)	99-65-0	ND	--	ND	2,400
4,6-Dinitro-o-cresol	534-52-1	ND	--	ND	2,400
2,4-Dinitrophenol	51-28-5	ND	--	ND	2,400
2,4-Dinitrotoluene	121-14-2	ND	--	ND	2,400
2,6-Dinitrotoluene	606-20-2	ND	--	ND	2,400
Dinoseb (2-sec-Butyl-4,6-dinitrophenol)	88-85-7	ND	--	ND	2,400
Diphenylamine	122-39-4	ND	--	ND	2,400
Ethyl carbamate (Urethane)	51-79-6	ND	--	ND	100
Ethylenethiourea (2-Imidazolidinethione)	96-45-7	ND	--	ND	110
Famphur	52-85-7	ND	--	ND	2,400
Methacrylonitrile	126-98-7	ND	--	ND	39
Methapyrilene	91-80-5	ND	--	ND	2,400
Methomyl	16752-77-5	ND	--	ND	57
2-Methylactonitrile (Acetone cyanohydrin)	75-86-5	ND	--	ND	100
Methyl parathion	298-00-0	ND	--	ND	2,400
MNNG (N-Metyl-N-nitroso-N'-nitroguanidine)	70-25-7	ND	--	ND	110
1-Naphthylamine, (α -Naphthylamine)	134-32-7	ND	--	ND	2,400

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2-Naphthylamine, (β -Naphthylamine)	91-59-8	ND	--	ND	2,400
Nicotine	54-11-5	ND	--	ND	100
4-Nitroaniline, (p-Nitroaniline)	100-01-6	ND	--	ND	2,400
Nitrobenzene	98-95-3	ND	--	ND	2,400
p-Nitrophenol, (p-Nitrophenol)	100-02-7	ND	--	ND	2,400
5-Nitro-o-toluidine	99-55-8	ND	--	ND	2,400
N-Nitrosodi-n-butyl-amine	924-16-3	ND	--	ND	2,400
N-Nitrosodiethylamine	55-18-5	ND	--	ND	2,400
N-Nitrosodiphenyl-amine, (Diphenyl-nitrosamine)	86-30-6	ND	--	ND	2,400

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N-Nitroso-N-methyl-ethylamine	10595-95-6	ND	--	ND	2,400
N-Nitrosomorpholine	59-89-2	ND	--	ND	2,400
N-Nitrosopiperidine	100-75-4	ND	--	ND	2,400
N-Nitrosopyrrolidine	930-55-2	ND	--	ND	2,400
2-Nitropropane	79-46-9	ND	--	ND	30
Parathion	56-38-2	ND	--	ND	2,400
Phenacetin	62-44-2	ND	--	ND	2,400
1,4-Phenylene diamine, (p-Phenylene-diamine)	106-50-3	ND	--	ND	2,400
N-Phenylthiourea	103-85-5	ND	--	ND	57
2-Picoline (alpha-Picoline)	109-06-8	ND	--	ND	2,400
Propylthiouracil (6-Propyl-2-thiouracil)	51-52-5	ND	--	ND	100
Pyridine	110-86-1	ND	--	ND	2,400
Strychnine	57-24-9	ND	--	ND	100
Thioacetamide	62-55-5	ND	--	ND	57
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	2,400
p-Toluidine	106-49-0	ND	--	ND	100
1,3,5-Trinitrobenzne (sym-Trinitrobenzene)	99-35-4	ND	--	ND	2,400
Halogenated Organics:					
Allyl chloride	107-5-1	ND	--	ND	39
Aramite	140-57-8	ND	--	ND	2,400
Benzal chloride (Di-chloromethyl benzene)	98-87-3	ND	--	ND	100
Benzyl chloride	100-44-77	ND	--	ND	100
Bis(2-chloroethyl)ether	111-44-4	ND	--	ND	2,400

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(Dichloroethyl ether)					
Bromoform (Tribromomethane)	75-25-2	ND	--	ND	39

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Bromomethane (Methyl bromide)	74-83-9	ND	--	ND	39
4-Bromophenyl phenyl ether (p-Bromodi- phenyl ether)	101-55-3	ND	--	ND	2,400
Carbon tetrachloride	56-23-5	ND	--	ND	39
Chlordane	57-74-9	ND	--	ND	14
p-Chloroaniline	106-47-8	ND	--	ND	2,400
Chlorobenzene	108-90-7	ND	--	ND	39
Chlorobenzilate	510-15-6	ND	--	ND	2,400
p-Chloro-m-cresol	59-50-7	ND	--	ND	2,400
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
2-Chloronaphthalene (β -Chlorophthalene)	91-58-7	ND	--	ND	2,400
2-Chlorophenol (o- Chlorophenol)	95-57-8	ND	--	ND	2,400
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	2,400
1,2-Dibromo-3-chloro- propane	96-12-8	ND	--	ND	39
1,2-Dichlorobenzene (o-Dichlorobenzene)	95-50-1	ND	--	ND	2,400
1,3-Dichlorobenzene (m-Dichlorobenzene)	541-73-1	ND	--	ND	2,400
1,4-Dichlorobenzene (p-Dichlorobenzene)	106-46-7	ND	--	ND	2,400
3,3'-Dichlorobenzidine	91-94-1	ND	--	ND	2,400
Dichlorodifluoro- methane (CFC-12)	75-71-8	ND	--	ND	39

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1,2-Dichloroethane (Ethylene dichloride)	107-06-2	ND	—	ND	39
1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	ND	—	ND	39

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Dichloromethoxy ethane (Bis(2-chloroethoxy) methane)	111-91-1	ND	--	ND	2,400
2,4-Dichlorophenol	120-83-2	ND	--	ND	2,400
2,6-Dichlorophenol	87-65-0	ND	--	ND	2,400
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
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	2,400
Hexachloro-1,3-buta- diene (Hexachlorobutadiene)	87-68-3	ND	--	ND	2,400
Hexachlorocyclopentadiene	77-47-4	ND	--	ND	2,400
Hexachloroethane	67-72-1	ND	--	ND	2,400
Hexachlorophene	70-30-4	ND	--	ND	59,000
Hexachloropropene (Hexachloropropylene)	1888-71-7	ND	--	ND	2,400
Isodrin	465-73-6	ND	--	ND	2,400
Kepone (Chlordecone)	143-50-0	ND	--	ND	4,700

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Lindane (gamma-Hexachlorocyclohexane) (γ -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	2,400
Pentachloroethane	76-01-7	ND	--	ND	39
Pentachloronitrobenzene (PCNB) (Quintobenzene) (Quintozene)	82-68-8	ND	--	ND	2,400
Pentachlorophenol	87-86-5	ND	--	ND	2,400
Pronamide	23950-58-5	ND	--	ND	2,400
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	2,400
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	2,400
1,2,4-Trichlorobenzene	120-82-1	ND	--	ND	2,400
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

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Trichlorofluoromethane (Trichloromonofluoro- methane)	75-69-4	ND	--	ND	39
2,4,5-Trichlorophenol	95-95-4	ND	--	ND	2,400
2,4,6-Trichlorophenol	88-06-2	ND	--	ND	2,400
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.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 721.APPENDIX Z Table to Section 721.102

	Table			
	1	2	3	4
	Use constituting disposal	Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 721.104(a)(17) for mineral processing secondary materials)	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
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	--	--

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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

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2002). The terms "spent materials," "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3)

<u>Sections Numbers:</u>	<u>Proposed Action:</u>
724.103	Amend
724.114	Amend
724.154	Amend
724.194	Amend
724.416	Amend
724.440	Amend
724.982	Amend
724.989	Amend
724.APPENDIX I	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete description of the subjects and issues involved: The amendments to Part 724 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, 725, 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 docket R09-3 rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of September 4, 2008, proposing amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 724 implement segments of the federal amendments of April 8, 2008. The amendments add hazardous waste facility segments of the federal amendments to the Hazardous Waste Combustor Rule to the hazardous waste treatment, storage, and disposal facility standards.

Tables appear in the Board's opinion and order of September 4, 2008 in docket R09-3 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

corrections and amendments should refer to the September 4, 2008 opinion and order in docket R09-3.

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).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 724, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-3 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: January 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section	
724.101	Purpose, Scope, and Applicability
724.103	Relationship to Interim Status Standards
724.104	Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

Section	
724.110	Applicability
724.111	USEPA Identification Number
724.112	Required Notices
724.113	General Waste Analysis
724.114	Security
724.115	General Inspection Requirements
724.116	Personnel Training
724.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes
724.118	Location Standards
724.119	Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section	
724.130	Applicability
724.131	Design and Operation of Facility
724.132	Required Equipment
724.133	Testing and Maintenance of Equipment
724.134	Access to Communications or Alarm System
724.135	Required Aisle Space

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724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section

724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan
724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section

724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention, and Disposition of Records
724.175 Annual Facility Activities Report
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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. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.103 Relationship to Interim Status Standards

| A facility owner or operator that has fully complied with the requirements for interim status —

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as defined in Section 3005(e) of RCRA and regulations under [Subpart C of 35 Ill. Adm. Code 703](#), ~~Subpart C~~ must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made, except as provided under Subpart S of this Part.

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act [415 ILCS 5/21(f)], the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's or operator's permit application.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.114 Security

- a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator demonstrates the following to the Agency:
 - 1) That physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock that may enter the active portion of a facility; and
 - 2) That disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Part.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.

- b) Unless the owner or operator has made a successful demonstration under subsections (a)(1) and (a)(2) of this Section, a facility must have the following:
 - 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls

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entry onto the active portion of the facility; or

- 2) Physical barriers.
 - A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and
 - B) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

BOARD NOTE: The requirements of subsection (b) of this Section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, that complies with the requirements of subsection (b)(1) or (b)(2) of this Section.

- c) Unless the owner or operator has made a successful demonstration under subsections (a)(1) and (a)(2) of this Section, a sign with the legend, "Danger— Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger— Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

BOARD NOTE: See Section 724.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.154 Amendment of Contingency Plan

The contingency plan must be reviewed, and immediately amended, if necessary, when any of the following occurs:

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- a) The facility permit is revised;
- b) The plan fails in an emergency;
- c) The facility changes in its design, construction, operation, maintenance or other circumstances in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.194 Concentration Limits

- a) The Agency must specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The following must be true of the concentration of a hazardous constituent:
 - 1) It must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or
 - 2) For any of the constituents listed in Table 1, it must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or
 - 3) It must not exceed an alternative limit established by the Agency under subsection (b) of this Section.

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TABLE 1 -- MAXIMUM CONCENTRATION OF
CONSTITUENTS FOR GROUNDWATER PROTECTION

Constituent	Maximum Concentration (mg/ℓ)
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy- 1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4: 5,8-dimethanonaphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2'-bis-(p- methoxyphenyl)ethane)	0.1
Toxaphene (Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxy- propionic acid)	0.01

- b) The Agency must establish an alternative concentration limit for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternative concentration limit is not exceeded. In establishing alternate concentration limits, the Agency must consider the following factors:
- 1) Potential adverse effects on groundwater quality, considering the following:
 - A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

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- B) The hydrogeological characteristics of the facility and surrounding land;
 - C) The quantity of groundwater and the direction of groundwater flow;
 - D) The proximity and withdrawal rates of groundwater users;
 - E) The current and future uses of groundwater in the area;
 - F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;
 - G) The potential for health risks caused by human exposure to waste constituents;
 - H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
 - I) The persistence and permanence of the potential adverse effects; and
- 2) Potential adverse effects on hydraulically-connected surface-water quality, considering the following:
- A) The volume and physical and chemical characteristics of the waste in the regulated unit;
 - B) The hydrogeological characteristics of the facility and surrounding land;
 - C) The quantity and quality of groundwater and the direction of groundwater flow;
 - D) The patterns of rainfall in the region;
 - E) The proximity of the regulated unit to surface waters;

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- F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality;
 - H) The potential for health risks caused by human exposure to waste constituents;
 - I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - J) The persistence and permanence of the potential adverse effects.
- c) In making any determination under subsection (b) of this Section about the use of groundwater in the area around the facility, the Agency must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.
 - d) The Agency must make specific written findings in setting any alternate concentration limits under subsection (b) of this Section.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. The inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the USDOT hazardous materials regulations (49 CFR 173 (Shippers — General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each

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incorporated by reference in 35 Ill. Adm. Code 720.111(b)), if those regulations specify a particular inside container for the waste.

- b) The inside containers must be overpacked in an open head USDOT-specification metal shipping container (49 CFR 178 (Specifications for Packagings) and 179 (Specifications for Tank Cars)) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with Section 724.414(e), to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.
- c) In accordance with Section 724.117(b), the sorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 724.117(b).
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this Section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) of this Section without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the USDOT specifications in 49 CFR 173.12 (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and be overpacked according to the requirements of subsection (b) of this Section.
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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SUBPART O: INCINERATORS

Section 724.440 Applicability

- a) The regulations in this Subpart O apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.
- b) Integration of the MACT standards.
 - 1) Except as provided by subsections (b)(2) through ~~(b)(4)(b)(5)~~ of this Section, the standards of this Part do not apply to a new hazardous waste incineration unit that became subject to RCRA permit requirements after October 12, 2005; or no longer apply when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, pursuant to 40 CFR 63.1207(j) and 63.1210(d), documenting compliance requirements of subpart EEE of 40 CFR 63. ~~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 MACT standards of subpart EEE of 40 CFR 63 do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.
 - 3) The particulate matter standard of Section 724.443(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 63.1219(e) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

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- 4) The following requirements remain in effect for startup, shutdown, and malfunction events if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from the following events:
- A) Section 724.445(a), requiring that an incinerator operate in accordance with operating requirements specified in the permit; and
 - B) Section 724.445(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.
- 5) ~~The particulate matter standard of Section 724.443(e) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 63.1219(e), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63).~~

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. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (~~September~~Sept. 30, 1999)):

Under this approach . . . , 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) After consideration of the waste analysis included with Part B of the permit

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application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure):

- 1) If the Agency finds that the waste to be burned is one of the following:
 - A) It 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;
 - B) It 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 Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone;
 - C) It is a hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or
 - D) It is a hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), and (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone; and
 - 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721 that would reasonably be expected to be in the waste.
- d) If the waste to be burned is one that is described by subsection (b)(1)(A), (b)(1)(B), (b)(1)(C), or (b)(1)(D) of this Section and contains insignificant concentrations of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an

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incinerator.

- e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (short-term and incinerator permits).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart CC.
- b) The owner or operator must control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section.
- c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:
- 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 724.983(a). The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.
 - 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

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- A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 724.983(b).
- B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).
- C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).
- D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions are met:
- i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 724.983(b).

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- ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 724.983(b).
- E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:
- i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
 - ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of federal subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems) to be a closed system.
 - iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in

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Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).

- F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination must be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.
- G) A hazardous waste incinerator for which either of the following conditions is true:
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or
 - ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.
- H) A boiler or industrial furnace for which either of the following conditions is true:
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or
 - ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

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- I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:
 - i) If Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is used for the analysis, one-half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.
 - ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25° C.
- 3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.
- 4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:
 - A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728; or
 - B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

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- 5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:
- A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under federal subpart FF of 40 CFR 61 (National Emission Standard for Benzene Waste Operations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;
 - B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
 - C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T__=Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T__=Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.
- d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section, as follows:
- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 724.983(b).

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- 2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis must be conducted as follows:
 - A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
 - B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.
- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section must be used to establish compliance with the requirements of this Subpart CC.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period, as follows:
 - A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 724.983(a).
 - B) Results of the waste determination performed or requested by the

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Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C) of this Section.

- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to the requirements of this Subpart CC must record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.980(d) or (b)(7), respectively.
- b) The owner or operator of a tank using air emission controls in accordance with the

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requirements of Section 724.984 must prepare and maintain records for the tank that include the following information:

- 1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator must record the following:
 - A) A tank identification number (or other unique identification description, as selected by the owner or operator).
 - B) A record for each inspection required by Section 724.984 that includes the following information:
 - i) Date inspection was conducted.
 - ii) For each defect detected during the inspection: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of Section 724.984, the owner or operator must also record the reason for the delay and the date that completion of repair of the defect is expected.
- 2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator must record the following information, as applicable to the tank:
 - A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
 - B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section

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724.984(e) must prepare and maintain documentation describing the floating roof design.

- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) must prepare and maintain the following records:
 - i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) must prepare and maintain the following records:
 - i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T = Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in

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accordance with the requirements of Section 724.985 must prepare and maintain records for the surface impoundment that include the following information:

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
 - 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).
 - 3) A record for each inspection required by Section 724.985 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator must also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator must prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 must prepare and maintain records that include the following information:
- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure = Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement

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Techniques for Capture Efficiency).

- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 must prepare and maintain records that include the following information:
- 1) Documentation for the closed-vent system and control device that includes the following:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
 - D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
 - E) An owner or operator must record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section,

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as applicable.

- i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
- i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section

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724.987(c)(3)(B).

- f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) must prepare and maintain the following records, as applicable:
- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(E), the owner or operator must record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator must record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.
 - 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator must record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) must record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor," the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.
- h) The owner or operator of a facility that is subject to this Subpart CC and to the control device standards in federal subpart VV of 40 CFR 60 (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry) or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), may elect to demonstrate compliance with the applicable Sections of this Subpart CC by documentation either pursuant to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

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- i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator must record and maintain the following information:
 - 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).
 - 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section are managed at the facility in tanks and containers. This description must include the following information:
 - A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.
 - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.
 - 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:
 - A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following:

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how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
- j) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the requirements of Section 724.980(b)(7), the owner and operator must record and maintain the following information:
- 1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.
 - 2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 724.APPENDIX I Groundwater Monitoring List

- a) Common names are those widely used in government regulations, scientific publications and commerce; synonyms exist for many chemicals.
- b) "CAS RN" means "Chemical Abstracts Service Registry Number." Where "total" is entered, all species in the groundwater that contain this element are included.
- c) CAS index names are those used in the 9th Cumulative index.
- d) PCBs (CAS RN 1336-36-3). This category contains congener chemicals, including constituents Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1) and Aroclor-1260 (CAS RN 11096-82-5).
- e) PCDDs. This category includes congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins and hexachlorodibenzo-p-dioxins.
- f) PCDFs. This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

Common Name	CAS RN	Chemical Abstracts Service Index Name
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	208-96-8	Acenaphthylene
Acetone	67-64-1	2-Propanone
Acetophenone	98-86-2	Ethanone, 1-phenyl-
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-
Acrolein	107-02-8	2-Propenal
Acrylonitrile	107-13-1	2-Propenenitrile
Aldrin	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)-
Allyl chloride	107-05-1	1-Propene, 3-chloro-

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4-Aminobiphenyl	92-67-1	(1,1'-Biphenyl)-4-amine
Aniline	62-53-3	Benzenamine
Anthracene	120-12-7	Anthracene
Antimony	(Total)	Antimony
Aramite	140-57-8	Sulfurous acid, 2-chloroethyl 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester
Arsenic	(Total)	Arsenic
Barium	(Total)	Barium
Benzene	71-43-2	Benzene
Benzo(a)anthracene; Benzanthracene	56-55-3	Benz(a)anthracene
Benzo(b)fluoranthene	205-99-2	Benz(e)acephenanthrylene
Benzo(k)fluoranthene	207-08-9	Benzo(k)fluoranthene
Benzo(ghi)perylene	191-24-2	Benzo(ghi)perylene
Benzo(a)pyrene	50-32-8	Benzo(a)pyrene
Benzyl alcohol	100-51-6	Benzenemethanol
Beryllium	(Total)	Beryllium
α -BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 β ,6 β)-
β -BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 β ,3 α ,4 β ,5 α ,6 β)-
δ -BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 α ,4 β ,5 α ,6 β)-
γ -BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-
Bis(2-chloroethoxy)methane	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-
Bis(2-chloroethyl) ether	111-44-4	Ethane, 1,1'-oxybis(2-chloro-
Bis(2-chloro-1-methylethyl) ether; 2,2'-Dichlorodiisopropyl ether	108-60-1	Propane, 2,2'-oxybis(1-chloro-
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
Bromodichloromethane	75-27-4	Methane, bromodichloro-
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Cadmium	Total	Cadmium
Carbon disulfide	75-15-0	Carbon disulfide
Carbon tetrachloride	56-23-5	Methane, tetrachloro-
Chlordane	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
p-Chloroaniline	106-47-8	Benzeneamine, 4-chloro-
Chlorobenzene	108-90-7	Benzene, chloro-
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro-3-methyl-
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-
Chloroform	67-66-3	Methane, trichloro-
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-
2-Chlorophenol	95-57-8	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-
Chromium	(Total)	Chromium
Chrysene	218-01-9	Chrysene
Cobalt	(Total)	Cobalt
Copper	(Total)	Copper
m-Cresol	108-39-4	Phenol, 3-methyl-
o-Cresol	95-48-7	Phenol, 2-methyl-
p-Cresol	106-44-5	Phenol, 4-methyl-
Cyanide	57-12-5	Cyanide
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-
4,4'-DDD	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloroethylidene)bis(4-chloro-
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)S-(2,3-dichloro-2-propenyl) ester
Dibenz(a,h)anthracene	53-70-3	Dibenz(a,h)anthracene

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Dibenzofuran	132-64-9	Dibenzofuran
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-
3,3'-Dichlorobenzidine	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'- dichloro-
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-
trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-, (E)-
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-
Dieldrin	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)-
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Dimethoate	60-51-5	Phosphorodithioic acid, O,O- dimethyl S-(2-(methylamino)-2- oxoethyl) ester

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p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
7,12-Dimethylbenz(a)anthracene	57-97-6	Benz(a)anthracene,7,12-dimethyl-
3,3'-Dimethylbenzidine	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
α,α -Dimethylphenethylamine	122-09-8	Benzeneethanamine, α,α -dimethyl-
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
1,4-Dioxane	123-91-1	1,4-Dioxane
Diphenylamine	122-39-4	Benzeneamine, N-phenyl-
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 α ,5a β ,6 α ,9 α ,9a β)-
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 α ,5a α ,6 β ,9 β ,9a α)-
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3,3-dioxide

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Endrin	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 ,7a α)-
Endrin aldehyde	7421-93-4	1,2,4-Methanocyclopenta(cd)pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1 α ,2 β ,2a β ,4 β ,4a β ,5 β ,6a β ,6b β ,7R)-
Ethylbenzene	100-41-4	Benzene, ethyl-
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester
Famphur	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl)-O,O-dimethyl ester
Fluoranthene	206-44-0	Fluoranthene
Fluorene	86-73-7	9H-Fluorene
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno(1,2-b)oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1 α ,1b β ,2 α ,5 α ,5a β ,6 β ,6a α)-
Hexachlorobenzene	118-74-1	Benzene, hexachloro-
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
Hexachloroethane	67-72-1	Ethane, hexachloro-
Hexachlorophene	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
2-Hexanone	591-78-6	2-Hexanone
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno(1,2,3-cd)pyrene
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-

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Isodrin	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)-
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5- trimethyl-
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta- (c,d)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6- decachlorooctahydro-
Lead	(Total)	Lead
Mercury	(Total)	Mercury
Methacrylonitrile	126-96-7	2-Propenenitrile, 2-methyl-
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl- N'-2-pyridinyl-N'-(2-thienylmethyl)-
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2- trichloroethylidene)bis(4-methoxy-
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-
3-Methylcholanthrene	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro- 3-methyl-
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-
Methyl ethyl ketone; MEK	78-93-3	2-Butanone
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester
2-Methylnaphthalene	91-57-6	Naphthylene, 2-methyl-
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-
Naphthalene	91-20-3	Naphthalene

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1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione
1-Naphthylamine	134-32-7	1-Naphthalenamine
2-Naphthylamine	91-59-8	2-Naphthalenamine
Nickel	(Total)	Nickel
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-
Nitrobenzene	98-95-3	Benzene, nitro-
o-Nitrophenol	88-75-5	Phenol, 2-nitro-
p-Nitrophenol	100-02-7	Phenol, 4-nitro-
4-Nitroquinoline 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	59-89-2	Morpholine, 4-nitroso-
N-Nitrosopiperidene	100-75-4	Piperidene, 1-nitroso-
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester
Polychlorinated biphenyls; PCBs	See (g)	1,1'-Biphenyl, chloro derivatives
Polychlorinated dibenzo-p-dioxins; PCDDs	See (h)	Dibenzo(b,e)(1,4)dioxin, chloro derivatives
Polychlorinated dibenzofurans; PCDFs	See (i)	Bibenzofuran, chloro derivatives
Pentachlorobenzene	608-93-5	Benzene, pentachloro-
Pentachloroethane	76-01-7	Ethane, pentachloro-
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-
Pentachlorophenol	87-86-5	Phenol, pentachloro-
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)
Phenanthrene	85-01-8	Phenanthrene
Phenol	108-95-2	Phenol
p-Phenylenediamine	106-50-3	1,4-Benzenediamine

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Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester
2-Picoline	109-06-8	Pyridine, 2-methyl-
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile
Pyrene	129-00-0	Pyrene
Pyridine	110-86-1	Pyridine
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	(Total)	Selenium
Silver	(Total)	Silver
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
Styrene	100-42-5	Benzene, ethenyl-
Sulfide	18496-25-8	Sulfide
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-8	Dibenzo(b,e)(1,4)dioxin, 2,3,7,8-tetrachloro-
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-
Tetrachloroethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-
Tetraethyl dithiopyrophosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid (((HO) ₂ P(S)) ₂ O), tetraethyl ester
Thallium	(Total)	Thallium
Tin	(Total)	Tin
Toluene	108-88-3	Benzene, methyl-
o-Toluidine	95-53-4	Benzenamine, 2-methyl-
Toxaphene	8001-35-2	Toxaphene
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-
1,1,1-Trichloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1-trichloro-
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-

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Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	95-96-4	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O- triethyl ester
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-
Vanadium	(Total)	Vanadium
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester
Vinyl chloride	75-01-4	Ethene, chloro-
Xylene (total)	1330-20-7	Benzene, dimethyl-
Zinc	(Total)	Zinc

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 725
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
725.114	Amend
725.154	Amend
725.176	Amend
725.416	Amend
725.933	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 725 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, 724, 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 docket R09-3 rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of September 4, 2008, proposing amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 725 implement segments of the federal amendments of April 8, 2008. The amendments add hazardous waste facility segments of the federal amendments to the Hazardous Waste Combustor Rule to the hazardous waste treatment, storage, and disposal facility standards. The Board added a correction to the amendments adopted in the prior update, RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, January 1, 2006 through June 30, 2006), R07-5, RCRA Subtitle C Update (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consolidated).

Tables appear in the Board's opinion and order of September 4, 2008 in docket R09-3 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

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corrections and amendments should refer to the September 4, 2008 opinion and order in docket R09-3.

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).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 725, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.
- 11) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-3 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.

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Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

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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.

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2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.114 Security

- a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless the following are true:
 - 1) Physical contact with the waste, structures, or equipment of the active

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portion of the facility will not injure unknowing or unauthorized persons or livestock that may enter the active portion of the facility; and

- 2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this Part.
- b) Unless exempt under subsections (a)(1) and (a)(2) of this Section, a facility must have the following:
- 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry into the active portion of the facility; or
 - 2) Controlled access, including the following minimum elements:
 - A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and
 - B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).
- BOARD NOTE: The requirements of subsection (b) of this Section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry that complies with the requirements of subsection (b)(1) or (b)(2) of this Section.
- c) Unless exempt under subsection (a)(1) or (a)(2) of this Section, a sign with the legend, "Danger —Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility and at other locations in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger —Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

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BOARD NOTE: See Section 725.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 725.154 Amendment of Contingency Plan

The contingency plan must be reviewed and immediately amended, if necessary, whenever any of the following occurs:

- a) Applicable regulations are revised;
- b) The plan fails in an emergency;
- c) The facility changes —in its design, construction, operation, maintenance, or other circumstances —in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.176 Unmanifested Waste Report

- a) ~~If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest or without an accompanying shipping paper, as described in 35 Ill. Adm. Code 723.120(e)(2), and, if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105, then the owner or operator must prepare and submit a single copy of a report to the Agency within 15 days after receiving the waste. The unmanifested waste report must be submitted on USEPA form 8700-13B. Such report must be designated~~

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~~"Unmanifested Waste Report" and must include the following information:~~

- ~~1) The USEPA identification number, name, and address of the facility;~~
- ~~2) The date the facility received the waste;~~
- ~~3) The USEPA identification number, name, and address of the generator and the transporter, if available;~~
- ~~4) A description and the quantity of each unmanifested hazardous waste the facility received;~~
- ~~5) The method of treatment, storage, or disposal for each hazardous waste;~~
- ~~6) The certification signed by the owner or operator of the facility or its authorized representative; and~~
- ~~7) A brief explanation of why the waste was unmanifested, if known.~~

- a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper, as described by 35 Ill. Adm. Code 723.120(e), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 260 through 265, then the owner or operator must prepare and submit a letter to the Agency within 15 days after receiving the waste. The unmanifested waste report must contain the following information:

- 1) The USEPA identification number, name, and address of the facility;
- 2) The date the facility received the waste;
- 3) The USEPA identification number, name, and address of the generator and the transporter, if available;
- 4) A description and the quantity of each unmanifested hazardous waste the facility received;
- 5) The method of treatment, storage, or disposal for each hazardous waste;

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- 6) The certification signed by the owner or operator of the facility or its authorized representative; and
 - 7) A brief explanation of why the waste was unmanifested, if known.
- b) This subsection (b) corresponds with 40 CFR 265.76(b), which USEPA has marked "reserved." This statement maintains structural consistency with the corresponding federal regulations.

BOARD NOTE: Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility received unmanifested hazardous waste, USEPA has suggested that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, USEPA has suggested that the owner or operator file an unmanifested waste report for the hazardous waste movement.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the USDOT hazardous materials regulations (49 CFR 173 (Shippers — General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b)), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head USDOT-specification metal shipping container (49 CFR 178 (Specifications for Packagings) and 179 (Specifications for Tank Cars), of no more than 416 liter (110 gallon) capacity

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and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with 35 Ill. Adm. Code 725.414(f) to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.

- c) The sorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 725.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive waste, other than cyanide- or sulfide-bearing waste, as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this Section. Cyanide- or sulfide-bearing reactive waste may be packaged in accordance with subsections (a) through (d) of this Section without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with the requirements of 35 Ill. Adm. Code 728. Persons that incinerate lab packs according to the requirements of 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the USDOT specifications in 49 CFR 173.12 (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and be overpacked according to subsection (b) of this Section.
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.933 Standards: Closed-Vent Systems and Control Devices

- a) Compliance Required.

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- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.
- 2) Implementation Schedule.
 - A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart AA for installation and startup.
 - B) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart AA when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA must comply with all requirements of this Subpart AA as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart AA. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at

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the facility.

- D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA after December 8, 1997, due to an action other than those described in subsection (a)(2)(iii) of this Section must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius (°C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.
- d) Flares.
- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) of this Section except for periods not to exceed a total of five minutes during any two consecutive hours.
 - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) of this Section.
 - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-

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assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

- 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.
 - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.
 - 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V , as determined by the method specified in subsection (e)(5) of this Section.
 - 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
- 1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must be used to determine the compliance of a flare with the

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visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^n C_i \times H_i$$

Where:

H_T = the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C

K = 1.74×10^{-7} (1/ppm) (g mol/scm) (MJ/kcal) where the standard temperature for (g mol/scm) is 20°C

$\sum X_i$ = the sum of the values of X for each component i, from i=1 to n

C_i = the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), and for carbon monoxide, by ASTM D 1946-90 (Standard Practice for Analysis of Reformed Gas by Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111

H_i = the net heat of combustion of sample component i, kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88 (Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)), incorporated by reference in 35 Ill. Adm. Code 720.111(a), if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the

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volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log_{10} (V_{\max}) = \frac{H_T + 28.8}{31.7}$$

Where:

\log_{10} = logarithm to the base 10
 H_T = the net heating value as determined in subsection (e)(2) of this Section.

- 5) The maximum allowed velocity in m/s, V, for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H_T$$

Where:

H_T = the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator must monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:
- 1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow

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from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

- 2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation, as specified below:
 - A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.
 - B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.
 - C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
 - D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
 - E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped

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with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

- F) For a condenser, either of the following:
- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
 - ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in degrees Celsius ($^{\circ}\text{C}$) or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
- G) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either of the following:
- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control

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device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

- h) An owner or operator using a carbon adsorption system, such as a carbon canister, that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).
- i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- j) A closed-vent system must meet either of the following design requirements:
 - 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 725.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read

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from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

- k) The owner or operator must monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
- 1) Each closed-vent system that is used to comply with subsection (j)(1) of this Section must be inspected and monitored in accordance with the following requirements:
- A) An initial leak detection monitoring of the closed-vent system must be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator must monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.
- B) After initial leak detection monitoring required in subsection (k)(1)(A) of this Section, the owner or operator must inspect and monitor the closed-vent system as follows:
- i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator must monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
- ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) of this Section

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must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator must repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.
 - D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:
- A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
 - B) The owner or operator must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year.
 - C) In the event that a defect or leak is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)(3) of this Section.
 - D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 3) The owner or operator must repair all detected defects as follows:
- A) Detectable emissions, as indicated by visual inspection or by an

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instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) of this Section.

- B) A first attempt at repair must be made no later than five calendar days after the emission is detected.
 - C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.
 - D) The owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.
- l) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.
- m) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:
 - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of 35 Ill. Adm. Code 724; or
 - B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC of this Part or 35 Ill. Adm. Code 724; or
 - C) The unit is equipped with and operating air emission controls in

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accordance with a federal national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:
 - A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of 35 Ill. Adm. Code 724; or
 - B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of this Part.
- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:
 - A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or
 - B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.
- n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
 - 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and

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- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (k)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 728, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-3 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

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Phone: 312-814-6924

E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendment 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 REQUIREMENTSPART 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 Case-by-Case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to 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

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.120	Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130	Waste-Specific Prohibitions: Wood Preserving Wastes
728.131	Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132	Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

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	Metals and Containing PCBs
728.133	Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134	Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135	Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136	Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137	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

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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 Wastes Prohibited from Dilution in a 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
728.TABLE D	Technology-Based Standards by RCRA Waste Code
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
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

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17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.102 Definitions

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.

"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.

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"Hazardous debris" means debris that contains a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 or that exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. 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.

"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.

"Land disposal restriction" or "LDR" is a restriction imposed on the land disposal of a hazardous waste pursuant to this Part or ~~35 Ill. Adm. Code~~ 40 CFR 738. The land disposal of hazardous waste is generally prohibited, except where the activity constituting land disposal is ~~specifically~~ specifically allowed, pursuant to this Part or 40 CFR 738.

BOARD NOTE: The Board added this definition based on the preamble discussions at 51 Fed. Reg. 40572, 40573-74 (November 7, 1986) and 53 Fed. Reg. 28118, 28119-20 (July 26, 1988). The USEPA publication "Terms of Environment Glossary, Abbreviations, and Acronyms" (December 1997), USEPA, Communications, Education, and Public Affairs, EPA 175/B-97-001, defines "land disposal restrictions" as follows: "Rules that require hazardous wastes to be treated before disposal on land to destroy or immobilize hazardous constituents that might migrate into soil and ground water."

"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 federal 40 CFR 761.3 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

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"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, federal 40 CFR 264.100 or 265.93, or similar regulations in other states with RCRA programs authorized by USEPA pursuant to 40 CFR 271.

"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.

"Underlying hazardous constituent" means any constituent listed in Table U of this Part, "Universal Treatment Standards (UTS)," 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 one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.2145 Proposed Action:
Amendment
- 4) Statutory Authority: 35 ILCS 120/12; 20 ILCS 2505/ 2505-/795
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed in order to explain the application of Retailers' Occupation Tax to charges made by hotels and similar establishments for the rental of meeting, conference, banquet and other similar types of rooms when food and beverages are provided. Examples of these situations include wedding receptions, conferences and business luncheons. This rule applies a true-object test to these transactions. The rule provides that if only snacks (examples of "snacks" are provided) or non-alcoholic beverages are transferred incidental to the renting of a room, the true object of the transaction will be deemed the rental of the room, and the charges for the room rental are not subject to tax. If, however, any food other than snacks is provided or alcohol is served, the true object of the transaction will be deemed the sale of food or beverages and the charges for the room rental are part of the seller's taxable gross receipts. Numerous examples applying these rules are provided. The rationale for this rule is that when the true object of the transaction is the provision of food or beverages, provision of the room is considered an inseparable link in the chain of events leading to the sale of food or beverages. As such, the room rental is part of the seller's cost of doing business, which is not deductible from gross receipts. The rule also provides examples of other types of charges related to the provision of food and beverages that are considered taxable (e.g., food serving or carving and corkage fees), and charges that are not related to the provision of food and beverages that are considered nontaxable (e.g., security, valet, coat check and entertainment).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect: No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

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<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.120	Amendment	32 Ill. Reg. 4155; March 21, 2008
130.330	Amendment	32 Ill. Reg. 8561; June 13, 2008
130.605	Amendment	32 Ill. Reg. 8850; June 20, 2008
130.2125	Amendment	32 Ill. Reg. 9801; July 11, 2008
130.340	Amendment	32 Ill. Reg. 10806; July 18, 2008
130.2115	Amendment	32 Ill. Reg. 10806; July 18, 2008

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Jerilynn Troxell
Dep. Gen. Counsel – Sales & Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Smaller hotels or other similar establishments may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping
 - C) Types of professional skills necessary for compliance: Accounting, bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled

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	Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

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130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

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130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period

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130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
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SUBPART G: CERTIFICATE OF REGISTRATION

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130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
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130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
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130.735	Certificate Not Transferable
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SUBPART H: BOOKS AND RECORDS

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130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
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SUBPART I: PENALTIES AND INTEREST

Section

- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

- 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

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- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

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- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers

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- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property –

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	Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
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130.2050	Sales and Gifts By Employers to Employees
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130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
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130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
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130.2125	Trading Stamps and Discount Coupons
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians

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130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
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130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987;

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amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003,

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for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.2145 Vendors of Meals

- a) Vendors of Meals – When Liable For Tax
 - 1) Persons engaged in the business of selling meals to purchasers for use or consumption incur Retailers' Occupation Tax liability on their receipts from such sales. It is immaterial that no profit is realized from the operation of any such business if the seller is engaged in a commercial enterprise, or if the seller engages in activities which make him taxable under the terms of Section 130.2005 of this Part. It is also immaterial that the class of purchasers may be a limited one, such as the employees of a particular employer who operates a cafeteria or other dining facilities for the benefit of his employees.
 - 2) Subsection (a)(1) includes, but is not limited to, the following types of vendors:
 - A) hotels;
 - B) restaurants;
 - C) caterers;
 - D) boarding houses;

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- E) concessionaires;
 - F) nonprofit service organizations and institutions to the extent indicated in Section 130.2005(a), (b) and (c) of this Part, and similar enterprises when conducted with a view to profit to the extent indicated in Section 130.2005(o) of this Part;
 - G) employers who operate dining facilities for the benefit of their employees, except to the extent noted in Section 130.2005(b) of this Part; and
 - H) sellers of food and beverages, delivered in Illinois to airlines, for use in serving passengers on aircraft without a separate charge for the food or beverages being made by the airline, regardless of whether the airline may serve the food and beverages in Illinois or outside Illinois; sales of meals to airlines for use on their aircraft in serving crews, where the cost is deducted from a food allowance, are nontaxable sales for resale, but if the meals are delivered to the airline in Illinois, the airline incurs Retailers' Occupation Tax liability on its receipts (consideration in the form of compensation for service rendered) from reselling such meals to crews, regardless of whether the aircraft is in Illinois or outside Illinois when it serves such meals to its crew.
- b) Vendors of Meals to Organizations or Their Members
- 1) Effective August 1, 1961, when members of an organization meet at a hotel, restaurant or other place of business where food or drinks are sold and pay for any such items, the hotel, or other vendor of meals, is considered to be selling such tangible personal property directly to such members as users or consumers, and such sales shall be considered to be taxable. This is true even if the organization collects from the members and makes payment to the vendor, and even if the organization is permitted to retain a portion of what it collects for its own purposes.
 - 2) In this situation, the organization is deemed to be acting for the accommodation of all concerned and is not deemed to be standing in the role of a purchaser and reseller.

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- 3) The measure of the tax is the amount received by the hotel, etc., for the tangible personal property which it furnishes.
 - 4) The principles stated in this Section apply also when the tangible personal property that is being sold is something other than food and drinks, but this Section is concerned primarily with vendors of food and drinks.
- c) Cover Charges and Minimum Charges
- 1) Cover Charges
 - A) Cover charges are not included in the taxable receipts of persons operating restaurants, hotels and other places of business which come within the Act, where such cover charges are made exclusively for the privilege of occupying space within such eating place, and where the payment of a cover charge by a patron does not entitle such patron to use or consume any food or beverage or other tangible personal property.
 - B) In such an instance, the cover charge is a receipt on account of a service rendered, whether such service be entertainment or otherwise, and does not accrue on account of the sale of tangible personal property at retail.
 - 2) Minimum Charges
 - A) The provisions regarding cover charges do not apply to so-called "minimum charges" which are made by night clubs, public eating places, private clubs or other retailers of food or beverages or both, and which entitle the persons paying such charge to use or consume some tangible personal property, such as food or beverages, without additional payment. The retailer's receipts from these charges are subject to Retailers' Occupation Tax.
 - B) Similarly, when a single charge is made for both entertainment and food and the charge for food is not separately stated on the customer's bill, the entire charge is subject to tax. For example, when a dinner theater charges \$50 for a show and includes food

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and beverages, the entire \$50 is subject to tax unless a separate charge is made for the food and beverages.

- C) However, minimum charges imposed by country clubs that must be paid regardless of whether the member purchases food or beverages are subject to tax only to the extent they are incurred for actual food or beverage purchases. (See *Aurora Country Club, Inc. v. Department of Revenue*, 50 Ill.App.3d 756, 365 N.E.2d 229 (2d Dist. 1977).)
- d) **Mandatory Service Charges**
Mandatory gratuities are not included in the taxable receipts of persons operating restaurants, hotels and other places of business which come within the Act, if such mandatory gratuity is added to banquet or dinner checks in the form of a percentage of the total bill, or as a flat rate, to the extent that *the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.* (Section 2-5(15) of the Act) If any part of the service charges are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business, that part of the service charge is includable in gross receipts.
- e) [Rentals of Banquet, Meeting and Conference Rooms – True-object Test](#)
[The taxation of charges for the rental of a banquet, meeting, conference or similar room in conjunction with the providing of food or beverages will depend upon the nature of the transaction. The Department uses a "true-object" test to characterize the nature of these transactions.](#)
- 1) [If the true object of the transaction is the rental of the room and if food or beverages are provided incidentally to the rental of the room, no tax is incurred on the charges for the rental of the room. If no separate charge is made under the contract for the incidental amount of food or beverages provided, the rentor is considered the user of the food or beverages and incurs Use Tax on its cost price of the food or beverages transferred incidentally to the rental of the room. If a separate charge is made for any food and beverages transferred incidentally to the rental of the room, the rentor incurs Retailers' Occupation Tax on the selling price of the food or beverages. See Section 130.310 of this Part regarding the appropriate tax rate for sales of food.](#)

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- 2) If the true object of the transaction is the sale of food or beverages, any room rental charges are part of the seller's costs of doing business and are includable in the seller's taxable gross receipts even if the charges for the room rental are separately stated on the agreement or bill between the seller and its customers. See Section 130.410 of this Part. The rental of the room is considered an inseparable link in the sale of the food and beverages to the customer and is not merely incidental to the seller's business of selling food or beverages.
- 3) If the rental contract requires that alcoholic beverages or food and other beverages be provided or sold by a specific third party or from a choice of providers specified by the rentor, the rentor shall be deemed to be the provider of the alcoholic beverages, food and other beverages for purposes of determining the taxation of the room rental charge.
- 4) This subsection (e) is applicable to rentals of rooms in situations in which those rentals are not subject to tax under the Hotel Operators' Occupation Tax Act.

f) True Object – Rental of Room

The Department deems an incidental provision of food or beverages to include the providing of non-alcoholic beverages, such as coffee, tea and soft drinks, and the providing of snacks, such as cookies, popcorn, candy, doughnuts, fruits and raw vegetables.

EXAMPLE 1: A person contracts for the rental of a meeting room at a hotel for a business meeting. As part of the contract, the hotel agrees to provide coffee, tea, soft drinks and cookies at no extra charge to the participants of the meeting. The true object of this transaction is deemed to be the rental of the room and any food and beverages provided are incidental to the renting of the room. The hotel does not incur Retailers' Occupation Tax on the charges for the rental of the room and the incidental providing of food and beverages. The hotel does incur Use Tax on its cost price of the coffee, tea, soft drinks and cookies provided incidental to the rental of the room.

EXAMPLE 2: A person contracts for the rental of a meeting room at a hotel for a business meeting. The hotel agrees to provide coffee, tea, soft drinks and cookies at the meeting for a separately stated charge as part of the contract. The true

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object of this transaction is deemed to be the rental of the room and any food and beverages provided are incidental to the renting of the room. In this transaction, the hotel incurs Retailers' Occupation Tax on the charge for sale of the coffee, tea, soft drinks and cookies. The gross receipts subject to Retailers' Occupation Tax do not include the separate charge for the rental of the room.

EXAMPLE 3: A person rents a room for a wedding reception from a hotel, but that person separately contracts for the food and beverages with a caterer instead of the hotel. The contract between the hotel and the customer did not specify any particular caterers. The true object of the transaction is deemed to be the rental of the room since the caterer and not the hotel provides the food and beverages. No Retailers' Occupation Tax is incurred on the hotel's rental charges in this instance.

g) True Object – Sale of Food and Beverages

The Department deems the providing of any food other than snacks to be the true object of the transaction and not the rental of the room. If alcoholic beverages are either provided or sold by the rentor to the persons attending the event for which the room is rented, the true object of the transaction will always be deemed the sale of food or beverages and not the rental of the room. If the rental contract requires that the alcoholic beverages or the food and other beverages be provided or sold by a specific third party or from a choice of providers specified by the rentor, the rentor shall be deemed to be the provider of those alcoholic beverages, food and other beverages for purposes of determining the taxation of the room rental charge.

EXAMPLE 1: A person contracts for the rental of a meeting room at a hotel for a business luncheon. As part of the contract, the hotel agrees to provide coffee, tea, soda, soup, sandwiches and various desserts to the participants of the luncheon meeting for no extra charge. The true object of this transaction is deemed to be the sale of food and beverages and not the rental of the room. The hotel incurs Retailers' Occupation Tax on its gross receipts from the sale of the food and beverages, including the charges for the rental of the room.

EXAMPLE 2: A person contracts for the rental of a meeting room at a hotel for a business after hours gathering with a speaker from a local business group. The hotel provides snacks and non-alcoholic beverages for a separately stated charge as part of the contract. The hotel provides for a bartender and agrees to sell alcoholic beverages to the participants at the gathering. The true object of this transaction is deemed to be the sale of food and beverages and not the rental of

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the room. The hotel incurs Retailers' Occupation Tax on its gross receipts from the sale of the food and beverages, including the charges for the rental of the room.

EXAMPLE 3: A person contracts with a hotel for the rental of a banquet room for a wedding reception. As part of the contract, the hotel charges that person a specific amount for each individual who attends the reception in exchange for providing beverages and a buffet meal to those individuals. The true object of this transaction is deemed to be the sale of food and beverages and not the rental of the room. The hotel incurs Retailers' Occupation Tax on its gross receipts from the sale of the food and beverages, which includes the specific charge for each individual who attends the reception, along with any charges for the rental of the room.

EXAMPLE 4: A person contracts with a hotel for a room for a cocktail reception. The hotel's rental contract requires that all alcoholic beverages and food be provided by a restaurant located on the hotel premises. The restaurant is a separate legal entity from the hotel. Because the hotel's rental contract requires the restaurant to provide the food and beverages, the hotel is considered to be the provider of the food and beverages, for purposes of determining taxation of the room charge. The true object of the transaction is the provision of food and beverages, since alcoholic beverages and food are provided. As a result, the hotel's charge for the room rental is subject to Retailers' Occupation Tax. The restaurant is subject to Retailers' Occupation Tax on the sale of the alcoholic beverages and food. If the hotel's rental contract had not required a specific third party to provide food and beverages, the charges for the room rental would not be subject to tax.

h) Other Charges

Charges that are related to the provision of food or beverages are always part of the gross receipts from the sale of the food or beverages. The reason the charges are part of the gross receipts subject to tax is because those charges are part of a seller's costs of doing business and are not deductible from a seller's gross receipts. See Section 130.410 of this Part. Examples of charges that are related to the provision of food and beverages include, but are not limited to, fees for food serving or carving and corkage, and charges for linens, chairs, tables, dishes, glassware, flowers and centerpieces. Examples of charges that are not related to the provision of food or beverages include, but are not limited to, charges for

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[security, valet, coat check, entertainment, audiovisual and telecommunications services, and cancellation fees.](#)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.1	New Section
1030.10	Amendment
1030.11	Amendment
1030.13	Amendment
1030.15	Amendment
1030.16	Amendment
1030.17	Amendment
1030.18	Amendment
1030.20	Repealed
1030.30	Amendment
1030.40	Amendment
1030.50	Amendment
1030.55	Amendment
1030.60	Amendment
1030.63	Amendment
1030.65	Amendment
1030.70	Amendment
1030.75	Amendment
1030.80	Amendment
1030.81	Amendment
1030.82	Amendment
1030.83	Amendment
1030.84	Amendment
1030.85	Amendment
1030.86	Amendment
1030.88	Amendment
1030.89	Amendment
1030.90	Amendment
1030.91	Amendment
1030.92	Amendment
1030.93	Amendment
1030.94	Amendment
1030.96	Amendment
1030.97	Amendment

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1030.98	Amendment
1030.110	Amendment
1030.115	Amendment
1030.120	Amendment
1030.130	Amendment
1030.140	Amendment

- 4) Statutory Authority: 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking combines all definitions from Part 1030 into a new Section 1030.1; repeals Section 1030.20, Classification of Drivers – References, since similar information is covered in Section 1030.30 of this rulemaking; standardizes definitions and procedures used by the Secretary of State; and addresses grammatical and typographical errors.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway

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Springfield, Illinois 62723

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section

1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-testing Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/ Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License [or Instruction Permit](#)
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December

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13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007;

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amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

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"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

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"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

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"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

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"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

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"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

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"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

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"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

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"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

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"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in

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accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

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"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

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"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cañalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

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"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

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"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

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"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

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"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

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Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

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The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

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"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

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A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

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"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar

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violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

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"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

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"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision

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specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

(Source: Added at 33 Ill. Reg. _____, effective _____)

Section 1030.10 What Persons Shall Not be Licensed or Granted Permits

The Secretary of State shall cancel the license of any individual when ~~there is~~ he has evidence that the person suffers, or has suffered, periods of temporary loss of consciousness. No person who suffers, or has suffered, from temporary periods of loss of consciousness shall operate a motor vehicle on the highways of this State unless and until that person agrees to authorize a competent medical ~~specialist~~ authority to report any change in ~~his~~ condition ~~that~~ which would impair ~~the person's~~ his ability to safely operate a motor vehicle. No person who suffers, or has suffered, periods of temporary loss of consciousness shall operate a motor vehicle upon the highways of this State unless and until there is on file, in the Secretary of State's Office, a statement from a competent medical ~~specialist~~ authority that, in his ~~or her~~ opinion, the person can safely operate a motor vehicle. Statements submitted in accordance with this ~~Section~~ rule are for the confidential use of the Secretary of State to implement the provisions of ~~IVC Section 6-103(8)6-103-8 of the Illinois Vehicle Code (I.V.C.)~~ and will not be otherwise available except by order of a duly constituted Court. ~~This requirement has been applicable since July 21, 1973. This rule is to be retroactive in effect to July 21, 1973.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License

a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Foreign National"—A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number~~

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~~through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.~~

~~"Night"—The hours during the period from sunset to sunrise.~~

~~"Temporary Visitor's Driver's License" or "TVDL"—A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.~~

- ~~ab)~~ A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the State. An application form provided by the Secretary of State pursuant to IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~ shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services ~~Facility~~ facility employee with acceptable forms of identification provided in Appendix B establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number.
- ~~be)~~ Any foreign national who wishes to obtain a temporary visitor's driver's license (TVDL) shall go to one of the designated Secretary of State Driver Services ~~Facilities~~ facilities located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services ~~Facility~~ facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- ~~cd)~~ A TVDL ~~temporary visitor's driver's license~~ shall only be issued to an individual who is authorized to reside in this country for one ~~or~~ more years and has at least six ~~6~~ months of ~~his or her~~ authorized presence remaining. Except, individuals currently holding a TVDL ~~temporary visitor's driver's license~~ who have been granted a temporary extension to remain in this country pending a decision on a ~~of his or her~~ request for a status change, upon presentation of documents issued by

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~~the~~ USCIS, may be issued a ~~TVDL temporary visitor's driver's license~~ for the period of the temporary extension.

de) The applicant shall take the following tests as required in IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~:

- 1) A vision test as provided in Sections 1030.70 and 1030.75;
- 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
- 3) A written test, if required, as provided in Section 1030.80.

ef) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b) ~~of the Illinois Code [625 ILCS 5/6-107(b)]~~:

- 1) Held a valid instruction permit for a minimum of ~~nine~~⁹ months; however, applicants who ~~were have been~~ issued an instruction permit prior to January 1, 2008 must hold the instruction permit a minimum of ~~three~~³ months;
- 2) Passed an approved driver education course and ~~submitted~~^{submits} proof of having passed the course as may be required;
- 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, ~~then~~ by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The Secretary of State will exempt 25 hours of behind-the-wheel practice, which will include the 10 hours of night practice time, in cases ~~in which~~^{where} the instruction permit was issued prior to June 22, 2006. The person

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completing the certification shall, upon signing the certification, swear under penalty of perjury, that everything contained within the certification is true and correct.

- fg) A driver's license or TVDLtemporary visitor driver's license applicant shall have his/her photograph taken unless exempted byas provided in Section 1030.90. A driver's license shall be issued upon completion of all the requirements of this Section and IVC Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- gh) A TVDLtemporary visitor's driver's license shall only be issued in Class D, L or M, non-CDL Class D, L or M as established in Section 1030.30.
- ht) Each original TVDLtemporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is earlierless. Except, the TVDLstemporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with IVC Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is earlierless.
- ij) Each renewal TVDLtemporary visitor's driver's license shall expire no more than three3 years from the expiration date of the current license or at the time the individual's authorization to remain in this country expires, whichever is earlierless. Except, the licenses of individuals 81 years of age or older shall expire in accordance with IVC Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is earlierless.
- jk) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDLtemporary visitor's driver's license shall be in accordance with IVC Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- kt) Any person who wishes to renew a TVDLtemporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services Facilitiesfacilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to IVC Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The

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applicant shall also provide a Driver Services ~~Facility~~facility employee with acceptable forms of identification provided in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.

- lm) The Secretary of State shall not send a renewal notice to the holder of a TVDL temporary visitor's driver's license.
- mn) The design and contents of a TVDL temporary visitor's driver's license shall be in accordance with IVC Section 6-110 ~~of the Illinois Vehicle Code [625 ILCS 5/6-110]~~ and Section 1030.90, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a TVDL temporary visitor's driver's license and will contain the phrase "not valid for identification".
- no) Each TVDL temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1) ~~of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]~~. A TVDL temporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is earlierless.
- op) A foreign national who is issued a TVDL temporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.
- pe) A Central Unit will be established within the ~~Secretary of State~~ Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services ~~Facility~~facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases in whichwhere the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services ~~Facility~~facility level; perform liaison services to ~~the~~ USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.

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- 1) When an applicant appears at one of the designated Driver Services ~~Facilities~~ ~~facilities~~ and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.
- 2) A response to a ~~second~~ ~~2nd~~ request for verification of USCIS documents via the SAVE Program generally takes ~~three to five~~ ~~3-5~~ days. Upon receipt of a response from the ~~second~~ ~~2nd~~ verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing ~~the applicant of him or her of his or her~~ eligibility or ineligibility for a TVDL.
- 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to ~~USCIS~~ ~~the Department of Homeland Security, Citizenship and Immigration Services Office~~ in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing ~~the individual of him or her of his or her~~ eligibility or ineligibility for a TVDL.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.13 Denial of License or Permit

- a) ~~For purpose of this Section, the following definitions shall apply:~~

~~"Denial of Driver's License" — the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional~~

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~~permit if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and (d)].~~

~~"Denial of Driving Privilege"—the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) and 6-108.1 of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-108.1].~~

~~"Traffic Regulation Governing the Movement of Vehicles"—a violation for which points are assigned pursuant 92 Ill. Adm. Code 1040.20.~~

~~"Type A Injury"—an injury that includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. [625 ILCS 5/6-108.1]~~

- ab) The Secretary of State shall deny driving privileges to any applicant under 18 years of age:
- 1) Who has committed or has been convicted of an offense that would otherwise result in a mandatory revocation of a license or permit as provided in IVC Section 6-205 ~~of the Illinois Vehicle Code [625 ILCS 5/6-205]~~;
 - 2) Who has been ~~either~~ convicted of, or adjudicated a delinquent based upon, a violation of the Cannabis Control Act [720 ILCS 540], the Illinois Controlled ~~Substances~~ Substance Act [720 ILCS 570], or the Methamphetamine Control and Community Protection Act [720 ILCS 646], while that individual was in actual control of a motor vehicle.
 - A) Any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted.
 - B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by IVC Section 6-107 ~~of the Illinois Vehicle Code [625 ILCS 5/6-107]~~;

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- 3) *Who has been charged with a violation of the Illinois Vehicle Code or the Criminal Code of 1961 [\[720 ILCS 5\]](#) arising out of an accident in which the person was involved as a driver that caused the death of or a Type A injury to another person. [625 ILCS 5/6-108.1]*
- be) The Secretary of State shall deny a driver's license to any applicant under 18 years of age:
- 1) Who has not attained the age of 16, who has not passed an approved driver education course as defined in [IVC](#) Section 1-103 ~~of the Illinois Vehicle Code [625 ILCS 5/1-103]~~ or has not submitted proof of having passed the course as may be required by the Secretary of State; or
 - 2) Who has been convicted of a violation of [IVC](#) Section 6-101 ~~of the Illinois Vehicle Code [625 ILCS 5/6-101]~~ or a similar provision of a local ordinance or a similar out-of-state offense regarding operating a motor vehicle without a valid driver's license or permit committed on or after January 1, 1998.
- cd) The Secretary of State shall deny a driver's license to any applicant under 18 years of age for a period of ~~nine~~⁹ months or until the applicant's 18th birthday, whichever period is shorter, who has been convicted of an offense against traffic regulations governing the movement of vehicles or any violation of [IVC](#) Section 6-107 or 12-603.1 ~~of the Illinois Vehicle Code [625 ILCS 5/6-107 or 12-603.1]~~.
- d) The Secretary of State shall deny a driver's license or permit to any applicant who has been adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405] based upon an offense that is determined by the court to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The applicant shall be denied a license or permit until his/her 18th birthday or until a period specified by the court.
- e) Any applicant who has been denied a license or permit under the provisions of [IVC](#) Section 6-107 ~~of the Illinois Vehicle Code [625 ILCS 5/6-107]~~ may appeal to the Department of Administrative Hearings pursuant to [IVC](#) Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.15 Cite for Re-testing ~~Re-examination~~

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Administrative Error"—any act whereby an employee of the Secretary of State causes information, correctly submitted by the license applicant, to be incorrectly presented on said applicant's driver's license.~~

~~"Authorized Secretary of State Employee"—a Secretary of State Driver Services Facility employee or a Secretary of State employee with a supervisory position.~~

~~"Cited Driver"—a driver who has been requested by the Secretary of State to appear for re-examination.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Improvement Clinic"—class designed to improve driving skills and required of all holders of a probationary driver's license.~~

~~"Driver Services Facility"—facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

~~"Driver's License Examination"—examination administered by the Secretary of State which consists of a vision test, written test, and road test, or any given section or sections thereof.~~

~~"Good Cause"—examples of dangerous driving or of a physical or mental condition which interferes with safe driving or a situation where a Secretary of State Driver Services Facility employee fails to give a required exam or section thereof.~~

~~"Law Enforcement Official"—police officer, sheriff, judge or state's attorney.~~

~~"Secretary of State"—Illinois Secretary of State.~~

- ab)** Any competent~~qualified~~ medical specialist~~practitioner~~, commissioned police officer, state's attorney, member of the judiciary, authorized Secretary of State employee or member of the judiciary may submit information to either the

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Department ~~or the Secretary of State~~ relative to the physical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if ~~that such~~ condition interferes with the person's ability to operate a motor vehicle safely (see IVC Sections 6-900 through 911) (~~Section 506-13 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 506-13)~~). Upon receipt of a written request citing good cause, the Department shall require a driver to submit to a driver's license ~~re-testing re-examination~~. ~~The request must be received from a law enforcement official, a physician, psychiatrist, psychologist or an authorized Secretary of State employee.~~ All written requests shall be confidential ~~and signed by the source unless sent electronically~~, and the Secretary of State shall not release ~~thesuch~~ information without a court order.

- ~~be)~~ The Department shall notify the driver of ~~the his or her~~ obligation to appear within five ~~(5)~~ days on a choice of three given dates at a designated driver services facility nearest in location to the city or town of residence ~~that which~~ is recorded on the driver's most recent license renewal. There will be a 10-day grace period after the third given date before the Department will cancel the driver's license ~~or permit~~. If the driver notifies the Department that he/~~or~~ she will be unable to appear on any of the three ~~(3)~~ designated dates ~~but prior to the final day of the 10-day grace period and provides a statement on official letterhead, signed by a competent medical specialist stating that, due to an existing medical condition, the driver is or will be unable to appear on any of the three designated dates~~, the Department shall issue three ~~(3)~~ more dates on which the driver may appear for ~~re-testing re-examination~~. There will also be a 10-day grace period after the last date given for appearance prior to the Department ~~canceling~~ ~~canceling~~ the driver's license ~~or permit~~. If the driver notifies the Department that he/~~or~~ she will not be able to appear during any of the second set of dates, ~~but prior to the final day of the 10-day grace period, and provides a statement on letterhead signed by a competent medical specialist that states, due to an existing medical condition, the driver is or will be unable to appear during any of the second set of dates~~, the Department shall notify the driver of a final set of three ~~(3)~~ dates on which the driver may appear. Once the 10-day grace period expires, the Department will cancel the driver's ~~driving privileges~~ ~~license~~. The driver may not request ~~more~~ additional dates ~~in which~~ to appear for ~~re-testing re-examination~~.
- ~~cd)~~ Cited drivers shall be tested on the specific sections of the driver's license ~~test examination~~ indicated in the written request for ~~re-testing re-examination~~ received from the Department. If no reference to a specific section of the driver's license

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~~testexamination~~ was made by a competent medical specialist, commissioned police officer, state's attorney, member of the judiciary, or authorized Secretary of State employee~~the law enforcement official, physician, psychiatrist, psychologist or an authorized Secretary of State employee~~, the Department shall administer the cited driver the complete driver's license ~~testexamination~~.

- de) Drivers cited for any portion of the ~~testexamination~~ shall receive only one opportunity to pass the ~~testexam~~. Failure to pass any required portion of the ~~testexamination~~ shall result in the cancellation of ~~the~~that person's driver's license in accordance with IVC Section 6-201~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-201)~~. Failure of the driver cited to appear on any one of the three alternative dates indicated on the notice, or during a 10-day grace period ~~that~~which follows the last date, will result in the cancellation of ~~the~~his/her driver's license. A cited driver who passes all administered sections of the driver's license ~~testexamination~~ shall be deemed to be in compliance with the Department's request, and shall be allowed to retain ~~a~~his/her valid driver's license.
- ef) Driver's license ~~testexaminations~~ shall be administered to the cited driver ~~at~~for no fee.
- fg) In the event of application error, two ~~(2)~~ requests shall be made of the licensee to return to a Driver Services Facility to obtain a corrected license. If the licensee complies, a corrected driver's license shall be issued without a fee. If the licensee fails to comply, he/she shall be cited for ~~re-testing~~re-examination. Failure to appear for ~~re-testing~~re-examination or failure to pass the ~~testexam~~ shall result in cancellation of the driver's license.
- gh) If follow-up vision reports are received indicating a driver's license restriction change, and the licensee has not complied with two ~~(2)~~ written requests to return to a Driver Services Facility to obtain a corrected license, the driver shall be cited. If appearance is made, the licensee shall be issued a corrected driver's license with a fee. If the licensee fails to appear or fails the ~~testexam~~, ~~the~~his/her driver's license shall be ~~cancel~~cancelled.
- hi) If a facility errs in not giving a certain section of the driver's license ~~testexamination~~ and the licensee has not complied with two ~~(2)~~ written requests to return to a Driver Services Facility for ~~re-testing~~re-examination, the driver will be cited for the section of the ~~testexamination which was~~ previously omitted. If

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appearance is made and the cited driver passes the administered section of the driver's license ~~testexamination~~, he/she shall retain his/her driver's license. If the licensee fails to appear or fails the ~~testexam~~, the driver's license shall be ~~cancel~~~~de~~~~cancel~~~~led~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.16 Physical and Mental Evaluation

- a) ~~For purpose of this Section the following definitions shall apply:~~
- 1) ~~"Adjudication of Disability"—an order by a court of competent jurisdiction declaring a person, because of mental deterioration or physical incapacity, is not fully able to manage his person or estate pursuant to Sections 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-2 and 11a-3].~~
 - 2) ~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].~~
 - 3) ~~"Competent Medical Specialist"—a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.~~
 - 4) ~~"Current Medical Report"—any medical report completed within three (3) months after receipt by the Department which is signed and dated by a competent medical specialist.~~
 - 5) ~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~
 - 6) ~~"Department of Administrative Hearing"—the Department of Administrative Hearings of the Office of the Secretary of State.~~
 - 7) ~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

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- 8) ~~"Driver Rehabilitation Specialist"—a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy, or related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).~~
- 9) ~~"Favorable Medical Report"—a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.~~
- 10) ~~"Firsthand Knowledge"—information gleaned directly from its source.~~
- 11) ~~"Illinois Medical Advisory Board (Board)"—a panel consisting of at least 9 physicians appointed by the Secretary pursuant to Section 6-902 of the Driver License Medical Review Law of 1992 [625 ILCS 5/6-902].~~
- 12) ~~"Incomplete Medical Report"—a medical report which has not been completed in its entirety, or a medical agreement which has not been signed and dated by the driver. Examples of an incomplete medical report include, but are not necessarily limited to: a medical report which does not include the name, address, signature or professional license number of the competent medical specialist, or the report which is not dated; or contains illegible information; or fails to answer any of the questions contained within the report.~~
- 13) ~~"Law Enforcement"—police officer, sheriff, coroner, municipal prosecutor, or state's attorney.~~
- 14) ~~"Mandatory Law Enforcement Report"—an unsigned message received by teletypewriter or computer by law enforcement containing the same information as the form designed by the Department. The message shall be directed to the Department and contain the date and name and address~~

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~~of the source sending the message. The message must also contain the name, address, date of birth and driver's license number, if known, of the driver.~~

- 15) ~~"Medical Agreement"—an agreement signed and dated by the driver, maintained in conjunction with a medical report and shall include the following conditions and/or information:~~
- ~~A) a condition that the driver remain under the care of his/her competent medical specialist;~~
 - ~~B) a condition that the driver adhere to the treatment and/or medication;~~
 - ~~C) authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;~~
 - ~~D) possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.~~
- 16) ~~"Medical Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~
- 17) ~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement upon execution by the driver shall be incorporated into and maintained on file with the driver's medical report.~~
- 18) ~~"Medical Restriction Card"—a card designed and issued by the~~

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~~Department which describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license. The driver must abide by all the medical restriction placed on his/her license as described on the medical restriction card and, upon receipt of the card from the Department, the driver must carry the medical card with his/her driver's license at all times.~~

- 19) ~~"Medical Disorder or Disability"—a scientifically recognized condition which may medically impair a person's mental health to the extent he/she is unable to safely operate a motor vehicle.~~
- 20) ~~"Motor Vehicle Departments of Foreign States"—departments in other states that issue driver's licenses.~~
- 21) ~~"National Driver Register (NDR)"—files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.~~
- 22) ~~"Official Investigation"—the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.~~
- 23) ~~"Physical Condition or Disability"—a scientifically recognized condition which may medically impair a person's physical health to the extent he/she is unable to safely operate a motor vehicle.~~
- 24) ~~"Preliminary Favorable Medical Report"—a current medical report or a current written statement on official letterhead which is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.~~
- 25) ~~"Problem Driver Pointer System"—a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (State of Record) and is accessed by other states (State of Inquiry) to determine if driver's license applicants are eligible.~~

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- 26) ~~"Questionable Medical Report"—a medical report which contains medical information which raises some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle. Examples of questionable medical reports include, but are not necessarily limited to:~~
- ~~A) a medical report which indicates the driver has experienced an attack of unconsciousness within the past 6 months; or~~
 - ~~B) the medical report lacks a professional opinion indicating whether or not the driver is medically fit to safely operate a motor vehicle; or~~
 - ~~C) the medical report was signed and/or completed by someone other than a competent medical specialist; or~~
 - ~~D) the competent medical specialist recommends the driver have a driver's license, however, expresses reservations about the driver's ability to safely operate a motor vehicle.~~
- 27) ~~"Rescind Order"—a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~
- 28) ~~"Secretary of State Employee"—all supervisory personnel with the Department of Driver Services and the Department of Administrative Hearings.~~
- 29) ~~"Self-Admission"—self-admission of the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair his/her ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness (i.e. the inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive).~~
- 30) ~~"Termination of an Adjudication of Disability Order"—an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Sections 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-2 and 11a-3].~~

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- 31) ~~"Termination Order"—the ending of an order canceling or medically denying the issuance of a driver's license to a person.~~
- 32) ~~"Unfavorable Medical Report"—a medical report signed and completed by a competent medical specialist containing his/her professional opinion that due to a physical and/or mental disorder/disability the driver is not medically fit to operate a motor vehicle.~~
- 33) ~~"Unfit to Stand Trial Order"—an order by a court of competent jurisdiction whereby a defendant, because of his/her mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Article 104 of the Code of Criminal Procedure [725 ILCS 5/Art. 104].~~

ab) The Department shall require a driver to submit a medical report from a competent medical specialist when:

- 1) ~~The~~ driver answers in the affirmative to any question on the driver's license application regarding physical or mental health pursuant to IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.
- 2) ~~The~~ Department receives written comments and/or recommendations based upon firsthand knowledge or pursuant to an official investigation that brings into question a driver's physical or mental ability to safely operate a motor vehicle. ~~The~~ Such comments and/or recommendations are confidential and must be submitted on official letterhead or a form designed by the Department and signed by an authorized source ~~one of the following sources:~~
- A) ~~a competent medical specialist;~~
 - B) ~~a law enforcement official;~~
 - C) ~~a member of the judiciary;~~
 - D) ~~a member of the Board;~~
 - E) ~~the National Driver Register;~~

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- ~~F) a Secretary of State employee;~~
 - ~~G) an employee of the U.S. Department of Transportation, Office of Motor Carriers;~~
 - ~~H) motor vehicle departments of foreign states;~~
 - ~~I) driver rehabilitation specialist;~~
 - ~~J) self admission; or~~
 - ~~K) problem driver pointer system.~~
- 3) The Department receives an Adjudication of Disability court order in which where the court appointed a guardian to manage the financial affairs or the estate of the person.
 - 4) The driver is renewing a driver's license that, which at the time of issuance, required the driver to submit a medical report, except as provided in subsection ~~(m) of this Section.~~
 - 5) The Department receives a mandatory law enforcement report or message, based on first-hand knowledge or pursuant to an official investigation, that brings into question a driver's physical or mental ability to safely operate a motor vehicle.
- be) The Department shall cancel or medically deny ~~driving privileges~~the issuance of a driver's license upon receipt of an Adjudication of Disability order in which~~where~~ the court appointed a guardian to make responsible decisions concerning the care of the person or of both the person and his/her financial affairs or estate, or the Department receives an order finding the driver unfit to stand trial.
- 1) The notice of cancellation shall be mailed to the court-appointed guardian and of the driver.
 - 2) The cancellation order shall remain in effect until the court issues an order terminating the adjudication of disability; or the driver is found fit to stand trial.

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- 3) After receipt of an order of restoration ~~and prior to the termination of the cancellation~~, the Department shall request a favorable medical report. Upon receipt of a favorable medical report, the cancellation order shall be terminated and the person may reapply for ~~driving privileges a driver's license~~ as outlined in IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~.
- cd) The Department shall cancel or medically deny a driver pursuant to IVC Sections 6-103(8) and 6-201(a)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)]~~, if one or more of the authorized sources ~~listed in subsection (b)(2) of this Section~~ submits a mandatory law enforcement report or a signed, written notification on official letterhead to the Department that, based upon firsthand knowledge or pursuant to an official investigation, the person was the driver of a motor vehicle involved in any type of accident or incident resulting from a seizure, an attack of unconsciousness or a blackout.
- 1) Following a cancellation or denial of ~~driving privileges a license pursuant to this subsection (d)~~, the driver must submit a medical report to be forwarded to the Board and abide by all subsequent requests by either the Department or the Board, if any, for further information and/or clarification prior to being eligible to reapply ~~for a driver's license~~.
- 2) Any medical reports and/or other information concurrently or subsequently received by the Department shall be referred along with the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (jk) ~~of this Section~~.
- de) The Department is authorized to cancel, pursuant to IVC Section 6-201(a)(8) ~~of the Illinois Vehicle Code~~, any driver's license or permit upon determining that a driver failed to report to the Secretary of State, within 10 days after the driver became aware of the condition, as required by IVC Section 6-116.5, the existence of a medical condition that is likely to cause loss of consciousness (i.e., inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive) or loss of ability to safely operate a motor vehicle within 10 days after the driver becoming aware of the condition pursuant to Section 6-116.5 of the Illinois Vehicle Code [625 ILCS 5/6-116.5]. If a driver's licensed driver is canceled ~~pursuant to this subsection (e)~~ and a favorable medical report is subsequently received, the cancellation shall be rescinded, ~~provided the driver is otherwise eligible for the driver's license~~.

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- ef) When a driver is required to submit a medical report or clarification on a questionable report pursuant to subsections (ab)(2), (3) and (5) of this Section, the Department shall furnish the appropriate form to the driver to be completed by a competent medical specialist to the driver. The driver must ~~then~~ resubmit the completed medical report or requested information to the Department within 20 days after issuance.
- 1) If a medical report is not received by the Department within 20 days~~the above specified time~~, the driver's driver license shall be canceled or the driver medically denied driving privileges~~a driver's license~~.
 - 2) If a driver's licensed driver is canceled pursuant to this subsection (f) and a preliminary favorable report or favorable medical report is subsequently received, the cancellation shall be rescinded, provided an unfavorable medical report is not received in the interim.
- fg) If a driver fails to submit a medical report pursuant to subsection (ab)(4) of this Section, the Department shall cancel or medically deny driving privileges~~the driver~~ pursuant to IVC Sections 6-103(8) and 6-201(a)(5) of the Illinois Vehicle Code. If the Department subsequently receives a preliminary favorable report or favorable report, the cancellation shall be rescinded, provided an unfavorable medical report is not received in the interim.
- gh) If, pursuant to subsection (ab) of this Section, the Department receives a favorable medical report, the Department shall authorize the issuance or renewal of driving privileges~~issue or renew the person's driver's license~~, unless the driver is otherwise ineligible.
- hi) If, pursuant to subsection (ab) of this Section, the Department receives an unfavorable medical report, the Department shall cancel or medically deny the driving privileges driver pursuant to IVC Sections~~Section~~ 6-103(8) and 6-201(a)(5)~~of the Illinois Vehicle Code~~.
- ij) If, pursuant to subsection (ab) of this Section, the Department receives a preliminary favorable report, the Department shall authorize the issuance or renewal of driving privileges~~issue or renew the person's driver's license~~, unless the driver is otherwise ineligible. The Department shall then make a further determination as to the type of information and/or clarification that is needed in

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order to finish processing the report.

- 1) If the report is incomplete ~~or not current or one which is not current~~, a request shall be made to the driver to obtain the necessary information required to process the report ~~or the competent medical specialist for the necessary information required to process the report~~.
 - A) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the written request, the Department shall cancel or medically deny the renewal of the driving privileges person's driver's license pursuant to IVC Sections 6-103 and 6-201 ~~6-201 and 6-103 of the Illinois Vehicle Code~~.
 - B) ~~If the Department requests additional information from the competent medical specialist and the Department does not receive this information within 45 days after the written request, the driver shall be notified in writing that a current and complete medical report is needed. If the driver fails to comply within 45 days, the Department shall cancel or medically deny the driver's license pursuant to Sections 6-201 and 6-103 of the Illinois Vehicle Code. [625 ILCS 5/6-201 and 5/6-103].~~
 - BC) If a cancellation order is entered based upon an incomplete medical report or one that which is not current, and information is received to make the medical report favorable or preliminarily favorable, a rescind order shall be entered, provided an unfavorable medical report is not received in the interim.
- 2) If the report is questionable, the Department may shall forward the medical report to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (jk) ~~of this Section~~.
 - jk) If the Department receives a report ~~or statement~~ from a competent medical specialist indicating the driver failed to abide by any of the terms of the medical agreement, the Department shall:
 - 1) cancel or medically deny the driving privileges driver if the medical report or medical statement does not contain a professional opinion that the

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driver can safely operate a motor vehicle, and may, pursuant to subsection (k), and forward the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle; and pursuant to subsection (k) of this Section.

- 2) forward the entire case to the Board for determination as to the driver's ability to operate a motor vehicle pursuant to subsection (k) of this Section, if the medical report or medical statement contains a professional opinion that the driver can safely operate a motor vehicle; and-
- 3) cancel or medically deny driving privileges a driver if the medical report or medical statement contains a professional opinion that the driver cannot safely operate a motor vehicle; the entire file shall be considered an unfavorable medical report as outlined in subsection (gh) of this Section.

k4) The Department shall forward a driver's case to the Board when:

- 1) the driver was medically denied or canceled based upon the Board's last recommendation; or
- 2) the Board has requested to review intermittent reports; or
- 3) a different competent medical specialist submits a favorable medical report contradictory to an unfavorable medical report on file that, which was used as the basis to deny or cancel driving privileges; or
- 4) the Department receives a questionable medical report; or
- 5) the Department receives notification the driver has failed to abide by any of the terms of his/her medical agreement; or
- 46) the Department receives a request from a driver who wishes to have all medical reports on file with the Department reviewed by the Board; or
- 57) the Department receives a request from a driver who wishes to appeal a Type B, C, D, E, F, G, J01; or any other medical restriction that which has been added to ahis/her driver's license or permit pursuant to Section 1030.92 of this Part.

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- lm) When a case is referred by the Department to the ~~Medical Advisory~~ Board for review ~~by the Department~~, the case shall be initially reviewed in the following manner:
- 1) The ~~Department Chairperson or his/her designee~~ shall assign the case to an individual Board member based upon the member's his/her specialty or field of expertise ~~in medicine~~. The Department shall serve as a correspondent for the collection and distribution of all medical reports and/or other information between the driver and the Board.
 - 2) Upon receipt of the case from the Department, the individual Board member shall review the entire file and prepare an informal determination regarding the driver's medical ability to safely operate a motor vehicle for submission to the Chairperson ~~or his/her designee~~.
 - A) The Board member shall consider the driver's past driving record as evidenced by the his/her driving abstract, medical reports, and any other medical information deemed to have probative value by the Board member regarding the driver's medical case.
 - B) The Board member shall consider any medications and/or rehabilitative devices currently being used or available to the driver.
 - C) The Board member shall use the medical criteria listed in Section 1030.18 ~~of this Part~~ when reviewing the driver's medical condition.
 - 3) When reviewing a medical driver's case, the Board member may require the driver to submit him/herself to further medical ~~examination~~ examination(s) and to agree to make the results of these examinations available to the Board member for use in rendering an informal determination.
 - A) The driver shall be solely responsible for the selection, scheduling, and expenses related to any additional examinations ~~that examination(s) which~~ may be required ~~of the driver~~.
 - B) While the Board member may designate the type of physician or medical specialist from with whom the driver needs further

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examination, the Board member shall not recommend a particular physician or medical specialist.

- C) The driver shall have up to 45 days from the date of the Department's written request to submit additional reports ~~to the Department.~~
 - D) The driver's license of any Any driver who refuses to submit to additional examination ~~examination(s)~~ as requested, or refuses to make these reports available to the Board member, shall be canceled or medically denied until the driver ~~he/she~~ complies with the Board member's request and the Board member is able to render an informal determination to the Chairperson pursuant to IVC Sections 6-103 and 6-201 ~~Section 6-201 and 6-103 of the Illinois Vehicle Code.~~
- 4) The informal determination shall include the medical condition of the driver and the limitations associated with the condition that ~~which~~ could reasonably impair a driver's ability to safely operate a motor vehicle; the scope of driving privilege, if any; and the reasons for the Board member's decision.
 - 5) All stages of the informal determination process shall be made as soon as reasonably possible, given the individual Board member's and Chairperson's caseload and the complexity of the case.
 - 6) The name of the Board member rendering the informal determination shall not be disclosed ~~to the driver under review.~~
- m#) Upon receipt of the informal determination from the Board member, the Chairperson ~~or his/her designee~~ shall make a formal determination to the Department regarding the driver's medical fitness to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.
- 1) The formal determination by the Chairperson ~~or his/her designee~~ shall include the existence of the medical condition and/or limitation that ~~which~~ may impair the driver's ability to safely operate a motor vehicle.

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- 2) The formal determination shall also be based upon the Findings of Fact and opinion of the individual Board member, including, but not ~~necessarily~~ limited to, medical evaluations, reports submitted by medical specialists, medications taken by the driver, ~~the and his/her~~ driving record, and other scientifically recognized information commonly accepted in the medical profession.
 - 3) The formal determination shall also indicate the scope of driving privileges ~~that which~~ would enable the driver to safely operate a motor vehicle, including the extent, ~~if any,~~ to which compensatory aids and devices ~~which~~ must be used ~~and the need of future controls~~.
 - 4) In the event driving privileges are restricted or denied, the formal determination shall also state the reasoning for ~~the such~~ restriction or denial in accordance with the medical criteria stated in Section 1030.18 ~~of this Part~~.
 - 5) The Chairperson ~~or his/her designee~~ shall have the authority to confer with the Board member who rendered the determination, in the event the Chairperson ~~or his/her designee~~ needs to confirm or clarify any portion of the Board member's informal determination.
- ~~ne)~~ Upon receipt of the formal determination, the Department shall take the appropriate action, ~~depending upon in accordance with~~ the recommendation of the Chairperson, ~~or his/her designee~~ on behalf of the Board.
- 1) If the Department receives a recommendation from the Board that in its professional opinion the driver is not medically fit to safely operate a motor vehicle, the Department shall enter an order canceling or medically denying ~~driving privileges the driver~~ pursuant to ~~IVC Sections 6-103 and 6-201-6-201 and 6-103 of the Illinois Vehicle Code~~ IVC Sections 6-103 and 6-201.
 - 2) If the Department receives a recommendation from the Board that in its professional opinion the driver is medically fit to safely operate a motor vehicle, the Department shall rescind or terminate any medically related cancellation ~~orders and allow the driver to make application for a new driver's license pursuant to Sections 1-110, 6-106, and 6-109 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-106, and 6-109]~~.

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- A) ~~The Department shall rescind the cancellation if the cancellation was for failure to comply with a request by either the Department or the Board.~~
- B) ~~The Department shall terminate the cancellation if the cancellation was based upon a previous unfavorable medical report, and the driver is otherwise in compliance with this Section.~~

op) If a driver ~~wants~~desires to contest a restriction, cancellation, or denial of ~~his/her~~ driving privileges, the Department must receive a written request from the driver for a ~~panel~~formal review of ~~the medical~~his/her case within 30 days after the action taken by the Department. ~~Panel~~Formal review of the driver's medical case shall be made by a panel of ~~three~~3 Board members selected by the Chairperson ~~or his/her designee~~ based upon the Board member's specialty or field of expertise. The Board member who rendered the formal determination shall participate in the ~~panel~~formal review process. The following procedure shall apply to ~~the medical a~~ case under ~~panel~~formal review:

- 1) The Department shall notify the driver immediately and confirm the driver's request for ~~panel~~Panel review within ~~seven~~7 working days after receipt of the ~~written request~~same.
- 2) ~~The notice shall specifically state the~~ driver has ~~up to~~ 45 days from the date of the notice to submit all additional medical reports to the Department for consideration by the ~~panel~~Panel, ~~if he/she so chooses~~.
- 3) ~~The driver may~~If the driver desires to furnish additional medical reports and/or statements ~~he/she may do so by submitting all reports and statements together as one complete document~~ for review by the ~~panel~~Panel. The document must be ~~returned~~delivered to the Department at the address indicated on the confirmation notice.
- 4) The Department, ~~shall~~ at the direction of the Chairperson, ~~shall or his/her designee~~ prepare and forward the ~~medical~~entire case to the ~~panel~~Review Panel upon receipt of the ~~documents~~document from the driver, or a written statement from the driver indicating ~~the decision no~~he/she does not wish to submit additional reports ~~and to proceed with the review~~, or at the expiration of 45 days, whichever occurs first.

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- 5) Each ~~panel~~ member shall consider the contents of the file ~~that~~~~which~~ was used to make the formal determination, including additional medical reports submitted by the driver ~~on his/her behalf~~ and ~~any~~ new entries listed on the driver's driving record~~, if any~~. The ~~panel~~Panel shall use the same medical criteria and procedure that apply when reviewing an individual case, including the ~~authority~~ability to request additional medical examinations as found in subsection (Im)(3) ~~of this Section~~. The ~~panel~~Review Panel shall only consider evidence ~~which exists~~ in written form. No oral testimony shall be allowed during this type of review.
 - 6) The formal determination under ~~panel~~Panel review shall be made as soon as reasonably possible given the Board ~~members'~~member and Chairperson's caseload, and the complexity of the case. Panel review cases shall be given priority ~~over the review of individual cases~~.
 - 7) Upon completion of the ~~panel~~Panel review, the informal determination of each ~~panel~~Panel review member shall be forwarded to the Chairperson ~~or his/her designee~~. The informal determination shall contain the same elements as outlined in subsection (Im)(4) ~~of this Section~~.
 - 8) Any restriction of driving privileges, cancellation~~,~~ or medical denial shall remain in effect ~~unless and~~ until the Department notifies the driver ~~in writing to the contrary~~.
- pp) Upon receipt of each of the ~~panel members'~~ Review Panel's determinations, the Chairperson ~~or his/her designee~~ shall make a formal recommendation to the Department regarding the driver's ability to safely operate a motor vehicle and the scope of ~~any~~ licensure~~, if any~~, including the use of mechanical devices and/or other conditions for driving.
- 1) The recommendation of the Chairperson ~~or his/her designee~~ shall be based upon the majority ruling of the ~~members'~~Review Panel member's informal determinations.
 - 2) The Chairperson shall have the authority to confer with the members of the ~~panel~~Review Panel ~~in order~~ to confirm, clarify~~,~~ and formulate the recommendation to the Department.
 - 3) The Chairperson's recommendation shall contain the same elements as

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outlined in subsections ~~(m)~~(1) through (4) ~~of this Section.~~

- ~~qf)~~ The Department shall follow the recommendation of the Chairperson ~~or his/her designee~~ based upon the ~~formal~~ determination rendered by the ~~panel~~ Review Panel.
- 1) If the Department receives a formal recommendation from the Chairperson ~~or his/her designee~~ to uphold the decision of the individual Board member who first reviewed the case, the action taken by the Department shall remain in effect.
 - 2) If the Department receives a formal determination from the Chairperson ~~or his/her designee~~ to amend the original determination of the Board member who first reviewed the case, the Department shall follow the determination of the ~~panel~~ Panel, including the recommendation of the granting of full or limited driving privileges or complete cancellation or denial of ~~the~~ driving privileges.
 - 3) The driver shall be notified immediately in writing by the Department of the ~~panel's~~ Panel's formal determination ~~regarding along with any change to~~ his/her driving privileges. The driver shall also be notified in writing of his/her right to request a medical hearing ~~regarding the determination rendered by the Hearing Panel.~~
- ~~rs)~~ A driver who wants to contest the cancellation or medical denial of ~~driving privileges~~ his/her driver's license or his/her privilege to obtain a driver's license for medical reasons shall be entitled to a hearing in accordance with 92 Ill. Adm. Code 1001.Subparts A and E, and ~~IVC~~ Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118].~~
- ~~st)~~ Unless a competent medical specialist has submitted a medical report indicating the physical or mental condition or disability no longer exists, the Department shall require the driver to submit a medical report at each driver's license renewal.
- 1) The Department shall notify the driver at least 30 days prior to the expiration of his/her driver's license. ~~Such notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record file.~~

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- 2) Notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record. The notice shall state that the driver must submit a medical report when renewing a driver's licensehis/her driver's license.
- tu) The Department shall require a driver to appear at a Driver Services Facilityfacility to receive a corrected driver's license if a competent medical specialist or the Board recommends a driver's license restriction pursuant to Section 1030.92 of this Part.
- 1) The Department shall immediately provide written notification to the driver at thehis/her last known address as indicated on the Department's driving record file. The notice shall also state that failure to comply within 20 days after the request will result in the cancellation of the person's driver's license pursuant to IVC Section 6-201.5 of the Illinois Vehicle Code, provided a subsequent medical report is not received from the same competent medical specialist indicating the medical restriction is no longer necessary.
- 2) The Department shall mail a medical restriction card to the driver describing the restrictionsrestriction(s) on thehis/her driver's license.
- 3) The driver must abide by the restrictionsrestriction(s) contained on the card.
- 4) The driver, upon receipt of the medical restriction card from the Department, shall carry the medical card with his/her driver's license when operatingwhenever the driver operates a motor vehicle.
- 5) If a driver's license~~driver~~ is canceled for failing to comply with a written request from the Department pursuant to this subsection (u), and the driver subsequently complies with all requests of the Department, the cancellation shall be rescinded or terminated.
- uv) The Department shall require periodic medical reports between renewals, if so recommended by a competent medical specialist or the Board.
- v) The Chairperson is authorized to appoint a designee to complete any of the duties required to be preformed by the Chairperson as prescribed by this Section.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.17 Errors in Issuance of Driver's License/Cancellation

- a) For purposes of this Section, the following definitions shall apply:

~~"Administrative Error"—any act whereby an employee of the Secretary of State causes information, correctly submitted by the license applicant, to be incorrectly presented on said applicant's driver's license or permit.~~

~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, pars. 1-110 and 6-201) [625 ILCS 5/1-110 and 6-201].~~

~~"Classification"—a designation as to the kind and type of vehicle a driver is entitled to operate as outlined in Sections 1030.20, 1030.30 and 1030.40 of this Part.~~

~~"Confirmed Medical Emergency"—documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-examination period. This includes but is not necessarily limited to the following conditions: hospitalization, serious illness, broken limbs.~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver's License Issuance Error"—any act or omission by a Secretary of State employee which results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.~~

~~"Driver Services Facility"—facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

~~"Endorsement"—an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.~~

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~~"Rescind Order"—a removal by formal action of an order canceling or denying the driver's license of an individual.~~

~~"Restriction"—requirement or condition added on a driver's license which, pursuant to Section 1030.92 of this Part, must first be met by the license holder before he/she may legally operate a motor vehicle.~~

- ~~ab)~~ In the event of a driver's license issuance error or administrative error, the Department shall provide the driver with written notice of his/her obligation to appear at a Driver Services Facility for issuance of a corrected driver's license without further testing pursuant to IVC Section 6-207 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. The Department shall allow the driver at least five ~~(5)~~ but no more than ~~thirty (30)~~ days from the notice date to obtain a corrected driver's license at no fee. No extension shall be granted to the driver, except upon receipt of a confirmed medical emergency. ~~(Ill. Rev. Stat. 1991, ch. 95½, par. 6-207) [625 ILCS 5/6-207].~~
- ~~be)~~ A driver who obtains a corrected driver's license shall ~~be deemed to~~ be in compliance with the Department's request and shall be allowed to retain ~~his/her~~ driving privileges.
- ~~cd)~~ Refusal or neglect ~~of such driver~~ to obtain a corrected driver's license within the specified period shall result in the cancellation of ~~driving privileges~~ ~~his/her driver's license~~ pursuant to IVC Sections ~~6-201(a)(1) and 6-207(b)~~ ~~6-201(a)(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95½, pars. 6-207(b) and 6-201(a)(1)) [625 ILCS 5/6-207(b) and 6-201(a)(1)].~~
- ~~de)~~ Any driver ~~whose driver's license is~~ canceled pursuant to this Section will be allowed to obtain a corrected driver's license without ~~re-testing~~ ~~retesting~~ or paying an additional fee, if the driver is not otherwise ineligible ~~for the same~~.
- ~~ef)~~ An order rescinding the cancellation shall be entered on the record of ~~thea~~ ~~canceled~~ driver who ~~after being canceled under this Section~~ obtains a corrected ~~or renewed~~ driver's license ~~or renewal license~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.18 Medical Criteria Affecting Driver Performance

~~The competent medical specialist and the Medical Advisory Board shall review the driver's case taking into consideration the driver's medical condition in determining the medical fitness of the driver to safely operate a motor vehicle.~~

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Competent Medical Specialist"—a person licensed under the Medical Practice Act, or similar law of another jurisdiction, to practice medicine in all of its branches [225 ILCS 60].~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Functional Ability"—the degree of cognitive, mental, or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.~~

~~"Illinois Medical Advisory Board (Board)"—a panel consisting of at least 9 physicians appointed by the Secretary pursuant to Section 6-902 of the Driver's License Medical Review Law of 1992 [625 ILCS 5/6-902].~~

~~"Medical Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver.~~

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~~A medical agreement upon execution by the driver shall be incorporated into and maintained on file with the driver's medical report.~~

~~"Mental Disorder or Disability"—a scientifically recognized condition which may medically impair a person's mental health to the extent he/she is unable to safely operate a motor vehicle.~~

~~"Physical Condition or Disability"—a scientifically recognized condition which may medically impair a person's physical health to the extent he/she is unable to safely operate a motor vehicle.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-109].~~

~~"Self Admission"—self admission of the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair his/her ability to safely operate a motor vehicle that is likely to cause a loss of consciousness (i.e., the inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive).~~

~~"Vision Screening"—readings of an applicant's visual acuity and peripheral fields of vision obtained by a physician, ophthalmologist, optometrist or Department representative.~~

- ~~ab)~~ The competent medical specialist and the Board shall review and apply the following medical criteria when rendering to the Department a medical opinion of a driver's ability to safely operate a motor vehicle ~~to the Department~~.
- 1) The driver must possess the emotional and intellectual ability to operate a motor vehicle. ~~The~~Specifically, the driver's medical condition must be controlled as follows:
 - A) be free from distractions ~~caused by~~of hallucinations;
 - B) be free from impulsive behavior, homicidal tendencies, and/or suicidal tendencies;
 - C) be oriented with advanced preparation of the driver's~~his/her~~

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destination;

- D) be able to recognize and understand symbols of language and road signs and possess the ability to not only see objects in ~~the~~his/her field of vision, but also to recognize their significance and to react to them with sufficient speed to avoid a catastrophe;
 - E) possess sufficient memory ~~facility~~ to recall ~~the driver's~~his/her destination, ~~recall~~ the significance of road signs and hazards, and ~~recall~~ the operational control of ~~the~~his/her motor vehicle;
 - F) be able to distinguish left from right and to judge distance and relative speed of ~~the~~ his/her motor vehicle as well as other vehicles ~~that~~which may present a potential danger.
- 2) The driver must possess the motor and sensory ~~abilities~~ability to safely operate a motor vehicle. ~~The~~Specifically, ~~the~~ driver's medical condition must be controlled as follows:
- A) ~~possess~~ the ability to sit in a stable and erect posture and hold ~~the~~his/her head erect throughout ~~an intended driving interval~~the interval he/she intends to drive;
 - B) be able to turn ~~the~~his/her head at least 25 ~~degree~~degree's in either direction in order to amplify the field of vision;
 - C) be able to control the motor vehicle with ease, including the gripping of the steering wheel ~~and~~; reaching of the controls and pedals, all without unbalancing or stressing the driver;
 - D) be able to perform all routine operations of the motor vehicle with steady, well coordinated movements. The reaction time of the driver must be average and not limited by muscle, joint or skeletal deformity.
- 3) The driver must have the ability to sustain consciousness throughout the entire ~~intended driving interval~~interval in which he/she intends to drive.
- 4) The driver must be free from severe pain ~~that~~which could cause sudden

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incapacitation or the inability to control a motor vehicle.

5) The driver must be able to meet the vision requirements set forth in Sections as found in Ill. Adm. Code 1030.70 and 1030.75.

6) The driver must not be medicated to the extent of being as to render him/herself incapable of safely operating a motor vehicle.

be) The competent medical specialist and the Board shall evaluate the severity and/or limitations of the medical condition a driver may have on a case-by-case basis. The Board may at any time request additional information to assist it them in evaluating the driver's medical case. The Board shall also take into account the driver's past driving history, including accidents, and any underlying documents requested by the Board or submitted by the driver and any documents in question relating to any the accident, as well as all medication and/or any mechanical mechanism being used by, or otherwise available to, the driver.

cd) The competent medical specialist and the Board each have the authority to recommend full or limited driving privileges to the Department, including, but not limited to, restricted driving hours or miles, use of mechanical devices, and other conditions which the competent medical specialist and the Board deem appropriate, such as requesting follow-up medical reports, depending upon the circumstances of the medical case.

de) The competent medical specialist and the Board each have the authority to recommend medical denial of driving privileges indefinitely, or for a specific period of time.

ef) Information, to the extent known by the competent medical specialist, to be considered by him/her in determining if an individual is medically fit to safely operate a motor vehicle, shall include, including but is not limited to:

- 1) History of illness;
- 2) Severity of symptoms and prognosis;
- 3) Complications and/or co-morbid conditions;
- 4) Treatment and medications, effects and side effects, and person's

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knowledge and use of medications;

- 5) Results of medical tests and reports of laboratory findings;
- 6) Functional ability, including mental or emotional function;
- 7) Reports of driver conditions or behavior;
- 8) Traffic accidents that have been caused by a medical condition. Temporary medical conditions (e.g., broken limbs) are not to be considered under this subsection (ef).

- fg) The Department shall determine if an individual is qualified to safely operate a motor vehicle based on a vision test, the individual's knowledge of traffic laws, road signs and rules of the road, vehicle equipment and safe driving practices, and a road test as outlined in IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.20 Classification of Drivers – References (Repealed)

- a) **Subject**
~~Sections 1030.20, 1030.30 and 1030.40 establish the classifications for drivers licenses issued under the authority of the I.V.C.~~
- b) **Authority**
~~Sections 1030.20, 1030.30 and 1030.40 are promulgated under the authority of paragraph (a) of Section 6-104 of the Illinois Vehicle Code.~~

(Source: Repealed at 33 Ill. Reg. _____, effective _____)

Section 1030.30 Classification Standards

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Endorsement"—an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.~~

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~~"Gross Combination Weight Rating (GCWR)"—the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating (GVWR)"—the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight, whichever is greater.~~

~~"Hazardous Materials"—a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802)~~

~~"Immediate Family Member"—parent, child, sibling, grandparent, step-parent, step-child, step-sibling, step-grandparent.~~

~~"Safety Course"—an explanation, which is provided by a rental agency to an individual during the rental transaction, concerning the controls and features of the vehicle and its proper operation.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

b) Driver's License Classification System

All driver's licenses issued by the Office of the Secretary of State after April 1, 1990, shall be classified as to the kind and type of vehicles~~vehicle(s)~~ the holder is licensed to drive, as follows:

- a1)** Class A: Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicles~~vehicle(s)~~ being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor-driven cycles.
- b2)** Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate or required endorsements, operate all vehicles within Class B, C and D, but are not authorized to operate motorcycles or motor-driven cycles.

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c3) Class C:1) Any Vehicle:

- A) ~~Any single vehicle~~ with a GVWR of 16,001 or more pounds, but less than 26,001 pounds ~~GVWR~~, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or
- B) ~~Any vehicle~~ less than ~~26,001~~26,000 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials ~~that~~which requires the vehicle to be placarded; or
- C) ~~Any vehicle~~ less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials ~~that~~which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds.

- 2) Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor-driven cycles. A Class C license is not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has successfully completed a safety course regarding safe operation of the vehicle.

d4) Class D:1) Any single vehicle:

- A) ~~Any single vehicle~~ with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials ~~that~~which would require ~~the~~such vehicle to be placarded; or
- B) ~~Any single vehicle~~ with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials ~~that~~which would require

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~~the~~ vehicle to be placarded, towing any vehicle, providing the GCWR is less than 26,001 pounds.

- 2) Holders of a Class D license may operate all vehicles within Class D, and may operate rental vehicles up to 26,000 pounds when transporting an individual's own personal property or that of an immediate family member for non-business purposes within the State, if the individual has successfully completed a safety course regarding the safe operation of the vehicle, but are not authorized to operate motorcycles or motor-driven cycles.

e5) Class L: Any motor-driven cycle. (~~Ill. Rev. Stat. 1991, ch. 95½, par. 1-148.~~)

f6) Class M: Any motorcycle. (~~Ill. Rev. Stat. 1991, ch. 95½, par. 1-147.~~)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.40 Fifth Wheel Equipped Trucks

~~A fifth wheel equipped truck regulated under IVC Section 1-120.5 is any~~ Any single unit motor vehicle ~~that~~ which has the capability, because of design, to carry a load other than a part of the weight of an attached trailer. ~~The~~ and the trailer's load cannot be considered a truck-tractor even though it may:

- a) be used like a truck-tractor; ~~or~~
- b) be equipped with a fifth wheel ~~assembly;~~ or
- c) include among its characteristics all the characteristics of a truck-tractor.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Abstract"—an official driving record.~~

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~~"Applicant"—a person applying for religious organization bus driver restriction on his/her driver's license.~~

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed unit or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturer as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.~~

~~"P' Endorsement"—a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.~~

~~"Reckless Driving"—driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill, to cause a vehicle to become airborne as defined in Section 11-503 of the Illinois Vehicle Code [625 ILCS 5/11-503].~~

~~"Religious Organization Bus Driver Restriction"—a restriction on a driver's license allowing person to operate bus for a religious organization.~~

~~"Restriction"—a requirement or condition added to a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle Restriction"—a restriction on a driver's license allowing a person to operate a vehicle for a senior citizen organization.~~

b) ~~A religious organization bus or senior citizen transportation vehicle driver shall have on his/her driver's license a Type "J" restriction and a "P" endorsement, when required.~~

ae) If the GVWR, GCWR or person capacity of the religious organization bus or senior citizen transportation vehicle requires that the applicant's Illinois driver's license be of a different classification, the applicant shall comply with the

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provisions of the law to obtain the classification, restriction and/or endorsement necessary for the applicant to operate the type of religious organization bus or senior citizen transportation vehicle applied for.

- bd) In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of any of the offenses listed in IVC Section 6-106.2(5) or 6-106.3(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2(5) or 6-106.3(5)]~~, that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:
- 1) The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible ~~for authorization~~ to operate a religious organization bus or senior citizen transportation vehicle.
 - 2) A licensee shall surrender his/her Illinois driver's license at a Driver Services Facility within 10 days after receiving notification in order to have the ~~restriction~~authority to operate the religious organization bus or senior citizen transportation vehicle removed from ~~the~~his/her driver's license.
 - 3) A corrected driver's license shall be issued to each eligible licensee and the applicant shall be charged a fee in accordance with IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~.
- ce) Failure of a licensee to comply with subsection (bd)(2) ~~of this Section~~ shall result in cancellation of the licensee's Illinois driver's license.
- df) If a person relocates to Illinois from out-of-state and desires the authorization to operate a religious organization bus or senior citizen transportation vehicle, he/she must provide a letter or an abstract from the former state of licensure indicating that the requirements of IVC Section 6-106.2 or 6-106.3 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2 or 6-106.3]~~ have been met.
- eg) If a person resides in a state other than Illinois and ~~wants~~wishes to operate a religious organization bus and/or senior citizen transportation bus in Illinois, ~~the applicant~~he/she must hold a valid and properly classified license in his/her state of residence and a Religious Organization Bus and/or Senior Citizen Transportation Bus Certificate (Certificate) issued by the Illinois Secretary of State. To obtain

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the Certificate, the applicantperson shall provide a letter or abstract from the licensing authority of his/her state of licensure indicating the requirements of IVC Section 6-106.2 and/or Section 6-106.3 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2 and/or 6-106.3]~~ have been met. Both the Certificate and the valid and properly classified out-of-state license must be carried when the driverperson is operating a religious organization bus and/or senior citizen transportation bus in Illinois.

- fh) Applicants who hold a valid school bus permit in Illinois are permitted to operate a religious organization bus or senior citizen transportation vehicle, within a a classification ~~as~~ set forth in Section 1030.30(b)(1) through (4), without having additional restrictions added to ~~the~~their license. If the applicant wants~~desires~~ to have the "J" restriction added to his/her license, the road test shall be waived, but the applicant shall pay a fee for a corrected ~~license~~licenses or ~~permit~~permits in accordance with IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Commuter Van"—a motor vehicle designed for the transportation of not less than 7 or more than 16 passengers, which is used in a ridesharing arrangement.~~

~~"For-Profit Ridesharing Arrangement"—the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ridesharing Arrangements Act [625 ILCS 30/6].~~

~~"P" Endorsement"—a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons including the driver.~~

~~"Restriction"—a requirement or condition added to a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

- ab) Pursuant to the provisions of IVC Section 6-106.4 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.4]~~, an individual who applies for driving privileges to operate

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a commuter van in a for-profit ridesharing arrangement shall be required to take and successfully complete a test of ~~his or her~~ driving ability while operating a commuter van. The standards for successfully completing this driving test shall be the same as those utilized for other non-CDL Class C or Class D type driving tests ~~using other vehicles~~.

be) The driving test required in a for-profit ridesharing arrangement shall be taken and successfully completed in a commuter van; however, this commuter van need not be the same commuter van as will be used in the for-profit ridesharing arrangement. If the vehicle meets the requirements of IVC Section 6-500, the properly classified CDL tests will be administered.

cd) Upon successful completion of the driving test as specified in ~~subsections~~subsection ~~(a) and (b)~~ showing the individual's ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements and if the other requirements for licensure ~~as~~ stated in IVC Section 6-106.4 of the Illinois Vehicle Code [625 ILCS 5/6-106.4], are met, a "J" restriction and "P" endorsement when required shall be shown on the individual's driver's license. The individual shall be required to pay a corrected driver's license fee, as defined in IVC Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)], if ~~he/she~~ he/she or she applies for this restriction and/or endorsement at a time other than ~~his or her~~ regular renewal date.

de) In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in IVC Section 6-106.4(5) of the Illinois Vehicle Code [625 ILCS 5/6-106.4(5)], that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:

- 1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible ~~for such authorization~~ to operate a for-profit ridesharing arrangement vehicle.
- 2) The licensee ~~shall~~must surrender ~~the~~his/her Illinois driver's license at the Driver Services Facility within 10 days after receiving the notification in order to have the ~~restriction~~authority to operate a for-profit ridesharing arrangement vehicle removed from ~~the~~his/her driver's license.
- 3) A corrected driver's license shall be issued to each eligible licensee and the applicant will be charged a fee in accordance with IVC Section 6-

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118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].~~

- ef) Failure of a licensee to comply with subsection (de)(2) shall result in cancellation of the licensee's Illinois driver's license.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.60 Third-Party Certification Program

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation of Third-Party Certifying Entity License" – the annulment or termination by formal action of the Secretary of State of a Third-Party Certifying Entity License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Cancellation of Third-Party Certification Safety Officer License" – the annulment or termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License because of some error or defect in the license or because the licensee is no longer entitled to the license.

"Denial of Third-Party Certifying Entity License" – to prohibit or disallow the privilege to obtain a Third-Party Certifying Entity License by the Secretary of State.

"Denial of Third-Party Certification Safety Officer License" – to prohibit or disallow the privilege to obtain a Third-Party Certification Safety Officer License by the Secretary of State.

"Revocation of Third-Party Certifying Entity License" – the termination by formal action of the Secretary of State of a Third-Party Certifying Entity License; the termination shall not be subject to renewal or restoration.

"Revocation of Third-Party Certification Safety Officer License" – the termination by formal action of the Secretary of State of a Third-Party Certification Safety Officer License; the termination shall not be subject to renewal or restoration.

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"Suspension of Third-Party Certifying Entity License" – the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certifying Entity License for a period specifically designated by the Secretary.

"Suspension of Third-Party Certification Safety Officer License" – the temporary withdrawal by formal action of the Secretary of State of a Third-Party Certification Safety Officer License for a period specifically designated by the Secretary.

- a) ~~The Secretary of State shall adopt the following definitions for the terms listed as follows:~~

~~"Branch Facility" – a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.~~

~~"Business Day" – any day on which the Office of the Secretary of State is open; Monday through Saturday, excluding State holidays.~~

~~"CDL Skills Test" – test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).~~

~~"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual that authorizes the individual to operate a class of a commercial motor vehicle.~~

~~"Department" – Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Applicant" – an individual employed by a member of a third-party certifying entity, who participates in the third-party certification program.~~

~~"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.~~

~~"Motor Vehicle" – Every vehicle that is self-propelled and every vehicle~~

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~~that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.~~

~~"Non-CDL Skills Test"—any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.~~

~~"Passenger Endorsement"—an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.~~

~~"Restriction"—requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Safety Officer"—any individual employed by a third party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.~~

~~"Secretary of State"—Illinois Secretary of State.~~

~~"Third-Party Certification License"—a license issued by the Secretary of State to conduct a qualified third party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

~~"Third-Party Certification Program"—a program designed by the Secretary of State allowing third party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

~~"Third-Party Certifying Entity"—any third party entity licensed by the Secretary of State to engage in a third party certification program.~~

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- b) The ~~Department~~Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs; if the third-party certifying entity complies with the following requirements:
- 1) License Required – No person, firm, association, partnership or corporation shall operate a third-party certification program; unless a license has been issued by the Secretary of State.
 - 2) Certify Only Employees or Members – A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity at the time of certification. Third-party entities that are unions or fire departments shall certify only those driver applicants who are members at the time of certification.
 - 3) A third-party certification entity shall not enter into any agreement with employees/members they certify that provides for compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services; or payroll withholding, payable to the third-party entity, in exchange for training and/or testing from the employee/member ~~who~~that is certified.
 - 4) A third-party certification entity shall not accept compensation, reimbursement or any form of consideration, including but not limited to monies, credits, services; or payroll withholding, in exchange for training and/or testing from any employee/member ~~who~~that is certified.
 - 5) A third-party certification entity shall not engage in or permit any type of fraudulent activity, with reference to either any certified individual or the Secretary of State.
- c) Licenses May Not Be Assigned. No individual, partnership, association or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Department. When an application is submitted for an original third-party certification license or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Department pursuant to the requirements contained in subsections (d) and (i). ~~Issuance and Renewal of~~

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Licenses

- 1) ~~When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i) of this Section.~~
- 2) ~~When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for the license shall be made in the same manner as an application for an original third-party certification license or safety officer license.~~
- 3) ~~Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.~~
- 4) ~~The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed 1 year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Section.~~

d) Requirements – Third-Party Certification Entities

- 1) The entity shall have at least ~~one~~ one+ employee who is licensed ~~or qualified to be licensed~~ as a safety officer for the third-party certification program. A safety officer may only test and certify individuals in the class that is indicated on ~~the~~ his or her safety officer license.
- 2) The entity shall have a regularly established place of business in the State of Illinois ~~and operate or have access to appropriate vehicles~~, with the exception of employers having a regular place of business in a contiguous state, i.e.e.g., Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any

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entity having its headquarters in a border state and requestingwishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

- A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:
- i) an office facility;
 - ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests pursuant to Section 1030.85.
- B) A third-party certifying entity that has an established place of business may operate a branch facility, provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(2)(A) and (d)(2)(D).
- C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section, shall issue the appropriate license that must be displayed in a visibly prominent place in the branch facility.
- D) Each location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
- 3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.
- 4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for testingexamination by the Department pursuant to Section 1030.85Secretary of State (92 Ill. Adm.

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~~Code 1030.85).~~

- 5) The entity shall have access to a properly registered motor vehicle ~~that~~which meets the definition of the vehicle group of the classification that the ~~employee/member~~driver applicant operates or expects to operate.
- 6) The entity shall provide the ~~employee/member~~driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's ~~Road Test Score Sheet form~~driver test form) ~~that of the same, which~~ shall be evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.
- 7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.
- 8) The entity shall have and use a business telephone listing for all business purposes.
- 9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the ~~Department~~Secretary of State, on forms furnished by the ~~Department~~Secretary of State, of the name, address and license number of the safety officer, ~~the such~~ officer's termination date and reason for termination. In all cases ~~in which~~where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender ~~the third party safety officer~~his/her license to the ~~Department~~Secretary of State.
- 10) Facility
 - A) ~~The established place of business of each third party certifying entity must consist of at least the following permanent facilities:~~
 - i) ~~an office facility;~~
 - ii) ~~appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).~~

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- ~~B) A third party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(10)(A) and (d)(10)(D) of this Section.~~
- ~~C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.~~
- ~~D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].~~

1011) Records – All third-party certifying entities licensed by the Secretary of State must maintain the following records for a period of four years, at the licensed location where the testing took place: a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

- A) The name and address of each employee/member certified by the entity, the instruction permit or driver's license number of every employee/member, the results of the final skills test, including endorsements, given to each employee/member, the name of the safety officer who administered the skills test, and the license plate number of the vehicle used to conduct the test.~~All records must be maintained for a period of 4 years.~~
- B) Proof of eligibility for certification of each employee/member certified.~~Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.~~

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- C) ~~Proof of proper training for each CDL certified employee/member~~ Maintain proof of training course completion for each individual CDL certified, who ~~does~~ not hold a valid CDL at the time of testing, ~~shown~~ on the form provided by the ~~Department~~ Secretary of State, or an equivalent form approved by the ~~Department~~ Secretary of State.

1142) Auditing – CDL Driving Skills Test

- A) All third-party certifying entities must allow the ~~Department~~ Secretary of State and ~~FMCSA~~ Federal Highway Administration or its representatives to conduct random examinations, inspections and audits without prior notice pursuant to 49 CFR 385. ~~7585~~, including audits of employment records of individuals certified by the third-party certification entity and any and all agreements or contracts governing the employer/employee relationship or entity/member relationship as it pertains to training or testing.
- B) All third-party certifying entities must allow the ~~Department~~ Secretary of State to conduct on-site inspections at least annually.
- C) The ~~Department~~ Secretary of State or his designee shall annually re-examine a sample percentage of the certified ~~employees/members~~ driver applicants to compare pass/fail results and determine the percentage of certified ~~individuals~~ driver applicants employed by, or who are members of, the third-party certifying entity.
- i) If the results of the random examination reflect a failure rate greater than the ~~Department's~~ Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.
- ii) The retraining must be completed within 30 days after the random examination, at which time the trainee must be referred to the Secretary of State to be skills tested.

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- iii) The Commercial Driver Training School ~~Section~~ will determine the location and time of the re-testing ~~Secretary of State retests~~.
- D) The ~~Department~~ Secretary of State may re-examine any individual who was tested and certified by a third-party certification entity.
- 1213) Display of Licenses – Each third-party certifying entity shall display in a prominent place at the established place of business the following:
- A) The State license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.
- 1314) ~~Prior to CDL certification, the third-party certification entity must provide training on the CDL skills tests as specified in subparts G and H of 49 CFR 383 to each employee/member who does not currently hold, or has never held, a valid CDL. The training shall be given in equally scheduled intervals, over a period of not less than 14 days. Provide a minimum 2 week training course to each individual who is CDL certified pursuant to the recommendations of the Highway Safety 2000 Advisory Task Force and who does not hold a valid CDL at the time of testing that meets the requirements of 49 CFR 383.110-121 (1995) (49 USC 3102; 49 USC App. 12701; 49 CFR 1.49).~~
- 1415) The third-party certification entity must provide the ~~Department~~ Secretary of State with the names of all individuals ~~it~~ that were tested and certified from a non-CDL classification to a CDL classification ~~by the entity~~ whose employment/membership ~~has been~~ terminated within six ~~up to 6~~ months after the date of certification.
- A) The ~~Department~~ Secretary of State will cite these individuals to be retested in a ~~properly classified~~ representative vehicle in order for the individual to maintain the license classification ~~in which they were~~ originally certified.
- B) The ~~Department~~ Secretary of State will provide each entity with a

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Verification of Continual Employment form to assist the third-party certification entity in determining the names of the individuals who have terminated their employment/membership ~~within six~~^{up to 6} months after being certified.

~~1516)~~ The entity may not have a current unsatisfactory rating from ~~the U.S. Department of FMCSA as defined in 49 CFR 385.3. Transportation (see 49 CFR 385.3).~~

e) Skills Tests

- 1) Any CDL or ~~school bus~~^{School Bus} skills tests administered by the third-party certifying entity must be conducted by a licensed safety officer as specified in ~~subparts~~^{Subparts} G and H of 49 CFR 383.
- 2) Driving Skills – The entity shall have a prescribed physical driving course for each location and ~~is must be~~ required to administer a skills test with the same minimum standards ~~as that which would be~~ used by the ~~Department~~^{Secretary of State} ~~as provided in Section 1030.85(see 92 Ill. Adm. Code 1030.85).~~
- 3) Pre-Trip Inspection ~~Skills~~ – ~~When~~^{Where} applicable, the entity shall test and the ~~employee/member~~^{driver applicant} shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
 - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
 - E) determine that the required minimum air pressure build up at the

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time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

- F) operationally check the brake system for proper performance.
- 4) Restrictions and/or Endorsements – Third-party certification entities conducting road tests for restrictions, ~~and/or~~ passenger endorsements and/or school bus endorsements must meet a skills test with the same minimum standards as a test administered an exam offered by the Department as provided in Section 1030.92 Secretary of State for the restriction and/or endorsement (see 92 Ill. Adm. Code 1030.92).
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL A, B or C classifications are not bound by subsections (e)(1) through (4), but instead must meet a road driving skills test prescribed by the Department as provided in Section 1030.85 Secretary of State for these classifications, judged by the same minimum standards, and conducted by a licensed safety officer (92 Ill. Adm. Code 1030.85).
- A) Motorcycle skills tests must include at least the following:
- i) basic vehicle control skills;
 - ii) safe driving skills;
 - iii) visual search;
 - iv) speed and space management; and
 - v) mounting and dismounting.
- B) Non-CDL A, B or C classification road skills tests must include at least the following:
- i) basic vehicle operation;
 - ii) safe driving skills;

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- iii) speed and attention;
 - iv) lane and right of way observance;
 - v) obeying traffic control devices;
 - vi) use of special equipment.
- 6) Require Instruction Permit – Before ~~an employee/member a driver applicant~~ may be skills tested and certified by a third-party entity, the ~~employee/member driver applicant~~ must obtain an instruction permit from the ~~Department~~Secretary of State for the specific vehicle classification in which he/she intends to be licensed. The ~~employee/member driver applicant~~ must hold a valid instruction permit for a period of at least ~~two~~2 weeks prior to being skills tested and certified by a third-party entity, if not currently licensed in the classification representative of the vehicle the ~~employee/member applicant~~ intends to drive.
- f) Issuance ~~and Renewal~~ of Third-Party Certifying Entity Licenses
- 1) ~~Issuance of Licenses to Third Party Certifying Entity~~— The ~~Department~~Secretary of State shall issue a license to conduct ~~business as a~~ third-party certification program when ~~the Secretary of State is~~ satisfied ~~that~~ the entity applying for a third-party certification license has met the requirements ~~under this Section~~.
 - 2) All licenses issued to any third-party certifying entity shall remain valid ~~indefinitely~~ unless canceled, suspended or revoked. The ~~Department~~Secretary of State shall send affidavits to, and conduct audits of, each licensee annually ~~in order~~ to determine that the licensee remains in compliance with the requirements ~~of this Section~~.
- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
- 1) The Secretary of State shall deny an application for a third-party certifying entity license ~~or renewal~~:
 - A) to any entity that submits a fraudulent application.

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- B) to any entity that currently employs individuals ~~currently~~also employed by the Secretary of State.
- C) to any entity that owes outstanding fees to the Secretary of State.
- D) to any third-party certifying entity that lacks a safety officer.
- E) ~~for~~ any third-party certifying ~~entity's physical~~entity that fails to meet location ~~that~~standards:
- i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
 - ii) fails to have a telephone that is registered to the third-party certification entity.
- F) to any third-party certifying entity with a current unsatisfactory rating from ~~the U.S. Department of~~FMCSA ~~Transportation~~.
- G) to any commercial driver training school.
- H) to any third-party certification entity that enters into any agreement with employees/members they certify that provides for compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, in exchange for training and/or testing from the certified employee/member ~~that is certified~~.
- I) to any third-party certification entity that accepts compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding, in exchange for training and/or testing from any certified employee/member ~~who~~that is certified.
- 2) The ~~Department~~Secretary of State shall cancel a third-party certifying entity license for failing to correct, after ~~five~~being served written notice

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~~giving 5~~ business days ~~to correct~~, any violation of the following ~~regulations and laws governing third-party entities~~:

- A) the entity employs individuals ~~currently~~also employed by the Secretary of State.
 - B) the entity owes outstanding fees to the Secretary of State.
 - C) the third-party certifying entity lacks a safety officer.
 - D) the third-party certifying entity fails to meet location standards by:
 - i) ~~failing~~fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
 - ii) ~~failing~~fails to have a telephone that registers to the third-party certification entity.
 - E) the entity currently has an unsatisfactory rating from ~~the FMCSA U.S. Department of Transportation~~.
 - F) the entity is a commercial driver training school.
- 3) The ~~Department~~Secretary of State shall suspend for up to one year or revoke a third-party certifying entity's license for any violation of this Section ~~a third-party certifying entity's license 3 months, depending upon the severity of the infraction, upon evidence of the following~~:
- A) ~~improper recordkeeping in violation of subsection (d)(11) of this Section~~.
 - B) ~~failure by the entity's certified driver applicants to pass skills tests upon re-examination, pursuant to subsections (c) and (d)(12) of this Section~~.
 - C) ~~any violation of this Part~~.

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- ~~D) failure to provide the required training to individuals that were CDL certified and did not hold a valid CDL at the time of testing.~~
- ~~E) failure to notify the Secretary of State with names of individuals that were certified from a non-CDL classification to a CDL classification and whose employment/membership was terminated up to 6 months after the date of certification.~~
- 4) The Secretary of State shall suspend a third-party certifying entity's license up to 6 months, depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency.
- 5) The Secretary of State shall suspend a third-party certifying entity's license up to 1 year, depending upon the severity of the infraction, if it is discovered the entity is certifying applicants who have not obtained instruction permits and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.
- 6) The Secretary of State shall revoke the third-party certifying entity's license upon evidence of the following:
 - A) the entity submitted a fraudulent application.
 - B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.
 - C) the third-party certification entity enters into an agreement with employees/members they certify that provides for compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding in exchange for training and/or testing from the employee/member that is certified.
 - D) the third-party certification entity accepts compensation or any form of consideration, including but not limited to monies, credits, services, or payroll withholding in exchange for training and/or testing from any employee/member that is certified.

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- h) Issuance of Safety Officer License~~Issuance and Renewal of Safety Officer License~~
- 1) ~~Issuance of Licenses to Safety Officers~~—The ~~Department~~Secretary of State shall issue a license to each safety officer when ~~the Secretary of State is~~satisfied that ~~thesuch~~ person has met the qualifications required under this Section. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.
 - 2) An individual may be issued two~~2~~ safety officer licenses in the following combinations:
 - A) as a safety officer for two~~2~~ governmental agencies;~~;~~ or
 - B) as a safety officer for a private entity and a governmental agency.
 - 3) All licenses issued to any safety officer shall remain valid indefinitely unless canceled, suspended or revoked.
- i) Safety Officer
- 1) Requirements. ~~The Secretary of State shall not issue a safety officer license:~~
 - A) A safety officer may only test and certify individuals in the class that is indicated on his/her safety officer license, unless the safety officer applicant is 21 years of age.
 - B) A safety officer who intends to skills test individuals for CDLs or school bus permits must: if the applicant fails to properly make application for such license:
 - i) complete the third-party CDL training sessions administered by the Department's Commercial Driver Training Section. The written test will consist of 30 questions pertaining to the Secretary of State Examiners Guide for CDL and will be offered by the Department's

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Commercial Driver Training Section at periodic intervals. In order to pass the written test, an individual shall answer at least 24 questions correctly. The third-party school bus program will have an additional 10 questions and the individual must answer eight questions correctly in order to pass.

ii) pass a CDL skills test in the classification and/or endorsements in which the individual intends to skills test. The Department's Commercial Driver Training Section will offer this test at periodic intervals. Each individual will be given a maximum of three opportunities in a 12-month period to pass the CDL safety officer test. An individual applying for a CDL safety officer license may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services Facility if he/she fails the first attempt to pass the road test. However, an individual who demonstrates a danger to public safety during the first attempt to pass a road test will not be allowed to make a second or subsequent attempt during the same day. An individual will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed the third test must wait at least one year from the date of the third failure before making a new application.

C) A safety officer must conduct skills testing in accordance with subsection (e).if the applicant submits a fraudulent application.

D) A safety officer shall not engage in or permit any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.if the applicant owes outstanding fees to the Secretary of State.

E) A safety officer must maintain records in accordance with subsection (d)(10).if the applicant's driver's license is currently canceled, suspended or revoked.

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- F) ~~unless the safety officer applicant is employed by a third party certifying entity.~~
- G) ~~unless the safety officer applicant has, for at least 2 years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit.~~
- H) ~~to any person intending to skills test CDL driver applicants or school bus permit applicants who:~~
- i) ~~has not completed the third party CDL training session administered by the Secretary of State, Driver Services Department's Commercial Driver Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.~~
 - ii) ~~has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of 3 opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she~~

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~~failed the previous attempt. Individuals who have failed their third examination must wait at least 1 year from the date of the third failure before making a new application.~~

- ~~I) to any person whose driver's license has been suspended or revoked, within a period of 5 years after the date of application.~~
- ~~J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.~~
- ~~K) to any person who is currently a salaried employee of the Secretary of State.~~
- ~~L) to the applicant who does not meet the requirements provided in subsection (i)(1)(H) of this Section.~~
- ~~M) to the applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.~~
- ~~N) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.~~
- ~~O) to any individual who has failed to comply with the provisions of this Part.~~
- ~~P) to any person who is an owner or an instructor of a commercial driver training school.~~

2) Denial of License. The ~~Department~~Secretary of State shall deny a safety officer's license upon evidence the individual~~that~~:

- A) has been convicted of driving under the influence of alcohol and/or other drugs (see IVC Section 11-501), leaving the scene of a fatal accident (see IVC Section 11-401), reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]), reckless driving (see IVC Section 11-503), or similar out-of-state offenses within 10 years prior to the date of application; or has been

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~~convicted two or more times of any of these offenses or combination of these offenses within 20 years prior to the date of application. the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.~~

- B) ~~the applicant~~ fails to properly make application for ~~thesueh~~ license.
- C) ~~the applicant~~ is not employed by a third-party certifying entity.
- D) ~~the applicant~~ is currently a salaried employee of the Secretary of State.
- E) ~~the applicant~~ is not at least 21 years of age.
- F) ~~the applicant~~ submits a fraudulent application.
- G) ~~the applicant~~ owes outstanding fees to the Secretary of State.
- H) ~~held at the applicant's~~ driver's license ~~that~~ is currently canceled, suspended or revoked.
- I) ~~held at the applicant's~~ driver's license ~~that was has been~~ suspended or revoked within a period ~~of after five~~ 5 years ~~prior to of~~ the date of application. However, suspensions related to auto emissions, ~~failure to pay child support~~ and parking ~~will not be considered are exempt from the five year period after the suspension is terminated.~~
- J) ~~the applicant~~ has not held, for at least ~~two~~ 2 years immediately preceding application, a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to test, ~~or the equivalent under the classification system prior to April 1, 1990.~~

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- K) ~~the applicant~~ does not meet the requirements ~~of provided in subsection (i)(1)(BH) of this Section.~~
- L) ~~the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.~~
- LM) ~~the applicant~~ is an owner or instructor of a commercial driver training school.
- M) has been suspended pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8 within the 10 years prior to the date of application, or has had two or more suspensions pursuant to IVC Section 11-501.1, 11-501.6 or 11-501.8, or combination thereof, within the 20 years prior to the date of application.
- N) violated any subsection of this Section.
- 3) The ~~Department~~Secretary of State shall immediately cancel a safety officer's license upon evidence that the individual:
- A) held a ~~the individual's~~ driver's license that is currently canceled, suspended or revoked.
- B) ~~the individual's driver's license has been suspended or revoked within a period of 5 years after the date of application. However, suspensions related to auto emissions and parking are exempt from the 5 year period after the suspension is terminated.~~
- BC) ~~the individual~~ has not held, for at least two~~2~~ years immediately preceding application, a valid license in the classification and/or endorsement in which the individual~~he/she~~ intends to test ~~or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.~~
- CD) ~~the individual~~ intends to skills test CDL employees/members~~driver applicants~~, but has not received training equivalent to Driver Services Facility employees~~that given to Secretary of State examiners~~ administering CDL driving~~skills~~ tests.

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- ~~DE)~~ ~~the individual~~ is no longer employed by the third-party certification entity or no longer has a valid license.
- ~~EF)~~ ~~the individual~~ is currently a salaried employee of the Secretary of State.
- ~~FG)~~ ~~the individual~~ owes outstanding fees to the Secretary of State.
- ~~H)~~ ~~the individual fails to administer a minimum of 12 skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.~~
- ~~GI)~~ ~~the individual~~ is an owner or instructor of a commercial driver training school.
- 4) The ~~Department~~Secretary of State shall suspend for up to one year or revoke a safety officer's license for any violation of this Section.:
- A) ~~if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.~~
- B) ~~for improper record keeping in violation of subsection (d)(11) of this Section; and~~
- C) ~~upon any violation of this Part.~~
- 5) The ~~Secretary of State~~ shall revoke a safety officer's license upon receipt of evidence that:
- A) ~~the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.~~
- B) ~~the individual submits a fraudulent application.~~

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- ~~€) the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.~~
- ~~56) The Department Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of this Section the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~
- j) Hearings
- 1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. ~~The third-party entity and/or safety officer may request a formal hearing contesting the denial. If a formal hearing is requested, the request must be in writing during the notice period.~~ The basis for denial of a license is stated in subsections (g)(1) through ~~(36)~~ and (i)(2)(A) through ~~(OL)~~ of this Section.
- 2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and ~~IVC Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], in which wherein~~ the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions ~~in accordance with this Section.~~
- k) Review Under Administrative Law. Judicial Review – The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review ~~in accordance with IVC in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] and the provisions of the Administrative Review Law [735 ILCS 5/Art. III3]. All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of~~

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~~State under this Section.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.63 Religious Exemption for Social Security Numbers

a) ~~For the purposes of this Section, the following definitions shall apply:~~

~~"Department"—Department of Driver Services within the Secretary of State's Office.~~

~~"Distinctive Number"—a number listed in sequential order.~~

~~"Driver Services Facility"—establishments throughout the state for the purposes of issuing driver's licenses and providing to the public other necessary services connected with driving.~~

~~"Organized Religion"—a group of persons with the same or similar beliefs brought together to exercise those beliefs.~~

ab) Members of religious groups whose faith will not permit them to obtain social security numbers may request the social security number be omitted on their driver's license application.

be) The applicant for a special religious number shall state in the person's his or her own handwriting on an exception form, supplied by the Secretary of State at a Driver Services Facility driver services facility, that he or she is a member of a certain religious group and that the person wants he or she wishes to apply for a driver's license without applying for a social security card. The applicant shall affix his or her signature then sign his or her name immediately after the statement on the exception form.

cd) Personnel at the Driver Services Facility driver services facility shall complete the exception form, attach it to the application for a driver's license, and mail it to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois, 62723. The exception form shall contain the applicant's full name and of the applicant and his or her address, including the county. It shall also contain the applicant's driver's license or identification card i-d-number. This information shall appear as it was furnished on the application.

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- de) The application and exception form shall indicate 000-00-0000 for the social security number.
- ef) The applicant shall be issued a ~~ninety (90-)~~ day temporary driver's license and a receipt if all other requirements have been met.
- fg) The applicant shall sign an affidavit, supplied by the Secretary of State, stating that the use of a social security number on a driver's license file is against his or her religious convictions and stating the reasons why the applicant holds these beliefs. The affidavit shall also contain a statement from his/her religious leader or minister attesting that the use of a social security number is against the religious convictions of the applicant's faith. The submitted affidavit shall be notarized ~~by a notary public~~.
- gh) The affidavit shall be sent to the Director of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois, 62723. The Department will~~Driver Services shall~~ contact the religious leader to verify the information. The affidavit shall be attached to the original application and examined for compliance with this Section~~rule~~.
- hi) The applicant shall be notified in writing by ~~a letter from~~ the Director of Driver Services ~~the Department~~ that the application has been approved or rejected because the applicant failed to comply with the provisions of this Section~~rule~~.
- ij) If approved, the applicant shall return to the Driver Services Facility ~~driver services facility~~ with the letter of approval ~~and the~~ receipt to and shall be issued a driver's license with a distinctive number assigned by the Department in lieu of the social security number. If rejected, the applicant shall be notified of the ~~he/she has a~~ right to request an administrative hearing pursuant to 92 Ill. Adm. Code 1001 and IVC Section 2-118 ~~of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95½, par. 2-118)~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.65 Instruction Permits

- a) ~~For purposes of this Section, the following definitions shall apply:~~

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~~"Applicant"—a person applying for an instruction permit.~~

~~"Approved Driver Education Course"—~~

~~a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8], or~~

~~a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education, or~~

~~a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state. [625 ILCS 5/1-103]~~

~~"Certificate of Completion"—a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in Art. IV of the Illinois Driver License Law (Commercial Driver Training Schools) [625 ILCS 5/Ch. 6, Art. IV] and 92 Ill. Adm. Code 1060.~~

~~"Class D Instruction Permit"—a permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.~~

~~"Class L Instruction Permit"—a permit to operate a motor driven cycle with less than 150 cc displacement.~~

~~"Class M Instruction Permit"—a permit to operate any motorcycle or any motor driven cycle.~~

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~~"Classroom Instruction"—the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code.~~

~~"Commercial Driver Instruction Permit"—a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1, 6-507(a) and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1, 6-507(a) and 6-508].~~

~~"Competent Medical Specialist"—a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.~~

~~"Department"—the Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Rehabilitation Specialist"—a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).~~

~~"Driving Evaluation"—an assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.~~

~~"Enrolled in a Driver Education Course"—active participation in and the 30 days immediately preceding the start of regularly scheduled classroom instruction of an approved driver education course.~~

~~"Favorable Medical Report"—a current medical report that has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical~~

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~~report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.~~

~~"Foreign National"—a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.~~

~~"Illinois Medical Restriction Card"—a card that specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113].~~

~~"In Loco Parentis"—a person who is acting in place of a minor's parent with a parent's rights, duties, and authority.~~

~~"Instruction Permit"—a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].~~

~~"Medical Report"—a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.~~

~~"Minor"—a person under 18 years of age.~~

~~"Regularly Scheduled Classroom Instruction"—the continuous and uninterrupted education course that takes place during the specific time~~

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~~period (i.e., quarter) in which the school has scheduled the student to participate.~~

~~"Rehabilitation Institution"—any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.~~

~~"Temporary Visitor's Instruction Permit"—a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].~~

- ~~ab)~~ A person who wishes to practice driving before obtaining ~~a his/her~~ driver's license shall obtain an instruction permit from a ~~Secretary of State's~~ Driver Services ~~Facility~~~~facility~~. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or ~~a~~ person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and ~~who~~ is occupying a seat beside the driver.
- ~~be)~~ Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected ~~Secretary of State~~ Driver Services ~~Facilities~~~~facilities~~ located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or ~~a~~ person in loco parentis, who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and ~~who~~ is occupying a seat beside the driver.
- ~~cd)~~ An instruction permit issued to any foreign national shall only be in a Class D, L or M as established in Section 1030.30.
- ~~de)~~ The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with ~~IVC~~ Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~.
- ~~ef)~~ A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an

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approved driver education program out-of-state shall provide proof of ~~that such~~ enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

- ~~(g)~~ A minor who is at least 15 years and ~~six~~6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course, provided the minor:
- 1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and ~~IVC~~ Section 6-103(1) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(1)]~~ and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and
 - 2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.
- ~~(h)~~ An instruction permit issued to a minor under subsection ~~(g)~~ may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.
- ~~(i)~~ The minor who is not legally emancipated by marriage or court order shall have

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the application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

- ~~ij~~) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~ must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.
- ~~jk~~) An Illinois instruction permit issued to a minor may be ~~canceled~~cancelled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.
- ~~kl~~) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.
- ~~lm~~) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services ~~Facility~~facility to take the written ~~test and examination~~, vision test and submit the ~~required~~ fee required by IVC as provided in Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~. Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful

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completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant to appear at a Driver Services ~~Facility~~facility to take the drive portion of the ~~test~~examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- ~~m#~~) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.
- ~~ne~~) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation ~~as provided by (see~~ 92 Ill. Adm. Code 455). A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit ~~will~~shall be issued.
- ~~op~~) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.
- ~~pq~~) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to ~~the~~that classification of permit being renewed.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.70 Driver's License Testing/Vision Screening

- ~~a)~~ ~~For purposes of this Section the following definitions shall apply:~~
- ~~"Applicant"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~
- ~~"Binocular visual acuity"—a visual reading obtained utilizing both eyes at the same time.~~

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~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].~~

~~"Current vision specialist report"—any vision specialist report completed for a driver which has been completed within 6 months prior to receipt by the Department and is signed and dated by a vision specialist.~~

~~"Denial"—any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Driver Services facility representative"—an employee of the Department of Driver Services of the Office of Secretary of State.~~

~~"Favorable vision specialist report"—a current vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable vision specialist report contains a monocular or binocular acuity reading of 20/70 or better and a peripheral field of 140° binocular or 70° temporal and 35° nasal monocular and a release signed by the driver.~~

~~"Incomplete vision specialist report"—a vision specialist report which has not been completed in its entirety. Examples of an incomplete vision specialist report include, but are not necessarily limited to: a vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated, or contains illegible information, or fails to answer any of the questions contained within the report.~~

~~"Monocular vision acuity"—visual acuity readings obtained utilizing individual~~

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~~eye.~~

~~"Nasal vision reading"—field of vision 35° from the straight ahead.~~

~~"Peripheral vision"—vision from the outside line of direct sight toward the temporal area.~~

~~"Rescind order"—a removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~

~~"Restriction"—requirements or conditions added on a driver's license which must first be met by the driver before he/she may legally operate a motor vehicle.~~

~~"Temporal vision reading"—field of vision 70° from the straight ahead.~~

~~"Termination order"—the ending of an order canceling or medically denying the issuance of a driver's license to a person.~~

~~"Unfavorable vision specialist report"—a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section, or the peripheral vision readings do not meet Illinois standards in accordance with this Section or the driver would not accept or has refused the recommended correction and his/her vision readings without this correction are not favorable.~~

~~"Vision screening"—readings of an applicant's visual acuity and peripheral fields of vision obtained by a physician, ophthalmologist, optometrist, or Department representative.~~

~~"Vision specialist"—a doctor licensed to practice medicine in optometry or a person licensed to test eyesight, prescribe eye lenses and perform glaucoma examinations, such as an optometrist.~~

~~"Vision specialist report"—a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the vision specialist completed the report and the name, address, signature and professional license number of the vision specialist. The~~

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~~report must also contain the name, address, date of birth and driver's license number, if known, of the driver.~~

b) An applicant for an initial or renewal ~~driver's~~ license who is required to take a vision test shall comply with the following provisions:

- a) The ~~Driver Services~~ Department shall administer the vision examination to any applicant who is required to take a vision screening. However, applicants who ~~want~~ desire to use any vision aid arrangement, other than standard eye glasses, or contact ~~lenses~~ lens(es) shall submit a vision specialist report form, or in lieu of ~~that~~ such form, an ophthalmologist or optometrist statement may be submitted. Any applicant using a telescopic lens arrangement must meet the requirements ~~of as indicated in~~ Section 1030.75 ~~of this Part~~.
- b) An applicant who is required to take a vision screening must obtain a binocular (both eyes) acuity reading of 20/40 or better before being issued a ~~driver's~~ license without vision restrictions. If an applicant utilizes corrective eye glasses, contact lenses or a combination thereof in order to obtain an acceptable acuity reading, a driver's license issued to this applicant shall be restricted to operating a motor vehicle while using the corrective lenses.
- c) An applicant who obtains a binocular (both eyes) visual acuity reading of 20/41 to 20/70 inclusive may be issued a ~~driver's~~ license restricting ~~the~~ applicant to ~~operating~~ operate a motor vehicle during daylight only.
- d) An applicant who uses eye glasses or contact lenses in binocular (both eyes) screening and has an acuity reading of 20/41 to 20/70 inclusive shall be issued a ~~driver's~~ license restricting ~~the~~ applicant to ~~operating~~ operate a motor vehicle while wearing ~~the~~ eye glasses or contact lenses during daylight only.
- e) A screening will be administered for ~~each individual eye~~ individual eyes to determine the need for an outside ~~rearview~~ rear view mirror.
- f) An applicant who obtains a monocular (individual eye) acuity reading ~~that, which is not better than~~ 20/100 with or without standard eye glasses or contact ~~lenses~~ lens(es) shall be restricted to ~~operating a motor vehicle equipped with both left and right rearview mirrors~~ a ~~outside rear view mirror(s)~~.
- g) An applicant who is required to take a vision screening must demonstrate a ~~total~~ peripheral field of at least 140° binocular or 70° ~~temporal~~ horizontal and 35° nasal

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monocular. If, an applicant only qualifies monocularly, ~~the individual~~he/she will be restricted to operating a motor vehicle equipped with both ~~a~~ left and right ~~rearview mirrors~~rear-view mirror. ~~An~~Any applicant who cannot meet the minimum peripheral field of vision requirements may submit a vision specialist report ~~or in lieu of the report form, a statement from a physician, ophthalmologist, or optometrist may be submitted as indicated in subsection (b)(14) of this Section.~~

- h~~8~~) If the applicant is wearing contact ~~lenses~~lens(es), ~~the individual~~such applicant shall not be required to remove ~~those lenses~~such lens(es) to take the vision screening.
- i~~9~~) If the applicant ~~wants~~desires to remove the contact ~~lenses~~lens(es) in order to obtain an unrestricted license, ~~the~~said applicant may do so.
- j~~10~~) If the applicant does not have his/her eye glasses or contact ~~lenses~~lens(es) ~~in his/her possession~~with said applicant, he/she may proceed with the vision screening. If the applicant does proceed, but subsequently fails without ~~said applicant's~~ eye glasses or contact ~~lenses~~lens(es), ~~the individual~~said applicant may return at a later date with the eye glasses or contact ~~lenses~~lens(es), to retake the vision screening.
- k~~11~~) If an applicant obtains a reading without correction ~~that~~which would restrict ~~the~~said applicant to daylight driving only and/or left outside ~~rearview~~rear-view mirror, the applicant shall be issued a license or instruction permit with ~~restrictions~~a restriction, if ~~the~~said applicant has satisfied all other requirements for the issuance of a ~~driver's~~drivers license or an instruction permit. If the applicant wishes to have the license or instruction permit issued on the basis of a vision specialist's report rather than the Secretary of State's vision screening, the applicant may submit a completed vision specialist report form to the Department~~exercise the option of visiting a vision specialist for an independent vision screening~~.
- l~~12~~) If the applicant returns at a later date with corrective glasses or contact ~~lenses~~lens(es) ~~and with which the applicant~~ successfully meets the vision standard, the restriction will be removed.
- m~~13~~) The appropriate fee will be required to change a restriction if the permanent ~~driver's~~drivers license has been or is in the process of being issued. If the applicant has not yet successfully completed the ~~written or~~ road test portion of the

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examination, no fee is required to change the restriction.

- n+4) An applicant may submit a current and favorable vision specialist report form if ~~the individual~~~~he/she~~ fails the vision screening or ~~he/she~~ does not wish to accept a certain driving restriction.
- 1A) If the vision specialist has indicated a different acuity reading or peripheral field reading from the reading obtained at the facility, the vision specialist report will supersede the facility readings, even if it means the addition or deletion of restrictions.
- 2B) The vision specialist may indicate the driver's eyesight condition is deteriorating or warrants monitoring by recommending periodic re-examination of the driver's eyesight on the vision specialist report form. The Department must follow the~~this~~ recommendation of the vision specialist. Routine vision examinations requested by the vision specialist will not alone be a, in itself, basis for the~~this~~ Department to request follow-up reports from the driver.
- 3C) The Department shall notify the driver of the requirement to submit an updated vision specialist report to be completed by the vision specialist and ~~the~~ driver. The driver must ~~then~~ submit the completed vision specialist report to the Department within 60 days from the date of the Department's request.
- Ai) If a current and favorable vision specialist report is not received by the Department within the ~~above~~-specified time, the driver's licensed driver shall be canceled or the driver shall be medically denied a driving privileges~~driver's license~~ pursuant to IVC Sections 6-103(8) and 6-201(a)(5)~~of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)]~~.
- Bi) If a driver's licensed driver is canceled pursuant to this subsection ~~(b)~~(14)(C) and a favorable vision specialist report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.
- 4D) If, ~~pursuant to this Section~~, the Department receives an unfavorable vision specialist report, the Department shall cancel or medically deny driving

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~~privilege the driver~~ pursuant to IVC Sections 6-103(8) and 6-201(a)(5) ~~of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 6-201(a)(5)]~~.

Ai) The cancellation order shall remain in effect until the driver submits a favorable vision specialist report to the Department.

Bi) Upon the termination of a cancellation under this subsection ~~(n)(b)(414)(D)~~, the person may reapply for a driver's license as outlined in IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~.

5E) ~~If, pursuant to this Section,~~ the Department receives an incomplete vision specialist report, a request shall be made for the necessary information required to process the report.

~~i) If the Department requests additional information from the vision specialist and the Department does not receive this information, a written request shall be made to the driver.~~

Aii) If the Department ~~does not receive this information~~ requests additional information from the driver, and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's ~~driving privileges~~ driver's license pursuant to IVC Sections 6-103.8 and 6-201 ~~of the Illinois Vehicle Code [625 ILCS 5/6-103.8 and 6-201]~~. Examples of an incomplete vision specialist report include, but are not limited to, omission of the name, address, signature or professional license number of the vision specialist or the date, or contains illegible information.

Biii) If a ~~driver's license~~ driver is canceled pursuant to this subsection ~~(n)(b)(514)(E)~~ and ~~the~~ information requested is received ~~that~~ which makes the vision specialist report ~~acceptable~~ favorable, the cancellation shall be rescinded, provided an ~~unacceptable~~ unfavorable report is not received ~~in the interim~~.

o15) Every person who has a valid ~~driver's~~ drivers license may be required to be re-examined at the discretion of the Secretary of State, as provided ~~for~~ in Section 1030.15 and IVC Section 6-109 of this Part, to determine if the licensee meets ~~the~~

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minimum vision standards ~~as set forth in this rule.~~

- ~~p16)~~ The Department shall require a driver to appear at a Driver Services ~~Facility~~facility to receive a corrected driver's license if the visual acuity or visual peripheral readings warrant a change~~,~~, or the vision specialist recommends a driver's license restriction~~,~~, or the facility representative issued a driver's license based on the vision specialist report with the wrong restriction pursuant to Section 1030.92 ~~of this Part.~~
- ~~q17)~~ The Department shall provide two written notifications to the driver at ~~the~~his/her last known address ~~as~~ indicated on the Department's driving record file. The ~~final~~ notice shall state that failure to comply ~~with either request~~ will result in the ~~driver's license/privileges being canceled~~driver being cited into a driver's license facility in accordance with Section 1030.15 ~~and IVC Section 6-109(a)(5) of this Part,~~ provided a subsequent vision specialist report is not received from the same vision specialist indicating the restriction is no longer necessary.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

- ~~a)~~ ~~For purposes of this Section the following definitions shall apply:~~

~~"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].~~

~~"Current telescopic lens vision specialist report"—any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.~~

~~"Denial"—an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].~~

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~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver"—any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.~~

~~"Driver Service facility representative"—an employee of the Department of Driver Services of the Office of the Secretary of State.~~

~~"Favorable telescopic lens vision specialist report"—a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.~~

~~"Incomplete telescopic lens vision specialist report"—a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of the questions contained within the report.~~

~~"Licensed vision specialist"—a doctor licensed to practice medicine.~~

~~"Nighttime drive"—a road test administered during the hours of dusk to dawn.~~

~~"Nighttime driving"—The operation of a motor vehicle using a telescopic lens arrangement during the hours of dusk to dawn.~~

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~~"Nighttime driving privileges"—a privilege granted to licensed drivers to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.~~

~~"Peripheral vision"—the area of vision from the outside line of direct sight toward the temporal area.~~

~~"Rescind order"—the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.~~

~~"Restrictions"—requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Telescopic lens arrangement"—a non-standard adaptive device that aids in improving vision deficits.~~

~~"Telescopic lens vision specialist report"—a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.~~

~~"Traffic environmental screening"—a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object.~~

~~"Unfavorable telescopic lens vision specialist report"—a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates his/her professional opinion that the driver is not capable of safely operating a motor vehicle or the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not~~

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- ~~meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lenses does not meet Illinois standards in accordance with this Section.~~
- ~~ab)~~ A vision specialist report form, when submitted by an applicant who ~~uses~~wishes to use a prescription spectacle mounted telescopic lens arrangement, shall contain the following statement:
- 1) ~~The A statement that the~~ applicant has been fitted for a prescription spectacle mounted telescopic lens arrangement ~~that which~~ the applicant has ~~had~~ in his possession at least 60 days prior to the current application date for a ~~driver's~~drivers license.
 - 2) ~~The A statement that the~~ applicant has clinically demonstrated the ability to~~he can~~ locate stationary objects within the telescopic field by aligning the object directly below the telescopic lens and ~~simultaneously then~~ moving his or her head down and ~~his~~ eyes up ~~simultaneously~~.
 - 3) ~~The A statement that the~~ applicant has clinically demonstrated the ability to locate~~locating~~ a moving object in a large field of vision by anticipating future movement, ~~so that~~ by moving the head and eyes in a coordinated~~coordinate~~ fashion ~~and he~~ is able to locate the moving object within the telescopic field.
 - 4) ~~The A statement that the~~ applicant has clinically demonstrated the ability to recall what was~~recalling what he has~~ observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.
 - 5) ~~The A statement that the~~ applicant has clinically experienced levels of illumination ~~that which~~ may be encountered during inclement weather, or when driving from daylight into areas of shadow or artificial light, and the applicant is visually able to successfully adjust to such changes.
 - 6) ~~The A statement that the~~ applicant has experienced both being a driver and a passenger in a motor vehicle, so that he/she has practical experience of motion while objects are changing position.
- ~~be)~~ A driver, for an initial or renewal driver's license, who ~~uses~~desires to use a telescopic lens arrangement or other vision aid other than standard eye glasses or contact lenses, must submit a current and favorable telescopic lens vision

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specialist report to the Department.

- 1) A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.
- 24) If a current and favorable telescopic lens vision specialist report is submitted, and the driver has satisfactorily completed the written requirements and has at least ~~three~~3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a road test accompanied by a Driver Services ~~Facility~~facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with the proper restrictions will be issued in accordance with Section 1030.92-~~of this Part~~.
- 32) If a current and favorable telescopic lens report is submitted and the driver has satisfactorily completed the written requirements and does not have at least ~~three~~3 years licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. This traffic environmental screening shall consist of four parts as follows: stationary driver identifying a stationary object; stationary driver identifying a moving object; moving driver identifying a stationary object; and moving driver identifying a moving object. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92-~~of this Part~~. At the end of the six-month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a

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road test by a Drivers Services ~~Facility~~facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until ~~the his/her~~ driving privileges have been reinstated.

- 43) If the telescopic lens vision specialist report is incomplete or not current, a request shall be made to the driver for the necessary information required to process the report.
- A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license/privileges pursuant to IVC Sections 6-103(8) and 6-201~~6-201 and 6-103(8) of the Illinois Vehicle Code [625 ILCS 5/6-201 and 6-103(8)]~~.
- B) If a cancellation order is entered based upon an incomplete telescopic lens report or one ~~that~~which is not current and a favorable telescopic lens vision specialist report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received ~~in the interim~~.
- 54) If the Department receives an unfavorable telescopic lens report, the Department shall cancel or medically deny the driver's license/privileges~~driver~~ pursuant to IVC Sections 6-103(3) and 6-201(a)(5)~~of the Illinois Vehicle Code~~.
- A) If the Department receives a subsequent favorable telescopic lens vision specialist report, the Department shall rescind the unfavorable telescopic lens report cancellation order and allow the driver to make application for a new driver's license pursuant to IVC Sections 1-110, 6-106 and 6-109~~of the Illinois Vehicle Code [625 ILCS 5/6-110, 6-106 and 6-109]~~.
- B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:
- i) Driving during daylight hours only;

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- ii) ~~Eligible~~Eligibility for a Class "D" driver's license only;
 - iii) ~~Having his/her driving record periodically reviewed by the Department~~Periodic review of the driving record by the Department in accordance with IVC Section 6-109-~~of the Illinois Vehicle Code [625 ILCS 5/6-109]~~.
- C) ~~Drivers who wish to qualify to drive with the use of a telescopic lens arrangement during nighttime hours shall be restricted to the following:~~
- i) ~~Possess a valid Class D driver's license and have operated a motor vehicle during daylight hours for a period of 12 months with a telescopic lens arrangement;~~
 - ii) ~~Have a driving record that does not include any traffic accidents that occurred during nighttime hours, in which the driver has been found at fault, during the 12 months immediately prior to application for the special restricted license;~~
 - iii) ~~As a driver who has been issued a restricted license, as defined by this Part, whose privileges to be driving during nighttime hours has not been suspended due to an accident at which the driver was found at fault, occurring during nighttime hours.~~
- 65) A current telescopic lens vision specialist report shall be submitted annually.
- A) If a current report is not received by the last day of the month the updated report is due, the ~~driving privileges~~driver shall be canceled or ~~denied~~ a driver's license denied.
 - B) If ~~driving privileges area driver is~~ canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received ~~in the interim~~.
- 76) A driver requesting nighttime driving privileges who has been driving with telescopic lenses for a period of one year and who ~~wants~~desires to use a telescopic lens arrangement to operate a motor vehicle during nighttime hours must submit a current and favorable telescopic lens

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specialist report or a statement provided in lieu of that form to the Department. The vision specialist form shall contain a statement from the licensed vision specialist that the driver is safe to operate a motor vehicle during nighttime hours while using a telescopic lens arrangement.

- 87) A telescopic lens driver requesting nighttime driving privileges for the first time must:
- A) Possess a valid Class D driver's license with the proper restrictions and have operated a motor vehicle during daylight hours for a period of 12 months immediately prior to making application while using vision aid arrangements other than standard eyeglasses or contact lenses, ~~with a restriction appearing on the license.~~
 - B) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.
 - C) Successfully complete a road test administered during nighttime hours.
- 98) A telescopic lens driver ~~wanting to renew~~wishing to renew his/her nighttime driving privileges must:
- A) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.
 - B) Successfully complete a road test administered during nighttime hours. If the renewal applicant refused to submit to a nighttime drive test, the applicant's nighttime driving privileges shall be ~~cancelled~~cancelled.
- 109) If a driver with nighttime telescopic driving privileges is found to be at fault in an accident that occurred between dusk and dawn, the nighttime telescopic driving privileges will be ~~cancelled~~cancelled.

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~~1140~~) If a driver's license with the appropriate restriction is ~~cancel~~~~cancelled~~ pursuant to this subsection and the driver submits to the drive test, the cancellation shall be rescinded.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.80 Driver's License Testing/Written Test

Any applicant for an initial or renewal driver's license who is required to take a written test pursuant to IVC Section 6-109 shall comply with the following provisions:

- a) Classification of licenses is established in Sections ~~1030.30~~~~1030.20~~ through 1030.40 ~~of this Part~~.
- b) An applicant for a ~~Class~~ D license shall be required to take a written test consisting of not more than 35 questions, of which 80% percent must be answered correctly in order to be eligible for a ~~Class~~ D license.
- c) An applicant for a ~~Class~~ C, B, A, or L-M license shall be required to take the written test as set forth in subsection (b) ~~above~~. The applicant shall also take a written ~~test~~ examination established by the Secretary of State for the classifications and/or endorsements applied for. The number of questions required to be answered is dependent upon the classifications and/or endorsements applied for. Each written classification and/or endorsement ~~test~~ examination shall consist of not more than 35 questions, of which 80% percent must be answered correctly in order for the applicant to be eligible for the classifications and/or endorsements applied for.
- d) The written ~~test~~ examinations set forth in subsections (b) and (c) ~~of this Section~~ shall be in the English language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.
- e) An applicant who is illiterate ~~may~~ shall be given the written ~~test~~ examination orally.
- f) An applicant who cannot read or write in ~~the~~ English language, or other available foreign language, shall be eligible to take the written ~~test~~ exam. The ~~Driver Services Facility~~ driver facility supervisor, ~~his/her assistant~~ or designee, may provide or recommend ~~use of~~ an interpreter for the applicant's language if an

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interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of an interpreter. The ~~CDL commercial driver's license~~ knowledge test shall ~~only~~ be administered only in the English language. An interpreter shall not be ~~used~~ allowed when the applicant is attempting to complete the CDL commercial driver's license knowledge tests.

- g) An applicant shall demonstrate ~~the~~his/her ability to read and understand official traffic control devices.
- h) Any licensee who ~~wants~~desires to change ~~a~~his/her classification and/or endorsements prior to renewal of ~~a~~such license shall be required to take the written ~~test~~examination for the classification or classifications and/or endorsements the applicant ~~wants~~desires to obtain.
- i) Prior to obtaining a commercial driver instruction permit, an applicant must successfully complete the appropriate CDL knowledge tests specific to the instruction permit classification.
- j) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit Letter of Intent (Illinois State Board of Education Form 42-49, Illinois Secretary of State SB-2 Form) or its superseding form. The applicant shall be given a special test consisting of not more than 24 questions, of which 22 or 90% must be answered correctly in order to be eligible for ~~such~~ a permit.
- k) Any person found cheating on any portion of a written test will be deemed to have failed that portion of the test. In addition, that person will be prohibited from retaking the written test for a period of 30 days. For purposes of this subsection, "cheating" shall be defined as receiving or using unauthorized assistance in the taking of any portion of a test. This includes, but is not limited to, the use of any notes, books, or written information.
- l) All persons with a valid out-of-state CDL applying for an Illinois CDL shall be required to successfully complete the written tests set forth in subsections (b) and (c), pursuant to IVC Section 6-508(a)(1).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.81 Endorsements

- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of a commercial motor vehicle.~~

~~"Commercial Motor Vehicle"—a motor vehicle, used in commerce, having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

~~"Driver Applicant"—an individual who applies to a state to obtain, transfer, upgrade or renew a CDL.~~

~~"Endorsement"—an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.~~

~~"Hazardous Materials"—means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2003) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2003).~~

~~"Representative Vehicle"—a motor vehicle which represents the type that a driver applicant operates or expects to operate.~~

~~"School Bus"—a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used~~

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~~as a common carrier.~~

~~"Tanker-type Vehicle"—any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.~~

b) To obtain any of the following endorsements, a CDL commercial driver's license holder must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the federal Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704):

- ~~a1~~) (T) Double or triple trailers (20 questions).
- ~~b2~~) (P) Passenger carrying vehicles (16 or more passengers, including the driver) (20 questions). A skills test in a representative vehicle is required.
- ~~c3~~) (N) Tank vehicles (20 questions).
- ~~d4~~) (H) Any vehicle carrying hazardous materials ~~that~~which requires placarding (30 questions).
- ~~e5~~) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).
- ~~f6~~) (C) Charter bus driver endorsement. Successfully complete a knowledge test on transporting students ~~grade~~Grade 12 or below to and from school related functions (20 questions).
- ~~g7~~) (S) School bus. Successful completion of a written test (20 questions) and a skills test in a representative vehicle is required. However, current CDL holders who meet the requirements set forth in 49 CFR 383.123 (~~2007~~2004) are exempt from the written and skills tests for this endorsement.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.82 Charter Bus Driver Endorsement Requirements

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a) For purposes of this Part, the following definitions shall apply:

~~"Cancellation"—cancellation of a CDL holder with a charter bus driver endorsement—the annulment or termination by formal action of the Secretary of State of a person's charter bus driver endorsement because of some error or defect in the endorsement, because the endorsement holder is no longer entitled to such endorsement, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-508 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-508 and 6-207].~~

~~"Charter Bus Driver Endorsement"—an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.~~

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of a commercial motor vehicle.~~

~~"Conviction"—an unvacated adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]~~

~~"Denial"—to prohibit or disallow the privilege to obtain a charter bus driver endorsement and/or the privilege to operate a charter bus in accordance with Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

~~"Disqualification"—a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/1-115.3].~~

~~"Driver Applicant"—an individual who applies to a state to obtain, transfer, upgrade or renew a CDL.~~

~~"Employer"—any individual, corporation, partnership or association who~~

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~~employs charter bus drivers licensed pursuant to Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].~~

~~"Employer Certification"—a form as prescribed by the Secretary of State submitted by the employer that certifies that a driver applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.~~

~~"Fingerprint Process"—a method by which a driver applicant's fingerprints are taken for the purpose of certification of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).~~

~~"Miscellaneous Suspension"—a safety and financial responsibility violation suspension, unsatisfied judgment, auto emissions violation suspension, penalty for parking violation, failure to appear, failure to pay toll (Type Action 07, Reason Code 03), and all suspensions that are rescinded and are no longer in effect.~~

~~"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic"—for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].~~

~~"Repeatedly involved as a driver in motor vehicle collisions"—for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].~~

~~"Rescind Order"—a removal by formal action of an order canceling, suspending or denying issuance of a charter (CDL) bus endorsement to a person.~~

~~"Review of Driving Habits"—a review of the driver applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction that has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Sections 6-104 and 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].~~

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~~"Serious Traffic Violation"—a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501 of the Illinois Vehicle Code, relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Code relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.~~

~~"State"—a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].~~

~~"Suspension of Driver's License"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

~~"Suspension of a CDL with a charter bus driver endorsement"—the temporary withdrawal by formal action by the Secretary of a person's endorsement that grants and specifies limited privileges to operate a charter bus on the public highways, for a period specifically designated by the Secretary.~~

ab) Requirements of Driver Applicants for a Charter Bus Driver Endorsement
In order for the Department Secretary of State to issue a charter bus driver endorsement, all driver applicants must:

- 1) Be 21 years of age or older;
- 2) Possess a valid and properly classified driver's license issued by the Department Secretary of State;

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- 3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor: (A consent form must be signed by the driver applicant/CDL holder that allows the [Department Illinois Secretary of State](#) to release the [driver applicant's](#) fingerprint information to [the driver applicant's his/her](#) employer.);
- 4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the driver applicant's driving habits by the [Department Secretary of State](#) at the time the written test is given;
- 5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus pursuant to the requirements of [IVC Section 6-508 of the Illinois Vehicle Code \[625 ILCS 5/6-508\]](#);
- 6) ~~Be physically able to safely operate a charter bus.~~ A driver applicant ~~for a charter bus driver endorsement~~ must demonstrate physical fitness to [safely](#) operate charter buses by undergoing a medical examination in accordance with the provisions of [IVC Section 5/6-508 of the Illinois Vehicle Code \[625 ILCS 5/6-508\]](#);
- 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for [the an](#) endorsement;
- 8) Not have been convicted of committing or attempting to commit any one or more of the following offenses:
 - A) ~~those~~ offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5];

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- B) ~~those~~ offenses defined in the Cannabis Control Act [\[720 ILCS 550\]](#) except those offenses defined in Sections 4(a) and (b) and 5(a) of the Cannabis Control Act ~~[720 ILCS 550/4(a) and (b) and 5(a)]~~;
- C) ~~those~~ offenses defined in the Illinois Controlled Substances Act [\[720 ILCS 570\]](#) ~~and/or the Methamphetamine Control and Community Protection Act [720 ILCS 646]~~ pursuant to IVC [Section 6-508](#);
- D) ~~offenses any offense~~ committed or attempted in any other state or against the laws of the United States that if committed or attempted in Illinois could be punishable as one or more of the ~~foregoing~~ offenses [listed in subsections \(a\)\(8\)\(A\) through \(c\)](#);
- E) ~~the~~ offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [\[720 ILCS 150/4.1 and 5.1\]](#); and
- F) ~~those~~ offenses defined in Section 6-16 of the Liquor Control Act of 1934 [\[235 ILCS 5/6-16\]](#).

be) Endorsement Application Process

- 1) A driver applicant ~~seeking desiring~~ employment as a charter bus driver must obtain from the prospective employer ~~an and complete the following: A) Application/Certification form for Illinois charter bus driver endorsement and then complete both the form and the fingerprint process; B) Fingerprint process.~~
- 2) The driver applicant shall then submit the ~~completed~~ Charter Bus Application/Certification ~~form~~ for the charter bus driver endorsement and the appropriate fee to the ~~Driver Services Facility Secretary of State's driver's license or driver services facility.~~
- 3) The ~~Department Secretary of State~~ shall review the driver applicant's driving history to determine if it is acceptable ~~pursuant to IVC under the provisions of this Part and Sections 6-104 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]~~. The driver applicant must:

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- A) ~~must~~ pass a written ~~test examination~~ administered by the ~~Department Secretary of State's Office~~ in accordance with ~~IVC Section 6-508(c-1)(2) of the Illinois Vehicle Code [625 ILCS 5/6-508(c-1)(2)]~~.
- B) ~~must~~ successfully complete a road test, if applicable, administered by the ~~Department Secretary of State's Office~~ or a licensed third-party tester in the class of vehicle to be used in accordance with ~~IVC Section 6-508(a)(1) of the Illinois Vehicle Code [625 ILCS 5/6-508(a)(1)]~~. These tests must be successfully completed ~~within three~~ within 3 attempts.
- 4) On renewal/reapplication for a charter bus driver endorsement, the driver applicant shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements. On renewal/reapplication for the charter bus driver endorsement, the driver applicant will not be subject to the fingerprint process.
- cd) Denial, Cancellation, or Suspension of a CDL ~~Holder~~ with a Charter Bus Driver Endorsement
- 1) The ~~Department Secretary of State~~ shall deny or cancel a CDL holder's charter bus driver endorsement:
- A) If the criminal background investigation discloses the individual that he/she is noncompliant not in compliance with any of the provisions of ~~IVC Section 6-104 or 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 or 6-508]~~;
- B) Upon receiving notice that the endorsement holder failed fails to comply with any provision of this Part;
- C) Upon receiving notice that the endorsement holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated.
- 2) The ~~Department Secretary of State~~ shall deny a driver applicant for a charter bus driver endorsement upon an indication on a driving record of

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~~the failure that he/she has failed~~ to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.

- 3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.
- 4) An order may be rescinded provided the cause is removed and the driver applicant or CDL holder continues to meet the requirements ~~as~~ outlined in IVC Sections 6-104 and 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508]~~.

de) Employer Responsibility

It shall be the responsibility of a prospective or current employer of a driver applicant or CDL holder of a charter bus driver endorsement to:

- 1) Request an employer seven digit assigned number by faxing to the Department Secretary of State's Office a request on company letterhead indicating a contact person and telephone/fax number.
- 2) Distribute charter bus driver endorsement applications.
- 3) ~~Ensure~~Insure that driver applicants submit to a fingerprint based criminal background investigation.
- 4) Certify ~~in writing~~ to the Department in writing Secretary of State that a driver applicant has successfully completed all employment conditions.
- 5) Notify, ~~in writing~~, the Department in writing Secretary of State that the employer has certified the removal from service of the CDL holder with the charter bus driver endorsement whose endorsement has been withdrawn by the Department Secretary of State, prior to the start of that CDL holder's next work shift.
- 6) Notify, ~~in writing~~, the Department in writing Secretary of State that the CDL holder with the charter bus driver endorsement is no longer employed as a charter bus driver by the reporting employer.

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- 7) Notify, ~~in writing,~~ the ~~Department in writing Secretary of State~~ that, while holding a previously issued valid charter bus driver endorsement, the CDL holder has now been accepted as a charter bus driver for the reporting employer.
 - 8) Immediately upon receipt of a positive drug test, notify, ~~in writing,~~ the ~~Department in writing Secretary of State of such result~~. This information shall be privileged and maintained for the use of the ~~Department Office of the Secretary of State~~.
 - 9) Maintain records of certifications that must be available for inspection by the Secretary of State.
- ~~ef)~~ Notice
The ~~Department Secretary of State~~ shall notify ~~in writing~~ the driver applicant or the CDL holder and his/her current employer ~~in writing~~ that he/she:
- 1) is ineligible ~~under this Part~~ based on information provided by an ISP or FBI criminal background investigation; or
 - 2) is no longer eligible for a charter bus driver endorsement; or
 - 3) ~~has of any~~ related cancellations, suspensions, or denials of the applicant's charter bus driver endorsement.
- ~~fg)~~ Hearings
- 1) ~~Upon The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] upon~~ the request of a driver applicant or CDL holder whose charter bus driver endorsement has been denied, canceled or suspended, ~~the Secretary of State shall conduct a hearing pursuant to IVC Section 2-118.~~
 - 2) The petition requesting a hearing shall be in writing and ~~shall~~ contain the reason the driver applicant or CDL holder believes he/she is entitled to a charter bus driver endorsement.

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- 3) The scope of the hearing shall be limited to the issuance criteria contained in IVC Sections 6-104 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 6-508].

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.83 Hazardous Material Endorsement

a) ~~Section 1030.83 Definitions~~

~~"Adjudicate" — to make an administrative determination of whether an applicant meets the standards in this Part based on the merits of the issues raised.~~

~~"Applicant" — an individual who is applying for a new, renewal, or transfer Hazardous Material Endorsement.~~

~~"Authorized Secretary of State Employee" — a Secretary of State Driver Services Facility employee.~~

~~"Cancellation" — cancellation of a CDL with a HME — the annulment or termination by formal action of the Secretary of State of an applicant's CDL with a HME who is no longer entitled to such license in accordance with a notification from the Transportation Security Administration (TSA) that the endorsement holder poses a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Commercial Driver's License" or "CDL" — a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual that authorizes the individual to operate a class of commercial motor vehicle.~~

~~"Commercial Motor Vehicle" — a motor vehicle, used in commerce, having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated~~

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~~primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

~~"Commercial Instruction Permit" or "CIP"—a permit issued pursuant to 625 ILCS 5/6-508.~~

~~"Day"—a calendar day.~~

~~"Determination of No Security Threat"—an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Driver"—any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.~~

~~"Driver License Facility"—facility operated by the Secretary of State where driving examinations are administered and driver's licenses are issued.~~

~~"Final Determination of Threat Assessment"—a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Hazardous Material"—means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 43 CFR 73 (see 49 CFR 383.5).~~

~~"Hazardous Material Endorsement" or "HME"—an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.~~

~~"Initial Determination of Threat Assessment"—an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.~~

~~"Secretary of State"—Illinois Secretary of State.~~

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~~"Rescind Order"—a removal by formal action to annul or void a cancellation or denial of a Commercial Driver's License.~~

~~"Threat Assessment Fee"—the fee required to pay for the cost of TSA adjudicating security threat assessments, appeals, and waivers under 49 CFR 1572.~~

~~"Transportation Security Administration" or "TSA"—a division of the Department of Homeland Security to administer provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act); Public Law 107-56, October 25, 2001, 115 Stat. 272.~~

~~"Vendor"—an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the Federal Bureau of Investigation (FBI) for a security threat assessment.~~

- ~~ab)~~ The ~~Department~~~~Secretary of State~~ must notify a holder of ~~ana~~ HME at least ~~9060~~ days, as currently required by 49 CFR 1572.13, before the expiration date of the HME that the applicant must initiate a security threat assessment from the TSA as soon as possible, but no later than 30 days before the expiration of the applicant's HME, and that the applicant's HME cannot be renewed if ~~the~~ TSA has not issued to the ~~Department~~~~Secretary of State~~ a Determination of No Security Threat. The ~~Department~~~~Secretary of State~~ must require that ~~ana~~ HME be renewed no more than five years after issuance.
- ~~be)~~ In order for the ~~Department~~~~Secretary of State~~ to issue ~~ana~~ HME, all applicants must successfully comply with the following:
- ~~1)~~ possess a valid and properly classified driver's license with a CIP or a CDL issued by the ~~Department~~~~Secretary of State~~;
 - ~~2)~~ ~~pay all related application and fingerprinting fees as established by 49 CFR 1572 and submit the fingerprints to the authorized TSA vendor who will transmit fingerprint data to the Federal Bureau of Investigation for a fingerprint-based criminal history background record check for a threat assessment. submit the TSA application and a \$34 threat assessment fee to the authorized Secretary of State employee indicating he/she intends to apply for the TSA fingerprint-based criminal history record check;~~

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- 3) ~~effective January 31, 2005, the Department shall not issue a new HME in compliance with subsection (c) until the Department has received a Determination of No Security Threat from TSA, pass a written test administered by the Secretary of State on the transporting of hazardous materials;~~
 - 4) ~~upon the receipt of the Determination of No Security Threat from TSA, the Department will notify the driver in writing of an indication on the driving record authorizing the applicant to apply for the written HME test, submit his/her fingerprints and pay all fees for taking and processing of the fingerprints to an authorized vendor who will transmit fingerprint data to ISP to be forwarded to the FBI for a fingerprint-based criminal history background record check for a threat assessment;~~
 - 5) ~~passes a written test administered by the Department on the transporting of hazardous materials, pay all related application and fingerprinting fees as established by 49 CFR 1572, including, but not limited to, the amounts established by the FBI and the TSA;~~
 - 6) affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the HME.
- d) ~~Upon receipt of Determination of No Security Threat from TSA on an applicant that does not currently hold a HME on his/her CDL, the Secretary of State shall place a tag on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements for the issuance of a HME.~~
- ce) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that does not currently hold ~~ana~~ HME on his/her CDL, the ~~Department~~ Secretary of State shall place ~~an indication~~ tag on the driving record of the applicant indicating he/she is not eligible for ~~ana~~ HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.

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- ~~df)~~ Upon receipt of Determination of No Security Threat from TSA on an applicant that currently holds a CDL with ~~ana~~ HME, the ~~Department~~~~Secretary of State~~ shall place ~~an indicationa tag~~ on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver license facility to complete the requirements to renew or transfer from another state his/her CDL with ~~ana~~ HME.
- ~~eg)~~ Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that currently holds a CDL with ~~ana~~ HME, ~~Department~~~~the Secretary of State~~ shall place a tag on the driving record and send written notice to the applicant explaining that he/she has failed the Threat Assessment and, therefore, must appear at a driver license facility to have the HME removed from his/her CDL. The applicant will be given at least ~~five~~5 days, but no more than 15 days, from the date of the notice, to appear at a driver license facility and have the HME removed from his/her CDL. A corrected CDL will then be issued without the HME at no charge to the driver.
- ~~fh)~~ Refusal or neglect of an applicant to have the HME removed and obtain a corrected CDL, pursuant to subsection (~~eg~~)~~of this Section~~, shall result in the cancellation of the driver's CDL ~~privileges~~ pursuant to ~~IVC Sections 6-201(a)(11) and 6-207625 ILCS 5/6-201(a)(6) and 6-207~~. An applicant whose CDL ~~privileges were canceled~~~~was cancelled~~ may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to the reason for the cancellation and shall not address the Threat Assessment conducted by TSA.
- ~~gi)~~ If, after a driver's CDL ~~privileges have~~~~has~~ been ~~canceled~~~~cancelled~~ pursuant to subsection (~~fh~~) for failing to have the HME removed from the license after the ~~Department~~~~SOS~~ received an Initial or Final Determination of Threat Assessment from TSA as set forth in subsection (~~eg~~), the ~~Department~~~~Secretary~~ receives a Determination of No Security Threat from TSA on the driver, an order rescinding the cancellation shall be entered and the driver's CDL ~~privileges~~ and the HME will be valid.
- ~~hj)~~ An applicant who obtains a corrected CDL shall be deemed to be in compliance with the ~~Department's~~~~Secretary of State's~~ request and shall be allowed to retain ~~his/her~~ CDL driving privileges.
- ~~ik)~~ If the ~~Department~~~~Secretary of State~~ receives a Determination of No Security Threat after a driver has previously been deemed a ~~security threat~~~~Security Threat~~

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by TSA and has had the HME removed from ~~the~~his/her CDL in compliance with subsection (eg), the ~~Department~~Secretary of State shall send written notice to the driver that he/she is now eligible to have the HME added back to his/her CDL. The written notice shall advise the driver ~~to~~that he/she may visit a driver license facility to have a corrected CDL issued reflecting the HME at no cost ~~to the driver.~~

- ~~h)~~ ~~Effective January 31, 2005, the SOS shall not issue a new HME in compliance with subsection (d) until the Secretary of State has received a Determination of No Security Threat from TSA.~~
- ~~jm)~~ ~~An~~Effective March 31, 2005, ~~an~~ applicant who possesses a CDL with ~~ana~~ HME and who will be applying ~~for renewal of the~~to renew his/her CDL-HME after May 31, 2005 may complete the TSA ~~process as defined in subsection (b)~~application, ~~pay all associated fees and submit his/her fingerprints to an authorized vendor.~~ ~~An applicant who possesses a CDL with an HME and who will be applying for renewal of the CDL-HME after May 31, 2005 may complete the TSA process as defined in subsection (b).~~ Effective May 31, 2005, the ~~Department~~Secretary of State shall not renew or transfer from another state ~~ana~~ HME in compliance with subsection (df) until the Secretary of State has received a Determination of No Security Threat from TSA. However, the Secretary of State may extend the expiration date of the time for 90 days if TSA has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment before the expiration date of the HME. Any additional extension must be approved in advance by the Director of the Department of Homeland Security.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.84 Vehicle Inspection

- a) ~~For the purposes of this Section, terms shall be defined as follows:~~
- ~~"Examiner"—employee of the Secretary of State who is qualified to administer a road test.~~
- ~~"First Division Vehicle"—those motor vehicles that are designed to carry not more than ten persons.~~
- ~~"Commercial Motor Vehicle" or "CMV"—a motor vehicle, used in commerce,~~

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~~except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers of property if:~~

~~the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or~~

~~any combination of vehicles with a GCWR of 26,001 pounds or more provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or~~

~~the vehicle is designed to transport 16 persons; or~~

~~the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.~~

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle.~~

~~"Hazardous Materials"—substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce (49 USCA 1802).~~

~~"Mandatory Insurance"—requirement of insurance as provided by Article 6 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI].~~

~~"Mandatory Liability Insurance Policy"—a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property pursuant to Section 7-203 of the Illinois Vehicle Code [625 ILCS 5/7-203], and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. The definition does not include vehicles subject to the provisions of Chapters 18 or 18a, Article III, or Section 7-609, 12-606, or 12-707.01 of the Illinois Vehicle~~

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~~Code; vehicle required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self insurance pursuant to Section 7-502 of the Illinois Vehicle Code; vehicles owned by the United States Government, State of Illinois, or any political sub-division, municipality or local mass transit district; implements of husbandry, other vehicles complying with laws which require insurance in amounts meeting or exceeding the minimum amounts required under the Illinois Vehicle Code; and inoperable or stored vehicles that are not operated.~~

~~"Motorcycle"—every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~"Pedalcycle"—motor driven cycle whose speed attainable in 1 mile is 30 miles per hour or less, which is equipped with a motor that produces 2 brake horse power or less.~~

~~"Proof of Insurance"—~~

~~*Illinois insurance card [625 ILCS 5/7-602(a)];*~~

~~*the combination of proof of purchase of the motor vehicle within the previous 60 days and a current insurance card issued for the motor vehicle replaced by such purchase [625 ILCS 5/7-602(b)];*~~

~~*a current declarations page of a liability insurance policy [625 ILCS 5/7-602(e)];*~~

~~*liability insurance binder, certificate of liability insurance or receipt for payment to an insurer or its authorized representative for a liability insurance premium, provided such document contains all information the Secretary of State by rule or regulation may require [625 ILCS 5/7-602(d)];*~~

~~*a current rental agreement [625 ILCS 5/7-602(e)];*~~

~~*registration plates, registration sticker or other evidence of registration issued by the Secretary only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)]; or*~~

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~~a certificate, decal, or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] or has qualified for an exemption under the law.~~

~~"Registration sticker"—a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period of time.~~

~~"Religious Organization Bus"—any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182], which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.~~

~~"Second Division Vehicle"—vehicles that are designed for carrying more than 10 persons, those designed or used for living quarters, those vehicles that are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle"—any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.~~

~~ab)~~ An applicant, who is required to take the road test, as defined in Section 1030.85 ~~of this Part~~, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle that is not properly equipped or that does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for the type of representative vehicles being used to administer the road test:

- 1) Registration plates shall be attached or affixed to the motor vehicle pursuant to IVC Section 3-413 ~~of the Illinois Vehicle Title and~~

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~~Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-413].~~ The owner of a vehicle who does not have registration plates and/or a registration sticker shall present proper documentation, pursuant to IVC Section 3-407 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-407],~~ showing that proper registration has been applied for, prior to use of the vehicle for road test.

- 2) When lighted lamps are required pursuant to IVC Section 12-201(b) ~~of the Illinois Vehicle Equipment Law~~ for the road test, motor vehicles shall have mounted, exhibit and operate such lamps pursuant to IVC Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215].~~ A motorized pedalcycle must have mounted and display a lamp and reflector as required in IVC Section 11-1507.1 ~~of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1507.1].~~
- 3) When windshield wipers are required pursuant to IVC Section 12-503(d) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-503(d)],~~ they must be in proper operating condition ~~as defined in the same statute.~~
- 4) The horn must be in proper working order pursuant to IVC Section 12-601 ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-601].~~ Horns do not include a siren, whistle, or bell.
- 5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sidewings, or side windows immediately adjacent to each side of the driver ~~that which~~ materially obstructs, obscures or impairs the view from ~~both~~ within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window ~~that which~~ materially ~~obstructs~~ obstructs the driver's view. No person shall drive a motor vehicle when the windshield ~~or,~~ side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rearview mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially

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obscured ([see IVC Section 12-503](#)). ~~[625 ILCS 5/12-503]~~

- 6) No vehicle may be used for the road test if one or more tires are unsafe as defined in [IVC Section 12-405](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-405]~~. A vehicle equipped with metal studded tires may not be used for the road test.
- 7) The service brakes, foot or hand operated, must be in a condition [that](#) ~~which~~ allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motorcycle shall have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.
- 8) Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt pursuant to [IVC Section 12-603.1](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~. Such requirements shall not apply to a driver possessing a written statement from a physician that ~~the such a~~ person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles that are not required to be equipped with seat safety belts under [Federal Law](#) (49 CFR 393.93). A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated, as required by [IVC Section 12-807](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-807]~~.
- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of ~~the such~~ motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of ~~five~~ [5](#) inches and a minimum vertical dimension of 10 inches.
- 10) The seat for the person giving the ~~test examination~~ must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test pursuant to Section

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1030.85 ~~of this Part~~. The seat must be free from excessive soil ~~or~~, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors ~~that which~~ could pose a danger to the driver or examiner.

- 11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles that have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement the steering wheel must have before the front wheels move.
- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) Every motor vehicle of a width or design ~~that which~~ would not allow hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device that indicates the intention of the driver to turn to the right or to the left. ~~The Such~~ signaling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
- 14) Any motor vehicle or combination vehicle that operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges that may prevent or hinder the safe operation of the vehicle braking system. Any motor vehicle or combination vehicle that operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading fails to maintain 95 pounds per square inch pressure during normal pressure buildup.
- 15) Three safety flags, flares, fuses or reflectors shall be provided in all Second Division vehicles as described in [IVC Section 12-702](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-702]~~.
- 16) An operating speedometer shall be mounted in all vehicles designated as a

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school bus in ~~such~~ a manner that it is readable to the seated driver.

- 17) The emergency doors at the front and the rear of a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.
- 18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus pursuant to [IVC Section 12-808](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-808]~~.
- 19) A school bus shall carry a removable and readily identifiable first aid [and bodily fluid](#) kit, mounted in full view of and readily accessible to the driver [as required by](#) ~~pursuant to IVC Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-809]~~.
- 20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus [as required by](#) ~~pursuant to IVC Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-805]~~. Each signal lamp shall be a sealed beam at least 5½ inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.
- 21) All Second Division vehicles, as required by [IVC Section 12-202](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-202]~~, shall have mounted and properly display clearance, identification and side marker lamps. ~~The Such~~ lamps shall be illuminated for the road test, during periods when headlamps are required [by](#) ~~pursuant to IVC Section 12-201 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201]~~.
- 22) A stop arm shall be placed on the driver's side of each Second Division school bus and may be operated either manually or mechanically. The

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design of this stop arm shall comply with [IVC Section 12-803](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-803]~~.

- 23) The tailpipes of each Second Division school bus should extend beyond the rear end of the chassis frame [at least one inch](#), but not beyond the rear of the bumper.
 - 24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses pursuant to [IVC Sections 12-801, 12-802, 12-804 and 12-806](#) ~~of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-801, 12-802, 12-804 and 12-806]~~. A road test, for a religious organization bus or senior citizen transportation vehicle restriction, may be administered in any vehicle of the proper representative type for the license restriction [requested](#) (see [Section 92 Ill. Adm. Code 1030.92](#)).
 - 25) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.
 - 26) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to [IVC Section 11-1404](#) ~~of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1404]~~.
 - 27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to [IVC Sections 13-111 and 13-114](#) ~~of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13-111 and 13-114]~~, except [that](#) those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not [require the be subject to such](#) certificate.
- [be](#)) Prior to taking a road test, as defined in Section 1030.85 ~~of this Part~~, each applicant shall execute an affirmation stating that the vehicle to be used for the road test:
- 1) Is insured pursuant to, and in compliance with, [IVC Chapter 7, Article VI](#)

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~~the Illinois Mandatory Insurance Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI]~~ (the applicant shall provide proof of insurance); or

2) Falls within one of the stated exempted categories.

cd) If the applicant refuses to execute or fails to comply with this Section, then no road test shall be given to the applicant in that vehicle until such time as the applicant complies.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.85 Driver's License Testing/Road Test

a) ~~For the purposes of this Section, terms shall be defined as follows:~~

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of a commercial motor vehicle.~~

~~"Dangerous Action"—an act by the applicant which could endanger a person or property.~~

~~"Driver Services Facility Manager"—employee designated by the Secretary to oversee the operations of the driver services facility personnel (Public Service Representatives and Public Service Clerks).~~

~~"Driving Skills"—ability of applicant to perform maneuvers that will be demonstrated during drive test.~~

~~"Examiner"—employee of the Secretary of State who is authorized to administer the road test.~~

~~"First Division Vehicles"—those motor vehicles which are designed to carry not more than ten persons as defined in Section 1-217 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"Foreign Speaking Applicant"—any applicant unable to understand the oral directions given by the examiner using the English language.~~

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~~"Religious Organization Vehicle Restriction"—authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.~~

~~"School Bus Driver Permit"—permit issued to school bus drivers by the Secretary of State pursuant to 625 ILCS 5/6-106.1.~~

~~"Second Division Vehicles"—vehicles designed to carry more than ten persons; those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo; those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in Section 1-217 of the Illinois Vehicle Code.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Violation"—any traffic related act for which a motor vehicle driver may be arrested and ticketed.~~

ab) Classification of licenses is established in SectionSections 1030.20 and 1030.30 of this Part.

be) Persons applying for a Class class-C, or Class class-D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a First Divisionfirst division vehicle, who are required by IVC Section 6-109 to must complete a road test; shall be evaluated on the following driving skills: start, posture, use of mirrors, steering, lane observance, right-of-way, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, and use of clutch or automatic transmission.

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- cd) In addition to those maneuvers listed in subsection ~~(be)~~ of this Section, persons applying for a Class class-A or B driver's license (CDL ~~or Non-CDL~~); shall also be evaluated on the following: ~~use of gears, railroad crossing, dock parking, trailer parking, straight line backing, stop at marked line, and predetermined right turn.~~
- 1) Pre-Trip Inspection – the applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
 - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
 - E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
 - F) operationally check the brake system for proper performance.
 - 2) Vehicle skills test that shall include dock parking, straight line backing, stop at marked line, and predetermined right turn.
 - 3) Additional road test driving skills of use of gears, railroad crossing, expressway, bridge and underpass.
- d) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (non-CDL) shall also be evaluated on straight line backing.

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- e) In addition to those maneuvers listed in subsection (c) ~~of this Section~~, persons applying for a school bus driver permit, must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, and use of flasher lights.
- f) Applicants for a Class~~class~~ L or Class~~class~~ M driver's license, who are required to complete a road test, shall be evaluated by using of the following drive tests: ALMOST – ~~(Alternate Motorcycle Operator Skill Test)~~; MiniMOST ~~(Space-Modified ALMOST)~~; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
- 1) Test exercises for the ALMOST ~~(Alternate Motorcycle Operator Skill Test)~~, MiniMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both Class~~class~~ L and Class~~class~~ M, shall consist of the following: stalling, ~~shifting~~, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).
 - 2) Test exercises for the 5 dot test, for both Class~~class~~ L and Class~~class~~ M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.
- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, ~~he/she is assessed~~ a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL Class A, B, C, or D ~~classified~~ license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a Second Division~~second division~~ school bus permit are allowed 40 points. Applicants for a First Division~~first division~~ school bus permit are allowed 36 points. Applicants for a Class~~class~~ L or M license taking the ALMOST, ~~MiniMOST~~, or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation, shall be allowed 11 ~~15~~ points. Applicants for an L or M license taking the 5 dot test shall be allowed seven ~~10~~ points.

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- h) The following acts will result in immediate disqualification: violation in which~~where~~ an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.
- i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous; or; an accident occurs for which the applicant does not receive a ticket.
- j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for any foreign speaking applicants who may require a translator and for the training and evaluation of facility personnel.
- k) Any applicant who is suspected by a Driver Services Facility~~driver services facility~~ employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility~~driver services facility~~ manager prior to being administered the road test. If a Driver Services Facility~~driver services facility~~ manager has a reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include, but not be limited to, one or more of the following conditions:
- 1) the applicant admits he/she has consumed alcohol and/or drugs;
 - 2) the applicant has a strong odor of alcohol on his/her breath;
 - 3) the applicant's eyes are red and the pupils are dilated;
 - 4) the applicant's speech is slurred; or
 - 5) the applicant is unsteady when walking.
- l) All persons applying for a CDL, with the exception of those persons renewing their Illinois CDL, shall be required to successfully complete the examinations set forth in subsections (c) and (d) pursuant to IVC Section 6-508(a)(1).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.86 Multiple Attempts – Written and/or Road Tests

a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Applicant"—person applying for or renewing an Illinois driver's license.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Competent Medical Specialist"—a person licensed under the Medical Practice Act of 1987 [225 ILCS 50], or similar law of another jurisdiction, to practice medicine in all of its branches.~~

~~"Road Test"—an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-109].~~

~~"Waiting Period"—that period for which an individual is ineligible to make an application for an Illinois driver's license or commercial driver's license.~~

~~"Written Test"—as defined in Sections 1030.80 and 1030.81 of this Part.~~

ab) The fee to obtain a driver's license required by IVC Section 6-118 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]~~ shall entitle a person to a total of three 3 ~~attempts~~ to pass the written and/or road tests within a one 1 ~~year~~ period starting from the date of the first attempt. The first attempt is counted as one of the three 3 ~~attempts~~ as provided for in IVC Section 6-106 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-106]~~.

be) An applicant for an Illinois ~~commercial driver's license (CDL)~~ who that fails the written and/or road tests after a third attempt shall be prohibited from re-testing ~~re-examination~~ for a period of 30 days 1 month.

cd) An applicant for a an Illinois commercial driver's license (CDL) who that submits a new application after the 30-day 1 month ~~waiting period~~ specified in subsection (be) ~~of this Section~~ shall be allowed three 3 ~~attempts~~ to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests

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shall result in a waiting period of 90 days~~3 months~~.

- de) An applicant for a~~an Illinois commercial driver's license (CDL)~~ who~~that~~ submits a new application after the 90-day~~3 months~~ waiting period specified in subsection (cd) of this Section shall be allowed three~~3~~ attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of one~~1~~ year from the date of the first fail.
- ef) An applicant for an Illinois driver's license may be allowed to attempt the written and/or road tests a second time after a failure in the same day during normal business hours of the Driver Services Facility after failing if he/she fails the first attempt to pass the written and/or road tests. However, if the applicant demonstrates a danger to public safety during the his first attempt to pass a written and/or road tests, he/she will not be allowed a second attempt during the same day will not be allowed. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt was failed. If an applicant fails the road test six~~6~~ times, the individual he/she will not be permitted to attempt the road test a seventh time until a current favorable completed medical report form is submitted to the Department pursuant to IVC he/she submits to the Department a medical report from a competent medical specialist stating that he/she is physically and mentally able to safely operate a motor vehicle as provided for in Sections 6-103(8) and 6-109(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-103(8) and 5/6-109(b)]. An applicant shall be exempt from the requirement of filing a medical report if he/she has within the previous 90 days, 3 months filed a favorable medical report has been filed with the Department.
- fg) The provisions of this Section do apply to applicants who are upgrading their driver's license classification.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.88 Exemption of Facility Administered Road Test

- a) The Secretary of State shall adopt the following definitions for the terms listed as follows:
- "Approved Driver Education Course"~~a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, and rules of~~

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~~the road and the law of this State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 27-24 et seq.) and the rules adopted by the State Board of Education and has been approved by the State Board of Education as meeting such requirements.~~

~~"Cooperative Driver Testing Program"—a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Facility Administered Road Test"—an actual demonstration of the driver's license applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.~~

~~"High School Student"—one who attends a public or private secondary school accredited by the Illinois State Board of Education.~~

~~"Instruction Permit"—permit to operate a motor vehicle, issued for a period of twelve months by the Secretary of State to a student enrolled in a driver education course.~~

~~"Motor Driven Cycle"—every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement including motorized pedaleycles as defined in Section 1-148 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 1-148).~~

~~"Motorcycle"—every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor as defined in Section 1-147 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 1-147).~~

~~"Motorcycle Rider Safety Training Course"—course of instruction in the use and operation of motorcycles and/or motor driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet~~

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~~the requirements set out in 92 Ill. Adm. Code 455.101 et seq.~~

~~"Secretary of State" the Secretary of State of Illinois.~~

- ~~a~~b) The Department shall exempt a high school student from a facility-administered road test if the student has earned a grade of A or B for an approved high school driver education course, passed a road test, administered by a Department certified high school driver education instructor, and ~~has~~ received an authorization form signed by the driver education instructor exempting the student from the facility-administered road test.
- ~~b~~e) Commercial driver training schools licensed pursuant to ~~IVC~~ Section 6-401 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 6-401)~~ shall not be allowed to participate in the cooperative driver testing program.
- ~~c~~d) Each local board of education ~~that wants which desires~~ to participate in the cooperative driver testing program must submit an application to the Field Services Bureau, Department of Driver Services of the Secretary of State's Office, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The application shall consist of the "Cooperative Driver Testing Program Intent to Participate" form and also a "Compliance Affidavit" for each participating driver education instructor. The application shall include the name and address of the high school and the names of the driver education instructors who will participate in the program. The application shall also include a statement that the schools and instructors listed for participation in the program shall administer a road test. The application shall be submitted once per calendar year. The Department shall accept all "Intent to Participate" forms that are accurate and complete and signed by the district superintendent. The Department shall accept all "Compliance Affidavits" ~~that which~~ are accurate and complete and ~~that which~~ show compliance with ~~subsection (e) Section 1030.88(f)~~.
- ~~d~~e) Each instructor shall submit a compliance affidavit ~~that which~~ shows ~~that~~ the instructor is an accredited driver education teacher with the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1.730(q), possesses either a valid Illinois driver's license or a valid and properly classified out-of-state driver's license with submission annually of an acceptable, certified out-of-state driving abstract ~~on an annual basis~~, and shall have attended an initial certification clinic offered by the ~~Department~~ Secretary of State.

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- ef) The exemption from the facility ~~testing examination~~ will expire on the same day as the student's current instruction permit. The student shall be required to obtain a valid driver's license prior to the expiration date of the permit in accordance with the program. After the expiration date, the student shall complete a facility-administered road test. No extension of the exemption from facility testing beyond the expiration date of the instruction permit shall be allowed.
- fg) The Department shall ~~spot-check~~ a sample of the exempted driver population. The Field Services Bureau of the Department shall choose the sample to be tested based on the applicant's birthday. Three calendar days per month shall be designated for the testing, and an applicant whose birthday is on one of the selected days shall be required to successfully complete a facility-administered drive test. The selected dates shall be altered every three months.
- gh) The exemption authorization form shall be designated in a manner prescribed by the Department. The student shall submit the authorization form to a Driver Services Facility employee of the Department when applying for a driver's license.
- hi) The Department shall exempt an applicant for a Class class "M" or Class class "L" driver's license ~~as provided in (see Section 1030.30) of this Part~~, which allows ~~for the~~ operation of a motorcycle and/or motor-driven cycle, from a facility-administered road test if ~~the applicant all of the following circumstances are met~~:
- 1) ~~the applicant~~ is 18 years of age or older;
 - 2) ~~the applicant~~ possesses a valid Illinois driver's license to operate any other classification of motor vehicle; and;
 - 3) shows acceptable proof of completion of a motorcycle rider safety training course ~~the applicant shows proof acceptable to the Department that he/she has successfully completed a Motorcycle Rider Safety Training Course~~ approved by the Illinois Department of Transportation stating the individual and the Department which states that he/she is qualified to operate a motorcycle and/or motor-driven cycle with the cubic centimeter piston displacement ~~that which~~ correlates to the classification of driver's license applied for. Successful completion of the motorcycle rider safety training course ~~Motorcycle Rider Safety Training Course~~ shall be

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evidenced by a Student Completion Card issued by the Illinois Department of Transportation not more than one year prior to the date of application and dated on or after March 1, 1989.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits

a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Applicant"—a person applying for a driver's license or an instruction permit.~~

~~"Driver Services Facility Representative"—a Secretary of State employee at a Driver Services Facility.~~

~~"Temporary Driver's License or Instruction Permit"—a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.~~

ab) The ~~Department Secretary of State~~ shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit; if the Driver Services Facility ~~representative~~ Representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive ~~test~~ examination at the time of renewal cannot be completed due to adverse road conditions that would make administration of the examination more difficult or unsafe, as determined by the ~~facility manager~~ Facility Manager. A temporary driver's license is also issued by a Driver Services Facility ~~representative~~ Representative if the applicant does not wish a photo to be taken at the time the license is obtained or renewed due to facial disfigurement, or if the applicant is waiting for a non-photo driver's license application to be processed.

be) A temporary driver's license or instruction permit shall ~~also~~ be issued to applicants who are not otherwise ineligible for a driver's license or instruction permit; if the Secretary of State is processing an application for a special religious number as described in Section 1030.63; or completing an investigation into the applicant's eligibility to receive ~~the~~ such license or permit pursuant to IVC Section 6-105(c) ~~of the Illinois Vehicle Code [625 ILCS 5/6-105(c)]~~.

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- cd) Temporary License or Permit upon Application by Driver
- 1) Persons who submit an application as required by IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106]~~ and a fee as required by IVC Section 6-118(a) ~~of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]~~ to the Driver Services Department of the Office of Secretary of State, 2701 South Dirksen Parkway, Springfield, Illinois 62723, and are not otherwise ineligible for a driver's license or instruction permit under the provisions of IVC Section 6-103, ~~of the Illinois Vehicle Code [625 ILCS 5/6-103]~~ shall be issued a temporary driver's license or instruction permit if the applicant under the following circumstances:
 - A) ~~the applicant~~ loses a his/her valid Illinois driver's license while out-of-state; ~~or~~
 - B) ~~the applicant~~ is temporarily out-of-state and unable to return to Illinois to renew the driver's license; ~~or~~
 - C) ~~the applicant has~~ surrendered a his/her valid Illinois driver's license in compliance with a terminated suspension notice and has a revocation or second or subsequent suspension pending; ~~or~~
 - D) ~~the applicant~~ has a pending suspension or revocation of driving privileges that which will be effective in 60 days or less and wishes to renew driving his/her privileges prior to the effective date of the suspension or revocation.
 - 2) The applicant shall be issued a temporary driver's license or instruction permit that is valid for up to 90 days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be made for the applicant him/her to take the necessary test or tests at an out-of-state facility.
- de) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of legal name, a valid social security number, zip code, date of birth, gender sex and residence address as described in IVC Section 6-106 ~~of the Illinois Vehicle Code [625 ILCS~~

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~~5/6-106].~~ The applicant shall affirm that all information set forth [on the application](#) is true and correct and bears the applicant's signature.

- [ef\)](#) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed 90 days and shall be valid only when in the possession of the driver.
- [fg\)](#) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had ~~his/her~~ driving privileges suspended, revoked or ~~canceled~~[cancelled](#).
- [gh\)](#) A temporary driver's license or instruction permit shall not be valid for identification purposes and shall so state on the license or permit itself.
- [hi\)](#) The temporary driver's license or instruction permit shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License

- a) Application
Every driver's license issued pursuant to [IVC](#) Section 6-110 ~~of the Illinois Vehicle Code~~ shall include, as an integral part of the license, a head and shoulder, full-faced color photograph of the driver to whom the driver's license is being issued. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head dressings not covering any areas of the open face may be allowed. The driver's license shall be a photographically generated document that also includes the required information pertaining to the driver, the driver's signature, and other special security features to reduce the possibility of alteration and/or illegal reproduction. The driver's license must utilize a photograph taken of the driver at a Driver Services Facility that is produced by equipment specifically designed for this purpose.
- b) Exceptions
Exceptions may be made in the best interest of individual Illinois drivers as

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follows:

- 1) Established Religious Convictions.
 - A) A driver will not be required to submit to a photograph ~~if~~where sufficient justification is provided by the driver to establish that a photograph would be in violation of or contradictory to the driver's religious convictions. ~~If~~Where a driver declares that the use of a photograph is against his/her religious convictions, the driver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the driver's religious convictions, a place for the driver's signature and date, the designation of the religious sect or denomination involved, ~~;~~ space for a minister or other religious leader to apply his/her signature attesting to the explanation the driver has offered, along with the date and official title of the minister or religious leader.
 - B) ~~The~~Such Affidavit ~~shall~~beis forwarded by the driver to the Driver Services Department Central Office in Springfield where a review and a decision ~~will~~beis made by the Director of the Driver Services Department relative to the issuance or non-issuance of a valid driver's license without photograph. To assist the Director in ~~this~~his decision, a committee of three administrative personnel ~~will~~beis appointed by the Director. Each Affidavit ~~will~~beis reviewed by each member of the committee, and each individual recommendation ~~will~~beis made to the Director for his final decision.
 - C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow for driving privileges during the interim period while ~~the~~this Affidavit ~~will~~beis reviewed and a decision ~~will~~beis made by the Director.
 - D) Upon approval by the Director, a valid driver's license without a photograph ~~will~~beis issued from the Central Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license ~~will~~beis mailed to the driver's home address.

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- 2) Facial Disfigurements.
- A) ~~When~~Where a driver requests a driver's license without a photograph because the driver states that it is embarrassing or distasteful to submit to a photograph because of a facial disfigurement caused by disease, trauma, or congenital condition, the ~~requirement of a photograph may be waived~~driver may be excused from the photograph. The Supervisor of the Driver Services Facility in which the driver appears shall make a decision, based upon the extent of ~~the~~such facial disfigurement, regarding the issuance of a driver's license without a photograph. Should the Supervisor approve the issuance of a driver's license without a photograph, ~~the~~such driver's license will be issued from the Central~~central~~ Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license ~~will be~~is mailed to the driver's home address.
- B) Should the Supervisor not approve the issuance of a driver's license without a photograph, the Supervisor will forward a written statement from the driver, along with a statement from ~~the Supervisor~~such supervisor providing detailed information to the Director of the Driver Services Department regarding the extent of the disfigurement and the ~~Supervisor's~~supervisor's justification for disapproval. The Director of the Driver Services Department may obtain further information and/or professional opinions to support an objective decision regarding whether ~~or not~~ a valid driver's license without the photograph may be issued.
- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow driving privileges during the interim period while the driver's license is being issued, or the statements relating to disapproval are being reviewed and a decision is being made.
- D) Upon approval by the Director, a valid driver's license without a photograph ~~will be~~is issued from the Central Office utilizing an application ~~and data card previously~~ signed by the driver. The driver's license ~~will be~~is mailed to the driver's home address.

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- 3) Out-of-State.
- A) Drivers who are temporarily residing outside the State of Illinois and/or who are temporarily absent from the State at the expiration date of ~~the~~their driver's license may apply for a valid driver's license without photograph and signature because of their inability to appear at an Illinois Driver Services Facility. If an Illinois driver declares, in writing, that he/she is out-of-state at the time ~~the~~his/her driver's license must be renewed, and submits this information with the properly completed application and renewal fee, a driver's license may be issued without the driver's photograph and signature.
- B) However, ~~thesuch a~~ driver ~~will be~~is informed that he/she must appear at a Driver Services Facility within 45 days upon returning to Illinois; and exchange this valid driver's license without photograph and signature for a driver's license containing the driver's photograph and signature. This replacement driver's license is issued without additional charge to the driver. If the driver does not return to Illinois and obtain a replacement driver's license with the photograph and signature, the driver's license without the photograph and signature may not be renewed upon expiration; unless the driver submits an affidavit attesting to the fact that he/she has not returned to the State of Illinois during the term of the driver's license without the photograph and signature.
- C) A non-photo temporary driver's license may be issued to those drivers who plan to return to Illinois within a 90-day period. If a driver's license renewal examination is required, this examination must be taken and will not be waived. In those cases in ~~which~~where reciprocal agreements exist with driver's licensing entities in other jurisdictions, the Illinois examination shall be administered by a qualified representative of ~~thesuch~~ jurisdiction, and the results reported to and accepted by the Illinois ~~Driver Services~~ Department.
- c) Hearings
Should the Director deny the issuance of a driver's license without photograph and/or signature, the individual may appeal that decision by requesting in writing

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a hearing pursuant to [IVC](#) Section 2-118 ~~of the Illinois Vehicle Code~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.91 Disabled Person/~~Handicapped~~ Identification Card

a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Competent Medical Specialist"—a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination.~~

~~"Department"—Driver Services Department within the Office of the Secretary of State.~~

~~"Handicapped Identification Card"—a standard identification card defined in Section 4(a) of the Illinois Identification Card Act [15 ILCS 335/4(a)] issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1] or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license.~~

~~"Illinois Disabled Person Identification Card"—identification card issued pursuant to Section 4(b) of the Illinois Identification Card Act.~~

ab) If a person wishes to obtain an Illinois Disabled Person Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 335/4(b)], the individual shall complete ~~he/she shall fill out~~ an application form provided by the Department.

be) The Disabled Person Identification Card application shall include the person's legal name, address, social security number, gender, height, weight, hair color, eye color and date of birth. The applicant's ~~competent~~ medical professional specialist shall certify the type of disability that the person has as ~~either~~ physical, developmental, visual, hearing, or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section 4(a) of the Illinois Identification Card Act. The ~~competent~~ medical professional specialist shall sign

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the application and also print or type his/her name, business address and business phone number.

- d) ~~If a person does not qualify for a Disabled Person Identification Card, he/she may apply for a Handicapped Identification Card and he/she shall complete an application as provided in subsections (b) and (c) except for the competent medical specialist's certification as to the type of disability. The applicant must sign an affidavit contained on the application form stating that he/she meets the definition of a handicapped person as defined in Section 1-159.1 of the Illinois Vehicle Code or that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license.~~
- ce) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly shall result in the applicant's request being denied.
- df) If an applicant for a ~~Disabled Person Handicapped~~ Identification Card indicates on ~~the his/her~~ application that ~~the individual he/she~~ has a ~~disabilityhandicap~~ so severe that it precludes ~~the applicant him/her~~ from obtaining an Illinois driver's license, and it is determined that ~~the applicant he/she~~ has a valid Illinois driver's license, a ~~Disabled Person Handicapped~~ Identification Card shall be issued. ~~The and the~~ case shall be forwarded ~~by the facility~~ to the Driver Analysis ~~Division Section~~ of the Department for review and possible cancellation of the driver's license ~~pursuant to (92 Ill. Adm. Code 1040.80).~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.92 Restrictions

- a) ~~For purposes of this Section, the following definitions shall apply:~~
- ~~"Armed Forces"—the United States Army, Navy, Air Force, Marine Corps, Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USCA 106) shall also be considered service in the Armed Forces of the United States.~~
- ~~"Binocular Visual Acuity"—a visual reading obtained utilizing both eyes at the same time.~~

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~~"Commercial Driver's License" or "CDL"—a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/1-111.6]~~

~~"Commercial Driver License Information System" or "CDLIS"—the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 CFR 383), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.~~

~~"Commercial Motor Vehicle"—a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code [625 ILCS 5/1-169] when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.~~

~~"Department"—the Department of Driver Services of the Office of the Secretary of State.~~

~~"Driver Services Facility Representative"—an employee of the Secretary of State.~~

~~"Gross Combination Weight Rating" or "GCWR"—the GVWR of the power unit plus the GVWR of the towed units or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturers as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.~~

~~"Hazardous Materials"—substance or material in a quantity and form that may pose an unreasonable risk to health and safety or property when transported in commerce. (See 49 USCA 1802.)~~

~~"Mechanical Aid"—a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.~~

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~~"Military Deferral Card"—a card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.~~

~~"Monocular Vision Acuity"—a visual acuity reading obtained utilizing an individual eye.~~

~~"No Photo or Signature—Administrative Approval License"—a driver's license issued without a photograph and/or signature to a driver who having his/her photograph taken is against his/her religious convictions or who has a serious facial disfigurement caused by disease, trauma, or congenital condition.~~

~~"No Photo or Signature—Military or Military Dependent"—a driver's license issued without a photograph or signature at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.~~

~~"No Photo or Signature—Out of Country at Renewal"—a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.~~

~~"No Photo or Signature—Out of State at Renewal"—a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily absent from the State of Illinois at the expiration date of his/her driver's license.~~

~~"Peripheral Vision"—the area of vision from the outside line of direct sight toward the temporal area.~~

~~"Prosthesis"—an artificial limb such as an arm or leg.~~

~~"Religious Organization Bus"—a vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.~~

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~~"Restrictions"—the requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.~~

~~"Secretary of State"—the Secretary of State of Illinois.~~

~~"Senior Citizen Transportation Vehicle"—a vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of the organization.~~

~~"Valid License"—a driver's license that has not expired or been cancelled, suspended or revoked in accordance with Sections 1030.70 and 1030.75.~~

~~"Visual Acuity Standards"—the minimum vision standard in accordance with Sections 1030.70 and 1030.75.~~

~~"Visual Peripheral Standards"—the minimum vision standards in accordance with Sections 1030.70 and 1030.75.~~

- ab) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.
- be) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete, or change the restrictions.
- cd) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section Part 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.
- de) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, orand foot operated steering wheel) to assist with the proper and safe operation of the vehicle.
- ef) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, orand brace on each leg)

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while operating a motor vehicle.

- fg)** A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.
- gh)** A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, ~~or~~ has a monocular visual acuity reading of 20/100 or worse in either eye, ~~or~~ requires a right outside rearview mirror because ~~of he/she has~~ problems turning ~~the his/her~~ head while backing, ~~and/or~~ cannot meet the peripheral vision requirements of Section 1030.70(~~ag~~), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.
- hi)** A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(~~ab~~), but is not worse than 20/70. People who ~~want wish~~ to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only ~~in accordance with Section 1030.85~~.
- ij)** A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:
- 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois ~~driver's~~ license/permit.
 - 2) J02 Driver authorized to operate a ~~religious organization bus~~~~Religious Organization Bus~~ within classification, as provided in ~~IVC~~ Section 6-106.2 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.2]~~.
 - 3) J03 Driver authorized to operate a ~~religious organization bus~~~~Religious Organization Bus~~ or ~~van~~~~Van~~ within Class D only. The driver took the ~~religious organization bus~~~~Religious Organization Bus~~ test in a Class D vehicle, but may hold a Class A, B, or C license.

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- 4) J04 Driver authorized to operate a [religious organization bus](#)~~Religious Organization-Bus~~ or [van](#)~~Van~~ within Class C or a lesser classification vehicle only. The driver took the [religious organization bus](#)~~Religious Organization-Bus~~ test in a Class C vehicle, but may hold a Class A or B license.
- 5) J05 Driver authorized to operate a [senior citizen transportation vehicle](#)~~Senior Citizen Transportation Vehicle~~ within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in [IVC Section 6-106.3](#)~~of the Illinois Vehicle Code [625 ILCS 5/6-106.3]~~.
- 6) J06 Driver authorized to operate a [senior citizen transportation vehicle](#)~~Senior Citizen Transportation Vehicle~~ within Class D only. The driver took the [senior citizen transportation vehicle](#)~~Senior Citizen Transportation Vehicle~~ test in a Class D vehicle, but may hold a Class A, B, or C license.
- 7) J07 Driver authorized to operate a [senior citizen transportation vehicle](#)~~within Senior Citizen Transportation Vehicle~~ written Class C vehicle, or a lesser classification vehicle only. The driver took the [senior citizen transportation vehicle](#)~~Senior Citizen Transportation Vehicle~~ test in a Class C vehicle, but may hold a Class A or B license.
- 8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in [IVC Section 6-106.4](#)~~of the Illinois Vehicle Code [625 ILCS 5/6-106.4]~~.
- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in [IVC Section 6-103\(2\)](#)~~of the Illinois Vehicle Code [625 ILCS 5/6-103(2)]~~.
- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three-wheel motorcycle

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- (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.
- 12) J12 Driver authorized to operate Class B or lesser classification vehicle for the passenger endorsement.
- 13) J13 Driver authorized to operate Class C classification vehicle for the passenger endorsement.
- 14) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 15) J15 Special Restrictions – An applicant may have special restrictions applied specifically to the vehicle the applicant he/she is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.
- 16) J16 Pedalcycle Only – Authorizes an applicant holding a Class L license to operate a pedacycle"Pedaleyeye" only".
- 17) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.
- 18) J48 Allows a person to use commercial privileges only for driving school buses to transport students for school-related activities.
- 19) J50 Farm waived nonNON-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or

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supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.

- 20) J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- 21) J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- 22) J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- 23) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with the licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- 24) J75 No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.
- 25) J88 [Deaf/Hard of Hearing – requires alternative forms of communication.](#)
- 2625) J99 This restriction appears on the license if more than two J restrictions are placed on the driver.
- jk) A Typetype K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- kl) A Typetype L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

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- ~~lm~~) ~~An~~ ~~if an applicant who wants individual wishes~~ to appeal a type of restriction that has been added to ~~a his/her~~ driver's license, ~~he/she~~, depending on the type of restriction, shall:
- 1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to ~~the his/her~~ driver's license pursuant to the restrictions contained in subsection (ij), follow the manner prescribed by this Part.
 - 2) For any other ~~types type~~ of restrictions ~~that which~~ have been added to ~~the his/her~~ driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to ~~IVC~~ Section 2-118 ~~of the Illinois Vehicle Code [625 ILCS 5/2-118]~~.
 - 3) Further review of ~~any and~~ all restrictions shall be conducted by the courts pursuant to ~~the~~ Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.93 Restricted Local Licenses

- ~~a)~~ ~~For purposes of this Section, the following definitions shall apply:~~
- ~~"Applicant"—person applying for a restricted local license.~~
- ~~"Facility"—Secretary of State's driver services facility.~~
- ~~"Public Service Representative"—employee of the Secretary of State.~~
- ~~"Regional Manager"—employee of the Secretary of State.~~
- ~~"Restricted Local License"—a special restricted driver's license issued under the authority of Section 6-113 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-113) intended to enable a person to drive specific route.~~
- ~~ab)~~ An applicant for a restricted local license shall reside in a locality with a population of 3500 or less. The initial application for a restricted local license must be accompanied by a special restricted license request form. The request form shall include the applicant's full name and address, including the county. It shall also include the applicant's ~~gendersex~~, height, weight, hair color, eye color,

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birth date, and driver's license number. The applicant shall supply the reason why ~~he/she needs~~ a restricted local license is necessary.

- be) At a facility, the applicant must pass the vision test ~~as found in Section 92 III. Adm. Code 1030.70 and the written test if it is required by IVC Section 6-109(c) of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-109(e)).~~ The In addition, the applicant shall pay the statutory fee required in IVC Section 6-118 of the Illinois Driver Licensing Law.
- cd) A person who has failed a road test for a driver's license, but has passed the other ~~tests exams~~ referred to in subsection Subsection (be), is eligible to apply for a restricted local license.
- de) Applications for restricted local licenses that comply with Section 1030.93(ab) and (be) shall be approved by the Driver Analysis ~~Division Section~~ of the ~~Driver Services~~ Department ~~of the Secretary of State's Office~~. An authorization will be provided is then mailed to the Regional Manager or designee in the area in which the applicant resides. The of the applicant and the Regional Manager or designee will assign assigns the road test to the facility closest to the applicant's home or the facility that made the initial request. The applicant will be is then contacted by the Regional Manager or designee to set up a convenient date and time to administer the restricted local license road test.
- ef) The Regional Manager or designee will go public service representative goes to the applicant's home to map and maps out a route the applicant ~~declares he/she~~ wishes to use. The road test will be administered utilizing the same route that has been use the same route that has been mapped out and will test the basic driving skills provided of driving as found in Section 1030.85.
- fg) If the applicant passes the ~~test exam~~, the ~~aforementioned~~ Driver Analysis ~~Division Section~~ shall mail the applicant ~~the his/her~~ restricted local license. The restricted local license ~~shall will~~ restrict the ~~driver person~~ to the route that was used on the road test.
- gh) ~~A person shall renew his/her restricted local license every four (4) years.~~ Approximately three (~~3~~) weeks before the ~~driver person~~ is due to renew ~~the his/her~~ restricted local license, the Driver Analysis ~~Division Section~~ shall send ~~the applicant~~ a letter to the driver stating the expiration date of the license and renewal requirements informing him/her when it will expire and what he/she shall

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~~be required to do in order to renew it.~~ The applicant shall present the letter to a ~~facility employee public service representative~~ and take the ~~required tests~~ vision test and written test, ~~pursuant to IVC if it is required by~~ Section 6-109(c) ~~of the Illinois Driver Licensing Law~~. Upon successful completion of the test or tests, the ~~facility employee public service representative~~ shall submit a request for the road test portion of the ~~testing examination~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

a) ~~For the purposes of this Section, the following definitions shall apply:~~

~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~

~~"Driver Services Facility"—offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.~~

~~"Instruction Permit"—driving permit issued pursuant to Section 6-105 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-105).~~

~~a~~b) A duplicate driver's license or instruction permit shall be issued by the Department ~~when in cases where~~ a driver's license or instruction permit has been lost, stolen, or mutilated.

~~b~~e) Upon an applicant's request or the Department's determination that an error was made ~~or the license or permit was mutilated~~, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit ~~that which~~ is being surrendered. The license or permit shall indicate that it has been corrected by displaying "COR" ~~the word corrected~~ as the type of license.

~~c~~d) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit; by displaying "DUP" ~~the word duplicate~~ as the type of license.

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- de) The applicant shall pay a fee in accordance with IVC Section 6-118 ~~of the Illinois Driver's Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-118)~~ for either a duplicate driver's license, ~~or~~ corrected driver's license or instruction permit. For a six ~~(6)~~ month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services Facility ~~facility which made a corrected license or permit necessary~~. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local, or federal law enforcement agency or state or federal court, there shall be no fee charged for a duplicate upon written notification from ~~that~~ such agency or court. Pursuant to IVC Section 6-118(a), there ~~There~~ shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that the his/her license was stolen. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-118(a))~~
- ef) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in IVC Section 6-106(b) ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-106(b))~~ shall be completed by a Driver Services Facility ~~facility~~ employee. The applicant shall answer the first two questions on the application as listed in (see Appendix A) of this Part and the appropriate fee shall be paid, if required. After the form has been completed and the fee paid ~~if required~~, the applicant, if necessary, shall have his/her photograph taken ~~if necessary~~ as provided in Section 1030.90 ~~which concludes the process.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.96 Seasonal Restricted Commercial Driver's License

- a) ~~For purposes of this Part, the following definitions shall apply:~~
- ~~"Agri-chemical business"—any individual, partnership, corporation, or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing service of application of these substances in this State.~~
- ~~"Agricultural commodities"—includes plants and plant parts, livestock, poultry, livestock or poultry products, seeds, sod, shrubs and other products of~~

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~~agricultural origin including premises necessary to and used directly in agricultural production. [415 ILCS 60/4]~~

~~"Alcohol"—any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol and isopropanol.~~

~~"Alcohol concentration"—the number of grams of alcohol per 210 liters of breath; or, the number of grams of alcohol per 100 milliliters of blood; or, the number of grams of alcohol per 67 milliliters of urine.~~

~~"Class A vehicle"—any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.~~

~~"Class B vehicle"—any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate endorsements, operate all vehicles within Class B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.~~

~~"Class C vehicle"—any single vehicle with a GVWR of 16,001 or more pounds but less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded; or any vehicle less than 26,001 pounds GCWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds. Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles. A Class C license is not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has successfully completed a safety course regarding safe operation of the vehicle.~~

~~"Class D vehicle"—is defined as: any single vehicle with a GVWR of 16,000~~

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~~pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded; or any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded, towing any vehicle providing the GCWR is less than 26,001 pounds. Holders of a Class D license may operate all vehicles within Class D, and may operate rental vehicles up to 26,000 pounds when transporting an individual's own personal property or that of an immediate family member for non-business purposes within the State, if the individual has successfully completed a safety course regarding the safe operation of the vehicle, but are not authorized to operate motorcycles or motor driven cycles.~~

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of a commercial motor vehicle.~~

~~"Commercial Driver's License Information System" or "CDLIS"—the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.~~

~~"Commercial motor vehicle" or "CMV"—a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers or property if:~~

~~the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383 (2003)); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or~~

~~the vehicle is designed to transport 16 or more persons; or~~

~~the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F (2003).~~

~~"Controlled substance"—shall have the same meaning as defined in Section 102~~

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~~of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.~~

~~"Conviction"—an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]~~

~~"Custom harvester"—any individual, partnership, corporation, or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.~~

~~"Department"—the Department of Driver Services within the Office of the Secretary of State.~~

~~"Disqualification"—a withdrawal of the privilege to drive a commercial motor vehicle.~~

~~"Drive"—drive, operate or be in physical control of a motor vehicle.~~

~~"Driver applicant"—an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL.~~

~~"Farm"—includes stock, dairy, poultry, forestry, fruit, fur-bearing animals and truck farms, plantations, ranches, nurseries, range, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.~~

~~"Farm retail outlet and/or supplier"—any individual, partnership, corporation, or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.~~

~~"Felony"—an offense under state or Federal law that is punishable by death or imprisonment for a term of one year or more.~~

~~"Foreign jurisdiction"—a sovereign jurisdiction that does not fall within the~~

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~~definition of "State".~~

~~"Full information"—all records of traffic law convictions, as contained in the records then on file in the Office of the Secretary of State or any other state, whether the person has a current driver's license then on file, the driver's license number, and the address and personal description of said person as reflected on the person's driver's license application.~~

~~"Gross vehicle weight rating (GVWR)"—the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight vehicle, whichever is greater. The GVWR of a combination of vehicles, commonly referred to as the gross combination weight rating (GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.~~

~~"Hazardous materials" means any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 (2003) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (2003).~~

~~"Invalidation"—the indefinite withdrawal of the privilege to drive a commercial motor vehicle with a seasonal restricted commercial driver's license (except as otherwise provided in this Section).~~

~~"Livestock"—cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.~~

~~"Livestock feeder"—any individual, partnership, corporation, or association engaged in a business operation for the purpose of producing livestock.~~

~~"Motor vehicle"—every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails except vehicles moved solely by human power and motorized wheelchairs.~~

~~"Operator's license"—any driver's license to operate a motor vehicle issued under the laws of any state.~~

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~~"Safety checklist"—an explanation, which is provided by an employer to an employee prior to obtaining a restricted CDL, concerning the controls and features of the vehicle and its operation.~~

~~"Seasonal Restricted Commercial Driver's License" or "Restricted CDL"—a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.~~

~~"Serious traffic violation"—a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501, relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Illinois Driver Licensing Law relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.~~

~~"State"—a state of the United States, the District of Columbia and any Province or Territory of Canada and Mexico.~~

- ab) In order to be eligible for a seasonal restricted ~~CDL~~ commercial driver's license, the driver applicant must meet the following ~~qualification~~ standards:
- 1) The driver applicant must be employed by one or more of the following farm-related services:
 - A) Farm retail outlet and/or supplier;
 - B) Agri-chemical business;
 - C) Custom harvester;

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D) Livestock feeder;

- 2) The driver applicant must have held a valid driver's ~~any motor vehicle operator's~~ license for at least a period of a one year prior to the date of application for a seasonal restricted CDL;
 - 3) The driver applicant must have a valid Illinois non-CDL Class B driver's license;
 - 4) The driver applicant shall not have more than one driver's license;
 - 5) The driver applicant's driving privileges must not have been suspended, revoked, canceled or disqualified in this State or any other state within two years prior to application for a restricted CDL;
 - 6) The driver applicant must not have been convicted of a "serious traffic violation" in any class of motor vehicle within two years prior to application for a restricted CDL;
 - 7) The driver applicant's driving record shall not contain ~~applicant shall not have~~ any convictions for accident-related ~~accident-connected traffic law~~ violations or ~~and no record of~~ at-fault accidents in any class of motor vehicle within two years prior to the application for a restricted CDL;
 - 8) The driver applicant must submit with the ~~his/her~~ initial application for a restricted CDL a letter from the ~~his/her~~ initial employer verifying that the driver applicant is employed in one of the required farm-related services. The driver applicant must also ~~and~~ complete the safety checklist on the application regarding the safe operation of the vehicle ~~he/she will be operating~~.
- A) The safety checklist shall include ~~consist of~~ a demonstration and discussion, by the employer with the employee/driver applicant, of the following features for the safe operation of a commercial motor vehicle:
- i) parking (hand) brake;
 - ii) headlights;

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- iii) parking lights;
- iv) emergency (hazard) lights;
- v) brake lights;
- vi) tires;
- vii) horn;
- viii) turn signals;
- ix) windshield wipers;
- x) rear/side vision mirrors;
- xi) gear shift;
- xii) safety belts.

B) The employee/driver applicant must be informed by the employer:

- i) that trucks require a commercial motor vehicle requires more turning area than cars ~~car and to watch when making turns~~;
- ii) that trucks require greater not to tailgate since the weight of the truck requires stopping distance ~~distances~~ (at least one vehicle length for every 10 MPH between you truck and the vehicle ahead of you);
- iii) to allow more time for acceleration when pulling out into traffic;
- iv) to obey weigh station scale signs;
- v) to obey the posted ~~observe truck~~ speed limits;

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- vi) to cautiously approach low overheads such as gas station and motel canopies, bridges, toll booths; and drive-throughs cautiously;
 - vii) to avoid backing up the truck, but, if necessary, ~~to~~ have someone ~~another person~~ guide you~~him/her~~;
 - viii) to drive and park cautiously on hills.
- be) Prior to the issuance of a restricted CDL, the Department Secretary of State shall perform a records check through the Commercial Driver's License Information System (CDLIS) ~~and enter each restricted CDL holder's record into CDLIS.~~
- cd) All driver applicants issued a restricted CDL commercial driver's license shall be allowed to operate the kind and type of vehicles as follows:
- 1) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may operate all vehicles of Classes B, C; and D, but are not authorized to operate motorcycles or motor-driven cycles.
 - 2) In order to transport hazardous materials intrastate, a restricted CDL holder must be at least 18 years of age.
 - 3) In order to transport hazardous materials interstate, a restricted CDL holder must be at least 21 years of age.
 - 4) A restricted CDL holder may transport only the following hazardous materials:
 - A) 1,000 gallons or less of diesel fuel;
 - B) 3,000 gallons or less of liquid fertilizer; or
 - C) Solid fertilizers that are not mixed with any organic substance.
- de) A restricted CDL shall be issued for either a 180-day period or two 90-day periods in any 12-month period. In no event shall the second 90-day period exceed the expiration of the 12-month period. If the driver applicant elects the

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two 90-day periods, ~~the applicant he/she~~ will receive ~~a two separate~~ restricted CDL ~~CDLs~~ prior to each period. Prior to the issuance of the second restricted CDL, the Department shall review the driver applicant's driving record for any violation as outlined in subsections ~~(ab)~~(5) through ~~(ab)~~(7). The driver applicant shall be issued the second restricted CDL ~~if the driver applicant provided he/she is not otherwise ineligible for the same.~~

- ~~ef)~~ A restricted CDL shall be valid only within 150 air miles from the farm or farm-related business being served. The holder of a restricted CDL shall, at all times while employed by a farm-related service and operating a commercial motor vehicle, have in ~~his/her~~ possession verification of ~~his/her~~ employment that includes the location of ~~the his/her~~ employer's farm or farm-related business.
- ~~fg)~~ All fees shall be as required by ~~IVC~~ Section 6-118 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]~~. A restricted CDL may be revalidated without fee for up to four years from the date of issuance of the first restricted CDL.
- ~~gh)~~ A restricted CDL shall be invalidated and/or further action shall be taken against the individual's driving privileges if any of the following ~~is received by the Department~~ occurs:
- 1) ~~Reliable The Secretary of State receives reliable~~ written evidence that the individual is no longer employed by one of the required farm-related services;
 - 2) ~~Reliable The Secretary of State receives reliable~~ written evidence that the individual has not held a motor vehicle ~~driver's operator's~~ license for at least one year prior to the date of application for a restricted CDL;
 - 3) ~~Reliable The Secretary of State receives reliable~~ written evidence that the individual no longer has a valid ~~non-CDL Class B~~ Illinois driver's license;
 - 4) ~~Reliable The Secretary of State receives reliable~~ written evidence that the individual's driving privileges have been suspended, revoked, canceled or disqualified in this State or any other state;
 - 5) ~~Reliable The Secretary of State receives reliable~~ written report of a conviction of a "serious traffic violation" in any class of motor vehicle;

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- 6) ~~Reliable~~ ~~The Secretary of State receives reliable~~ written report for a conviction of an accident-~~related~~~~connected~~ traffic law violation and/or at-fault accident;
- 7) ~~Reliable~~ ~~The Secretary of State receives reliable~~ written evidence of any violation of this Part.
- ~~hi)~~ An individual whose restricted CDL has been invalidated shall not be eligible to apply for another restricted CDL until the expiration of two years from the effective date of ~~the his/her~~ invalidation.
- ~~ij)~~ An individual who possesses a restricted CDL shall be subject to the disqualification provisions of IVC Section 6-514 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-514]~~.
- ~~jk)~~ An individual who possesses a restricted CDL shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, other drug, or both in the person's such individual's system as outlined in IVC Section 6-515 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-515]~~.
- ~~kl)~~ An individual who possesses a restricted CDL shall be subject to the implied consent requirements for commercial motor vehicle drivers ~~as~~ outlined in IVC Section 6-516 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-516]~~.
- ~~lm)~~ An individual who possesses a restricted CDL shall be subject to the implied consent warning as outlined in IVC Section 6-517 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-517]~~.
- ~~mn)~~ An individual whose restricted CDL has been disqualified and/or invalidated who wishes to have a hearing shall follow the procedures ~~as~~ outlined in IVC Section 6-520 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-520]~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege

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a) For purposes of this Section the following definitions shall apply:

"Driver Remedial Education Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

"Invalidation"—the withdrawal, by consent, court order, death of the holder or the holder's failure to complete a driver remedial education course, of the validation of a person's license, permit and/or driving privilege in accordance with Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

"Law Enforcement"—a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Secretary of State Employee"—the personnel within the Department of Driver Services of the Office of the Secretary of State who are authorized to invalidate driver's licenses, permits and/or driving privileges.

ab) The ~~Department~~Secretary of State shall invalidate a driver's license, permit and/or driving ~~privileges~~privilege:

- 1) When the holder voluntarily surrenders the license or permit and declares ~~the~~his/her intention to do so in writing to the ~~Department~~Secretary; ~~or~~
- 2) When the ~~Department~~Secretary receives a certified court order indicating the holder is to refrain from driving; ~~or~~
- 3) Upon the death of the holder; or
- 4) Upon the entry of a suspension of a driver under the age of 18 pursuant to ~~IVC~~ Section 6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36) ~~or~~, (43) and/or ~~IVC~~ Section 11-501.8 ~~of the Illinois Vehicle Code~~ [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36), (43) and/or 11-501.8].

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- be) A driver's license or permit invalidated based upon a voluntary surrender under this Section may be reinstated in the same manner as prescribed by IVC Sections 6-114 and 6-115 ~~of the Illinois Vehicle Code [625 ILCS 5/6-114 and 6-115]~~.
- ce) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges.
- de) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent, provided the actual license or permit bears a readily identifiable designation evidencing invalidation. To invalidate a license or permit, a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State or; a law enforcement ~~official, officer, or a coroner~~.
- ef) The Secretary of State employee or; a law enforcement ~~official, officer, or coroner~~ who invalidates a license or permit upon the death of the holder shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.
- fg) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- gh) A driver whose driving privileges are invalidated pursuant to subsection (b)(4), and whose driving privileges are suspended for six6 months or longer, may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and re-testing under IVC Section 6-109 ~~of the Illinois Vehicle Code [625 ILCS 5/6-109] if the suspension period is 6 months or longer~~.
- hi) A driver whose driving privileges are invalidated pursuant to subsection ~~(ab)~~(4) ~~of this Section~~, and whose driving privileges are suspended for less than six6 months, may be reinstated upon successful completion of a driver remedial education course and the payment of all reinstatement fees.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.98 School Bus Commercial Driver's License

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- a) ~~For purposes of this Section, the following definitions shall apply:~~

~~"Cancellation"—the without prejudice annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].~~

~~"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383 (2003), to an individual, which authorizes the individual to operate a class of commercial motor vehicle.~~

~~"Commercial Driver's License Information System" or "CDLIS"—the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.~~

~~"Commercial Motor Vehicle" or "CMV"—a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers or property if:~~

~~the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383 (2003)); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or~~

~~the vehicle is designed to transport 16 or more persons; or~~

~~the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.~~

~~"Conviction"—an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or~~

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~~not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]~~

~~"Disqualification"—a withdrawal of the privilege to drive a commercial motor vehicle.~~

~~"Driver Applicant"—an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL.~~

~~"Felony"—an offense under State or Federal law that is punishable by death or imprisonment for a term of one year or more.~~

~~"Gross Vehicle Weight Rating" or "GVWR"—the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the Gross Combination Weight Rating (GCWR)) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.~~

~~"School Bus"—Every motor vehicle, except as otherwise provided in this definition, owned or operated by or for a school operated by a religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity. This definition does not include the following:~~

~~A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.~~

~~A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].~~

~~A motor vehicle designed for carrying not more than nine passengers that~~

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~~is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].~~

~~"School Bus Commercial Driver Instruction Permit" or "School Bus CDIP"—an instruction permit, with a "J48" restriction, which limits CMV operation to a school bus only, as defined in this Part.~~

~~"School Bus Commercial Driver's License" or "School Bus CDL"—a commercial driver's license with a "J48" restriction which limits CMV operation to a school bus only as defined in this Part.~~

~~"School Bus CDL Restriction"—a "J48" restriction placed on a commercial driver's license or school bus commercial driver instruction permit which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.~~

~~"Serious Traffic Violation"—a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation relating to reckless driving; or a violation of any state law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-501 of the Illinois Driver Licensing Law relating to having multiple driver's licenses; or a violation of subsection (a) of Section 6-507 of the Illinois Driver Licensing Law relating to the requirement to have a valid CDL; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, that the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.~~

~~"State"—a state or territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].~~

~~"Third Party Tester"—an entity that has been approved by the Secretary.~~

- ab) In order to be eligible for a school bus CDL~~commercial driver's license~~, the driver applicant must:

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- 1) be eligible and have applied for an Illinois school bus permit pursuant to [IVC](#) Section 6-106.1 ~~of the Illinois Vehicle Code [625 ILCS 5/6-106.1]~~ and 92 Ill. Adm. Code 1035;
 - 2) pass ~~the required~~ written school bus core knowledge and passenger endorsement written tests;
 - 3) pass the skills test in a representative vehicle.
- [be](#)) In order to be eligible for a school bus commercial ~~driver~~ instruction permit, the driver applicant must pass the written school bus core knowledge test.
- [cd](#)) The Secretary of State shall issue a school bus ~~CIPCDIP~~ in accordance with Section 1030.65 ~~of this Part~~ and [IVC](#) Section 6-105 ~~of the Illinois Vehicle Code [625 ILCS 5/6-105]~~.
- [de](#)) The ~~Department~~ [Secretary of State](#) shall deny issuance of a school bus CDL and/or ~~school bus CIPCDIP~~:
- 1) for failure to meet the ~~qualification~~ standards contained in [IVC](#) Section 6-508 ~~of the Illinois Vehicle Code [625 ILCS 5/6-508]~~;
 - 2) for failure to meet any eligibility requirements contained in this Section.
- [ef](#)) Prior to the issuance of a school bus CDL and school bus ~~CIPCDIP~~, the ~~Department~~ [Secretary of State](#) shall perform a records check through the Problem Driver Pointer System (PDPS) and ~~the Commercial Driver's License Information System (CDLIS)~~, meet all requirements as outlined in 49 CFR 384 (2007) ~~(2003)~~, and enter each school bus CDL holder's record into CDLIS pursuant to IVC Section 6-513 ~~[625 ILCS 5/6-513]~~.
- [fg](#)) A person applying for and operating on a school bus ~~CIPCDIP~~ shall be exempt from obtaining and holding an Illinois school bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.
- [gh](#)) All driver applicants issued a Class B or C school bus ~~CDL~~ commercial driver's license with a Type J48 restriction as well as P and S endorsements shall have

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their commercial motor vehicle operation limited to the same or lesser classification of a school bus as defined in IVC Section 1-182(a) and their~~but may operate~~ non-commercial motor vehicle operation limited to non-commercial motor vehicles ~~with requiring the same classification or of~~ a lesser classification of license.

~~i) A driver applicant with a school bus CDL issued under this Section shall have on his/her driver's license a Type "J48" restriction and a "P" and "S" endorsement.~~

~~h) A school bus CDL shall expire in accordance with the provisions of IVC Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115].~~

~~ik) The fees for a school bus CDL/CIP commercial driver's license shall be as follows:~~

- ~~1) Driver's license upgrade to school bus CDL with J48 restriction, regardless of age \$10~~
- ~~2) Renewal school bus CDL with J48 restriction, regardless of age..... \$20~~
- ~~3) Duplicate or corrected school bus CDL \$5~~
- ~~4) Instruction ~~permit~~Permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL \$10~~
- ~~5) School bus CDL upgrade to regular CDL \$40~~
- ~~6) Driver's license renewal, plus school bus CDL/CIP commercial driver's license instruction permit \$20~~

~~j) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the disqualification provisions of IVC Section 6-514 of the Illinois Vehicle Code [625 ILCS 5/6-514].~~

~~lm) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, other drugs or both in the applicant's~~such person's~~ system as outlined in IVC Section 6-515 of the Illinois Vehicle Code [625 ILCS 5/6-515].~~

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- m#) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the implied consent requirements for commercial motor vehicle drivers ~~as~~ outlined in IVC Section 6-516 ~~of the Illinois Vehicle Code [625 ILCS 5/6-516]~~.
- ne) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the implied consent warnings ~~as~~ outlined in IVC Section 6-517 ~~of the Illinois Vehicle Code [625 ILCS 5/6-517]~~.
- op) A driver applicant whose school bus CDL/~~or school bus CIP~~CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to IVC ~~pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118]~~. The cancellation or withdrawal of a school bus CDL/CIP shall remain in effect pending the outcome of ~~the~~that hearing.
- pe) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to the cancellation provisions of IVC Section 6-201 ~~of the Illinois Vehicle Code [625 ILCS 5/6-201]~~.
- pf) A driver applicant who possesses a school bus CDL/~~or school bus CIP~~CDIP shall be subject to all provisions of IVC Chapter 6, Article V ~~the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V]~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.110 Emergency Medical Information Card

- a) Every licensee who carries an Emergency Medical Information Card may place a sticker or decal, ~~in appropriate language,~~ on ~~the~~his/her driver's license indicating ~~the~~that said licensee carries an Emergency Medical Information Card.
- b) The sticker or decal shall be in a form approved by the Department ~~Secretary of State~~ and shall be placed on the reverse side of the driver's license in an area ~~so~~ designated ~~on the license~~ by the Secretary of State.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.115 Change-of-Address

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- a) ~~For purposes of this Section, the following definitions shall apply:~~
- ~~"Court Documents"—items issued by a court such as reports, notices, summonses, subpoenas, orders, and transcripts.~~
- ~~"Department"—Driver Services Department within the Office of the Secretary of State.~~
- ~~"Driver's License File"—file maintained by the Secretary of State on each driver in Illinois as provided in Section 6-117 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-117).~~
- ~~"Immediate Family Member"—parent, child, or spouse.~~
- ~~"Judicial Driving Permit"—a judicial driving permit is issued to grant a driver limited driving privileges as provided in 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-206.1).~~
- ~~"Secretary of State"—Secretary of State of Illinois.~~
- ab) Pursuant to IVC Section 6-116Pursuant to Section 6-116 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95½, par. 6-116), a person who changes ~~his/her~~ address must inform the Secretary of State in writing within ~~ten (10)~~ days after the change. After proper notification of ~~a~~ change of address, the address shall be changed on the driver's license file.
- be) To notify the Department of an address change, an individual may go to a Driver Services Facility~~driver service's facility~~ and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary of State's official website.
- cd) Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, the individual's~~his/her~~ attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: ; post office change-of-address card, Secretary of State change-of-address card, court documents with "new address" written on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a judicial

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driving permit order, or money orders reflecting new address.

- ~~de)~~ Documents ~~which are~~ not acceptable as notification to the Department of an address change ~~shall~~ include the following: conviction reports; failure to appear notices;~~;~~ statutory summary suspension sworn reports (unless there is an out-of-state address indicated on the statutory summary suspension sworn report ~~that~~~~which~~ corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois);~~;~~ court transcripts (unless "new address" is written on documents);~~;~~ accident reports; or addresses on checks unless "new address" is specified.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.120 Issuance of a Probationary License

- ~~a)~~ For purpose of this Section, the following definitions shall apply:

~~"Cleared Miscellaneous Suspension"—suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew which are no longer in effect.~~

~~"Driver Improvement Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers.—This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.~~

~~"Probationary License"—a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.~~

~~"Suspension of Driving Privileges"—the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. See Section 1-204 of the Illinois Vehicle Code.~~

~~"Valid Driver's License"—a license issued by the Illinois Secretary of State which is not currently expired, suspended, invalidated, revoked, or canceled.~~

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- ab) A person whose driving privileges have been suspended under IVC Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206 (a)(2)]~~ for conviction of not less than three ~~(3)~~ offenses committed within a ~~twelve (12)~~-month period against traffic regulations governing the movement of vehicles shall qualify for a probationary license if the individual meets the following requirements:
- 1) ~~Is The person is~~ not less than ~~21~~18 years of age.
 - 2) ~~Offenses The offenses~~ for which the person was suspended do not exceed ~~seventy-four (74)~~ points as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).
 - 3) ~~Driving The individual's driving~~ privileges have not been suspended or revoked within the past seven ~~(7)~~ years, excluding cleared miscellaneous suspensions.
 - 4) ~~Has The individual has~~ not previously or currently been arrested for an offense ~~that which~~ requires mandatory revocation upon conviction, as stated in IVC Section 6-205 ~~of the Illinois Vehicle Code [625 ILCS 5/6-205]~~.
 - 5) ~~Must The individual must~~ have been issued or ~~have~~ qualified for a valid Illinois driver's license prior to the ~~suspension's~~ effective date of the suspension and have no outstanding reinstatement fee, failure to pay requirements or invalidation by voluntary surrender entered to the driving record.
 - 6) ~~Has The individual has~~ successfully completed a driver remedial education~~improvement~~ course.
 - 7) ~~Completes The individual completes~~ an application and submits the required fees, including the ~~\$8-00~~ probationary license fee, and surrenders ~~the his~~ current driver's license or provides a notarized, signed affidavit of Inability to Surrender form.
 - 8) ~~Has a driver's The individual's driver's~~ license that has not been invalidated by a No Driving Order~~no driving order~~ from the court.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.130 Grounds for Cancellation of a Probationary License

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation of License"—~~the annulment or termination by formal action of the Secretary because the licensee is no longer entitled to such a license. [625 ILCS 5/1-110]~~

"Cleared Miscellaneous Suspensions"—~~suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew that are no longer in effect.~~

"Driver Improvement Course"—~~an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.~~

"Probationary License"—~~a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.~~

"Suspension of Driving Privileges"—~~the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. [625 ILCS 5/1-204]~~

"Valid Driver's License"—~~a license issued by the Illinois Secretary of State that is not currently expired, suspended, revoked, or cancelled.~~

- ab) A probationary license as defined in Section 1030.120 ~~of this Part~~ shall be ~~cancel~~~~cancelled~~ and/or further action taken against the individual's driving privileges if the Department receives ~~one of the following situations occurs~~:
- 1) ~~Evidence~~The Secretary of State receives evidence that the individual is less than ~~21~~18 years of age.
 - 2) ~~Evidence~~The Secretary of State receives evidence that traffic convictions ~~which were~~ committed prior to the effective date of the suspension entered pursuant to IVC Section 6-206(a)(2) ~~of the Illinois Vehicle Code [625~~

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~~ILCS 5/6-206(a)(2)~~ will result in the total points assessed against the individual's driving record ~~exceeding to exceed~~ 74 points within a 12-month period, as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).

- 3) ~~Evidence The Secretary of State receives evidence that~~ the individual's driving privileges have been suspended or revoked within the past ~~seven~~7 years, excluding cleared miscellaneous suspensions.
- 4) ~~Evidence The Secretary of State receives evidence~~ indicating that the individual has been arrested, or previously arrested for, an offense ~~that which~~ would require mandatory revocation upon conviction pursuant to IVC Section 6-205 ~~of the Illinois Vehicle Code~~.
- 5) ~~Evidence The Secretary of State receives evidence that~~ the individual did not attend or failed to complete the driver ~~remedial education~~ improvement course.
- 6) ~~A The Secretary of State receives a~~ report of a traffic offense, excluding those listed in IVC Section 6-204(a)(2) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]~~, ~~that which~~ was committed during the effective period of the probationary license.
- 7) ~~Evidence The Secretary of State receives evidence that~~ a traffic conviction was committed on or after the effective date of a suspension and prior to the effective date of the probationary driver's license.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1030.140 Use of Captured Images

- a) ~~Definitions. As used in this Section, the following definitions shall apply:~~

~~"Criminal Justice Agencies" means the federal and state courts, a governmental agency or a sub-unit thereof that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.~~

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~~"Disseminating Agency" means an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.~~

~~"Image" means the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.~~

~~"LEADS" means the Illinois Law Enforcement Agencies Data System.~~

~~"Secondary Dissemination" means distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.~~

- ab) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.
- 1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.
 - 2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.
 - 3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency, except for the purposes of transmission.
 - 4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards and for use on their Sex Offender Registry.

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5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.

be) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.

1) The images shall be confidential and shall not be disclosed, except to the following persons and for the following reasons:

A) The individual upon written request;

B) A family member or estate executor of a deceased individual, upon written request and; submission of a copy of the death certificate or other proof of death; and other information, at the discretion of the Department, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death and/or last address, at the discretion of the Department of Driver Services;

C) Police officers and employees of the Secretary of State who have a need to have access to the stored images to:

i) issue or control driver's licenses and identification cards;

ii) conduct an investigation into fraudulent activities;

iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or

iv) register individuals under the Lobbyist Registration Act [25 ILCS 170];

D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;

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- E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations; ~~or~~
 - F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry; ~~or~~
 - G) Other jurisdictions that issue official State driver's licenses and identification cards to ensure that an individual has a valid driver's license or identification card, is not fraudulently using identity information, is not fraudulently attempting to obtain or use a driver's license or identification card, or for similar investigations by a jurisdiction that are related to the issuance and control of driver's licenses and identification cards.
- 2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:
- A) No other suitable image is available;
 - B) Additional methods of verification of the person's identity and image have been completed;
 - C) The following disclaimer language is included:
"Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification."; and
 - D) It is approved in advance in writing by the Secretary of State Department of Police.

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- 3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array. ~~Other images (e.g., photo linked to a fingerprint or family or school photo) can only be used in a photo line-up or array if the individual has provided express written consent in advance.~~
- cd) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.
 - 1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.
 - 2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination, and must have the ability to ensure that the secondary recipient/requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable, and may require other levels of verification defined by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.
 - 3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images, and must include any disclaimers required by the Secretary of State.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on [or be provided with](#) an application for a driver's license:

If you are applying for an Identification ([ID](#)) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10 and question 13; [or](#) for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.

- 1) Is your driver's license or [IDidentification](#) card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a [letter of clearance](#)~~Letter of Clearance~~ is required.)
- 2) Do you presently hold a valid driver's license or [IDidentification](#) card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
- 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a [signed](#) medical agreement are required.)
- 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement ~~is required~~ and a [signed](#) medical agreement ~~are may be~~ required.)
- 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement ~~is required~~ and a [signed](#) medical agreement may be required.)
- 8) Are your [commercial driver's license](#)~~Commercial Driver's License~~ privileges currently disqualified [or subject to an out-of-service order](#)?
- 9) Do you certify that you meet the ["Qualifications of Driver's"](#) portion of

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Part 391 of the Federal Motor Carrier Safety Regulations ~~general qualifications of drivers outlined in 49 CFR 391.11 (2000)~~? If no, indicate why you are not subject to these qualifications. _____

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) ~~(2000)~~?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants) ~~(49 USC 2706)~~.

- 11) Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?
- 12) Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify ~~that such~~ information?
- 13) Have you been licensed in any other state in the last 10 years?

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1030. APPENDIX B Acceptable Identification Documents

- a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (f) ~~of this Section~~.
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying ~~their~~ social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B, and D ~~below~~ must be approved through the Division Administrator.
- c) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from ~~either~~ Group B, C, or D, as outlined in subsection (f) ~~of this Section~~. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. Acceptance of documents not listed in Groups A, B, and D ~~below~~ must be approved through the Division Administrator.
- e) Applicants renewing ~~at~~ their current Illinois driver's license or identification card need only present ~~at~~ their current valid license or ID card. If they do not have ~~at~~ their current driver's license or ID card, they must present one form of identification from Group A and at least one form from ~~one of~~ Group B, C, or D, as outlined in subsection (f) ~~of this Section~~.

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f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed [below](#) by group. Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)

[Cooperative Driver Training Program \(CDTP\)](#) Certification Form

Court Order

Credit Card – Major Brand

Driver Education Certificate (~~Blue Slip~~)

Government Driver's License

Government Identification Card

Illinois Driver's License – "current"

Illinois Identification Card – "current"

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

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Medicare Card – with suffix A, J, H, M, or T

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-[state](#) State Driver's License/ID Card – "current"

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – "current"

Illinois Identification Card – "current"

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 ([Refugee Travel Document](#))

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

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I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/Personal Data)

Examples of residency may be, but are not limited to, the following:

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Utility Bill

Vehicle Registration Card

Voter Registration Card

Lease Agreement

- g) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C, as outlined in subsection (f) ~~of this Section~~, and other forms of identification not listed as unacceptable may be used to verify personal data.
- h) For a name change, the identification must be a document that provides a link to the established [driver's license/ID Card](#) ~~DL/ID~~ file.
- i) Group B documents, as outlined in subsection (f) ~~of this Section~~, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.
- j) After review of all identification presented, [Driver Services or Secretary of State](#) management has the right to accept or refuse any document.
- k) Unacceptable identification documents are:
- Bond Receipt or Bond Card
- Business Cards
- Check Cashing Cards

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Club or Fraternal Membership Cards

College or University Identification Cards

Commercially ~~Produced~~ (non-State or unofficial) ID ~~Cardseards~~

Firearms Owner ID

Fishing License

[HFS \(Healthcare and Family Services\) Cards](#)

Handwritten ID or Employment Cards

Hunting License

~~[IDPA \(Public Aid\) Cards](#)~~

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Local Government Health Plan
- 2) Code Citation: 80 Ill. Adm. Code 2160
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2160.120	Amendment
2160.130	Amendment
2160.210	Amendment
2160.250	Amendment
2160.260	Amendment
2160.270	New Section
2160.310	Amendment
2160.320	Amendment
2160.330	Amendment
2160.335	Amendment
2160.410	Amendment
2160.420	Amendment
2160.510	Amendment
2160.520	Amendment
2160.610	Amendment
2160.710	Amendment
2160.720	Amendment
- 4) Statutory Authority: Implementing multiple sections of the State Employees Group Insurance Act of 1971 [5 ILCS 375] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]
- 5) Effective Date of Amendments: September 11, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 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: 32 Ill. Reg. 6820; April 25, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No

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- 11) Differences between proposal and final version: Minor nonsubstantive changes were made as suggested by JCAR, and repetitive language was deleted.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Generally, the rulemaking clarifies the eligibility and participation requirements for the Local Government Health Plan. Specifically, the amendments clarify the eligibility requirements for each Unit under the Plan; add Qualified Child Advocacy Centers as Units eligible for participation in the Plan; and clarify the procedures for appeals under the Plan. Additional technical changes have been made to make the provisions of the Plan clearer while ensuring that the participants are provided with all of the benefits available to them under the Plan.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Janice Bonneville
Deputy Director, Bureau of Benefits
Department of Central Management Services
201 East Madison Street, Floor 3
Springfield IL 62794

217/785-8675
- 17) Do these amendments 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 Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2160

LOCAL GOVERNMENT HEALTH PLAN

SUBPART A: PURPOSE AND DEFINITIONS

Section

2160.110	Name of the Program
2160.120	Purpose
2160.130	Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section

2160.210	Determining Eligibility of Groups
2160.220	Enrollments and Terminations
2160.230	Rate Setting
2160.240	Premium Collection and Billing
2160.250	Other Administrative Responsibilities
2160.260	Program Termination
<u>2160.270</u>	<u>Health Insurance Portability and Accountability Act (HIPAA)</u>

SUBPART C: RESPONSIBILITIES OF LOCAL GOVERNMENT UNITS

Section

2160.310	Enrollment Responsibilities
2160.320	Premium Collection and Payment
2160.325	Program Termination (Renumbered)
2160.330	Signing the Agreement
2160.335	Health Insurance Portability and Accountability Act (HIPAA)

SUBPART D: RESPONSIBILITIES OF LOCAL GOVERNMENT
HEALTH PLAN REPRESENTATIVES

Section

2160.410	Health Plan Representatives
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2160.420 Appeals Process Responsibilities

SUBPART E: ADVISORY BOARD

Section

2160.510 Appointment of Advisors

2160.520 Responsibilities of the Board

SUBPART F: FUNDING

2160.610 Local Government Health Insurance Reserve Fund

2160.620 Premium Rate Structure

SUBPART G: HEALTH CARE COVERAGE

Section

2160.710 Local Government Health Plan

2160.720 Health Care Coverage

AUTHORITY: Implementing and authorized by Sections 10, 13 and 15 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/10, 13 and 15].

SOURCE: Adopted at 14 Ill. Reg. 14343, effective August 22, 1990; amended at 17 Ill. Reg. 11441, effective July 9, 1993; amended at 25 Ill. Reg. 10306, effective August 3, 2001; amended at 26 Ill. Reg. 16822, effective October 31, 2002; amended at 28 Ill. Reg. 311, effective January 2, 2004; amended at 32 Ill. Reg. 15994, effective September 11, 2008.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2160.120 Purpose

The purpose of the Program is to provide health benefits to Employees, Annuitants and Dependents of Qualified Units of Local Government [\[5 ILCS 375/3\(s\) and 10\(i\)\]](#), Qualified Rehabilitation Facilities [\[5 ILCS 375/3\(t\) and 10\(j\)\]](#), ~~and~~ Qualified Domestic Violence Shelters and Services [\[5 ILCS 375/3\(u\) and 10\(k\)\]](#), and Qualified Child Advocacy Centers [\[5 ILCS 375/3\(bb\) and 375/10\(n\)\]](#).

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 2160.130 Definitions

Whenever used in ~~this Part~~these rules, the following terms shall have the meanings set forth ~~in this Section~~below unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized.

"Act" means the State Employees Group Insurance Act of 1971 [5 ILCS 375].

"Administrative Service Organization" means any person, firm or corporation the Department or HFS has contracted with to administer the program.

"Agreement" means the Intergovernmental Cooperation Agreement executed by the Department and the Unit.

"Annuitant" means any former Employee, as defined in this Section, who has retired from a Unit and is receiving an annuity from an Illinois Public Pension System or another pension plan as a result of services to the Unit.

"Benefit Choice Period" means the annual election period, designated by the Department, during which Units may add or drop coverage for Annuitants or; Dependents, ~~or Survivors~~; and Members may add or drop Dependents from coverage and select coverage from available plans offered.

"Board" means the Local Government Health Plan Advisory Board.

"Certificate of Creditable Coverage" means the document that indicates the length of time a person has been continuously covered under a qualifying previous healthcare plan.

"Compensation" means salary or wages paid by a Unit ~~or Facility~~ to an Employee for personal services currently performed.

"Department" means the Illinois Department of Central Management Services.

"Dependent" ~~; when the term is used in the context of this Part,~~ means any person participating in the Program as a non-Member.

"Director" means the Director of the Illinois Department of Central Management Services.

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"Employee" means and includes an elected government official or a person in the service of a Unit in the State of Illinois who receives Compensation through the regular payroll for work currently performed and receives benefits comparable to others in the same Unit.

"Fiscal Year" means the State's fiscal year, i.e., ~~from~~ July 1 through June 30.

"Fund" means the Local Government Health Insurance Reserve Fund.

"Health Plan Representative" means an individual from a Unit who serves in the capacity of a liaison through whom the Department shall conduct all business necessary to provide health benefits to that Unit.

"HFS" means the Illinois Department of Healthcare and Family Services.

"Member" means an Employee or, Annuitant ~~or Survivor~~.

"Plan" means the Local Government Health Plan.

"Pre-Existing Condition" means any disease, injury or condition, excluding maternity, for which the individual was diagnosed, received treatment/services, or took prescribed drugs during the 3 months immediately preceding the effective date of coverage under the Program.

"Program" means a benefits program, as authorized by the State Employees Group Insurance Act of 1971. The coverage offered to Units is similar to that offered to employees of the State of Illinois under the Program.

"Protected Health Information" or "PHI" means information subject to the protections of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191 and 45 CFR 160-164, effective April 14, 2001 and amended October 16, 2002 (no subsequent dates or additions).

"Unit" means a "Qualified Unit of Local Government", a "Qualified Domestic Violence Shelter or Service", ~~or~~ a "Qualified Rehabilitation Facility" or a "Qualified Child Advocacy Center", as defined in the State Employees Group Insurance Act of 1971.

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~~"Survivor" means a person who is receiving an annuity from the Unit's retirement plan as a survivor of an Employee or Annuitant.~~

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2160.210 Determining Eligibility of Groups

- a) A Unit must be approved by the Director for participation in the Program, if the Unit:-
- 1) ~~The Director shall grant eligibility for a Unit if the Unit~~ meets the definition in the Act; and
 - 2) ~~agrees to the conditions specified in this Part; and-~~
 - 3) ~~The Department shall not approve a Unit for participation if the Unit~~ has not withdrawn from the Program during the term of an Agreement within the previous 2 Fiscal Years, except that a Unit may terminate effective at the end of the first Fiscal Year without penalty if the second Fiscal Year premium rate is 20% greater than the first Fiscal Year.
- b) ~~The Department shall grant eligibility to a~~ Qualified Rehabilitation Facility must have a not-for-profit status and be accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services to provide services to persons with disabilities and receive funds from the Department of Human Services for providing services to persons with disabilities. ~~if the facility: 1) meets the definition in the Act; 2) agrees to the conditions specified in this Part; 3) has a not for profit status and has filed an Annual Report of Charitable Organization with the Secretary of State; 4) is accredited by the Commission on Accreditation of Rehabilitation Facilities to provide services to persons with disabilities or certified by the Department of Human Services; 5) receives funds from the Department of Human Services for providing services to persons with disabilities; and 6) has not withdrawn from the program during the term of an agreement within the previous 2 Fiscal Years.~~
- c) ~~The Department shall grant eligibility to a~~ Qualified Domestic Violence Shelter

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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or Service ~~must be funded by the Illinois Department of Human Services, if the facility: 1) meets the definition in the Act; 2) agrees to the conditions specified in this Part; 3) is funded by the Illinois Department of Human Services; and 4) has not withdrawn from the Program during the term of an agreement within the previous 2 Fiscal Years, except as provided in subsection (a)(2).~~

- d) A Qualified Child Advocacy Center must be funded by the Illinois Department of Children and Family Services.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.250 Other Administrative Responsibilities

- a) The Department shall offer an annual Benefits Choice Period for Units to:
- 1) add or drop coverage for Annuitants as a group;
 - 2) allow Members to add or drop Dependent coverage;
 - 3) allow Members to change health plans.
- b) The Department shall provide information to the Units about the benefits and requirements of the Program in the Local Government Health Plan BenefitsMember Handbook and the annual Benefit Choice Options booklet.
- c) The Department shall prepare and distribute an administrative procedures manual with periodic updates for the Health Plan Representatives designated by the Units.
- d) The Department will provide training seminars for Health Plan Representatives designated by the Units.
- e) The Department shall establish an Advisory Board. The responsibilities of the Board are described in Section 2160.520.
- f) The Department shall establish formal appeal procedures to be followed when the Member is dissatisfied with the benefit determination made by the Administrative Service OrganizationOrganizations or self-funded managed care plan as described in Section 2160.420.

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- g) The Department shall notify the designated Health Plan Representatives of the Administrative Service Organizations being used and the address and forms needed to submit claims to the Administrative Service Organizations. ~~The Department shall audit records of participating Units, such as payroll information, to verify enrollment and enforce eligibility rules under the Plan.~~
- h) The Department shall audit records of participating Units, such as payroll information, to verify enrollment and enforce eligibility rules under the Plan.
- i) ~~The Department shall comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191 and 45 CFR 160-164, effective April 14, 2001 and amended October 16, 2002 (no subsequent dates or additions), where applicable, in Plan documents.~~

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.260 Program Termination

- a) Grounds for program termination by the Department include, but are not limited to:
- 1) any material breach of the ~~Intergovernmental Cooperation~~ Agreement;
 - 2) failure to pay the full monthly premium by the last day of the coverage month;
 - 3) non-compliance with enrollment responsibilities in accordance with Section 2160.310; or
 - 4) failure to meet the eligibility requirements of a Unit.
- b) The Department shall issue one notice of termination. Termination shall be effective 15 days after notice of termination.
- c) Once termination occurs, the Unit shall not be permitted to enroll in the Program for a period of 2 ~~Fiscal Years~~ ~~fiscal years~~.
- d) Coverage terminates on the last day for which premium has been paid.

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(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.270 Health Insurance Portability and Accountability Act (HIPAA)

The State shall comply with the uses and disclosures of Protected Health Information (PHI), permitted by HIPAA and 45 CFR 160-164, where applicable, in Plan documents.

- a) The Department shall provide an annual notice of privacy practices outlining the legal duties and privacy practices concerning the PHI of Members and Dependents.
- b) PHI may be disclosed:
 - 1) to health care providers who take care of Members and Dependents;
 - 2) to process claims and make payments for covered services;
 - 3) for healthcare operations;
 - 4) to remind Members or Dependents of an upcoming appointment; and
 - 5) as required or authorized by law.
- c) Members and Dependents have the right to:
 - 1) request restrictions on how their PHI is used for purposes of treatment, payment and healthcare operations;
 - 2) receive confidential communications about their PHI;
 - 3) request to inspect information used to make decisions about them;
 - 4) request an amendment to their PHI;
 - 5) receive an accounting of disclosures that have been made of their PHI;
 - 6) obtain a paper copy of the annual notice of privacy practices provided by the Department; and

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- 7) [file a complaint if they feel that their privacy rights have been violated.](#)
- d) [PHI may not be disclosed:](#)
 - 1) [for any purpose other than administration of the benefit plan;](#)
 - 2) [for any fundraising activity;](#)
 - 3) [for the marketing of any products or services.](#)

(Source: Added at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART C: RESPONSIBILITIES OF LOCAL GOVERNMENT UNITS

Section 2160.310 Enrollment Responsibilities

- a) Any Unit within the State of Illinois interested in the Program may apply to the Director to have its Employees provided group health coverage under the Act. Annuitants, [Survivors](#) and Dependents may also be offered coverage.
- b) To participate, Units must agree to enroll all Employees [who work 90% or more of the Unit's normal work period](#), except as provided in subsection (b)(45). [Employees, who](#) may select coverage under either the self-~~funded-insured~~ [indemnity](#) health plan or a managed care plan that has contracted with the State, with the costs paid by the Unit, its Members or some combination of both as determined by the Unit.
 - 1) Employees must be employed at least half of the normal work period as measured yearly or meet the standard for participation in the Illinois Municipal Retirement Fund, except that elected government officials employed by [a Qualified Unit of Local Government](#)~~the Units~~ have the option to participate in the Plan, regardless of the number of hours worked.
 - 2) Employees, other than elected government officials, must receive Compensation through the regular payroll process from the Unit.
 - 3) Units may permit Employees who work 50% to 90% of the Unit's normal

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work period to enroll as Members under the plan.

- 4) ~~Employees who work 90% or more of the Unit's normal work period must be enrolled as Members in the Plan, except as provided in subsection (b)(5).~~
- 45) ~~An~~ ~~A full-time~~ Employee of a participating Unit of Local Government or a Qualified Rehabilitation Facility ~~Unit~~ who is covered as a spouse or Dependent under this or another group plan may elect to waive coverage, as long as the Health Plan Representative ~~an official from the Unit~~ attests to this other coverage and at least 85% of the full-time Employees of the Unit are covered. A participating school district must have enrolled at least 85% of its full-time Employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a full-time Employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time Employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection (b)(45), "participating school district" includes school districts and career, vocational and special education school districts.
- 56) Employees of a participating Unit who are not enrolled due to coverage under another group health policy or plan may enroll during the annual Benefit Choice Period or at a later date if the Employee experiences a qualifying change in status. This coverage is subject to possible health benefit limitations based on Pre-Existing Conditions. No benefits shall be payable for services incurred during the first 6 months of coverage to the extent the services are in connection with any Pre-Existing Condition. The Pre-Existing Condition time period may be reduced by the amount of creditable coverage Members or Dependents may have had with another insurance plan prior to enrollment, provided there was not a break in coverage of more than 63 days. A Certificate of Creditable Coverage from the prior plan must be provided to the employing Unit to reduce the Pre-Existing Condition time period.

- c) Units may also elect to cover their Annuitants.

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- 1) Units that elect to cover their Annuitants must allow Employees at the time of retiring the option to individually enroll in the Program. The option shall only be offered once to Annuitants.
 - 2) Individual Annuitants terminating from the Program shall not be allowed to participate in the Program in the future.
 - 3) At the time of the initial enrollment, Units may elect to cover current Annuitants as a group. During the annual Benefit Choice Period, Units may add or drop Annuitants as a group.
- d) Units may offer Dependent coverage.
- e) Units may enroll under the Program at the start of any month ~~beginning July 1, 1990.~~
- 1) The Units must give the Department at least ~~3060~~ days advance written notice before enrollment.
 - 2) A Unit may enroll for part of the State's Fiscal Year. If a Unit has been enrolled in the Program for a partial State Fiscal Year, the Unit must begin the second year on July 1 to coincide with the State's Fiscal Year that is also the new Plan year.
- f) Units will inform Members of the following responsibilities. Plan Members must:
- 1) be responsible for notifying the Health Plan Representative of coverage options chosen, and any changes that may affect eligibility or enrollment.
 - 2) be responsible for reviewing the Local Government Health Plan ~~Benefits~~ ~~Member~~ Handbook describing coverages, eligibility, termination and claims submission requirements.
- g) Units that enroll in the Program shall designate a person to be the Health Plan Representative. The responsibilities of the Health Plan Representative are described in Section 2160.410.
- h) If the Unit exempts Members' premiums from taxes, in compliance with ~~section~~ ~~Section~~ 125 of the Internal Revenue Code (26 USC 125), the Unit must

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comply with Internal Revenue Code requirements that prohibit changes in the Member deduction during the Fiscal Year unless the Member has a change in status.

- i) Units do not limit their duty to bargain with representatives of any collective bargaining unit of their Employees through participation in the Program.
- j) Compliance with the continuation of benefits requirements of the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) is the responsibility of the Unit. All premiums must be collected and transmitted by the Unit.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.320 Premium Collection and Payment

The Unit shall be responsible for the collection and transmission of Member and Dependent premiums.

- a) For the first month's premium only, the Department must receive the premium by the first day of coverage. This premium is non-refundable if the Unit does not enroll.
- b) For the subsequent months, the total amount due as specified in the billing statement, which includes the combined amount due from Members, Dependents and the Unit, shall be paid in full by the 20th day of the month the billing is received.
- c) Payments not received by the last day of the coverage month shall be considered delinquent and shall result in the suspension of payment of claims for services provided [to Members of the Unit](#). Payment of claims shall be withheld until the Department receives the full monthly premium due.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.330 Signing the Agreement

Units must sign an [Agreement](#) with the Department.

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- a) The first ~~Agreement~~ ~~agreement~~ shall cover the actual period the Unit is enrolled between July 1 through June 30 of the first Fiscal Year and through the end of the second Fiscal Year.
- b) Subsequent ~~Agreements~~ ~~agreements~~ shall be effective for 2 State Fiscal Years.
- c) The ~~Agreement~~ ~~agreement~~ shall be prepared by the Department and shall contain the premium rates to be charged during the first Fiscal Year.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.335 Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The ~~Unit~~ ~~Department~~ shall comply with the uses and disclosures of Protected Health Information, permitted by ~~the Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191 and 45 CFR 160-164, effective April 14, 2001 and amended October 16, 2002 (no subsequent dates or additions)~~, where applicable, in Plan documents.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART D: RESPONSIBILITIES OF LOCAL GOVERNMENT
HEALTH PLAN REPRESENTATIVES**Section 2160.410 Health Plan Representatives**

Health Plan Representatives shall:

- a) enroll Members and their Dependents;
- b) provide enrollment, termination and change in status information to the Department on forms provided by the Department;
- c) provide coverage, enrollment and termination information to Members in accordance with the time schedules set by the Department, as described in the Local Government Health Plan ~~Benefits~~ ~~Member~~ Handbook; and
- d) disseminate to Members information regarding benefits available under the Program, changes and/or additions to the Program, and any materials provided by the Department.

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(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.420 Appeals Process Responsibilities

The Member shall be responsible for handling appeals concerning claims payments.

- a) All correspondence concerning appeals must indicate the Unit in which the Member is enrolled in the Program.
- b) If a Member believes that an error has been made in the benefit amount allowed or disallowed, the Member should contact the claims processing office of the self-funded managed care plan or the Administrative Service Organization within 180 days after denial of the initial claim determination. ~~The member must utilize the Plan or the Administrator's review process to the fullest extent prior to contacting the Department.~~
- c) Within 60 days after receiving~~If the Member is not satisfied with~~ the results of the review process by the self-funded managed care plan or Administrative Service Organization, the Member may submit a written request for review to the Department for a final determination of either an administrative or medical necessity appeal.
- d) Administrative appeals are based on Plan exclusions and limitations and Plan design, and the Department's Group Insurance Division's decision is final and binding on all parties.
- e) Within 60 days after receipt of the notice of the Department's Group Insurance Division's decision, a medical necessity appeal may be made to the Board. The Board will review the documentation and facts presented to the Department and make a recommendation to the Director, whose decision shall be final and binding on all parties. The Director's decision shall be in writing.
- d) ~~If the Member is still not satisfied, the Member may appeal to the Advisory Board, which serves as the appeal committee. The Advisory Board will review the documentation and facts presented in the final determination and make a recommendation to the Director, whose decision shall be final and binding on all parties. Notification of the decision will be made in writing.~~

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(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART E: ADVISORY BOARD

Section 2160.510 Appointment of Advisors

The Director shall establish the Local Government Health Plan Advisory Board. This ~~Advisory~~ Board shall consist of 7 advisors ~~who are Members of the Plan from Units who shall be appointed by the Director.~~

- a) ~~Advisors~~ ~~Advisory Board members~~ shall be appointed by the Director for 3-year terms beginning on September 1.
- b) Of the initial appointments, 3 advisors shall be appointed for one year, 2 advisors shall be appointed for 2 years, and 2 advisors shall be appointed for 3 years. All subsequent appointments shall be for 3-year terms.
- c) If the Unit from which the ~~advisor~~ ~~Advisor~~ was appointed withdraws from the Plan ~~prior to the expiration of the term~~, the advisor's appointment will terminate as of the date of the Unit's withdrawal. The Director shall appoint another Member to serve the balance of the term. All subsequent appointments shall be 3 year appointments or until the Unit withdraws from the Plan, whichever is earlier.
- d) If the advisor ceases to be a Member, the advisor's appointment will terminate as of the date membership ceased. The Director shall appoint another Member to serve the balance of the term.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.520 Responsibilities of the Board

The responsibilities of the ~~Advisory~~ Board shall consist of the following:

- a) annually review material to be distributed to the Units;
- b) advise the Department concerning any modifications needed to improve the administration of the Plan;
- c) review rate setting methodologies;

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- d) hear medical necessity appeals and make recommendations to the Director, ~~for final determination of coverage,~~ as provided in Section 2160.420.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART F: FUNDING

Section 2160.610 Local Government Health Insurance Reserve Fund

- a) ~~The Director shall establish the Local Government Health Insurance Reserve Fund [5 ILCS 275/10(i)]. This Fund shall be a continuing Fund not subject to Fiscal Year limitations.~~
- ab) Premium~~Monthly premium~~ payments by Units for group health coverage shall be deposited in the Local Government Health Insurance Reserve Fund (see 5 ILCS 375/10(i))~~this Fund. The Fund may also receive deposits of other revenues and monies.~~ Monthly premium payments by Units shall be the sole source of funds.
- be) All expenditures from this Fund shall be used for payments of Members' health care benefits and to reimburse the Department, HFS,~~its~~ Administrative Service Organizations and insurers for all expenses incurred in the administration of the Plan. No State funds shall be used for these purposes.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

SUBPART G: HEALTH CARE COVERAGE

Section 2160.710 Local Government Health Plan

The Local Government Health Plan is similar to the benefits offered by the State of Illinois to its employees.

- a) The Local Government Health Plan benefits are described in the Local Government Health Plan Benefits~~Member~~ Handbook that shall be provided to all Health Plan Representatives for distribution to all Members.
- b) All Units participating in the Plan shall receive sufficient Local Government Health Plan Benefits~~Member~~ Handbooks and Benefit Choice Options booklets to

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distribute to each of their Members.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

Section 2160.720 Health Care Coverage

- a) Except as provided in subsections (b) and (c), for any Member or Dependent under the Plan, there is no coverage for 6 months after enrollment for health conditions that have been treated during the 3 months prior to enrollment, as described in the Local Government Health Plan [BenefitsMember](#) Handbook.
- b) For all Members and their covered Dependents who enroll under the Plan at the time their respective Unit initially enrolls in the Plan, the limitation described in subsection (a) shall not apply.
- c) The Pre-Existing Condition time period may be reduced by the amount of creditable coverage Members or Dependents may have had with another insurance plan prior to enrollment, provided there was not a break in coverage of more than 63 days. A Certificate of Creditable Coverage from the prior plan must be provided to the employing Unit to reduce the Pre-Existing Condition time period.
- d) Coverage begins for all Members and their covered Dependents at [12:01 AMmidnight](#) of the day the Unit is enrolled in the Plan.

(Source: Amended at 32 Ill. Reg. 15994, effective September 11, 2008)

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NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Predatory Lending Database Program
- 2) Code Citation: 47 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
390.101	New Section
390.102	New Section
390.103	New Section
390.104	New Section
390.105	New Section
390.106	New Section
390.107	New Section
390.108	New Section
390.109	New Section
390.110	New Section
390.111	New Section
390.201	New Section
390.202	New Section
390.301	New Section
390.302	New Section
390.303	New Section
390.304	New Section
390.305	New Section
390.306	New Section
390.307	New Section
390.308	New Section
390.309	New Section
- 4) Statutory Authority: Implementing and authorized by PA 95-731, the Illinois Housing Development Act [20 ILCS 3905/7.19 and 7.20] and the Residential Real Property Disclosure Act [765 ILCS 77/80]. The Illinois Housing Development Authority (IHDA) is the designated administrator for the Predatory Lending Database (the Program) in Illinois, which was established by the Residential Real Property Disclosure Act.
- 5) Effective Date of Rulemaking: September 15, 2008
- 6) If these Emergency Rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency rules will expire at the end of the 150 day period, or upon adoption of permanent rules, whichever comes first.

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- 7) Date Filed with the Index Department: September 15, 2008
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Authority's office and is available for public inspection.
- 9) Reason for Emergency: On July 1, 2008, the Amended Residential Real Property Disclosure Act [765 ILCS 77/80] became effective. The rules implement a FY 2009 appropriation which is currently available for distribution.
- 10) A Complete Description of the Subjects and Issues Involved: Predatory lending has greatly contributed to high foreclosure rates in Illinois. The funding administered by IHDA under the Program will help local HUD-certified non-profit housing counseling agencies counsel new homebuyers as to the riskiness of their proposed loan. With this counseling, homebuyers will be able to make informed choices about the type of loan product they are utilizing.

The database that will be built by these counselors (in large part using the funding under the Program), as well as mortgage brokers and other lenders, will help the Illinois Department of Financial and Professional Regulation (IDFPR) target lenders that promote predatory lending products, which is another mandate under the statute. This cooperation between IDFPR and IHDA will help Illinois alleviate future foreclosures of single family homes.

- 11) Are there any proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not create or expand any State mandate.
- 13) Information and questions regarding these Emergency Rules shall be directed to:

Charlotte Flickinger
Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 390
PREDATORY LENDING DATABASE PROGRAM

SUBPART A: GENERAL RULES

Section

- 390.101 Authority
EMERGENCY
- 390.102 Purpose and Objectives
EMERGENCY
- 390.103 Definitions
EMERGENCY
- 390.104 Compliance with Federal Law
EMERGENCY
- 390.105 Forms and Procedures for the Program
EMERGENCY
- 390.106 Fees and Charges
EMERGENCY
- 390.107 Authority Administrative Expenses
EMERGENCY
- 390.108 Amendment
EMERGENCY
- 390.109 Severability
EMERGENCY
- 390.110 Gender and Number
EMERGENCY
- 390.111 Titles and Captions
EMERGENCY

SUBPART B: DISTRIBUTION OF FUNDS

- 390.201 Distribution of Appropriated Funds
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- 390.202 Staged Distribution
EMERGENCY

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SUBPART C: GRANTS TO HUD-CERTIFIED
HOUSING COUNSELING AGENCIES

- 390.301 Agency Eligibility
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- 390.302 Eligible Grant Activities
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- 390.303 Application Cycle
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- 390.304 Application Requirements
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- 390.305 Review of Applications
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- 390.306 Grant Administration
EMERGENCY
- 390.307 Funding of Allocations
EMERGENCY
- 390.308 Reporting Requirements for Agencies
EMERGENCY
- 390.309 Books and Records
EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3905/7.19] and the Residential Real Property Disclosure Act [765 ILCS 77/80]. The Illinois Housing Development Authority (Authority) is the designated administrator for the Predatory Lending Database (the "Program") in Illinois, which was established by the Residential Real Property Disclosure Act, effective July 1, 2008.

SOURCE: Emergency rules adopted at 32 Ill. Reg 16013, effective September 15, 2008, for a maximum of 150 days.

SUBPART A: GENERAL RULES

Section 390.101 Authority
EMERGENCY

This Part is established to set forth the standards for the distribution of funds by the Illinois Housing Development Authority under the Section 80 of the Residential Real Property Disclosure Act [765 ILCS 77/80] for the purpose of making Grants to HUD-certified counseling

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agencies participating in the Predatory Lending Database Program to assist with implementation and development of the Predatory Lending Database Program

Section 390.102 Purpose and Objectives
EMERGENCY

This Part is established to accomplish the purposes of Section 80 of the Residential Real Property Disclosure Act [765 ILCS 77/80], and in particular the awarding of Predatory Lending Database Grant Program grants.

Section 390.103 Definitions
EMERGENCY

As used in this Part, the following words or terms mean:

"Act": Residential Real Property Disclosure Act.

"Agency" or "Agencies": HUD-certified housing counseling agencies selected for participation in the Program.

"Appropriation": The annual Appropriation of funds to the Illinois Department of Revenue for the Authority by the Illinois General Assembly for the Program.

"Authority": The Illinois Housing Development Authority.

"Application": The application for a grant completed by the Agency.

"Commitment": A contract executed by the Authority and an Agency under which the Authority agrees to provide funding to the Agency under the Program. Each Commitment shall contain a provision to the effect that the Authority shall not be obligated to provide funds under the Commitment if the Authority has not received sufficient funds from an Appropriation.

"Department": The Illinois Department of Financial and Professional Regulation.

"File Review": The interview performed by the Agency pursuant to Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70(d)].

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"Grant": A portion of the Appropriation distributed to an Agency to administer the Program.

"HUD-certified Counseling" or "Counseling": In-person counseling provided by a counselor employed by a HUD-certified counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-certified housing counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Initial Distribution": The first portion of the Grant distributed to an Agency as a lump sum.

"Maintenance Distribution": The second portion of the Grant distributed to an Agency quarterly.

"Members": The members of the Authority.

"Program": The Predatory Lending Database Grant Program administered by the Department of Financial and Professional Regulation.

**Section 390.104 Compliance with Federal Law
EMERGENCY**

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal law.

**Section 390.105 Forms and Procedures for the Program
EMERGENCY**

The Authority may prepare, use, supplement, and amend forms, agreements, and other documents and procedures as may be necessary to implement the Program, all as may be prescribed by the Authority.

**Section 390.106 Fees and Charges
EMERGENCY**

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The Authority will charge no application fee for this Program.

**Section 390.107 Authority Administrative Expenses
EMERGENCY**

The Authority shall be entitled to deduct an amount not to exceed 3% of the Appropriation from each Appropriation for expenses associated with the administration of the Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the Program; expenses incurred in performing outreach activities and providing technical assistance to Agencies; the use of the Authority's equipment for Program purposes; the cost of office space and utilities incurred in connection with the Program; and any other expenses incurred in the administration of the Program.

**Section 390.108 Amendment
EMERGENCY**

This Part may be supplemented, amended, or repealed by the Members from time to time and in such manner as they may determine consistent with this Part, the Act, including but not limited to Section 80, and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

**Section 390.109 Severability
EMERGENCY**

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart as to which that judgment is rendered.

**Section 390.110 Gender and Number
EMERGENCY**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 390.111 Titles and Captions
EMERGENCY**

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Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

SUBPART B: DISTRIBUTION OF FUNDS

**Section 390.201 Distribution of Appropriated Funds
EMERGENCY**

The Authority will distribute grants to Agencies providing housing counseling services within the geographic boundaries of Cook County. Grant awards to Agencies under the Program will be based on the Agency's current capacity, qualifications, proposed geographic service area, experience performing File Reviews, where applicable, and any experience performing activities under the predatory lending database pilot program established by Section 70 of Public Act 094-0280, effective January 1, 2006 and other requirements outlined in Section 390.304 of this Part and the Application. Agencies need not have performed File Reviews prior to application in order to qualify for a Grant.

**Section 390.202 Staged Distribution
EMERGENCY**

Each Agency approved by the Authority under the Program will receive a Grant for a term of up to two years. Each Grant will be distributed in two stages. The Initial Distribution will be a lump sum determined by the Authority in accordance with Section 390.201 of this Part, to be used to increase the Agency's capacity, as determined by the Authority in conjunction with the Agency. The Maintenance Distribution will be a smaller amount distributed quarterly through the term of the grant, and will be based on the Agency's performance under the grant and continued willingness to perform File Reviews.

SUBPART C: GRANTS TO HUD-CERTIFIED
HOUSING COUNSELING AGENCIES**Section 390.301 Agency Eligibility
EMERGENCY**

Agencies are eligible for funding if they have been certified as a housing counseling agency by the U.S. Department of Housing and Urban Development as set forth in the U.S. Department of Housing and Urban Development Housing Counseling Program Handbook 7610.1, Rev-4, (published October 21, 2004, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, no subsequent amendments or editions are included).

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NOTICE OF EMERGENCY RULES

Agencies must also have been certified prior to their application for Program funding, commit to participation in the Program and agree to the terms and conditions of the Program in order to be eligible.

Section 390.302 Eligible Grant Activities**EMERGENCY**

Without limitation, computer and equipment purchases, staff salaries and benefits, office space, utility bills, marketing materials, training, and other activities that support carrying out duties under the Predatory Lending Database Program outlined in Section 80 of the Residential Real Property Disclosure Act are eligible for funding under this Program.

Section 390.303 Application Cycle**EMERGENCY**

The Authority will supply interested qualified applicants with an Application upon request. Applications under this Program will be accepted periodically until the Appropriation is disbursed as outlined in Section 390.202.

Section 390.304 Application Requirements**EMERGENCY**

Each Application for Program funds shall include the information required by this Section and any additional information the Authority may require to promote efficient program administration and quality of performance, provided that those requirements are included in the Application to be completed by the Agency.

- a) **Qualifications:** Each Applicant will document qualifications to complete the Program activities, including without limitation documentation as a HUD-certified counseling agency.
- b) **Number of File Reviews:** If applicable, each Applicant shall determine and document the number of File Reviews completed for the Predatory Lending Database prior to Application, including any File Reviews performed prior to July 1, 2008.
- c) **Documentation of Need:** Each Applicant shall determine the projected need for File Reviews for the fiscal year for which Appropriations are contemplated.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- d) Capacity: Each Applicant will document how capacity will be expanded to meet the need described in subsection (b) of this Section.
- e) Activities to be Undertaken: Each Application will list activities to be undertaken with Program funds, including without limitation those activities outlined under Section 390.302, "Eligible Grant Activities", this Part and the Residential Real Property Disclosure Act.
- f) Time for Expending: Each Application shall include a budget and timeline schedule for performing the activities outlined in the Application.

**Section 390.305 Review of Applications
EMERGENCY**

- a) Application Screening. The Authority shall screen all Applications to determine that all elements of the Application package have been addressed. Applicants will be notified of deficiencies in Applications and given the opportunity to correct those deficiencies. Complete Applications will be reviewed and evaluated by Authority staff in accordance with criteria listed in subsections (b) through (e) of this Section. This review and evaluation process will be completed within 30 working days after the due date for Applications.
- b) Basic Eligibility Evaluation. Each Application will be reviewed to assure compliance with the Act and this Part.
- c) Willingness to Perform. The Agency must commit to remain ready, willing and able to perform File Reviews throughout the period of the Commitment.
- d) Costs. The Agency must demonstrate that the costs identified in the Application are eligible Program costs under the Act and this Part.
- e) Program Objectives and Methodology. The Applicant must demonstrate that the activities undertaken under the Program can be accomplished, in that:
 - 1) activities are measurable and will benefit the purposes of the Program as described in the Act and this Part; and
 - 2) proposed activities logically address the problems or opportunities identified in the Application.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

**Section 390.306 Grant Administration
EMERGENCY**

- a) **Commitment:** Each Agency shall enter into a Commitment with the Authority; the Allocation may be less than the amount requested in the Application. The term of Commitments may be up to two years, subject to the availability of funds from an Appropriation, and may be renewed if Appropriation is made available and the agency performs satisfactorily under the first Grant.
- b) **Record Retention:** Each Agency shall maintain records in connection with administration of the Program, including all records required by the U.S. Department of Housing and Urban Development as part of its continuing compliance with requirements for HUD-Certified Housing Counseling Agencies. Records shall be retained for five years after the date of termination of the Commitment.
- c) **Agency Monitoring:** The Authority shall have the right to monitor all Agency records relating to the administration of the grant by the Authority. Each Agency shall make all records relating to its Commitment available for inspection by the Authority upon the Authority's request. The required documentation may include a copy of the Agency's Application to the Authority; all records relating to training, equipment purchases, staff salaries and benefits, and other activities undertaken with Program funds; documentation of activities performed under the Program; and any other documentation required by the Authority.

**Section 390.307 Funding of Allocations
EMERGENCY**

During the term of each Commitment with an Agency, the Authority shall provide funds to Agencies when Appropriation is made available and as outlined in Sections 390.202 and 390.302.

**Section 390.308 Reporting Requirements for Agencies
EMERGENCY**

Each Agency shall provide reports to the Authority, on forms provided by the Authority, at the end of each quarter of the term of its Commitment. The report shall identify, at a minimum, certification that the Agency was available to complete File Reviews, the number of File

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Reviews referred and performed, expenditures incurred and amounts expended for each purchase or expense.

Section 390.309 Books and Records
EMERGENCY

The books and records of each Agency and each Affordable Housing Project shall be subject to inspection, examination and copying by the allocating Agency and its authorized representatives or agents at such times as the allocating Agency reasonably requires for the purpose of determining whether the Sponsor and such Affordable Housing Project is in compliance with the Residential Real Property Disclosure Act [765 ILCS 77/70] and this Part.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code Citation: 35 Ill. Adm. Code 611
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
611.102	Amend
611.350	Amend
611.351	Amend
611.353	Amend
611.354	Amend
611.355	Amend
611.356	Amend
611.357	Amend
611.358	Amend
611.359	Amend
611.360	Amend
611.381	Amend
611.526	Amend
611.531	Amend
611.600	Amend
611.611	Amend
611.612	Amend
611.645	Amend
611.720	Amend
611.802	Amend
611.884	Amend
611.1004	Amend
611.1007	Amend
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: August 29, 2008, 32 Ill. Reg. 14065
- 5) Reason for the withdrawal: On September 4, 2008, the Board adopted an order in the consolidated docket R08-5/R08-7/R08-13 wastewater pretreatment and SDWA update rulemaking that essentially ordered the four following actions:
 1. The Board ordered withdrawal of the Notice of Proposed Amendments to 35 Ill. Adm. Code 611 that appeared in the August 29, 2008 issue of the

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

Illinois Register based on the August 7, 2008 proposal for public comment in the consolidated docket;

2. The Board ordered publication of a new Notice of Proposed Amendments to 35 Ill. Adm. Code 611 based on changes to the original proposal made in a September 4, 2008 supplemental opinion and order;
3. The Board ordered deconsolidation of the wastewater pretreatment amendments to 35 Ill. Adm. Code 307 and 310 in docket R08-5 from the Safe Drinking Water Act (SDWA) amendments in consolidated docket R08-7/R08-13;
4. The Board ordered an extension of the deadline for final Board action on the consolidated docket R08-7/R08-13 SDWA amendments from December 1, 2008 until December 31, 2008.

This is a result of the Board decision to include corrections overlooked in the original August 7, 2008 proposal for public comment, and which were not included in the August 29, 2008 Notice of Proposed Amendments for 35 Ill. Adm. Code 611.

The Board has simultaneously submitted a new Notice of Proposed Amendments and a Notice of Public Information Pursuant to 425 ILCS 5/7.2(b) with this Notice of Withdrawal of Proposed Amendments for publication in the Illinois Register.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 8, 2008 through September 15, 2008 and have been scheduled for review by the Committee at its October 16, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/22/08	<u>State Records Commission</u> , State Records Commission (44 Ill. Adm. Code 4400)	12/28/07 31 Ill. Reg. 16785	10/16/08
10/22/08	<u>Department of Children and Family Services</u> , Foster Parent Code (89 Ill. Adm. Code 340)	5/30/08 32 Ill. Reg. 8063	10/16/08
10/23/08	<u>State Employees Retirement System</u> , The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	7/7/08 32 Ill. Reg. 9587	10/16/08
10/24/08	<u>Department of Transportation</u> , Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)	7/25/08 32 Ill. Reg. 11578	10/16/08

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] requires the Board to adopt regulations that are “identical in substance” to National Primary Drinking Water Regulations adopted by the U.S. Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2007)). These rules are contained in 35 Ill. Adm. Code 611.

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On August 7, 2008, the Pollution Control Board adopted a proposal for public comment in the consolidated update docket R08-5/R08-7/R08-13. That proposal for public comment proposed amendments to the wastewater pretreatment rules of 35 Ill. Adm. Code 307 and 310 and to the SDWA drinking water rules of 35 Ill. Adm. Code 611. Notices of Proposed Amendments appeared in the August 29, 2008 issue of the *Illinois Register*, at 32 Ill. Reg. 14065.

In summary, the Board is again extending the deadline for completion of the SDWA drinking water amendments only. The extension allows the Board to withdraw the amendments published in the *Illinois Register* on August 29, 2008 and to cause publication of a more comprehensive set of amendments proposed by the Board on September 4, 2008.

By a supplemental opinion and order dated September 4, 2008, the Board added amendments to the SDWA drinking water rules of 35 Ill. Adm. Code 611 that were in addition to those set forth in the August 7, 2008 proposal for public comment. The proposed amendments to the wastewater pretreatment rules of 35 Ill. Adm. Code 307 and 310 were not affected by the September 4, 2008 supplemental opinion and order.

The September 4, 2008 supplemental opinion and order also deconsolidated the amendments to the wastewater pretreatment rules in docket R08-5 from the SDWA drinking water amendments to the SDWA drinking water rules in consolidated docket R08-7/R08-13.

A segment of the September 4, 2008 supplemental opinion and order set forth reasons for delay and extended the deadline for final action on the amendments from December 1, 2008 to December 31, 2008. That segment stated as follows:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

**TIMETABLE FOR COMPLETION OF THIS RULEMAKING AND
EXTENSION OF THE DEADLINE FOR FINAL ACTION**

Under Section 7.2 of the Act (415 ILCS 5/7.2(b) (2006)), the Board must complete this rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on March 12, 2007, so the deadline for Board adoption of these amendments under that provision was March 12, 2008.

Section 7.2(b), however, further provides for extension of the deadline for final Board action by adoption of a Board order and publication of a Notice of Public Information on Proposed Rules that extends the deadline. By an order dated March 6, 2008, the Board used this provision to extend the deadline. The Board did so again in the August 7, 2008 original proposal for public comment that included the SDWA amendments, extending the deadline until December 1, 2008. Further delay has resulted from corrections based on late consideration of Agency comments submitted in 2007 and inadvertently overlooked during the assembly of the August 7, 2008 original proposal for public comment. This has necessitated withdrawal of the Notice of Proposed Amendments for Part 611 published in the August 29, 2008 issue of the *Illinois Register*. These are the principal factors that make an extension of the deadline for final action on Part 611 necessary.¹ The Board today again extends the deadline for completion of the consolidated R08-7/R08-13 docket.

The final Board action to adopt these amendments is now December 31, 2008. This extended deadline has a slight amount of extra time added to allow for any minor unforeseen delays in finalizing the amendments.

Considering the proposal of these SDWA amendments on this date, the Board presently projects the following will occur in the progress towards completion of these amendments:

¹ The projected timetable that appears on this page indicates that it may still be possible to complete these amendments by December 1, 2008, but that would not permit any delays at any stage of this proceeding. The Board would prefer to allow for unforeseen delays in final adoption, rather than risk failing to meet the deadline.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

Original due date:	March 12, 2008
Extended due date (by a March 6, 2008 order):	August 15, 2008
Extended due date (by an August 7, 2008 order):	December 1, 2008
Extended due date (by this supplemental order):	December 31, 2008
Date of Board vote to propose amendments:	September 4, 2008
Submission for <i>Illinois Register</i> publication:	September 15, 2008
Probable <i>Illinois Register</i> publication dates:	September 26, 2008
Estimated end of 45-day public comment period:	November 10, 2008
Likely date of Board vote to adopt amendments:	November 20, 2008
Probable filing and effective date:	December 1, 2008
Probable <i>Illinois Register</i> publication date:	December 31, 2008

The Board has simultaneously submitted a Notice of Withdrawal of Proposed Amendments and a new Notice of Proposed Amendments with this Notice of Public Information Pursuant to 425 ILCS 5/7.2(b) for publication in the Illinois Register.

Direct inquiries as follows, referencing consolidated docket R08-7/R08-13:

Michael J. McCambridge, Staff Attorney
Illinois Pollution Control Board
312-814-6924 or mccambm@ipcb.state.il.us

PROCLAMATIONS

2008-357**University of Missouri Tigers Day (Revised)**

WHEREAS, on Saturday, August 30, 2008 the University of Illinois Fighting Illini and the University of Missouri Tigers met at the Edward Jones Dome in St. Louis for the State Farm Arch Rivalry game; and

WHEREAS, despite a valiant effort by the University of Illinois Fighting Illini, the University of Missouri Tigers squeaked by with a score of 52 to 42; and

WHEREAS, much like last year's match-up, the University of Missouri Tigers took control in the second quarter, built a seemingly insurmountable lead in the third quarter, and then watched as the University of Illinois Fighting Illini racked up the points before some before big defensive plays sealed the deal for the University of Missouri Tigers; and

WHEREAS, had the University of Illinois Fighting Illini had more time, they might have actually scored more and pulled out a miracle; and

WHEREAS, in the end, however, the University of Missouri Tigers outmaneuvered and outlasted the University of Illinois Fighting Illini; and

WHEREAS, as Saturday's big plays showed, the University of Missouri Tigers' defense hung on and might be able to teach the University of Illinois Fighting Illini a blitz package or two; and

WHEREAS, similarly, their offense, which produced 550 yards and a whole bunch of points might have a couple of trick plays to impart as well; and

WHEREAS, throughout the game, the University of Missouri Tigers were capably led by head coach Gary Pinkel, whose coaching proved to be just a smidge better that day; and

WHEREAS, after starting and stopping over the years, this exciting game showed that there is plenty of reason to keep the series going so that University of Illinois Fighting Illini can get their sweet revenge:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 6, 2008 as **UNIVERSITY OF MISSOURI TIGERS DAY** in Illinois in honor of their State Farm Arch Rivalry win on August 30, 2008.

PROCLAMATIONS

Issued by the Governor September 4, 2008
Filed by the Secretary of State September 12, 2008

2008-360**Central American Independence Day**

WHEREAS, it is my distinct pleasure to join the Central American community in celebrating the 187th Anniversary of Central American Independence; and

WHEREAS, this event commemorates the date on September 15, 1821 when the Central American nations of Guatemala, Honduras, El Salvador, Costa Rica, and Panama jointly declared their independence from Spain; and

WHEREAS, now, nearly two centuries later, Guatemalans, Hondurans, El Salvadorians, Costa Ricans, and Panamanians all across the globe gather to commemorate the birth of their freedom; and

WHEREAS, here in Illinois, the Central American community is flourishing, and I am proud of the many significant contributions that they have made to the state; and

WHEREAS, the Central American Cultural and Civic Society, in conjunction with the City of Chicago's Mayor's Office of Special Events, will be hosting this year's 19th Central American Independence Parade on Sunday, September 7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 7, 2008 as **CENTRAL AMERICAN INDEPENDENCE DAY** in Illinois, in recognition of Central America's 187th Anniversary of Independence, and in tribute to all Central Americans who call Illinois home.

Issued by the Governor September 5, 2008
Filed by the Secretary of State September 12, 2008.

2008-361**Put the Brakes on Fatalities Day**

WHEREAS, more than 42,000 Americans are killed in automobile accidents every year; and

WHEREAS, although some of the accidents are caused by mechanical failures, many are tragically caused by human error. Some of the contributing factors of accidents include drinking, speeding, and general reckless driving; and

PROCLAMATIONS

WHEREAS, driving is not a game. It is a dangerous activity that has taken the lives of countless brothers, sisters, moms, dads, relatives, and friends; and

WHEREAS, for that reason, it is the obligation of each and every one of us to drive responsibly. Furthermore, we ought to drive with vigilance for our own protection; and

WHEREAS, it is important for drivers to focus on the road and observe speed limits. Just following these two safety precautions will significantly lower the risks of an automobile accident; and

WHEREAS, some additional tips for safe driving include performing routine car maintenance, watching for blind spots, and wearing a seatbelt. It is also imperative that drivers never operate an automobile while under the influence of alcohol or other mind-altering drugs; and

WHEREAS, not only is it wrong to drive in such a state, it is also against the law. Our state fully prosecutes anyone caught driving under the influence; and

WHEREAS, on October 10, as part of the Seventh Annual Put the Brakes on Fatalities Day, events will be held throughout Illinois to address how critically important it is to always drive safely and alertly and the consequences of not doing so:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2008 as **PUT THE BRAKES ON FATALITIES DAY** in Illinois, and urge all citizens to adopt safe driving habits in an effort to reduce automobile accidents that kill thousands every year in our state and throughout the country.

Issued by the Governor September 8, 2008

Filed by the Secretary of State September 12, 2008.

2008-362**Adoption Awareness Month**

WHEREAS, adoption is a rewarding and enriching experience for individuals and couples who want to provide children with a stable, loving family environment; and

WHEREAS, Illinois is recognized as a national leader in finding permanent homes for waiting children, placing more than 50 thousand foster children into adoptive and subsidized guardianship homes since 1997; and

PROCLAMATIONS

WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption guardianship placements than in substitute care; and

WHEREAS, the Illinois Department of Children and Family Services, the Child Care Association of Illinois, the Adoption Information Center of Illinois, the Illinois Adoption Advisory Council, the Illinois Foster and Adoptive Parent Association, the Chicago Bar Association, and the many Illinois child welfare agencies and adoptive parent groups all encourage families to consider adopting a child in need of a home; and

WHEREAS, hundreds of children in Illinois are still awaiting adoption:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **ADOPTION AWARENESS MONTH** in Illinois, and encourage all families to consider adopting a child into their family.

Issued by the Governor September 8, 2008

Filed by the Secretary of State September 12, 2008.

2008-363**A Day of Remembrance of Arthur L. Duncan**

WHEREAS, Arthur L. Duncan (affectionately known as Little Arthur), an outstanding musician and member of our community passed away on August 20, 2008; and

WHEREAS, Arthur L. Duncan was born on February 3, 1934 in Indianola, Mississippi, where he was the sixth of twelve siblings; and

WHEREAS, in his early years Arthur moved between Florida and Mississippi, eventually settling in Danville, Illinois where he was employed at General Motors. After a brief stay in Danville, Arthur migrated further north to Chicago where he met and married Evelyn Washington in 1955. Of this union he had one daughter Phyllis, who preceded him in death, and a stepson Robert L. Washington; and

WHEREAS, in Chicago Arthur worked in many different positions, including a car detailer, livery cab driver, and construction worker. He was also a business man, owner of a soul kitchen restaurant, gas station, and furniture and TV repair store prior to opening his first blues lounge, The Artesia, on the corner of Lake and Homan Avenues. The lounge was later relocated to 4908 West Madison Street and

PROCLAMATIONS

renamed Artesia II, before being renamed the Backscratcher's Social Club. Here, Arthur formed a band and began to entertain his patrons; and

WHEREAS, Arthur not only performed in the city of Chicago and surrounding suburbs, but traveled throughout the United States and Europe, performing in Switzerland, Holland, Belgium, France, Italy, and Spain; and

WHEREAS, Arthur always wore a smile and was known for his great sense of humor. He enjoyed music, traveling, cooking and fishing. Arthur had a deep ingrained love for his family and friends; and

WHEREAS, Arthur is survived by one son, Dwight Atkinson, one daughter, Linda (Angela) Coleman, five adopted children, William (Stereo) Atkinson (Diane), Milton Atkinson (Tywa), Diane Atkinson-Rush (Willie), Regina Yvette McMath, and Reynee Coleman-Wilson (Kelvin), as well as 34 grandchildren, six sisters, and a host of nieces, nephews, cousins, in-laws, and friends:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10, 2008 as a **DAY OF REMEMBRANCE OF ARTHUR L. DUNCAN** in Illinois, and express my sincerest sympathies to his family and extend my deepest condolences to all whose lives were touched by this well-regarded musician and member of our community.

Issued by the Governor September 8, 2008

Filed by the Secretary of State September 12, 2008.

2008-364
Patriot Day

WHEREAS, on September 11, 2001, tragedy struck when terrorists launched massive attacks on our nation, taking more than 3,000 innocent lives; and

WHEREAS, following the attacks, heroes emerged from all corners of this great country, laying down their lives to save others and helping to pick up the pieces in the wake of this terrible disaster; and

WHEREAS, today, that heroism continues with the brave men and women of the United States Armed Forces who are currently fighting overseas to preserve our freedom, and prevent future terrorist attacks against our nation; and

PROCLAMATIONS

WHEREAS, this year, as we commemorate the anniversary of the September 11, 2001 attacks, it is important that we not only take the time to remember the victims, but that we also pay tribute to all those that continue to make sacrifices for their country; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared September 11 of each year to be Patriot Day in the United States. This commemoration includes a moment of silence at 8:46 a.m., Eastern Standard Time, the same time that the first plane struck the north tower of the World Trade Center on that fateful day; and

WHEREAS, the State of Illinois faithfully joins President Bush in recognizing Patriot Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2008 as **PATRIOT DAY** in Illinois, and order all state facilities to fly their flags at half-staff from sunrise to sunset on this day.

Issued by the Governor September 9, 2008

Filed by the Secretary of State September 12, 2008.

2008-365**GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Cook, DuPage, DeKalb, Grundy, Kane, LaSalle and Will counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

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

Dated September 15, 2008

Filed: September 15, 2008.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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