



# TABLE OF CONTENTS

May 18, 2012 Volume 36, Issue 20

## PROPOSED RULES

### POLLUTION CONTROL BOARD

Tired Approach to Corrective Action Objectives

35 Ill. Adm. Code 742.....7340

### SECRETARY OF STATE

Certificates of Title, Registration of Vehicles

92 Ill. Adm. Code 1010.....7520

## ADOPTED RULES

### HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Practice in Administrative Hearings

89 Ill. Adm. Code 104.....7530

Medical Payment

89 Ill. Adm. Code 140.....7545

### POLLUTION CONTROL BOARD

Standards and Limitations for Organic Material Emissions for Area Sources

35 Ill. Adm. Code 223.....7569

### PUBLIC HEALTH, DEPARTMENT OF

HIV/AIDS Confidentiality and Testing Code

77 Ill. Adm. Code 697.....7613

### SECRETARY OF STATE

Public Use of the Capitol Complex and Springfield Facilities

71 Ill. Adm. Code 2005.....7662

Certificates of Title, Registration of Vehicles

92 Ill. Adm. Code 1010.....7674

### TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

The Administration and Operation of the Teachers' Retirement System

80 Ill. Adm. Code 1650.....7688

## SECOND NOTICES RECEIVED

### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....7711

## EXECUTIVE ORDERS AND PROCLAMATIONS

### PROCLAMATIONS

Ravinia Women's Board Day

2012-145.....7712

Great Outdoors Month

2012-146.....7713

Cherry Blossom Centennial Celebration Day

2012-147.....7714

National Volunteer Week

2012-148.....	7715
Union Pacific Railroad Day	
2012-149.....	7716
Earth Month	
2012-150.....	7717
Air Quality Awareness Month	
2012-151.....	7718
Trinidad and Tobago Day	
2012-152.....	7719
Dia De Los Ninos	
2012-153.....	7720
Illinois Flag Display Act	
2012-154.....	7721
Health Care Workers Day	
2012-155.....	7722
Children's Day	
2012-156.....	7722
War of 1812 Bicentennial Commemoration Day	
2012-157.....	7723
Illinois Flag Display Act	
2012-158.....	7724
Armenian Genocide Remembrance Day	
2012-159.....	7725
Women Build Week	
2012-160.....	7726
Memorial Day	
2012-161.....	7727
National Association of Letter Carriers Food Drive Day	
2012-162.....	7728
Provider Appreciation Day	
2012-163.....	7729
Correctional Officers Week	
2012-164.....	7730
X and Y Chromosome Variation Awareness Month	
2012-165.....	7730
Park West Cooperative Nursery School Day	
2012-166.....	7731
Trinity Academy of Irish Dance Day	
2012-167.....	7732
Healthcare Technology Management Week	
2012-168.....	7734
Small Business and Entrepreneur Week	
2012-169.....	7735
Phillip Humber Day	
2012-170.....	7736

Illinois Flag Display Act	
2012-171.....	7737
Mobility Awareness Month	
2012-172.....	7738
Jay Leno Day	
2012-173.....	7738
Public Service Recognition Week	
2012-174.....	7740
Scoliosis Awareness Month	
2012-175.....	7740
National Rosie the Riveter Day	
2012-176.....	7741
Wirtz Beverage Group Day	
2012-177.....	7742
National Children's Mental Health Awareness Day	
2012-178.....	7743
Azerbaijan National Day	
2012-179.....	7744

## 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.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012

24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1<sup>st</sup> to July 2<sup>nd</sup>, 2012.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tiered Approach to Corrective Action Objectives
- 2) Code Citation: 35 Ill. Adm. Code 742
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
742.105	Amend
742.110	Amend
742.115	Amend
742.200	Amend
742.210	Amend
742.220	Amend
742.222	New
742.225	Amend
742.227	New
742.305	Amend
742.310	Amend
742.312	New
742.405	Amend
742.500	Amend
742.505	Amend
742.510	Amend
742.515	New
742.600	Amend
742.605	Amend
742.610	Amend
742.700	Amend
742.705	Amend
742.710	Amend
742.712	New
742.715	Amend
742.717	New
742.805	Amend
742.810	Amend
742.812	New
742.900	Amend
742.920	Amend
742.925	Amend
742.935	New
742.1000	Amend

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

742.1010	Amend
742.1015	Amend
742.1105	Amend
742.1200	New
742.1205	New
742.1210	New
742.APPENDIX A	
TABLE A	Amend
TABLE E	Amend
TABLE F	Amend
TABLE J	New
TABLE K	New
742.APPENDIX B	
TABLE G	New
TABLE H	New
TABLE I	New
742.APPENDIX C	
TABLE A	Amend
TABLE B	Amend
TABLE E	Amend
TABLE F	Amend
TABLE L	New
TABLE M	New
742.APPENDIX F	Amend

- 4) Statutory Authority: Authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- 5) A Complete Description of the Subjects and Issues Involved: On April 19, 2012, the Illinois Pollution Control Board (Board) adopted an opinion and order proposing first-notice amendments to the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The rulemaking is docketed Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, R11-9. Since 1997, the TACO rules have provided procedures for developing remediation objectives based upon risks posed to human health by environmental conditions at a variety of sites. TACO is used at sites being remediated under any one of several regulatory programs: Leaking Underground Storage Tank (UST) Program; Site Remediation Program (SRP); and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

The first-notice amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to migrate into buildings from underlying volatile chemicals in soil or groundwater, a process commonly known as "vapor intrusion" or "VI." The Board also proposed adding 13 chemicals to the TACO tables based upon the Board's pending rulemaking on groundwater quality standards, Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), R08-18. Further, the first-notice amendments to TACO update physical and chemical parameters and revise toxicity values in accordance with the new United States Environmental Protection Agency hierarchy for selecting human health toxicity values.

The R11-9 rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board on November 9, 2010, under Section 27 of the Environmental Protection Act [415 ILCS 5/27]. After conducting two public hearings and receiving public comments, the Board has adopted, for first notice, the amendments proposed or agreed to by IEPA, with minor clarifying changes. In addition, the Board proposed requiring that IEPA be notified if an indoor inhalation building control technology at a school is rendered inoperable. The Board also proposed that the entire set of amendments would become effective on a date certain 60 days after their final adoption. For further information, please refer to the Board's first-notice opinion and order of April 19, 2012, which is available through the Clerk's Office On-Line (COOL) on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

6) Published studies or reports and sources of underlying data used to compose this rulemaking:

Abreu, L.D.V., Ettinger, R., McAlary, T. 2009. "Simulated Soil Vapor Intrusion Attenuation Factors Including Biodegradation for Petroleum Hydrocarbons." *Ground Water Monitoring and Remediation* 29(1):105-117.

Agency for Toxic Substances and Disease Registry. (Jan. 2004). Health Consultation: Active Soil Gas Data Review, Chillum Perc site, Chillum, Prince Georges County, Maryland. [http://www.atsdr.cdc.gov/hac/PHA/chillumperc/cps\\_p1.html](http://www.atsdr.cdc.gov/hac/PHA/chillumperc/cps_p1.html)

Agency for Toxic Substances and Disease Registry. (November 2007). Minimal Risk Levels (MRLs).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Agency for Toxic Substances and Disease Registry. (December 2006). Minimal Risk Levels (MRLs).

American Petroleum Institute (Nov. 2005). A Practical Strategy for Assessing the Subsurface Vapor-to-Indoor-Air Migration Pathway at Petroleum Hydrocarbon Sites. API Publication 4741. <http://www.itcreweb.org/Documents/VI-1.pdf>

Bibler, G. & Mason, E. (Nov. 2005). Scrutiny of Indoor Air Pathway Affects Standards for Investigation and Cleanup. Daily Environment Report, 11-10-05. <http://net2.gph.com/~media/64E898D7D8F042379F78727C1EC07A43.ashx>

California EPA, Department of Toxic Substances Control (Feb. 2005). Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air. [http://www.dtsc.ca.gov/assessingrisk/upload/herd\\_pol\\_eval\\_subsurface\\_vapor\\_intrusion\\_interim\\_final.pdf](http://www.dtsc.ca.gov/assessingrisk/upload/herd_pol_eval_subsurface_vapor_intrusion_interim_final.pdf)

California EPA, Department of Toxic Substances Control (Jan. 2003). Advisory on Active Soil Gas Investigations. [http://www.dtsc.ca.gov/lawsregspolicies/policies/SiteCleanup/upload/SMBR\\_ADV\\_activ esoilgasinvst.pdf](http://www.dtsc.ca.gov/lawsregspolicies/policies/SiteCleanup/upload/SMBR_ADV_activ esoilgasinvst.pdf)

California EPA, Department of Toxic Substances Control. 2010. Advisory- Active Soil Gas Investigation. [http://www.dtsc.ca.gov/SiteCleanup/upload/SAG\\_Review\\_Drft.pdf](http://www.dtsc.ca.gov/SiteCleanup/upload/SAG_Review_Drft.pdf)

California EPA. Office of Environmental Health Hazard Assessment. Toxicity Criteria Database. <http://www.oehha.ca.gov/risk/ChemicalDB/index.asp>

Colorado Department of Public Health and Environment (Sept. 2004). Draft Indoor Air Guidance. <http://www.cdphe.state.co.us/HM/indoorair.pdf>

Davis, G.B., Patterson, B.M., Trefry, M.G. 2009. "Evidence for Instantaneous Oxygen-Limited Biodegradation of Petroleum Hydrocarbon Vapors in the Subsurface." Ground Water Monitoring and Remediation 29(1):126-137.

Davis, R.V. 2009. "Update on Recent Studies and Proposed Screening Criteria for the Vapor-Intrusion Pathway." LUSTLine Bulletin 61:11-14.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Dawson, H.E., McAlary, T. 2009. "A Compilation of Statistics for VOCs from Post 1990 Indoor Air Concentration Studies in North American Residences Unaffected by Subsurface Vapor Intrusion." *Ground Water Monitoring and Remediation* 29(1):60-69.

Department of the Army, U.S. Army Corps of Engineers (Sept. 1993). Indoor Radon Prevention and Mitigation. Technical Letter No. 1110-3-438.  
[http://www.wbdg.org/ccb/DOD/UFC/ufc\\_3\\_490\\_04a.pdf](http://www.wbdg.org/ccb/DOD/UFC/ufc_3_490_04a.pdf)

Fetter, C.W. (1994). *Applied Hydrogeology*, 3rd Edition. Available at the Illinois EPA library, Call Number: 551.48 FETT 1994

Fitzpatrick, N.A., Fitzgerald, J.J. 2002. "An Evaluation of Vapor Intrusion Into Buildings Through a Study of Field Data." *Soil and Sediment Contamination* 11(4):603-623.

Folkes, D. (Dec. 2002). Design, Effectiveness, and Reliability of Sub-Slab Depressurization Systems for Mitigation of Chlorinated Solvent Vapor Intrusion. EnviroGroup Limited. Presented at the U.S. EPA Seminar on Indoor Air Vapor Intrusion, San Francisco.  
[http://www.envirogroup.com/publications/folkes\\_epa\\_seminar.pdf](http://www.envirogroup.com/publications/folkes_epa_seminar.pdf)

Folkes, D., Wertz, W., Kurtz, J., Kuehster, T. 2009. "Observed Spatial and Temporal Distributions of CVOCs at Colorado and New York Vapor Intrusion Sites." *Ground Water Monitoring and Remediation* 29(1):70-80.

Geoprobe Systems. 2006. Direct Push Installation of Devices for Active Soil Gas Sampling and Monitoring. Technical Bulletin No. MK3098.

Grimsrud, D.T., Sherman, M.H., Sonderegger, R.C. 1982. "Calculating Infiltration: Implications for a Construction Quality Standard." *Thermal Performance of the Exterior Envelopes of Buildings II; Proceedings of the ASHRAE/DOE Conference*, Dec. 6-9 SP38:422-452.

Hartman, B. 2002. How to Collect Reliable Soil Gas Data for Risk-Based Applications, Part 1: Active Soil-Gas Method. *LUSTLine Bulletin* 42:17-22.

Hartman, B. 2004. How to Collect Reliable Soil Gas Data for Risk-Based Applications, Part 3: Answers to Frequently Asked Questions. *LUSTLine Bulletin* 48:12-17.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- Hartman, B. (Sept. 2006). How to Collect Reliable Soil-Gas Data for Risk-Based Applications, Specifically Vapor Intrusion: Part Four, Updates on Soil-Gas Collection and Analytical Procedures. LUSTLine Bulletin #53.  
<http://www.handpmg.com/lustline53-soil-gas-part-4.htm>
- Heath, Ralph C. (1983). Basic Ground-Water Hydrology. United States Geological Survey Water-Supply Paper 2220. [http://pubs.er.usgs.gov/djvu/WSP/wsp\\_2220.pdf](http://pubs.er.usgs.gov/djvu/WSP/wsp_2220.pdf)
- Hers, I., Zapf-Gilje, R. 1998. "Canadian Consortium Research Project- Filed Validation of Soil Gas Transport to Indoor Air Pathway." In Proceedings of 1998 Petrol. Hydro. and Chem. In Ground Water; API/NGWA, Houston, TX, November 11-13; pp 251-266.
- Hers, I., Atwater, J., Li, L., Zapf-Gilje, R. 2000. "Evolution of Vadose Zone Biodegradation of BTX Vapors." Journal of Contaminant Hydrology 46(2000): 233-264.
- Hers, I., Zapf-Gilje, R., Li, L., Atwater, J. 2001. "The Use of Indoor Air Measurements To Evaluate Intrusion of Subsurface VOC Vapors into Buildings." Journal of the Air & Waste Management Association 51:1318-1331.
- Hers, I., Evans, D., Zapf-Gilje, R., Li, L. 2002. "Comparison, Validation and Use of Models for Predicting Indoor Air Quality from Soil and Groundwater Contamination." Soil & Sediment Contamination. 11(4):491-527.
- Hers, I., Zapf-Gilje, R., Johnson, P.C., Li, L. 2003. "Evaluation of the Johnson and Ettinger Model for Prediction of Indoor Air Quality." Ground Water Monitoring and Remediation 23(1):62-76.
- Howard, Philip H., W.F. Jarvis, W.M. Meylan, and E.M. Michalenko. (1991). Handbook of Environmental Degradation Rates. Lewis Publishers, Inc. Chelsea, Michigan. Available at the Illinois EPA Library, Call Number: 363.7384 HOWA2
- International Building Code (2006). Available at the Illinois EPA Library upon request.
- Johnson, P.C. 2005. "Identification of Application-Specific Critical Inputs for the 1991 Johnson and Ettinger Vapor Intrusion Algorithm." Ground Water Monitoring and Remediation 25(1):63-78.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Johnson, P.C., Ettinger, R.A. 1991. "Heuristic Model for Predicting the Intrusion Rate of Contaminant Vapors into Buildings." *Environmental Science and Technology* 25(8):1445-1452.

Johnson, P.C., Kemblowski, W., Johnson, R.L. 1998. "Assessing the Significance of Subsurface Contamination Migration to Enclosed Spaces- Site Specific Alternatives to Generic Estimates." API Publication 4674. American Petroleum Institute: Washington, D.C., December 1998.

Johnson, P.C., Ettinger, R.A., Kurtz, J., Bryan, R., Dester, J.E. 2002. Migration of Soil Gas Vapors to Indoor Air: Determining Vapor Attenuation Factors Using a Screening-Level Model and Field Data from the CDOT-MTL Denver, Colorado Site. American Petroleum Institute. No. 16.

Kremesec, V., Hopkins, H. and Thun, R. (Feb. 2005). A View of the Evaluation of the Vapor Intrusion Pathway from Within the Petroleum Industry. EM Magazine, Air and Waste Management Association.  
<http://www.astswmo.org/files/publications/tanks/2005SoilVaporMonitoringWorkshop/Evaluation-of-Vapor-Intrusion-Pathway-Kremesec.pdf>

Lyman, W. and Reehl, W. (1990). Handbook of Chemical Property Estimation Methods. Available at the Illinois EPA Library, Call Number: 547.3 LYMA 1990.

McAlary, T., R. Ettinger, P. Johnson, B. Eklund, H. Hayes, D.B. Chadwick, and I. Rivera-Duarte. 2009. Review of Best Practices, Knowledge and Data Gaps, and Research Opportunities for the U.S. Department of Navy Vapor Intrusion Focus Areas. Technical Report 1982. SSC Pacific, San Diego, CA.

McHugh, T.E., Connor, J.A., Ahmad, F. 2004. "An Empirical Analysis of the Groundwater-to-Indoor-Air Exposure Pathway: The Role of Background Concentrations in Indoor Air." *Environmental Forensics* 5:33-44.

McHugh, T., Connor, J., & Ahmad, F. (Mar. 2005). An Empirical Analysis of the Groundwater-to-Indoor-Air Exposure Pathway: The Role of Background Concentrations in Indoor Air. *Environmental Forensics*, Vol. 5, No. 2. [http://www.gsi-net.com/Publications/McHugh\\_GW-Air\\_2004.pdf](http://www.gsi-net.com/Publications/McHugh_GW-Air_2004.pdf)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

McHugh, T.E., De Blanc, P.C., Pokluda, R.J. 2006. "Indoor Air as a Source of VOC Contamination in Shallow Soils Below Buildings." *Soil & Sediment Contamination* 15:103-122.

Missouri Department of Natural Resources (April 2005). Missouri Risk-Based Corrective Action for Petroleum Storage Tanks: Soil Gas Sampling Protocol. <http://www.dnr.mo.gov/env/hwp/tanks/docs/soil-gas-protocol-2005-04-21.pdf>

National Institute for Occupational Safety and Health (NIOSH). (2005). NIOSH Pocket Guide to Chemical Hazards. <http://www.cdc.gov/niosh/npg/default.html>

Nazaroff, W.W. 1988. "Predicting the Rate of  $^{222}\text{Rn}$  Entry from Soil into the Basement of a Dwelling Due to Pressure-Driven Air Flow." *Radiation Protection Dosimetry* 24(1/4):199-202.

Nazaroff, W.W., Feustel, H., Nero, A.V., Revzan, K.L., Grimsrud, D.T., Essling, M.A., Toohey, R.E. 1985. "Radon Transport into a Detached One-Story House with a Basement." *Atmosphere & Environment* 19(1):31-46.

Nelson, D., Lapara, T., Novak, P. 2010. "Effects of Ethanol-Based Fuel Contamination: Microbial Community Changes, Production of Regulated Compounds and Methane Generation." *Environmental Science and Technology* 44(12):4525-4530.

New Hampshire Department of Environmental Services (April 2005). Draft Vapor Intrusion Guidance. [http://www.des.state.nh.us/ORCB/doclist/pdf/vapor\\_intrusion.pdf](http://www.des.state.nh.us/ORCB/doclist/pdf/vapor_intrusion.pdf)

New Jersey Department of Environmental Protection (June 2005). Draft Vapor Intrusion Guidance. <http://www.state.nj.us/dep/srp/guidance/vaporintrusion/vig.htm>

New York Department of Environmental Conservation (Nov. 2004). Evaluating the Potential for Vapor Intrusion at Past, Current and Future Sites, Draft. [http://www.ny-brownfields.com/PDF\\_Files/Draft\\_Policy.pdf](http://www.ny-brownfields.com/PDF_Files/Draft_Policy.pdf)

Ohio EPA. 2010. Guidance Document for Sample Collection and Evaluation of Vapor Intrusion to Indoor Air for Remedial Response and Voluntary Action Programs. <http://www.epa.state.oh.us/portals/30/rules/VI%20guidance.pdf>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Patterson, B.M., Davis, G.B. 2009. "Quantification of Vapor Intrusion Pathways into a Slab-on-Ground Building under Varying Environmental Conditions." *Environmental Science and Technology* 43:650-656.

Pennsylvania Department of Environmental Protection (June 2004). Land Recycling Program Technical Guidance Manual Section IV.A.4 Vapor Intrusion into Buildings from Groundwater and Soil Under the Act 2 Statewide Health Standard.  
<http://164.156.71.80/VWRQ.asp?docid=2087d8407c0e0000000051100000511&context=2&backlink=WXOD.aspx%3ffs%3d2087d8407c0e00008000051000000510%26ft%3d1>

Persily, A. (March 1999). Myths About Building Envelopes. *ASHRAE Journal*.  
<http://www.argonair.com/pdf/Myth%20About%20Bldg%20Env.pdf>

Provoost, J., Bosman, A., Reijnders, L., Bronders, J., Touchant, K., Swartjes, F. 2010. "Vapor Intrusion from the Vadose Zone- Seven Algorithms Compared." *Journal of Soils and Sediments* 10:473-483.

Ririe, G.T., Sweeney, R., Hartman, B. 2009. BP Standard Operating Procedures for Petroleum Hydrocarbon Vapor Intrusion Sampling. Draft document, not published.

Roggemans, S., Bruce, C., Johnson, P.C., Johnson, R.L. 2001. Vadose Zone Natural Attenuation of Hydrocarbon Vapors. American Petroleum Institute. No. 15.

Siegel, L. (April 2005). A Community View of Vapor Intrusion. Center for Public Environmental Oversight. <http://www.cpeo.org/pubs/CommunityView-V12.doc>

Stanin, F. (March 2006). Vapor Intrusion: Breaking Through the Roadblocks to Progress. Superfund and Natural Resource Damages Litigation Committee Newsletter. Vol. 3, No. 1.  
<http://www.abanet.org/environ/committees/superfundnatresdamages/newsletter/mar06/superfund0306.pdf>

The Star-Ledger (Aug. 12, 2006). DEP to review sites after day-care fiasco. Newark, New Jersey. Available from the Illinois EPA library upon request.

Syracuse Research Corporation (SRC). CHEMFATE Database. SRC. Syracuse, NY.  
<http://www.srcinc.com/what-we-do/databaseforms.aspx?id=381>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Syracuse Research Corporation (SRC). PHYSPROP Database. SRC. Syracuse, NY.  
<http://www.srcinc.com/what-we-do/databaseforms.aspx?id=386>

The Tri-Service Environmental Risk Assessment Workgroup (U.S. Air Force, U.S. Navy, U.S. Army). 2008. Tri-Services Handbook for the Assessment of the Vapor Intrusion Pathway.  
[http://portal.navfac.navy.mil/portal/page/portal/navfac/navfac\\_ww\\_pp/navfac\\_nfesc\\_pp/environmental/erb/resourceerb/dod%20vi%20guidance%20handbook\\_dftfinal.pdf](http://portal.navfac.navy.mil/portal/page/portal/navfac/navfac_ww_pp/navfac_nfesc_pp/environmental/erb/resourceerb/dod%20vi%20guidance%20handbook_dftfinal.pdf)

Tilman, F.D., Weaver, J.W. 2005. Review of Recent Research on Vapor Intrusion. U.S. Environmental Protection Agency Office of Research and Development, Washington, DC. EPA/600/R-05/106.

United States Geological Survey. Water Basics Glossary of Terms.  
[http://capp.water.usgs.gov/GIP/h2o\\_gloss/](http://capp.water.usgs.gov/GIP/h2o_gloss/) Last modified January 13, 2009.

U.S. Department of Agriculture, Natural Resources Conservation Service. 1992. Proposed Illinois State Soil. <http://www.il.nrcs.usda.gov/technical/soils/soildrum.html>

U.S. EPA (Mar. 2008). Brownfields Technical Primer: Vapor Intrusion Considerations for Redevelopment. EPA 542-R-08-001.  
<http://www.brownfieldstsc.org/pdfs/BTSC%20Vapor%20Intrusion%20Considerations%20for%20Redevelopment%20EPA%20542-R-08-001.pdf>

U.S. EPA. (July 1997). Health Effects Assessment Summary Tables. FY 1997 Update. EPA Publication No. EPA 540/R-97-036. Available at <http://nepis.epa.gov>

U.S. EPA. Integrated Risk Information System. <http://cfpub.epa.gov/ncea/iris/index.cfm>

U.S. EPA, Office of Inspector General. 2009. Evaluation Report: Lack of Final Guidance on Vapor Intrusion Impedes Efforts to Address Indoor Air Risks. Report No. 10-P-0042.

U.S. EPA, Office of Underground Storage Tanks. 2010. Petroleum Vapor Intrusion Workgroup Information Paper. Draft document, not published.

U.S. EPA. Provisional Peer Reviewed Toxicity Values. Superfund Health Risk Technical Support Center. National Center for Environmental Assessment, Office of Research and Development. Cincinnati, OH 45268, (513) 569-7300.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

U.S. EPA. (January 2004). Superfund Chemical Data Matrix.  
<http://www.epa.gov/superfund/sites/npl/hrsres/tools/scdm.htm>

U.S. EPA. (July 2004). Water9, Version 2.0.  
<http://www.epa.gov/ttn/chief/software/water/>

Weaver, J.W., Tilman, F.D. 2005. Uncertainty and the Johnson-Ettinger Model for Vapor Intrusion Calculations. U.S. Environmental Protection Agency Office of Research and Development, Washington, DC. EPA/600/R-05/110

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments 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 comments on this proposal for a period of 45 days after the date of publication in the Illinois Register. Public comments should refer to docket R11-9 and must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board  
John Therriault, Assistant Clerk  
JRTC  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Persons interested in obtaining copies of Board opinions and orders in R11-9 may do so by contacting the Clerk's office at (312) 814-3620 or by download from COOL on the Board's Web site. For more information, please

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

contact Hearing Officer Richard McGill by telephone at (312) 814-6983 or by e-mail at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking could impact any small business, small municipality, and not-for-profit corporation in a regulatory program subject to TACO remediation objectives (e.g., Leaking UST Program or SRP). The amendments are proposed to become effective on a date certain 60 days after their final adoption by the Board. The delayed effective date would help to accommodate those entities with sites near closure who wish to submit remediation completion documentation to IEPA in order to receive a No Further Remediation (NFR) letter in accordance with the existing TACO regulations.
  - B) Reporting, bookkeeping, or other procedures required for compliance: This rulemaking does not impose additional bookkeeping requirements beyond those already required by the existing rules. Under the proposed amendments, where a school receives an NFR letter based upon the use of an indoor inhalation building control technology, the site owner/operator must notify IEPA upon the building control technology being rendered inoperable.
  - C) Types of Professional skills necessary for compliance: In addition to the professional skills currently necessary to comply with the existing TACO regulations, compliance with the amendments may involve addressing the indoor inhalation exposure route through the sampling/analysis of soil gas and the design/installation of building control technologies, such as sub-slab depressurization (SSD) systems or vented raised floors.
- 14) Regulatory Agenda in which these amendments were summarized: January 2012

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER f: RISK BASED CLEANUP OBJECTIVES

## PART 742

## TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES

## SUBPART A: INTRODUCTION

Section	
742.100	Intent and Purpose
742.105	Applicability
742.110	Overview of Tiered Approach
742.115	Key Elements
742.120	Site Characterization

## SUBPART B: GENERAL

Section	
742.200	Definitions
742.205	Severability
742.210	Incorporations by Reference
742.215	Determination of Soil Attenuation Capacity
742.220	Determination of Soil Saturation Limit
<a href="#">742.222</a>	<a href="#">Determination of Soil Vapor Saturation Limit</a>
742.225	Demonstration of Compliance with <a href="#">Soil and Groundwater</a> Remediation Objectives
<a href="#">742.227</a>	<a href="#">Demonstration of Compliance with Soil Gas Remediation Objectives for the Outdoor and Indoor Inhalation Exposure Routes</a>
742.230	Agency Review and Approval

## SUBPART C: EXPOSURE ROUTE EVALUATIONS

Section	
742.300	Exclusion of Exposure Route
742.305	Contaminant Source and Free Product Determination
742.310	<a href="#">Outdoor</a> Inhalation Exposure Route
<a href="#">742.312</a>	<a href="#">Indoor Inhalation Exposure Route</a>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 742.315 Soil Ingestion Exposure Route  
742.320 Groundwater Ingestion Exposure Route

## SUBPART D: DETERMINING AREA BACKGROUND

- Section  
742.400 Area Background  
742.405 Determination of Area Background for Soil  
742.410 Determination of Area Background for Groundwater  
742.415 Use of Area Background Concentrations

## SUBPART E: TIER 1 EVALUATION

- Section  
742.500 Tier 1 Evaluation Overview  
742.505 Tier 1 Soil, [Soil Gas](#) and Groundwater Remediation Objectives  
742.510 Tier 1 Remediation Objectives Tables [for the Ingestion, Outdoor Inhalation, and Soil Component of the Groundwater Ingestion Exposure Routes](#)  
[742.515 Tier 1 Remediation Objectives Tables for the Indoor Inhalation Exposure Route](#)

## SUBPART F: TIER 2 GENERAL EVALUATION

- Section  
742.600 Tier 2 Evaluation Overview  
742.605 Land Use  
742.610 Chemical and Site Properties

SUBPART G: TIER 2 SOIL [AND SOIL GAS](#) EVALUATION

- Section  
742.700 Tier 2 Soil Evaluation Overview  
742.705 Parameters for Soil Remediation Objective Equations  
742.710 SSL Soil Equations  
[742.712 SSL Soil Gas Equation for the Outdoor Inhalation Exposure Route](#)  
742.715 RBCA Soil Equations  
[742.717 J&E Soil Gas Equations for the Indoor Inhalation Exposure Route](#)  
742.720 Chemicals with Cumulative Noncarcinogenic Effects

## SUBPART H: TIER 2 GROUNDWATER EVALUATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 742.800 Tier 2 Groundwater Evaluation Overview
- 742.805 Tier 2 Groundwater Remediation Objectives
- | 742.810 [RBCA](#) Calculations to Predict Impacts from Remaining Groundwater Contamination
- | [742.812](#) [J&E Groundwater Equations for the Indoor Inhalation Exposure Route](#)

SUBPART I: TIER 3 EVALUATION

Section

- 742.900 Tier 3 Evaluation Overview
- 742.905 Modifications of Parameters
- 742.910 Alternative Models
- 742.915 Formal Risk Assessments
- 742.920 Impractical Remediation
- 742.925 Exposure Routes
- 742.930 Derivation of Toxicological Data
- | [742.935](#) [Indoor Inhalation Exposure Route](#)

SUBPART J: INSTITUTIONAL CONTROLS

Section

- 742.1000 Institutional Controls
- 742.1005 No Further Remediation Letters
- 742.1010 Environmental Land Use Controls
- 742.1012 Federally Owned Property: Land Use Control Memoranda of Agreement
- 742.1015 Ordinances
- 742.1020 Highway Authority Agreements and Highway Authority Agreement Memoranda of Agreement

SUBPART K: ENGINEERED BARRIERS

Section

- 742.1100 Engineered Barriers
- 742.1105 Engineered Barrier Requirements

[SUBPART L: BUILDING CONTROL TECHNOLOGIES](#)

[Section](#)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<a href="#">742.1200</a>	<a href="#">Building Control Technologies</a>
<a href="#">742.1205</a>	<a href="#">Building Control Technology Proposals</a>
<a href="#">742.1210</a>	<a href="#">Building Control Technology Requirements</a>

## 742.APPENDIX A General

742.ILLUSTRATION A	Developing Soil Remediation Objectives Under the Tiered Approach
742.ILLUSTRATION B	Developing Groundwater Remediation Objectives Under the Tiered Approach
742.TABLE A	Soil Saturation Limits ( $C_{sat}$ ) for Chemicals Whose Melting Point is Less Than 30°C
742.TABLE B	Tolerance Factor (K)
742.TABLE C	Coefficients $\{A_{N-I+1}\}$ for W Test of Normality, for $N=2(1)50$
742.TABLE D	Percentage Points of the W Test for $n=3(1)50$
742.TABLE E	Similar-Acting Noncarcinogenic Chemicals
742.TABLE F	Similar-Acting Carcinogenic Chemicals
742.TABLE G	Concentrations of Inorganic Chemicals in Background Soils
742.TABLE H	Concentrations of Polynuclear Aromatic Hydrocarbon Chemicals in Background Soils
742.TABLE I	Chemicals Whose Tier 1 Class I Groundwater Remediation Objective Exceeds the 1 in 1,000,000 Cancer Risk Concentration
<a href="#">TABLE J</a>	<a href="#">List of TACO Volatile Chemicals for the Indoor Inhalation Exposure Route</a>
<a href="#">TABLE K</a>	<a href="#">Soil Vapor Saturation Limits (<math>C_v^{sat}</math>) for Volatile Chemicals</a>

## 742.APPENDIX B Tier 1 Illustrations and Tables

742.ILLUSTRATION A	Tier 1 Evaluation
742.TABLE A	Tier 1 Soil Remediation Objectives for Residential Properties
742.TABLE B	Tier 1 Soil Remediation Objectives for Industrial/Commercial Properties
742.TABLE C	pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class I Groundwater)
742.TABLE D	pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

742.TABLE E	Groundwater Ingestion Route (Class II Groundwater) Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route
742.TABLE F	Values Used to Calculate the Tier 1 Soil Remediation Objectives for the Soil Component of the Groundwater Ingestion Route
<u>TABLE G</u>	<u>Soil Gas Remediation Objectives for the Outdoor Inhalation Exposure Route</u>
<u>TABLE H</u>	<u>Tier 1 Soil Gas and Groundwater Remediation Objectives for the Indoor Inhalation Exposure Route – Diffusion and Advection</u>
<u>TABLE I</u>	<u>Tier 1 Soil Gas and Groundwater Remediation Objectives for the Indoor Inhalation Exposure Route – Diffusion Only</u>
742.APPENDIX C	Tier 2 Illustrations and Tables
742.ILLUSTRATION A	Tier 2 Evaluation for Soil
742.ILLUSTRATION B	Tier 2 Evaluation for Groundwater
742.ILLUSTRATION C	US Department of Agriculture Soil Texture Classification
742.TABLE A	SSL Equations
742.TABLE B	SSL Parameters
742.TABLE C	RBCA Equations
742.TABLE D	RBCA Parameters
742.TABLE E	Default Physical and Chemical Parameters
742.TABLE F	Methods for Determining Physical Soil Parameters
742.TABLE G	Error Function (erf)
742.TABLE H	Q/C Values <u>by</u> Source Area
742.TABLE I	$K_{oc}$ Values for Ionizing Organics as a Function of pH ( $\text{cm}^3/\text{g}$ or $\text{L}/\text{kg}$ or $\text{cm}^3_{\text{water}}/\text{g}_{\text{soil}}$ )
742.TABLE J	Values to be Substituted for $k_d$ or $k_s$ when Evaluating Inorganics as a Function of pH ( $\text{cm}^3/\text{g}$ or $\text{L}/\text{kg}$ or $\text{cm}^3_{\text{water}}/\text{g}_{\text{soil}}$ )
742.TABLE K	Parameter Estimates for Calculating Water-Filled Soil Porosity ( $\theta_w$ )
<u>742.TABLE L</u>	<u>J&amp;E Equations</u>
<u>742.TABLE M</u>	<u>J&amp;E Parameters</u>
742.APPENDIX D	Highway Authority Agreement
742.APPENDIX E	Highway Authority Agreement Memorandum of Agreement
742.APPENDIX F	Environmental Land Use Control

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

742.APPENDIX G

Model Ordinance

742.APPENDIX H

Memorandum of Understanding

AUTHORITY: Implementing Sections 22.4, 22.12, Title XVI, and Title XVII and authorized by Sections 27 and 58.5 of the Environmental Protection Act [415 ILCS 5/22.4, 22.12, 27, and 58.5 and Title XVI and Title XVII].

SOURCE: Adopted in R97-12(A) at 21 Ill. Reg. 7942, effective July 1, 1997; amended in R97-12(B) at 21 Ill. Reg. 16391, effective December 8, 1997; amended in R97-12(C) at 22 Ill. Reg. 10847, effective June 8, 1998; amended in R00-19(A) at 25 Ill. Reg. 651, effective January 6, 2001; amended in R00-19(B) at 25 Ill. Reg. 10374, effective August 15, 2001; amended in R00-19(C) at 26 Ill. Reg. 2683, effective February 5, 2002; amended in R06-10 at 31 Ill. Reg. 4063, effective February 23, 2007; amended in R06-10 at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

**Section 742.105 Applicability**

- a) Any person, including a person required to perform an investigation pursuant to the Illinois Environmental Protection Act [415 ILCS 5] (Act), may elect to proceed under this Part to the extent allowed by State or federal law and regulations and the provisions of this Part and subject to the exceptions listed in subsection (h) below. A person proceeding under this Part may do so to the extent such actions are consistent with the requirements of the program under which site remediation is being addressed.
- b) This Part is to be used in conjunction with the procedures and requirements applicable to the following programs:
  - 1) Leaking Underground Storage Tanks (35 Ill. Adm. Code 731, 732, and 734);
  - 2) Site Remediation Program (35 Ill. Adm. Code 740); and
  - 3) RCRA Part B Permits and Closure Plans (35 Ill. Adm. Code 724 and 725).
- c) The procedures in this Part may not be used if their use would delay response action to address imminent and substantial threats to human health and the environment. This Part may only be used after actions to address such threats

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

have been completed.

- d) This Part may be used to develop remediation objectives to protect surface waters, sediments or ecological concerns, when consistent with the regulations of other programs, and as approved by the Agency.
- e) A no further remediation determination issued by the Agency prior to July 1, 1997 pursuant to Section 4(y) of the Act or one of the programs listed in subsection (b) of this Section that approves completion of remedial action relative to a release shall remain in effect in accordance with the terms of that determination.
- f) Site specific groundwater remediation objectives determined under this Part for contaminants of concern may exceed the groundwater quality standards established pursuant to the rules promulgated under the Illinois Groundwater Protection Act [415 ILCS 55] as long as done in accordance with Sections 742.805 and 742.900(c)(9). (See 415 ILCS 5/58.5(d)(4))
- g) Where contaminants of concern include polychlorinated byphenyls (PCBs), a person may need to evaluate the applicability of regulations adopted under the Toxic Substances Control Act (15 USC U.S.C. 2601).
- h) This Part may not be used in lieu of the procedures and requirements applicable to landfills under 35 Ill. Adm. Code 807 or 811 through 814.
- i) An evaluation of the indoor inhalation exposure route under this Part addresses the potential of contaminants present in soil gas or groundwater to reach human receptors within buildings. This Part does not address the remediation or mitigation of any contamination within a building from a source other than soil gas or groundwater, such as the building structure itself and products within the building.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.110 Overview of Tiered Approach**

- a) This Part presents an approach for developing remediation objectives (see Appendix A, Illustrations A and B) that include an option for exclusion of pathways from further consideration, use of area background concentrations as remediation objectives and three tiers for selecting applicable remediation

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

objectives. An understanding of human exposure routes is necessary to properly conduct an evaluation under this approach. In some cases, applicable human exposure ~~routes~~route(s) can be excluded from further consideration prior to any tier evaluation. Selecting which tier or combination of tiers to be used to develop remediation objectives is dependent on the site-specific conditions and remediation goals. Tier 1 evaluations and Tier 2 evaluations are not prerequisites to conducting Tier 3 evaluations.

- b) A Tier 1 evaluation compares the concentration of contaminants detected at a site to the corresponding remediation objectives for residential and industrial/commercial properties contained in Appendix B, Tables A, B, C, D ~~and E~~, G, H and I. To complete a Tier 1 evaluation, the extent and concentrations of the contaminants of concern, the groundwater class, the land use classification, human exposure routes at the site, and, if appropriate, soil pH, must be known. If remediation objectives are developed based on industrial/commercial property use, then institutional controls under Subpart J are required.
- c) A Tier 2 evaluation uses the risk based equations from the Soil Screening Level (SSL) model and Risk Based Corrective Action (RBCA) model and modified Johnson and Ettinger (J&E) model) documents listed in Appendix C, Tables A, ~~and C and I~~, respectively. In addition to the information that is required for a Tier 1 evaluation, site-specific information is used to calculate Tier 2 remediation objectives. As in Tier 1, Tier 2 evaluates residential and industrial/commercial properties only. If remediation objectives are developed based on industrial/commercial property use, then institutional controls under Subpart J are required.
- d) A Tier 3 evaluation allows alternative parameters and factors, not available under a Tier 1 or Tier 2 evaluation, to be considered when developing remediation objectives. Remediation objectives developed for conservation and agricultural properties can only be developed under Tier 3.
- e) Remediation objectives may be developed using area background concentrations or any of the three tiers if the evaluation is conducted in accordance with applicable requirements in Subparts D through I. When contaminant concentrations do not exceed remediation objectives developed under one of the tiers or area background procedures under Subpart D, further evaluation under any of the other tiers is not required.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.115 Key Elements**

To develop remediation objectives under this Part, the following key elements shall be addressed.

- a) Exposure Routes
  - 1) This Part identifies the following as potential exposure routes to be addressed:
    - A) ~~Outdoor inhalation~~Inhalation;
    - B) Indoor inhalation;
    - ~~C)B)~~ Soil ingestion;
    - ~~D)E)~~ Groundwater ingestion; and
    - ~~E)D)~~ Dermal contact with soil.
  - 2) The evaluation of exposure routes under subsections (a)(1)(A), (a)(1)(B), ~~and (a)(1)(C)~~ and (a)(1)(D) of this Section is required for all sites when developing remediation objectives or excluding exposure pathways. Evaluation of the dermal contact exposure route is required for use of RBCA equations in Appendix C, Table C or use of formal risk assessment under Section 742.915.
  - 3) The groundwater ingestion exposure route is comprised of two components:
    - A) Migration from soil to groundwater (soil component); and
    - B) Direct ingestion of groundwater (groundwater component).
  - 4) The outdoor inhalation route is comprised of two components:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Migration from soil through soil gas to outdoor air (soil component); and
- B) Migration from soil gas to outdoor air (soil gas component).
- 5) The indoor inhalation exposure route is comprised of two components:
  - A) Migration from soil gas to indoor air (soil gas component); and
  - B) Migration from groundwater through soil gas to indoor air (groundwater component).

## b) Contaminants of Concern

The contaminants of concern to be remediated depend on the following:

- 1) The materials and wastes managed at the site;
- 2) The extent of the no further remediation determination being requested from the Agency pursuant to a specific program; and
- 3) The requirements applicable to the specific program, as listed at Section 742.105(b) under which the remediation is being performed.

## c) Land Use

The present and post-remediation uses of the site where exposures may occur shall be evaluated. The land use of a site, or portion thereof, shall be classified as one of the following:

- 1) Residential property;
- 2) Conservation property;
- 3) Agricultural property; or
- 4) Industrial/commercial property.

d) Environmental Media of Concern

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

This Part provides procedures for developing remediation objectives for the following environmental media:

- 1) Soil;
- 2) Soil gas;
- 3) Groundwater.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GENERAL

**Section 742.200 Definitions**

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

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

"ADL" means Acceptable Detection Limit, which is the detectable concentration of a substance that is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Agency" means the Illinois Environmental Protection Agency.

"Agricultural Property" means any real property for which its present or post-remediation use is for growing agricultural crops for food or feed either as harvested crops, cover crops or as pasture. This definition includes, but is not limited to, properties used for confinement or grazing of livestock or poultry and for silviculture operations. Excluded from this definition are farm residences, farm outbuildings and agrichemical facilities.

"Aquifer" means *saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients.* (Illinois Groundwater Protection Act [415 ILCS 55/3(a)])

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Area Background" means *concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.* [415 ILCS 5/58.2]

"ASTM" means the American Society for Testing and Materials.

"Board" means the Illinois Pollution Control Board.

"Building" means a man-made structure with an enclosing roof and enclosing walls, except for windows and doors, that is fit for any human occupancy for at least six consecutive months.

"Building Control Technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing contaminant migration to the indoor air.

"Cancer Risk" means a unitless probability of an individual developing cancer from a defined exposure rate and frequency.

"Cap" means a barrier designed to prevent the infiltration of precipitation or other surface water, or impede the ingestion or inhalation of contaminants.

"Capillary Fringe" means the zone above the water table in which water is held by surface tension. Water in the capillary fringe is under a pressure less than atmospheric.

"Carcinogen" means *a contaminant that is classified as a category A1 or A2 carcinogen by the American Conference of Governmental Industrial Hygienists; a category 1 or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; a "human carcinogen" or "anticipated human carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a category A or B1/B2 carcinogen or as "carcinogenic to humans" or "likely to be carcinogenic to humans" by the United States Environmental Protection Agency in the integrated risk information system or a final rule issued in a Federal Register notice by the USEPA.* [415 ILCS 5/58.2]

"Class I Groundwater" means groundwater that meets the Class I: Potable

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Class II Groundwater" means groundwater that meets the Class II: General Resource Groundwater criteria set forth in 35 Ill. Adm. Code 620.

"Conservation Property" means any real property for which present or post-remediation use is primarily for wildlife habitat.

"Construction Worker" means a person engaged on a temporary basis to perform work involving invasive construction activities including, but not limited to, personnel performing demolition, earth-moving, building, and routine and emergency utility installation or repair activities.

"Contaminant of Concern" or "Regulated Substance of Concern" means *any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the person conducting a remediation based upon reasonable inquiry.* [415 ILCS 5/58.2]

"County Highway" means county highway as defined in the Illinois Highway Code [605 ILCS 5].

"District Road" means district road as defined in the Illinois Highway Code [605 ILCS 5].

"Engineered Barrier" means a barrier designed or verified using engineering practices that limits exposure to or controls migration of the contaminants of concern.

"Environmental Land Use Control" means an instrument that meets the requirements of this Part and is placed in the chain of title to real property that limits or places requirements upon the use of the property for the purpose of protecting human health or the environment, is binding upon the property owner, heirs, successors, assigns, and lessees, and runs in perpetuity or until the Agency approves, in writing, removal of the limitation or requirement from the chain of title.

"Exposure Route" means the transport mechanism by which a contaminant of concern reaches a receptor.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Federally Owned Property" means real property owned in fee by the United States of America on which institutional controls are sought to be placed in accordance with this Subpart.

"Federal Landholding Entity" means that federal department, agency, or instrumentality with the authority to occupy and control the day-to-day use, operation and management of Federally Owned Property.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

*"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. [415 ILCS 5/3.64]*

"Groundwater Quality Standards" means the standards for groundwater as set forth in 35 Ill. Adm. Code 620.

"Hazard Quotient" means the ratio of a single substance exposure level during a specified time period to a reference dose for that substance derived from a similar exposure period.

*"Highway" means any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street". (Illinois Highway Code [605 ILCS 5/2-*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

202])

"Highway Authority" means *the Department of Transportation with respect to a State highway; the Illinois State Toll Highway with respect to a toll highway; the County Board with respect to a county highway or a county unit district road if a discretionary function is involved and the County Superintendent of Highways if a ministerial function is involved; the Highway Commissioner with respect to a township or district road not in a county unit road district; or the corporate authorities of a municipality with respect to a municipal street.* (Illinois Highway Code [605 ILCS 5/2-213])

"Human Exposure Pathway" means a physical condition which may allow for a risk to human health based on the presence of all of the following: contaminants of concern; an exposure route; and a receptor activity at the point of exposure that could result in contaminant of concern intake.

"Industrial/Commercial Property" means any real property that does not meet the definition of residential property, conservation property or agricultural property.

"Infiltration" means the amount of water entering into the ground as a result of precipitation.

"Institutional Control" means a legal mechanism for imposing a restriction on land use, as described in Subpart J.

"Land Use Control Memoranda of Agreement" mean agreements entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limit or place requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment.

"Man-Made Pathways" means *constructed physical conditions that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility or elevator vaults, building foundations, basements, crawl spaces, drainage ditches, ~~or~~ previously excavated and filled areas or sumps.* [415 ILCS 5/58.2]

"Natural Pathways" means *natural physical conditions that may allow for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.* [415 ILCS 5/58.2]

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

"Point of Human Exposure" means the points at which human exposure to a contaminant of concern may reasonably be expected to occur. The point of human exposure is at the source, unless an institutional control limiting human exposure for the applicable exposure route has been or will be in place, in which case the point of human exposure will be the boundary of the institutional control. Point of human exposure may be at a different location than the point of compliance.

"Populated Area" means:

an area within the boundaries of a municipality that has a population of 10,000 or greater based on the year 2000 or most recent census; or

an area less than three miles from the boundary of a municipality that has a population of 10,000 or greater based on the year 2000 or most recent census.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices.* (Illinois Groundwater Protection Act [415 ILCS 55/3(h)])

"PQL" means practical quantitation limit or estimated quantitation limit, which is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference in Section 742.210. When applied to filtered water samples, PQL includes the method detection limit or estimated detection limit in accordance with the applicable method revision in: "Methods for the Determination of Organic Compounds in Drinking Water", Supplement II", EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference in Section 742.210.

"Q<sub>soil</sub>" means the volumetric flow rate of soil gas from the subsurface into the enclosed building space.

"RBCA" means Risk Based Corrective Action as defined in ASTM E-1739-95, as incorporated by reference in Section 742.210.

"RCRA" means the Resource Conservation and Recovery Act of 1976 (42 USC 6921).

"Reference Concentration" or "RfC" means an estimate of a daily exposure, in units of milligrams of chemical per cubic meter of air (mg/m<sup>3</sup>), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Reference Dose" or "RfD" means an estimate of a daily exposure, in units of milligrams of chemical per kilogram of body weight per day (mg/kg/d), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

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

"Residential Property" means *any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil-ingestion or inhalation (indoor or outdoor) at educational facilities, health care facilities, child care facilities or outdoor-recreational areas.* [415 ILCS 5/58.2]

"Right of Way" means *the land, or interest therein, acquired for or devoted to a*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*highway.* (Illinois Highway Code [605 ILCS 5/2-217])

"Saturated Zone" means a subsurface zone in which all the interstices or voids are filled with water under pressure greater than that of the atmosphere.

"Similar-Acting Chemicals" are chemical substances that have toxic or harmful effect on the same specific organ or organ system (see Appendix A.Tables E and F for a list of similar-acting chemicals with noncarcinogenic and carcinogenic effects).

"Site" means *any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way.* [415 ILCS 5/58.2]

"Slurry Wall" means a man-made barrier made of geologic material which is constructed to prevent or impede the movement of contamination into a certain area.

"Soil Gas" means the air existing in void spaces in the soil between the groundwater table and the ground surface.

"Soil Saturation Limit" or " $C_{sat}$ " means the contaminant concentration at which the absorptive limits of the soil particles, the solubility limits of the available soil moisture, and saturation of soil pore air have been reached. Above the soil saturation concentration, the assumptions regarding vapor transport to air and/or dissolved phase transport to groundwater (for chemicals that are liquid at ambient soil temperatures) do not apply, and alternative modeling approaches are required ~~the contaminant concentration at which soil pore air and pore water are saturated with the chemical and the adsorptive limits of the soil particles have been reached.~~

"Soil Vapor Saturation Limit" or " $C_v^{sat}$ " means the maximum vapor concentration that can exist in the soil pore air at a given temperature and pressure.

"Solubility" means a chemical specific maximum amount of solute that can dissolve in a specific amount of solvent (groundwater) at a specific temperature.

"SPLP" means Synthetic Precipitation Leaching Procedure (Method 1312) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 742.210.

"SSL" means Soil Screening Levels as defined in USEPA's Soil Screening Guidance: User's Guide and Technical Background Document, as incorporated by reference in Section 742.210.

"State ~~Highway~~highway" means State highway as defined in the Illinois Highway Code [605 ILCS 5].

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"Street" means street as defined in the Illinois Highway Code [605 ILCS 5].

"TCLP" means Toxicity Characteristic Leaching Procedure (Method 1311) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"Toll ~~Highway~~highway" means toll highway as defined in the Illinois Highway Code [605 ILCS 5].

"Total Petroleum Hydrocarbon" or "TPH" means the additive total of all petroleum hydrocarbons found in an analytical sample.

"Township ~~Road~~road" means township road as defined in the Illinois Highway Code [605 ILCS 5].

"Unconfined Aquifer" means an aquifer whose upper surface is a water table free to fluctuate under atmospheric pressure.

"Volatile Chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than  $1.9 \times 10^{-2}$  or a vapor pressure greater than 0.1 Torr

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental mercury is included in this definition.

~~"Volatile Organic Compounds" or "VOCs" means organic chemical analytes identified as volatiles as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846 (incorporated by reference in Section 742.210), method numbers 8011, 8015B, 8021B, 8031, 8260B, 8315A, and 8316. For analytes not listed in any category in those methods, those analytes which have a boiling point less than 200°C and a vapor pressure greater than 0.1 Torr (mm Hg) at 20°C.~~

"Water Table" means the top water surface of an unconfined aquifer at atmospheric pressure.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.210 Incorporations by Reference**

- a) The Board incorporates the following material by reference:

Agency for Toxic Substances and Disease Registry (ATSDR) Minimal Risk Levels (MRLs), U.S. Environmental Protection Agency, 1600 Clifton Road, Mailstop F32, Atlanta, Georgia 30333, (770)488-3357 (November 2007).

ASTM International. ~~American Society for Testing and Materials~~, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, (610)832-9585.

ASTM D 2974-00, Standard Test Methods for Moisture, Ash and Organic Matter of Peat and Other Organic Soils, approved August 10, 2000.

ASTM D 2488-00, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved February 10, 2000.

ASTM D 1556-00, Standard Test Method for Density and Unit Weight of Soil in Place by the Sand-Cone Method, approved March 10, 2000.

ASTM D 2167-94, Standard Test Method for Density and Unit Weight of Soil in Place by the Rubber Balloon Method, approved March 15, 1994.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

ASTM D 2922-01, Standard Test Methods for Density of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth), approved June 10, 2001.

ASTM D 2937-00e1, Standard Test Method for Density of Soil in Place by the Drive-Cylinder Method, approved June 10, 2000.

ASTM D 854-02, Standard Test Methods for Specific Gravity of Soil Solids by Water Pycnometer, approved July 10, 2002.

ASTM D 2216-98, Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass, approved February 10, 1998.

ASTM D 4959-00, Standard Test Method for Determination of Water (Moisture) Content of Soil by Direct Heating, approved March 10, 2000.

ASTM D 4643-00, Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method, approved February 10, 2000.

ASTM D 5084-03, Standard Test Methods for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter, approved November 1, 2003.

ASTM D 422-63 (2002), Standard Test Method for Particle-Size Analysis of Soils, approved November 10, 2002.

ASTM D 1140-00, Standard Test Methods for Amount of Material in Soils Finer than the No. 200 (75  $\mu$ m) Sieve, approved June 10, 2000.

ASTM D 3017-01, Standard Test Method for Water Content of Soil and Rock in Place by Nuclear Methods (Shallow Depth), approved June 10, 2001.

ASTM D 4525-90 (2001), Standard Test Method for Permeability of Rocks by Flowing Air, approved May 25, 1990.

ASTM D 2487-00, Standard Classification of Soils for Engineering

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Purposes (Unified Soil Classification System), approved March 10, 2000.

[ASTM D 1945-03, Standard Test Method for Analysis of Natural Gas by Gas Chromatography, approved May 10, 2003.](#)

[ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved June 1, 2006.](#)

ASTM E 1527-00, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved May 10, 2000. Vol. 11.04.

ASTM E 1739-95 (2002), Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites, approved September 10, 1995.

[ASTM E 2121-09, Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings, approved November 1, 2009.](#)

[ASTM E 2600-08, Standard Practice for Assessment for Vapor Intrusion into Structures on Property Involved in Real Estate Transactions, approved March 1, 2008.](#)

[API. American Petroleum Institute, 1220 L Street, NW, Washington DC 20005-4070 \(202\)682-8000.](#)

[BIOVAPOR-A 1-D Vapor Intrusion Model with Oxygen-Limited Aerobic Biodegradation, Version 2.0 \(January 2010\).](#)

Barnes, Donald G. and Dourson, Michael. (1988). Reference Dose (RfD): Description and Use in Health Risk Assessments. Regulatory Toxicology and Pharmacology. 8, 471-486.

[EPRI. Electric Power Research Institute. 3420 Hillview Avenue, Palo Alto, California 94304. \(650\)855-2121.](#)

[Polycyclic Aromatic Hydrocarbons \(PAHs\) in Surface Soil in Illinois: Background PAHs, EPRI, Palo Alto CA, We Energies, Milwaukee WI and IEPA, Springfield IL: 2004. 1011376.](#)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

[Reference Handbook for Site-Specific Assessment of Subsurface Vapor Intrusion to Indoor Air, Electric Power Research Institute \(EPRI\), Inc., Program No. 1008492 \(March 2005\).](#)

GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, (202)783-3238.

USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, Final Update IIIA, April 1998), as amended by Updates I, IIA, III, and IIIA (Document No. 955-001-00000-1).

"Methods for the Determination of Organic Compounds in Drinking Water", EPA Publication No. EPA/600/4-88/039 (December 1988 (Revised July 1991)).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement I", EPA Publication No. EPA/600/4-90/020 (July 1990).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", EPA Publication No. EPA/600/R-92/129 (August 1992).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131 (August 1995).

"Guidance for Data Quality Assessment, Practical Methods for Data Analysis, EPA QA/G-9, QAOO Update," EPA/600/R-96/084 (July 2000). Available at [www.epa.gov/quality/qs-docs/g9-final.pdf](http://www.epa.gov/quality/qs-docs/g9-final.pdf).

["Assessment of Vapor Intrusion in Homes Near the Raymark Superfund Site Using Basement and Sub-Slab Air Samples", EPA Publication No. EPA/600/R-05/147 \(March 2006\).](#)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Model Standards and Techniques for Control of Radon in New Residential Buildings" EPA Publication No. EPA/402/R-94/009 (March 1994).

"Radon Reduction Techniques for Existing Detached Houses: Technical Guidance (Third Edition) for Active Soil Depressurization Systems", EPA Publication No. EPA/625/R-93/011 (October 1993).

Illinois Environmental Protection Agency, 1021 N. Grand Ave East, Springfield IL 62701, (217)785-0830.

"A Summary of Selected Background Conditions for Inorganics in Soil", Publication No. IEPA/ENV/94-161 (August 1994).

IRIS. Integrated Risk Information System, National Center for Environmental Assessment, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH 45268, (513)569-7254.

"Reference Dose (RfD): Description and Use in Health Risk Assessments", Background Document 1A (March 15, 1993).

"EPA Approach for Assessing the Risks Associated with Chronic Exposures to Carcinogens", Background Document 2 (January 17, 1992).

Johnson, Paul C. (2005). Identification of Application Specific Critical Inputs for the 1991 Johnson and Ettinger Vapor Intrusion Algorithm. Ground Water Monitoring and Remediation. 25(1), 63-78.

Murray, Donald M. and Burmaster, David E. (1995). Residential Air Exchange Rates in the United States: Empirical and Estimated Parametric Distributions by Season and Climatic Region. Risk Analysis. 15(4), 459-465.

Nelson, D.W., and L.E. Sommers (1982). Total carbon, organic carbon, and organic matter. In: A.L. Page (ed.), Methods of Soil Analysis. Part 2. Chemical and Microbiological Properties. 2<sup>nd</sup> Edition, pp. 539-579, American Society of Agronomy. Madison, WI.

NTIS. National Technical Information Service, 5285 Port Royal Road,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Springfield, VA 22161, (703)487-4600.

"Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites," USEPA Office of Emergency and Remedial Response, OSWER 9285.6-10 (December 2002), PB 2003-104982.

~~"Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils", OSWER Draft Guidance. EPA Publication No. EPA/530D-02/004 (November 2002).~~

"Exposures Factors Handbook, Vol. I: General Factors", EPA Publication No. EPA/600/P-95/002Fa (August 1997).

"Exposures Factors Handbook, Vol. II: Food Ingestion Factors", EPA Publication No. EPA/600/P-95/002Fb (August 1997).

"Exposures Factors Handbook, Vol. III: Activity Factors", EPA Publication No. EPA/600/P-95/002Fc (August 1997).

"Risk Assessment Guidance for Superfund, Vol. I: Human Health Evaluation Manual, Supplemental Guidance: Standard Default Exposure Factors", OSWER Directive 9285.6-03 (March 1991).

"Rapid Assessment of Exposure to Particulate Emissions from Surface Contamination Sites", EPA Publication No. EPA/600/8-85/002 (February 1985), PB 85-192219.

~~"Risk Assessment Guidance for Superfund, Volume I: Human Health Evaluation Manual (Part A)", Interim Final, EPA Publication No. EPA/540/1-89/002 (December 1989).~~

~~"Risk Assessment Guidance for Superfund, Volume I: Human Health Evaluation Manual, Supplemental Guidance, Dermal Risk Assessment Interim Guidance", Draft (August 18, 1992).~~

"Risk Assessment Guidance for Superfund, Vol. I: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment) ~~Final Interim~~", EPA Publication No. EPA/540/R/99/005 (~~July 2004~~ September 2001).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Risk Assessment Guidance for Superfund, Vol. 1: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment) Final", EPA Publication No. 540-R-070-002 (January 2009).

"Soil Screening Guidance: Technical Background Document", EPA Publication No. EPA/540/R-95/128, PB 96-963502 (May 1996).

"Soil Screening Guidance: User's Guide", EPA Publication No. EPA/540/R-96/018, PB 96-963505 (April 1996).

"Superfund Exposure Assessment Manual", EPA Publication No. EPA/540/1-88/001 (April 1988).

"Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites", OSWER Directive 9355.4-24 (December 2002).

"Users Guide for Evaluating Subsurface Vapor Intrusion into Buildings", EPA. EPA/68/W-02/33 (February 2004).

Polynuclear Aromatic Hydrocarbon Background Study, City of Chicago, Illinois, Tetra Tech Em Inc., 200 E. Randolph Drive, Suite 4700, Chicago, IL 60601, February 24, 2003.

~~Polycyclic Aromatic Hydrocarbons (PAHs) in Surface Soil in Illinois: Background PAHs, EPRI, Palo Alto, CA, We Energies, Milwaukee, WI, and IEPA, Springfield, IL: 2004. 1011376. EPRI, 3412 Hillview Avenue, Palo Alto, CA 94304, (800) 313-3774.~~

RCRA Facility Investigation Guidance, Interim Final, developed by USEPA (EPA 530/SW-89-031), 4 volumes (May 1989).

United States Environmental Protection Agency, Office of Environmental Information (2000). "Guidance for Data Quality Assessment, Practical Methods for Data Analysis," EPA QA/G-9, QAOO update. EPA Publication No. EPA/600/R-96-084. (Available online at [www.epa.gov/oswer/riskassessment/pdf/ucl.pdf](http://www.epa.gov/oswer/riskassessment/pdf/ucl.pdf)).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

United States Environmental Protection Agency, Office of Solid Waste and Emergency Response (2003). "Human Health Toxicity Values in Superfund Risk Assessments," OSWER Directive 9285.7-53. (Available at <http://www.epa.gov/oswer/riskassessment/pdf/hhmemo.pdf>.)

United States Environmental Protection Agency, Compendium of Methods for Determination of Toxic Organic Compounds in Ambient Air, Second Edition, EPA Publication No. EPA/625/R-96/010b, January 1999, available at <http://www.epa.gov/ttnamti1/files/ambient/airtox/tocomp99.pdf>.

United States Environmental Protection Agency, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 through Revision IVB (February 2007), available at <http://www.epa.gov/sw-846/main.htm>.

United States Environmental Protection Agency, CFR Promulgated Test Methods, Methods 3C and 16, Technology Transfer Network, Emission Measurement Center (2007), available at <http://www.epa.gov/ttn/emc/promgate.html>.

United States Environmental Protection Agency (2005). "Guidelines for Carcinogen Risk Assessment (2005)". U.S. Environmental Protection Agency, Washington, DC, EPA Publication No. EPA/630/P-03/001F, 2005. (Available at <http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=116283>.)

"Vapor Intrusion Pathway: A Practical Guide", Technical and Regulatory Guidance. Interstate Technology and Regulatory Council (January 2007).

- b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202)783-3238:

40 CFR 761 (1998).

- c) This Section incorporates no later editions or amendments.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.220 Determination of Soil Saturation Limit**

- a) For any organic contaminant that has a melting point below 30°C, the remediation

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

objective for the **outdoor** inhalation exposure route developed under Tier 2 shall not exceed the soil saturation limit, as determined under subsection (c) of this Section.

- b) For any organic contaminant that has a melting point below 30°C, the remediation objective under Tier 2 for the soil component of the groundwater ingestion exposure route shall not exceed the soil saturation limit, as determined under subsection (c) of this Section.
- c) The soil saturation limit shall be:
  - 1) The value listed in Appendix A, Table A for that specific contaminant;
  - 2) A value derived from Equation S29 in Appendix C, Table A; or
  - 3) A value derived from another method approved by the Agency.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.222 Determination of Soil Vapor Saturation Limit**

- a) For any volatile chemical, the soil gas remediation objective for the indoor and outdoor inhalation exposure routes developed under Tier 2 shall not exceed the soil vapor saturation limit, as determined under subsection (b).
- b) The soil vapor saturation limit shall be:
  - 1) The value listed in Appendix A, Table K for that specific contaminant;
  - 2) A value derived from Equation J&E5 in Appendix C, Table L; or
  - 3) A value derived from another method approved by the Agency.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.225 Demonstration of Compliance with Soil and Groundwater Remediation Objectives**

Compliance with soil and groundwater remediation objectives is achieved if each sample result

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

does not exceed that respective remediation objective unless a person elects to proceed under subsections (c), (d) and (e) of this Section.

- a) Compliance with groundwater remediation objectives developed under Subparts D through F and H through I shall be demonstrated by comparing the contaminant concentrations of discrete samples at each sample point to the applicable groundwater remediation objective. Sample points shall be determined by the program under which remediation is performed.
- b) Unless the person elects to composite samples or average sampling results as provided in subsections (c) and (d) of this Section, compliance with soil remediation objectives developed under Subparts D through G and I shall be demonstrated by comparing the contaminant concentrations of discrete samples to the applicable soil remediation objective.
  - 1) Except as provided in subsections (c) and (d) of this Section, compositing of samples is not allowed.
  - 2) Except as provided in subsections (c) and (d) of this Section, averaging of sample results is not allowed.
  - 3) Notwithstanding subsections (c) and (d) of this Section, compositing of samples and averaging of sample results is not allowed for the construction worker population.
  - 4) The number of sampling points required to demonstrate compliance is determined by the requirements applicable to the program under which remediation is performed.
- c) If a person chooses to composite soil samples or average soil sample results to demonstrate compliance relative to the soil component of the groundwater ingestion exposure route, the following requirements apply:
  - 1) A minimum of two sampling locations for every 0.5 acre of contaminated area is required, with discrete samples at each sample location obtained at every two feet of depth, beginning at six inches below the ground surface for surface contamination and at the upper limit of contamination for subsurface contamination and continuing through the zone of contamination. Alternatively, a sampling method may be approved by the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Agency based on an appropriately designed site-specific evaluation. Samples obtained at or below the water table shall not be used in compositing or averaging.

- 2) For contaminants of concern other than volatile ~~chemicals~~organic ~~contaminants~~:
    - A) Discrete samples from the same boring may be composited; or
    - B) Discrete sample results from the same boring may be averaged.
  - 3) For volatile ~~chemicals~~organic ~~contaminants~~:
    - A) Compositing of samples is not allowed.
    - B) Discrete sample results from the same boring may be averaged.
  - 4) Composite samples may not be averaged. An arithmetic average may be calculated for discrete samples collected at every two feet of depth through the zone of contamination as specified in subsection (c)(1) of this Section.
- d) If a person chooses to composite soil samples or average soil sample results to demonstrate compliance relative to the ~~outdoor inhalation~~inhalation exposure route or ingestion exposure route, the following requirements apply:
- 1) A person shall submit a sampling plan for Agency approval, based upon a site-specific evaluation;
  - 2) For volatile ~~chemicals~~organic ~~compounds~~, compositing of samples is not allowed;
  - 3) All samples shall be collected within the contaminated area~~;~~:-
  - 4) Composite samples may not be averaged. Procedures specified in "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites", USEPA Office of Emergency and Remedial Response, OSWER 9285.6-10 (December 2002), as incorporated by reference in Section 742.210, or an alternative procedure approved by the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Agency, shall be used to determine sample averages.

- e) When averaging under this Section, if no more than 15% of sample results are reported as "non-detect", "no contamination", "below detection limits", or similar terms, such results shall be included in the averaging calculations as one-half the reported analytical detection limit for the contaminant. However, when performing a test for normal or lognormal distribution for the purpose of calculating a 95% Upper Confidence Limit of the mean for a contaminant, a person may substitute for each non-detect value a randomly generated value between, but not including, zero and the reported analytical detection limit. If more than 15% of sample results are "non-detect", procedures specified in "Guidance for Data Quality Assessment, Practical Methods for Data Analysis, EPA QA/G-9, QA00 Update", EPA/600/R-96/084 (July 2000), as incorporated by reference in Section 742.210, or an alternative procedure approved by the Agency shall be used to address the non-detect values, or another statistically valid procedure approved by the Agency may be used to determine an average.
- f) All soil samples collected after August 15, 2001, shall be reported on a dry weight basis for the purpose of demonstrating compliance, with the exception of the TCLP and SPLP and the property pH.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.227 Demonstration of Compliance with Soil Gas Remediation Objectives for the Outdoor and Indoor Inhalation Exposure Routes**

Compliance shall be demonstrated by comparing the contaminant concentrations of discrete samples at each sample point to the applicable soil gas remediation objective. As specified in Section 742.510(c), the soil gas remediation objectives for the outdoor inhalation exposure route are contained in Appendix B, Table G. As specified in Section 742.515, the soil gas remediation objectives for the indoor inhalation exposure route are contained in Appendix B, Tables H and I. This Section applies to exterior soil gas samples or near-slab samples collected outside a building. Proposals to use sub-slab soil gas data for the indoor inhalation exposure route shall follow Section 742.935(c).

- a) Sample points shall be determined by the program under which remediation is performed.
- b) When collecting soil gas samples:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Use rigid-wall tubing made of nylon or Teflon<sup>®</sup> or other material approved by the Agency;
  - 2) Use gas-tight, inert containers to hold the sample. For light sensitive or halogenated volatile chemicals, these containers shall be opaque or dark-colored;
  - 3) Purge three volumes before obtaining each discrete soil gas sample;
  - 4) Use a helium tracer or other leak apparatus detection system approved by the Agency; and
  - 5) Limit the flow rate to 200 ml/min.
- c) Soil gas samples shall be analyzed using a National Environmental Laboratory Accreditation Program (NELAP) certified laboratory.
  - d) Soil gas remediation objectives shall be compared to concentrations of soil gas collected at a depth at least 3 feet below ground surface and above the saturated zone.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: EXPOSURE ROUTE EVALUATIONS

**Section 742.305 Contaminant Source and Free Product Determination**

No exposure route shall be excluded from consideration relative to a contaminant of concern unless the following requirements are met:

- a) The sum of the concentrations of all organic contaminants of concern shall not exceed the attenuation capacity of the soil as determined under Section 742.215;
- b) The concentrations of any organic contaminants of concern remaining in the soil shall not exceed the soil saturation limit as determined under Section 742.220;
- c) Any soil which contains contaminants of concern shall not exhibit any of the characteristics of reactivity for hazardous waste as determined under 35 Ill. Adm.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Code 721.123;

- d) Any soil which contains contaminants of concern shall not exhibit a pH less than or equal to 2.0 or greater than or equal to 12.5, as determined by SW-846 Method 9040B: pH Electrometric for soils with 20% or greater aqueous (moisture) content or by SW-846 Method 9045C: Soil pH for soils with less than 20% aqueous (moisture) content as incorporated by reference in Section 742.210;
- e) Any soil which contains contaminants of concern in the following list of inorganic chemicals or their salts shall not exhibit any of the characteristics of toxicity for hazardous waste as determined by 35 Ill. Adm. Code 721.124: arsenic, barium, cadmium, chromium, lead, mercury, selenium or silver; ~~and~~
- f) If contaminants of concern include polychlorinated biphenyls (PCBs), the concentration of any PCBs in the soil shall not exceed 50 parts per million as determined by SW-846 Methods; ~~and-~~
- g) The concentration of any contaminant of concern in soil gas shall not exceed 10% of its Lower Explosive Limit (LEL) as measured by a hand held combustible gas indicator that has been calibrated to manufacturer specifications.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.310 Outdoor Inhalation Exposure Route**

The outdoor inhalation exposure route may be excluded from consideration if:

- a) The requirements in subsection (a)(1) or (a)(2) are met:
  - 1) An approved engineered barrier is in place that meets the requirements of Subpart K; or
  - 2) The only contaminants of concern are benzene, toluene, ethylbenzene, and total xylenes, and a demonstration of active biodegradation has been made for benzene, toluene, ethylbenzene, and total xylenes such that no outdoor inhalation exposure will occur. This demonstration shall be submitted to the Agency for review and approval;
- b)a) The requirements of Sections 742.300 and 742.305 are met;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~An approved engineered barrier is in place that meets the requirements of Subpart K;~~
- c) Safety precautions for the construction worker are taken if the Tier 1 construction worker remediation objectives are exceeded; and
- d) An institutional control, in accordance with Subpart J, will be placed on the property.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.312 Indoor Inhalation Exposure Route**

The indoor inhalation exposure route may be excluded from consideration if:

- a) None of the contaminants of concern are listed on Appendix A, Table J and none of the contaminants of concern are volatile chemicals, as defined in Section 742.200; or
- b) The requirements in subsections (b)(1)(A), (B) or (C) and (b)(2) and (b)(3) are met:
  - 1) Exclusion options when the contaminants of concern are volatile chemicals:
    - A) No building or man-made pathway exists or will be placed above the contaminated soil gas or groundwater; or
    - B) An approved building control technology is in place or will be placed that meets the requirements of Subpart L; or
    - C) If the contaminants of concern are benzene, toluene, ethylbenzene, and total xylenes only, a demonstration of active biodegradation has been made for benzene, toluene, ethylbenzene, and total xylenes such that no indoor inhalation exposure will occur. This demonstration shall be submitted to the Agency for review and approval;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) The requirements of Sections 742.300 and 742.305 are met; and
- 3) An institutional control, in accordance with Subpart J, will be placed on the property.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: DETERMINING AREA BACKGROUND

**Section 742.405 Determination of Area Background for Soil**

- a) Soil sampling results shall be obtained for purposes of determining area background levels in accordance with the following procedures:
  - 1) For volatile ~~chemicals~~organic contaminants, sample results shall be based on discrete samples;
  - 2) Unless an alternative method is approved by the Agency, for contaminants other than volatile ~~chemicals~~organic contaminants, sample results shall be based on discrete samples or composite samples. If a person elects to use composite samples, each 0.5 acre of the area to be sampled shall be divided into quadrants and 5 aliquots of equal volume per quadrant shall be composited into 1 sample;
  - 3) Samples shall be collected from similar depths and soil types, which shall be consistent with the depths and soil types in which maximum levels of contaminants are found in the areas of known or suspected releases; and
  - 4) Samples shall be collected from areas of the site or adjacent to the site that are unaffected by known or suspected releases at or from the site. If the sample results show an impact from releases at or from the site, then the sample results shall not be included in determining area background levels under this Part.
- b) Area background shall be determined according to one of the following approaches:
  - 1) Statewide Area Background Approach:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) The concentrations of inorganic chemicals in background soils listed in Appendix A, Table G may be used as the upper limit of the area background concentration for the site. The first column to the right of the chemical name presents inorganic chemicals in background soils for counties within Metropolitan Statistical Areas. Counties within Metropolitan Statistical Areas are identified in Appendix A, Table G, Footnote a. Sites located in counties outside Metropolitan Statistical Areas shall use the concentrations of inorganic chemicals in background soils shown in the second column to the right of the chemical name.
- B) Soil area background concentrations determined according to this statewide area background approach shall be used as provided in Section 742.415(b) of this Part. For each parameter whose sampling results demonstrate concentrations above those in Appendix A, Table G, the person shall develop appropriate soil remediation objectives in accordance with this Part, or may determine area background in accordance with subsection (b)(2) of this Section.
- 2) A statistically valid approach for determining area background concentrations appropriate for the characteristics of the data set, and approved by the Agency.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: TIER 1 EVALUATION

**Section 742.500 Tier 1 Evaluation Overview**

- a) A Tier 1 evaluation compares the concentration of each contaminant of concern detected at a site to the baseline remediation objectives provided in Appendix B, Tables A, B, C, D, ~~and~~ E, G, H and I. Use of Tier 1 remediation objectives requires only limited site-specific information: concentrations of contaminants of concern, groundwater classification, land use classification, and, if appropriate, soil pH. (See Appendix B, Illustration A.)
- b) Although Tier 1 allows for differentiation between residential and industrial/commercial property use of a site, an institutional control under Subpart

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

J is required where remediation objectives are based on an industrial/commercial property use.

- c) Any given exposure route is not a concern if the concentration of each contaminant of concern detected at the site is below the Tier 1 value of that given route. In such a case, no further evaluation of that route is necessary.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

| **Section 742.505 Tier 1 Soil, Soil Gas and Groundwater Remediation Objectives**

a) Soil

| 1) Outdoor Inhalation Exposure Route

A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.

B) The Tier 1 soil remediation objectives for this exposure route based upon industrial/commercial property use are listed in Appendix B, Table B. Soil remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.

| C) For this exposure route, it is acceptable to determine compliance by meeting either the soil or soil gas remediation objectives.

2) Ingestion Exposure Route

A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.

B) The Tier 1 soil remediation objectives for this exposure route based upon industrial/commercial property use are listed in Appendix B, Table B. Soil remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Soil Component of the Groundwater Ingestion Route
  - A) The Tier 1 soil remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table A.
  - B) The Tier 1 soil remediation objectives for this exposure route based upon industrial/commercial property use are listed in Appendix B, Table B.
  - C) The pH-dependent Tier 1 soil remediation objectives for identified ionizable organics or inorganics for the soil component of the groundwater ingestion exposure route (based on the total amount of contaminants present in the soil sample results and groundwater classification) are provided in Appendix B, Tables C and D.
  - D) Values used to calculate the Tier 1 soil remediation objectives for this exposure route are listed in Appendix B, Table F.
- 4) Evaluation of the dermal contact with soil exposure route is not required under Tier 1.

b) Soil Gas

1) Outdoor Inhalation Exposure Route

- A) The Tier 1 soil gas remediation objectives for this exposure route based upon residential property use are listed in Appendix B, Table G.
- B) The Tier 1 soil gas remediation objectives for this exposure route based upon industrial/commercial property use, including the construction worker population, are listed in Appendix B, Table G. Soil gas remediation objective determinations relying on an industrial/commercial scenario require use of institutional controls in accordance with Subpart J.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

C) For this exposure route, it is acceptable to determine compliance by meeting either the soil or soil gas remediation objectives.

2) Indoor Inhalation Exposure Route

A) The Tier 1 soil gas remediation objectives for this exposure route are listed in Appendix B, Tables H and I.

B) The Tier 1 soil gas remediation objectives for this exposure route are based on a default water-filled soil porosity value of 0.15 cm<sup>3</sup>/cm<sup>3</sup>.

C) Appendix B, Table H shall be used when soil or groundwater contamination is within 5 feet, vertically or horizontally, of an existing or potential building or man-made pathway. In this scenario, the mode of contaminant transport is both diffusion and advection, which sets the Q<sub>soil</sub> value at 83.33 cm<sup>3</sup>/sec.

D) Appendix B, Table I shall be used when soil and groundwater contamination are more than 5 feet, vertically and horizontally, from an existing or potential building or man-made pathway. In this scenario, the mode of contaminant transport is diffusion only, which sets the Q<sub>soil</sub> value at 0.0 cm<sup>3</sup>/sec. Soil gas remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.

E) To determine whether the Q<sub>soil</sub> value can be set at 0.0 cm<sup>3</sup>/sec, the site evaluator shall demonstrate that soil and groundwater within 5 feet, vertically and horizontally, of an existing or potential building or man-made pathway meet the Tier 1 remediation objectives for residential property listed in Appendix B, Table A, and the Tier 1 remediation objectives for Class I groundwater listed in Appendix B, Table E, respectively.

~~c)b)~~ Groundwater

- 1) The Tier 1 groundwater remediation objectives for the groundwater component of the groundwater ingestion route are listed in Appendix B, Table E.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) The Tier 1 groundwater remediation objectives for this exposure route are given for Class I and Class II groundwaters, respectively.
- 3) The evaluation of 35 Ill. Adm. Code 620.615 regarding mixtures of similar-acting chemicals shall be considered satisfied for Class I groundwater at the point of human exposure if:
  - A) No more than one similar-acting noncarcinogenic chemical as listed in Appendix A, Table E is detected in the groundwater at the site; and
  - B) No carcinogenic contaminant of concern as listed in Appendix A, Table I is detected in any groundwater sample associated with the site, using analytical procedures capable of achieving either the 1 in 1,000,000 cancer risk concentration or the ADL, whichever is greater.
- 4) If the conditions of subsection ~~(c)(3)(b)(3)~~ of this Section are not met, the Class I groundwater remediation objectives set forth in Appendix B, Table E shall be corrected for the cumulative effect of mixtures of similar-acting chemicals using the following methodologies:
  - A) For noncarcinogenic chemicals, the methodologies set forth at Section 742.805(c) or Section 742.915(h) shall be used; and
  - B) For carcinogenic chemicals, the methodologies set forth at Section 742.805(d) or Section 742.915(h) shall be used.
- 5) For the groundwater component of the indoor inhalation exposure route, the Tier 1 groundwater remediation objectives are listed in Appendix B, Tables H and I.
  - A) The Tier 1 groundwater remediation objectives for this exposure route are based on a default water-filled soil porosity value of 0.15 cm<sup>3</sup>/cm<sup>3</sup>.
  - B) Appendix B, Table H shall be used when soil or groundwater contamination is within 5 feet, vertically and horizontally, of an

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

existing or potential building or man-made pathway. In this scenario, the mode of contaminant transport is both diffusion and advection, which sets the  $Q_{\text{soil}}$  value at  $83.33 \text{ cm}^3/\text{sec}$ .

C) Appendix B, Table I shall be used when soil and groundwater contamination are more than 5 feet, vertically and horizontally, from an existing or potential building or man-made pathway. In this scenario, the mode of contaminant transport is diffusion only, which sets the  $Q_{\text{soil}}$  value at  $0.0 \text{ cm}^3/\text{sec}$ . Groundwater remediation objective determinations relying on this table require use of institutional controls in accordance with Subpart J.

D) To determine whether the  $Q_{\text{soil}}$  value can be set at  $0.0 \text{ cm}^3/\text{sec}$ , the site evaluator shall demonstrate that soil and groundwater within 5 feet, vertically and horizontally, of an existing or potential building or man-made pathway meet the Tier 1 remediation objectives for residential property listed in Appendix B, Table A, and the Tier 1 remediation objectives for Class I groundwater listed in Appendix B, Table E, respectively.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.510 Tier 1 Remediation Objectives Tables for the Ingestion, Outdoor Inhalation and Soil Component of the Groundwater Ingestion Exposure Routes**

- a) Soil remediation objectives are listed in Appendix B, Tables A, B, C and D.
  - 1) Appendix B, Table A is based upon residential property use.
    - A) The first column to the right of the chemical name lists soil remediation objectives for the soil ingestion exposure route.
    - B) The second column lists the soil remediation objectives for the outdoor inhalation exposure route.
    - C) The third and fourth columns list soil remediation objectives for the soil component of the groundwater ingestion exposure route for the respective classes of groundwater:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) Class I groundwater; and
  - ii) Class II groundwater.
- D) The final column lists the Acceptable Detection Limit (ADL), only when~~where~~ applicable.
- 2) Appendix B, Table B is based upon industrial/commercial property use.
- A) The first and third columns to the right of the chemical name list the soil remediation objectives for the soil ingestion exposure route based on two receptor populations:
- i) Industrial/commercial; and
  - ii) Construction worker.
- B) The second and fourth columns to the right of the chemical name list the soil remediation objectives for the inhalation exposure route based on two receptor populations:
- i) Industrial/commercial; and
  - ii) Construction worker.
- C) The fifth and sixth columns to the right of the chemical name list the soil remediation objectives for the soil component of the groundwater ingestion exposure route for two classes of groundwater:
- i) Class I groundwater; and
  - ii) Class II groundwater.
- D) The final column lists the acceptable detection limit (ADL), only when applicable.
- 3) Appendix B, Tables C and D set forth pH specific soil remediation objectives for inorganic and ionizing organic chemicals for the soil

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

component of the groundwater ingestion route.

- A) Table C sets forth remediation objectives based on Class I groundwater and Table D sets forth remediation objectives based on Class II groundwater.
  - B) The first column in Tables C and D lists the chemical names.
  - C) The second through ninth columns to the right of the chemical names list the pH based soil remediation objectives.
- 4) For the inorganic chemicals listed in Appendix B, Tables A and B, the soil component of the groundwater ingestion exposure route shall be evaluated using TCLP (SW-846 Method 1311) or SPLP (SW-846 Method 1312), incorporated by reference at Section 742.210 unless a person chooses to evaluate the soil component on the basis of the total amount of contaminant in a soil sample result in accordance with subsection (a)(5) of this Section.
- 5) For those inorganic and ionizing organic chemicals listed in Appendix B, Tables C and D, if a person elects to evaluate the soil component of the groundwater ingestion exposure route based on the total amount of contaminant in a soil sample result (rather than TCLP or SPLP analysis), the person shall determine the soil pH at the site and then select the appropriate soil remediation objectives based on Class I and Class II groundwaters from Tables C and D, respectively. If the soil pH is less than 4.5 or greater than 9.0, then Tables C and D cannot be used.
- 6) Unless one or more exposure routes are excluded from consideration under Subpart C, the most stringent soil remediation objective of the exposure routes (i.e., soil ingestion exposure route, outdoor inhalation exposure route, and soil component of the groundwater ingestion exposure route) shall be compared to the concentrations of soil contaminants of concern measured at the site. When using Appendix B, Table B to select soil remediation objectives for the ingestion exposure route and outdoor inhalation exposure ~~routes~~route, the remediation objective shall be the more stringent soil remediation objective of the industrial/commercial populations and construction worker populations.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 7) Confirmation sample results may be averaged or soil samples may be composited in accordance with Section 742.225.
  - 8) If a soil remediation objective for a chemical is less than the ADL, the ADL shall serve as the soil remediation objective.
- b) Groundwater remediation objectives for the groundwater component of the groundwater ingestion exposure route are listed in Appendix B, Table E. However, Appendix B, Table E must be corrected for cumulative effect of mixtures of similar-acting noncarcinogenic chemicals as set forth in Section 742.505(~~cb~~)(3) and (c)(4).
- 1) The first column to the right of the chemical name lists groundwater remediation objectives for Class I groundwater, and the second column lists the groundwater remediation objectives for Class II groundwater.
  - 2) To use Appendix B, Table E of this Part, the 35 Ill. Adm. Code 620 classification for groundwater at the site shall be determined. The concentrations of groundwater contaminants of concern at the site are compared to the applicable Tier 1 groundwater remediation objectives for the groundwater component of the groundwater ingestion exposure route in Appendix B, Table E.
- c) Soil gas remediation objectives for the outdoor inhalation exposure route are listed in Appendix B, Table G.
- 1) The first column to the right of the chemical name lists the soil gas remediation objectives for residential populations.
  - 2) The second and third columns to the right of the chemical names list the soil gas remediation objectives for the outdoor inhalation exposure route based on two receptor populations:
    - A) Industrial/commercial; and
    - B) Construction worker.
- d)e) For contaminants of concern not listed in Appendix B, Tables A, B, ~~and E~~, and G, a person may request site-specific remediation objectives from the Agency or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

propose site-specific remediation objectives in accordance with 35 Ill. Adm. Code 620, Subpart I of this Part, or both.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.515 Tier 1 Remediation Objectives Tables for the Indoor Inhalation Exposure Route**

- a) When the mode of contaminant transport is both diffusion and advection as described in Section 742.505 (i.e., soil or groundwater contamination is within 5 feet of an existing or potential building or man-made pathway), the remediation objectives for soil gas and groundwater listed in Appendix B, Table H shall be used.
- 1) The first column to the right of the chemical name lists the soil gas remediation objectives for residential receptors.
  - 2) The second column lists the soil gas remediation objectives for industrial/commercial receptors.
  - 3) The third column lists the groundwater remediation objectives for residential receptors.
  - 4) The fourth column lists the groundwater remediation objectives for industrial/commercial receptors.
- b) When the mode of contaminant transport is diffusion only as described in Section 742.505 (i.e., soil and groundwater contamination are more than 5 feet from an existing or potential building or man-made pathway), the remediation objectives for soil gas and groundwater listed in Appendix B, Table I shall be used. Remediation objectives relying on this table require use of institutional controls in accordance with Subpart J.
- 1) The first column to the right of the chemical name lists the soil gas remediation objectives for residential receptors.
  - 2) The second column lists the soil gas remediation objectives for industrial/commercial receptors.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) The third column lists the groundwater remediation objectives for residential receptors.
- 4) The fourth column lists the groundwater remediation objectives for industrial/commercial receptors.
- c) If using Appendix B, Table H, compliance is determined by meeting either the soil gas remediation objectives or the groundwater remediation objectives.
- d) If using Appendix B, Table I, compliance is determined by meeting both the soil gas remediation objectives and the groundwater remediation objectives.
- e) For volatile chemicals not listed in Appendix B, Table H or I, a person may request site-specific remediation objectives from the Agency or propose site-specific remediation objectives in accordance with Subpart I, or both.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: TIER 2 GENERAL EVALUATION

**Section 742.600 Tier 2 Evaluation Overview**

- a) Tier 2 remediation objectives are developed through the use of equations which allow site-specific data to be used. (See Appendix C, Illustrations A and B.) The equations identified in Appendix C, Tables A, ~~C~~, and L may be used to develop Tier 2 remediation objectives.
- b) Tier 2 evaluation is only required for contaminants of concern and corresponding exposure routes (except where excluded from further consideration under Subpart C) exceeding the Tier 1 remediation objectives. When conducting Tier 2 evaluations, the values used in the calculations must have the appropriate units of measure as identified in Appendix C, Tables B, ~~D~~, and M.
- c) Any development of remediation objectives using site-specific information or equations outside the Tier 2 framework shall be evaluated under Tier 3.
- d) Any development of a remediation objective under Tier 2 shall not use a target hazard quotient greater than one at the point of human exposure or a target cancer risk greater than 1 in 1,000,000 at the point of human exposure.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- e) In conducting a Tier 2 evaluation, the following conditions shall be met:
- 1) For each discrete sample, the total soil contaminant concentration of either a single contaminant or multiple contaminants of concern shall not exceed the attenuation capacity of the soil as provided in Section 742.215.
  - 2) Remediation objectives for noncarcinogenic compounds which affect the same target organ, organ system or similar mode of action shall meet the requirements of Section 742.720.
  - 3) The soil remediation objectives based on the outdoor inhalation exposure route ~~inhalation~~ and the soil component of the groundwater ingestion exposure routes shall not exceed the soil saturation limit as provided in Section 742.220.
  - 4) The soil gas remediation objectives based on the indoor and outdoor inhalation exposure routes shall not exceed the soil vapor saturation limit provided in Section 742.222.
- f) Tier 2 remediation objectives for the indoor inhalation exposure route shall be calculated for either soil gas or groundwater if a  $Q_{\text{soil}}$  value of  $83.33 \text{ cm}^3/\text{sec}$  is used.
- g) Tier 2 remediation objectives for the indoor inhalation exposure route shall be calculated for both soil gas and groundwater if a  $Q_{\text{soil}}$  value of  $0.0 \text{ cm}^3/\text{sec}$  is used.
- h)† If the calculated Tier 2 soil remediation objective for an applicable exposure route is more stringent than the corresponding Tier 1 remediation objective, then the Tier 1 remediation objective applies.
- i)g) If the calculated Tier 2 soil remediation objective for an exposure route is more stringent than the Tier 1 soil remediation ~~objectives~~objective(s) for the other exposure routes, then the Tier 2 calculated soil remediation objective applies and Tier 2 soil remediation objectives for the other exposure routes are not required.
- j)h) If the calculated Tier 2 soil remediation objective is less stringent than one or more of the soil remediation objectives for the remaining exposure routes, then the Tier 2 values are calculated for the remaining exposure ~~routes~~route(s) and the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

most stringent Tier 2 calculated value applies.

- k)** If a contaminant has both carcinogenic and noncarcinogenic effects for any applicable exposure route or receptor, remediation objectives shall be calculated for each effect and the more stringent remediation objective shall apply. The toxicological-specific information is described in Section 742.705(d).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.605 Land Use**

- a) Present and post-remediation land use is evaluated in a Tier 2 evaluation. Acceptable exposure factors for the Tier 2 evaluation for residential, industrial/commercial, and construction worker populations are provided in the far right column of Appendix C, Tables B, ~~and D,~~ and M. Use of exposure factors different from those in Appendix C, Tables B, ~~and D,~~ and M must be approved by the Agency as part of a Tier 3 evaluation.
- b) If a Tier 2 evaluation is based on an industrial/commercial property use, then:
- 1) Construction worker populations shall also be evaluated, except for the indoor inhalation exposure route; and
  - 2) Institutional controls are required in accordance with Subpart J.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.610 Chemical and Site Properties**

- a) **Physical and Chemical Properties of Contaminants**  
Tier 2 evaluations require information on the physical and chemical properties of the contaminants of concern. The physical and chemical properties used in a Tier 2 evaluation are contained in Appendix C, Table E. If the site has contaminants not included in this table, a person may request the Agency to provide the applicable physical and chemical input values or may propose input values under Subpart I. If a person proposes to apply values other than those in Appendix C, Table E, or those provided by the Agency, the evaluation shall be considered under Tier 3.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) Soil and Groundwater Parameters
- 1) A Tier 2 evaluation requires examination of soil and groundwater parameters. The parameters that may be varied, and the conditions under which these parameters are determined as part of Tier 2, are summarized in Appendix C, Tables B, ~~and D~~, and M. If a person proposes to vary site-specific parameters outside of the framework of these tables, the evaluation shall be considered under Tier 3.
  - 2) To determine site-specific physical soil parameters, a minimum of one boring per 0.5 acre of contamination shall be collected. This boring must be deep enough to allow the collection of the required field measurements. The site-specific physical soil parameters must be determined from the portion of the boring representing the stratigraphic ~~unit~~unit(s) being evaluated. For example, if evaluating the soil component of the groundwater ingestion exposure route, two samples from the boring will be required:
    - A) A sample of the predominant soil type for the vadose zone; and
    - B) A sample of the predominant soil type for the saturated zone.
  - 3) A site-specific SSL dilution factor (used in developing soil remediation objectives based upon the protection of groundwater) may be determined by substituting site information in Equation S22 in Appendix C, Table A. To make this demonstration, a minimum of three monitoring wells shall be used to determine the hydraulic gradient. As an alternative, the default dilution factor value listed in Appendix C, Table B may be used. If monitoring wells are used to determine the hydraulic gradient, the soil taken from the borings shall be visually inspected to ensure there are no significant differences in the stratigraphy. If there are similar soil types in the field, one boring shall be used to determine the site-specific physical soil parameters. If there are significant differences, all of the borings shall be evaluated before determining the site-specific physical soil parameters for the site.
  - 4) Not all of the parameters identified in Appendix C, Tables B, ~~and D~~, and M need to be determined on a site-specific basis. A person may choose to collect partial site-specific information and use default values as listed in

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Appendix C, Tables B~~2~~ and D~~3~~ and M for the rest of the parameters.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: TIER 2 SOIL AND SOIL GAS EVALUATION**Section 742.700 Tier 2 Soil Evaluation Overview**

- a) Tier 2 remediation objectives are developed through the use of models which allow site-specific data to be considered. Appendix C, Tables A~~2~~ and C~~3~~ and L list equations that shall be used under a Tier 2 evaluation to calculate soil remediation objectives prescribed by SSL~~2~~ and RBCA~~3~~ and the modified J&E models, respectively. (See also Appendix C, Illustration A.)
- b) Appendix C, Table A lists equations that are used under the SSL model. (See also Appendix C, Illustration A.) The SSL model has equations to evaluate the following human exposure routes:
  - 1) Soil ingestion exposure route;
  - 2) Outdoor Inhalation exposure route; ~~and for:~~
    - A) ~~Organic contaminants;~~
    - B) ~~Fugitive dust; and~~
  - 3) Soil component of the groundwater ingestion exposure route.
- c) Evaluation of the dermal exposure route is not required under the SSL model.
- d) Appendix C, Table C lists equations that are used under the RBCA model. (See also Appendix C, Illustration A.) The RBCA model has equations to evaluate human exposure based on the following:
  - 1) The combined exposure routes of outdoor inhalation of vapors and particulates, soil ingestion and dermal contact with soil;
  - 2) The outdoor inhalation exposure ~~ambient vapor inhalation (outdoor)~~ route from subsurface soils;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Soil component of the groundwater ingestion route; and
  - 4) Groundwater ingestion exposure route.
- e) Appendix C, Table L lists equations that are used under the modified J&E model. The modified J&E model has equations to evaluate human exposure by the indoor inhalation exposure route. The modified model allows for the development of soil gas remediation objectives.
- f)e) The equations in either Appendix C, Table A<sub>2</sub> ~~or~~ C<sub>2</sub> or L may be used to calculate remediation objectives for each contaminant of concern under Tier 2, if the following requirements are met:
- 1) The Tier 2 soil or soil gas remediation objectives for the ingestion and outdoor inhalation exposure routes shall use the applicable equations from the same approach (i.e., SSL equations in Appendix C, Table C). For the indoor inhalation exposure route, only the J&E equations can be used.
  - 2) The equations used to calculate soil remediation objectives for the soil component of the groundwater ingestion exposure route are not dependent on the approach utilized to calculate soil remediation objectives for the other exposure routes. For example, it is acceptable to use the SSL equations for calculating Tier 2 soil remediation objectives for the ingestion and outdoor inhalation exposure routes, and the RBCA equations for calculating Tier 2 soil remediation objectives for the soil component of the groundwater ingestion exposure route.
  - 3) Combining equations from Appendix C, Tables A<sub>2</sub> ~~and~~ C<sub>2</sub> and L to form a new model is not allowed. In addition, Appendix C, Tables A<sub>2</sub> ~~and~~ C<sub>2</sub> and L must use their own applicable parameters identified in Appendix C, Tables B<sub>2</sub> ~~and~~ D<sub>2</sub> and M, respectively.
- g)f) In calculating soil or gas remediation objectives for industrial/commercial property use, applicable calculations shall be performed twice: once using industrial/commercial population default values and once using construction worker population default values. The more stringent soil or gas remediation objectives derived from these calculations must be used for further Tier 2

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

evaluations. The indoor inhalation exposure route does not apply to the construction worker population.

- h)g) Tier 2 data sheets provided by the Agency shall be used to present calculated Tier 2 remediation objectives, if required by the particular program for which remediation is being performed.
- i)h) The RBCA equations which rely on the parameter Soil Water Sorption Coefficient ( $k_s$ ) can only be used for ionizing organics and inorganics by substituting values for  $k_s$  from Appendix C, Tables I and J, respectively. This will also require the determination of a site-specific value for soil pH.
- j) For the outdoor inhalation exposure route, it is acceptable to use either Section 742.710 to develop a soil remediation objective or Section 742.712 to develop a soil gas remediation objective to determine compliance with the pathway.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.705 Parameters for Soil Remediation Objective Equations**

- a) Appendix C, Tables B<sub>2</sub> ~~and~~ D<sub>2</sub> ~~and~~ M list the input parameters for the SSL<sub>2</sub> ~~and~~ RBCA ~~and~~ J&E equations, respectively. The first column lists each symbol as it is presented in the equation. The next column defines the parameters. The third column shows the units for the parameters. The fourth column identifies where information on the parameters can be obtained (i.e., field measurement, applicable equation~~equation(s)~~, reference source, or default value). The last column identifies how the parameters can be generated.
- b) **Default Values**  
Default values are numerical values specified for use in the Tier 2 equations. The fourth column of Appendix C, Tables B<sub>2</sub> ~~and~~ D<sub>2</sub> ~~and~~ M denotes if the default values are from the SSL model, RBCA model, the modified J&E model or some other source. The last column of Appendix C, Tables B<sub>2</sub> ~~and~~ D<sub>2</sub> ~~and~~ M lists the numerical values for the default values used in the SSL<sub>2</sub> ~~and~~ RBCA ~~and~~ J&E equations, respectively.
- c) **Site-specific Information**  
Site-specific information is a parameter measured, obtained, or determined from the site to calculate Tier 2 remediation objectives. The fourth column of Appendix

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

C, Tables B<sub>2</sub> and D<sub>2</sub> and M identifies those site-specific parameters that may require direct field measurement. For some parameters, numerical default inputs have been provided in the last column of Appendix C, Tables B<sub>2</sub> and D<sub>2</sub> and M to substitute for site-specific information. In some cases, information on the receptor or soil type is required to select the applicable numerical default inputs. Site-specific information includes:

- 1) Physical soil parameters identified in Appendix C, Table F. The second column identifies the location where the sample is to be collected. Acceptable methods for measuring or calculating these soil parameters are identified in the last column of Appendix C, Table F;
  - 2) Institutional controls or engineered barriers, pursuant to Subparts J and K, describe applicable institutional controls and engineered barriers under a Tier 2 evaluation; and
  - 3) Land use classification
- d) Toxicological-specific Information
- 1) Toxicological-specific information is used to calculate Tier 2 remediation objectives for the following parameters, if applicable:
    - A) Oral Chronic Reference Dose (RfD<sub>o</sub>, expressed in mg/kg-d);
    - B) Oral Subchronic Reference Dose (RfD<sub>s</sub>, expressed in mg/kg-d, shall be used for construction worker remediation objective calculations);
    - C) Oral Slope Factor (SF<sub>o</sub>, expressed in (mg/kg-d)<sup>-1</sup>);
    - D) Inhalation Unit Risk Factor (URF expressed in (μg/m<sup>3</sup>)<sup>-1</sup>);
    - E) Inhalation Chronic Reference Concentration (RfC, expressed in mg/m<sup>3</sup>);
    - F) Inhalation Subchronic Reference Concentration (RfC<sub>s</sub>, expressed in mg/m<sup>3</sup>, shall be used for construction worker remediation objective calculations);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- G) Inhalation Chronic Reference Dose ( $RfD_i$ , expressed in mg/kg-d);
  - H) Inhalation Subchronic Reference Dose ( $RfD_{is}$ , expressed in mg/kg-d, shall be used for construction worker remediation objective calculations); and
  - I) Inhalation Slope Factor ( $SF_i$ , expressed in  $(\text{mg/kg-d})^{-1}$ );
- 2) Toxicological information can be obtained by following the guidelines in OSWER Directive 9285.7-53 ~~from IRIS~~, as incorporated by reference in Section 742.210, or the program under which the remediation is being performed.
- e) Chemical-specific Information  
Chemical-specific information used to calculate Tier 2 remediation objectives is listed in Appendix C, Table E.
  - f) Calculations  
Calculating numerical values for some parameters requires the use of equations listed in Appendix C, Tables Table A, C, and L. ~~Tables B, and D, and M~~. The parameters that are calculated are listed in Appendix C, Tables B, and D, and M.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.710 SSL Soil Equations**

- a) This Section sets forth the equations and parameters used to develop Tier 2 soil remediation objectives for the three exposure routes using the SSL approach.
- b) Soil Ingestion Exposure Route
  - 1) Equations S1 through S3 form the basis for calculating Tier 2 remediation objectives for the soil ingestion exposure route using the SSL approach. Equation S1 is used to calculate soil remediation objectives for noncarcinogenic contaminants. Equations S2 and S3 are used to calculate soil remediation objectives for carcinogenic contaminants for residential populations and industrial/commercial and construction worker populations, respectively.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) For Equations S1 through S3, the SSL default values cannot be modified with site-specific information.

- c) Outdoor Inhalation Exposure Route

- 1) Equations S4 through S16, S26 and S27 are used to calculate Tier 2 soil remediation objectives for the outdoor inhalation exposure route using the SSL approach. To address this exposure route, organic contaminants and mercury must be evaluated separately from fugitive dust using their own equations set forth in subsections (c)(2) and (c)(3) of this Section, respectively.

- 2) Organic Contaminants

- A) Equations S4 through S10 are used to calculate Tier 2 soil remediation objectives for organic contaminants and mercury based on the outdoor inhalation exposure route. Equation S4 is used to calculate soil remediation objectives for noncarcinogenic organic contaminants in soil for residential and industrial/commercial populations. Equation S5 is used to calculate soil remediation objectives for noncarcinogenic organic contaminants and mercury in soil for construction worker populations. Equation S6 is used to calculate soil remediation objectives for carcinogenic organic contaminants in soil for residential and industrial/commercial populations. Equation S7 is used to calculate soil remediation objectives for carcinogenic organic contaminants in soil for construction worker populations. Equations S8 through S10, S27 and S28 are used for calculating numerical values for some of the parameters in Equations S4 through S7.
- B) For Equation S4, a numerical value for the Volatilization Factor (VF) can be calculated in accordance with subsection (c)(2)(F) of this Section. The remaining parameters in Equation S4 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RfC), which can be obtained by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210 from IRIS or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

requested from the program under which the remediation is being performed.

- C) For Equation S5, a numerical value for the Volatilization Factor adjusted for Agitation (VF') can be calculated in accordance with subsection (c)(2)(G) of this Section. The remaining parameters in Equation S5 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RfC), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.
- D) For Equation S6, a numerical value for VF can be calculated in accordance with subsection (c)(2)(F) of this Section. The remaining parameters in Equation S6 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.
- E) For Equation S7, a numerical value for VF' can be calculated in accordance with subsection (c)(2)(G) of this Section. The remaining parameters in Equation S7 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.
- F) The VF can be calculated for residential and industrial/commercial populations using one of the following equations based on the information known about the contaminant source and receptor population:
- i) Equation S8, in conjunction with Equation S10, is used to calculate VF assuming an infinite source of contamination;  
or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ii) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate VF using Equation S26.
  - G) The VF' can be calculated for the construction worker populations using one of the following equations based on the information known about the contaminant source:
    - i) Equation S9 is used to calculate VF' assuming an infinite source of contamination; or
    - ii) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate VF' using Equation S27.
- 3) Fugitive Dust
  - A) Equations S11 through S16 are used to calculate Tier 2 soil remediation objectives using the SSL fugitive dust model for the outdoor inhalation exposure route. Equation S11 is used to calculate soil remediation objectives for noncarcinogenic contaminants in fugitive dust for residential and industrial/commercial populations. Equation S12 is used to calculate soil remediation objectives for noncarcinogenic contaminants in fugitive dust for construction worker populations. Equation S13 is used to calculate soil remediation objectives for carcinogenic contaminants in fugitive dust for residential and industrial/commercial populations. Equation S14 is used to calculate soil remediation objectives for carcinogenic contaminants in fugitive dust for construction worker populations. Equations S15 and S16 are used for calculating numerical quantities for some of the parameters in Equations S11 through S14.
  - B) For Equation S11, a numerical value can be calculated for the Particulate Emission Factor (PEF) using Equation S15. This equation relies on various input parameters from a variety of sources. The remaining parameters in Equation S11 have either SSL default values listed in Appendix C, Table B or toxicological-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

specific information (i.e., RfC), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.

- C) For Equation S12, a numerical value for the Particulate Emission Factor for Construction Worker (PEF') can be calculated using Equation S16. The remaining parameters in Equation S12 have either SSL default values listed in Appendix C, Table B or toxicological-specific information (i.e., RfC), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.
- D) For Equation S13, a numerical value for PEF can be calculated using Equation S15. The remaining parameters in Equation S13 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.
- E) For Equation S14, a numerical value for PEF' can be calculated using Equation S16. The remaining parameters in Equation S14 have either default values listed in Appendix C, Table B or toxicological-specific information (i.e., URF), which can be obtained [by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210](#)~~from IRIS~~ or requested from the program under which the remediation is being performed.

- d) Soil Component of the Groundwater Ingestion Exposure Route  
The Tier 2 remediation objective for the soil component of the groundwater ingestion exposure route can be calculated using one of the following equations based on the information known about the contaminant source and receptor population:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Equation S17 is used to calculate the remediation objective assuming an infinite source of contamination.
  - A) The numerical quantities for four parameters in Equation S17, the Target Soil Leachate Concentration ( $C_w$ ), Soil-Water ~~Partition~~ Partition Coefficient ( $K_d$ ) for non-ionizing organics, Water-Filled Soil Porosity  $\Theta_w$  ( $\Theta_w$ ) and Air-Filled Soil Porosity  $\Theta_a$  ( $\Theta_a$ ), are calculated using Equations S18, S19, S20 and S21, respectively. Equations S22, S23, S24 and S25 are also needed to calculate numerical values for Equations S18 and S21. The pH-dependent  $K_d$  values for ionizing organics can be calculated using Equation S19 and the pH-dependent  $K_{oc}$  values in Appendix C, Table I.
  - B) The remaining parameters in Equation S17 are Henry's Law Constant ( $H'$ ), a chemical specific value listed in Appendix C, Table E and Dry Soil Bulk Density ( $\rho_b$ ), a site-specific based value listed in Appendix C, Table B.
  - C) The default value for  $GW_{obj}$  is the Tier 1 groundwater objective. For chemicals for which there is no Tier 1 groundwater remediation objective, the value for  $GW_{obj}$  shall be the concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F. As an alternative to using Tier 1 groundwater remediation objectives or concentrations determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F,  $GW_{obj}$  may be developed using Equations R25 and R26, if approved institutional controls are in place as required in Subpart J.
- 2) If the area and depth of the contaminant source are known or can be estimated reliably, mass limit considerations may be used to calculate the remediation objective for this exposure route using Equation S28. The parameters in Equation S28 have default values listed in Appendix C, Table B.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.712 SSL Soil Gas Equation for the Outdoor Inhalation Exposure Route**

- a) This Section sets forth the equation and parameters used to develop Tier 2 soil gas remediation objectives for the outdoor inhalation exposure route using the SSL approach.
- b) Equation S30 is used to calculate Tier 2 soil gas remediation objectives for the outdoor inhalation exposure route for residential, industrial/commercial, and construction worker populations.
- c) Equations S4 through S16, S26 and S27, which calculate Tier 2 soil remediation objectives as described in Section 742.710(c), form the basis for developing the Tier 2 soil gas remediation objectives for the outdoor inhalation exposure route using the SSL model.
- d) The remaining parameters used to calculate Equation S30 are listed in Appendix C, Table B, except for Dimensionless Henry's Law Constant (25°C), a chemical specific value listed in Appendix C, Table E.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.715 RBCA Soil Equations**

- a) This Section presents the RBCA model and describes the equations and parameters used to develop Tier 2 soil remediation objectives.
- b) Ingestion, Outdoor Inhalation, and Dermal Contact
  - 1) The two sets of equations in subsections (b)(2) and (b)(3) of this Section shall be used to generate Tier 2 soil remediation objectives for the combined ingestion, outdoor inhalation, and dermal contact with soil exposure routes.
  - 2) Combined Exposure Routes of Soil Ingestion, Outdoor Inhalation of Vapors and Particulates, and Dermal Contact with Soil
    - A) Equations R1 and R2 form the basis for deriving Tier 2 remediation objectives for the set of equations that evaluates the combined exposure routes of soil ingestion, outdoor inhalation of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

vapors and particulates, and dermal contact with soil using the RBCA approach. Equation R1 is used to calculate soil remediation objectives for carcinogenic contaminants. Equation R2 is used to calculate soil remediation objectives for noncarcinogenic contaminants. Soil remediation objectives for the outdoor inhalation exposure~~ambient vapor inhalation (outdoor)~~ route from subsurface soils must also be calculated in accordance with the procedures outlined in subsection (b)(3) of this Section and compared to the values generated from Equations R1 or R2. The smaller value (i.e., R1 and R2 compared to R7 and R8, respectively) from these calculations is the Tier 2 soil remediation objective for the combined exposure routes of soil ingestion, outdoor inhalation, and dermal contact with soil.

- B) In Equation R1, numerical values are calculated for two parameters:
- i) The volatilization factor for surficial soils ( $VF_{ss}$ ) using Equations R3 and R4; and
  - ii) The volatilization factor for surficial~~subsurface~~ soils regarding particulates ( $VF_p$  using Equation R5).
- C)  $VF_{ss}$  uses Equations R3 and R4 to derive a numerical value. Equation R3 requires the use of Equation R6. Both equations must be used to calculate the  $VF_{ss}$ . The lowest calculated value from these equations must be substituted into Equation R1.
- D) The remaining parameters in Equation R1 have either default values listed in Appendix C, Table D or toxicological-specific information (i.e.,  $SF_o$ ,  $SF_i$ ), which can be obtained by following the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210~~from IRIS~~ or requested from the program under which the remediation is being performed.
- E) For Equation R2, the parameters  $VF_{ss}$  and  $VF_p$  are calculated. The remaining parameters in Equation R2 have either default values listed in Appendix C, Table D or toxicological-specific information (i.e.,  $RfD_o$ ,  $RfD_i$ ), which can be obtained by following

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the guidelines in OSWER Directive 9285.7-53, as incorporated by reference in Section 742.210 from IRIS or requested from the program under which the remediation is being performed.

- F) For chemicals other than inorganics which do not have default values for the dermal absorption factor ( $RAF_d$ ) in Appendix C, Table D a dermal absorption factor of 0.5 shall be used for Equations R1 and R2. For inorganics, dermal absorption may be disregarded (i.e.,  $RAF_d = 0$ ).
- 3) Outdoor Inhalation Exposure Route~~Ambient Vapor Inhalation (outdoor)~~ route from Subsurface Soils (soil below one meter)
- A) Equations R7 and R8 form the basis for deriving Tier 2 remediation objectives for the outdoor inhalation exposure~~ambient vapor inhalation (outdoor)~~ route from subsurface soils using the RBCA approach. Equation R7 is used to calculate soil remediation objectives for carcinogenic contaminants. Equation R8 is used to calculate soil remediation objectives for noncarcinogenic contaminants.
- B) For Equation R7, the carcinogenic risk-based screening level for air ( $RBSL_{air}$ ) and the volatilization factor for soils below one meter to ambient air ( $VF_{samb}$ ) have numerical values that are calculated using Equations R9 and R11, respectively. Both equations rely on input parameters from a variety of sources.
- C) The noncarcinogenic risk-based screening level for air ( $RBSL_{air}$ ) and the volatilization factor for soils below one meter to ambient air ( $VF_{samb}$ ) in Equation R8 have numerical values that can be calculated using Equations R10 and R11, respectively.
- c) Soil Component of the Groundwater Ingestion Exposure Route
- 1) Equation R12 forms the basis for deriving Tier 2 remediation objectives for the soil component of the groundwater ingestion exposure route using the RBCA approach. The parameters, groundwater at the source ( $GW_{source}$ ) and Leaching Factor ( $LF_{sw}$ ), have numerical values that are calculated using Equations R13 and R14, respectively.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Equation R13 requires numerical values that are calculated using Equation R15.
- 3) Equation R14 requires numerical values that are calculated using Equations R21, R22, and R24. For non-ionizing organics, the Soil Water Sorption Coefficient ( $k_s$ ) shall be calculated using Equation R20. For ionizing organics and inorganics, the values for ( $k_s$ ) are listed in Appendix C, Tables I and J, respectively. The pH-dependent  $k_s$  values for ionizing organics can be calculated using Equation R20 and the pH dependent  $K_{oc}$  values in Appendix C, Table I. The remaining parameters in Equation R14 are field measurements or default values listed in Appendix C, Table D.
- d) The default value for  $GW_{comp}$  is the Tier 1 groundwater remediation objective. For chemicals for which there is no Tier 1 groundwater remediation objective, the value for  $GW_{comp}$  shall be the concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F. As an alternative to using the above concentrations,  $GW_{comp}$  may be developed using Equations R25 and R26, if approved institutional controls are in place as may be required in Subpart J.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.717 J&E Soil Gas Equations for the Indoor Inhalation Exposure Route**

- a) This Section sets forth the equations and parameters to be used to develop Tier 2 soil gas remediation objectives for the indoor inhalation exposure route using the modified J&E model.
- b) Equations J&E1 and J&E2 calculate, for carcinogens and noncarcinogens, respectively, an acceptable concentration of the contaminant of concern in indoor air that adequately protects humans who inhale this air. Equation J&E3 converts indoor air concentrations from parts per million volume to milligrams per cubic meter.
- c) Equation J&E4 calculates an acceptable concentration of the contaminant of concern in the soil gas at the source of contamination. This calculation is made using:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) an attenuation factor developed in accordance with Equations J&E7 through 18; and
  - 2) the acceptable concentration of the contaminant of concern in indoor air calculated in accordance with Equation J&E1 (for carcinogens) or J&E2 (for noncarcinogens).
- d) The attenuation factor (Equation J&E7 or J&E8) accounts for the following processes:
- 1) Migration of contaminants from the source upwards through the vadose zone;
  - 2) Migration of contaminants through the earthen filled cracks in the slab-on-grade or basement floor and walls; and
  - 3) Mixing of the contaminants with air inside the building.
- e) Equation J&E7 is used when the mode of contaminant transport is both diffusion and advection. In this scenario, the  $Q_{\text{soil}}$  value equals  $83.33 \text{ cm}^3/\text{sec}$  as described in Section 742.505.
- f) Equation J&E8 is used when the mode of contaminant transport is diffusion only. In this scenario, the  $Q_{\text{soil}}$  value equals  $0.0 \text{ cm}^3/\text{sec}$  as described in Section 742.505.
- g) Equations J&E9a through J&E18 calculate input parameters for either Equation J&E7 or J&E8 (the equations used to calculate an attenuation factor). These equations assume there are "n" different soil layers between the source of the contamination and the floor of the building. Equations J&E11, 16, 17 and 18 shall be used to calculate the needed parameters for each of the n layers (the general soil layer is referred to as soil layer "i" and  $i = 1, 2, \dots, n$ ). Equations J&E16, 17, and 18 shall also be used to calculate needed parameters for the soil in the cracks of the floor of the building (it is through these cracks that contaminants flow from the subsurface into the building).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- h) The default representative subsurface temperature for Henry's Law Constant is 13°C. This value shall be used, as appropriate, in all calculations needed to represent the system by which contaminants migrate through the subsurface.
- i) The calculated soil gas remediation objective shall be compared with the saturated vapor concentration ( $C_v^{sat}$ , Equation J&E6b) for each volatile chemical. The calculated  $C_v^{sat}$  shall use the default representative subsurface temperature specified in subsection (g). If the calculated soil gas remediation objective is greater than  $C_v^{sat}$ , then  $C_v^{sat}$  is used as the soil gas remediation objective.
- j) The calculated soil gas remediation objective shall be compared to concentrations of soil gas collected at a depth at least 3 feet below ground surface and above the saturated zone. If a valid sample cannot be collected, a soil gas sampling plan shall be approved by the Agency under Tier 3.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: TIER 2 GROUNDWATER EVALUATION

**Section 742.805 Tier 2 Groundwater Remediation Objectives**

- a) To develop a groundwater remediation objective under this Section that exceeds the applicable Tier 1 groundwater remediation objective, or for which there is no Tier I groundwater remediation objective, a person may request approval from the Agency if the person has performed the following:
  - 1) Identified the horizontal and vertical extent of groundwater for which the Tier 2 groundwater remediation objective is sought;
  - 2) Taken corrective action, to the maximum extent practicable to remove any free product;
  - 3) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater will meet:
    - A) The applicable Tier 1 groundwater remediation objective at the point of human exposure; or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) For any contaminant of concern for which there is no Tier 1 groundwater remediation objective, the concentration determined according to the procedures specified in 35 Ill. Adm. Code 620 at the point of human exposure. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;
- 4) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater within the minimum or designated maximum setback zone of an existing potable water supply well will meet the applicable Tier 1 groundwater remediation objective or, if there is no Tier 1 groundwater remediation objective, the concentration determined according to the procedures specified in 35 Ill. Adm. Code 620. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;
- 5) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater discharging into a surface water will meet the applicable water quality standard under 35 Ill. Adm. Code 302;
- 6) Demonstrated that the source of the release is not located within the minimum or designated maximum setback zone or within a regulated recharge area of an existing potable water supply well; and
- 7) If the selected corrective action includes an engineered barrier as set forth in Subpart K to minimize migration of ~~contaminant~~ ~~contaminant~~ of concern from the soil to the groundwater, demonstrated that the engineered barrier will remain in place for post-remediation land use through an institutional control as set forth in Subpart J.
- b) A groundwater remediation objective that exceeds the water solubility of that chemical (refer to Appendix C, Table E for solubility values) is not allowed.
- c) The contaminants of concern for which a Tier 1 remediation objective has been developed shall be included in any mixture of similar-acting chemicals under consideration in Tier 2. The evaluation of 35 Ill. Adm. Code 620.615 regarding mixtures of similar-acting chemicals shall be considered satisfied for Class I

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

groundwater at the point of human exposure if either of the following requirements are achieved:

- 1) Calculate the weighted average using the following equations:

$$W_{ave} = \frac{x_1}{CUO_{x_1}} + \frac{x_2}{CUO_{x_2}} + \frac{x_3}{CUO_{x_3}} + \dots + \frac{x_a}{CUO_{x_a}}$$

where:

$W_{ave}$  = Weighted Average

$x_1$  through  $x_a$  = Concentration of each individual contaminant at the location of concern. Note that, depending on the target organ, the actual number of contaminants will range from 2 to 33.

$CUO_{x_a}$  = A Tier 1 or Tier 2 remediation objective must be developed for each  $x_a$ .

- A) If the value of the weighted average calculated in accordance with the equations above is less than or equal to 1.0, then the remediation objectives are met for those chemicals.
- B) If the value of the weighted average calculated in accordance with the equations above is greater than 1.0, then additional remediation must be carried out until the level of contaminants remaining in the remediated area has a weighted average calculated in accordance with the equation above less than or equal to one; or
- 2) Divide each individual chemical's remediation objective by the number of chemicals in that specific target organ group that were detected at the site. Each of the contaminant concentrations at the site is then compared to the remediation objectives that have been adjusted to account for this potential additivity.
- d) The evaluation of 35 Ill. Adm. Code 620.615 regarding mixtures of similar-acting chemicals are considered satisfied if the cumulative risk from any

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~contaminant~~contaminant(s) of concern listed in Appendix A, Table I, plus any other ~~contaminant~~contaminant(s) of concern detected in groundwater and listed in Appendix A, Table F as affecting the same target organ/organ system as the ~~contaminant~~contaminant(s) of concern detected from Appendix A, Table I, does not exceed 1 in 10,000.

- e) Groundwater remediation objectives for the indoor inhalation exposure route shall be developed in accordance with Section 742.812.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.810 RBCA Calculations to Predict Impacts from Remaining Groundwater Contamination**

- a) Equation R26 predicts the contaminant concentration along the centerline of a groundwater plume emanating from a vertical planar source in the aquifer (dimensions  $S_w$  wide and  $S_d$  deep). This model accounts for both three-dimensional dispersion ( $x$  is the direction of groundwater flow,  $y$  is the other horizontal direction, and  $z$  is the vertical direction) and biodegradation.
- 1) The parameters in this equation are:
- $X$  = distance from the planar source to the location of concern, along the centerline of the groundwater plume (i.e.,  $y = 0$ ,  $z = 0$ )
- $C_x$  = the concentration of the contaminant at a distance  $X$  from the source, along the centerline of the plume
- $C_{source}$  = the greatest potential concentration of the contaminant of concern in the groundwater at the source of the contamination, based on the concentrations of contaminants in groundwater due to the release and the projected concentration of the contaminant migrating from the soil to the groundwater. As indicated above, the model assumes a planar source discharging groundwater at a concentration equal to  $C_{source}$ .
- $\alpha_x$  = dispersivity in the  $x$  direction (i.e., Equation R16)
- $\alpha_y$  = dispersivity in the  $y$  direction (i.e., Equation R17)
- $\alpha_z$  = dispersivity in the  $z$  direction (i.e., Equation R18)
- $U$  = specific discharge (i.e., actual groundwater flow velocity)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

through a porous medium; takes into account the fact that the groundwater actually flows only through the pores of the subsurface materials) where the aquifer hydraulic conductivity (K), the hydraulic gradient (I) and the total soil porosity  $\Theta_T$  must be known (i.e., Equation R19)

- $\lambda$  = first order degradation constant obtained from Appendix C, Table E or from measured groundwater data
- $S_w$  = width of planar groundwater source in the y direction
- $S_d$  = depth of planar groundwater source in the z direction

2) The following parameters are determined through field measurements: U, K, I,  $\Theta_T$ ,  $S_w$ ,  $S_d$ .

A) The determination of values for U, K, I and  $\Theta_T$  can be obtained through the appropriate laboratory and field techniques;

B) From the immediate down-gradient edge of the source of the groundwater contamination values for  $S_w$  and  $S_d$  shall be determined.  $S_w$  is defined as the width of groundwater at the source which exceeds the Tier 1 groundwater remediation objective.  $S_d$  is defined as the depth of groundwater at the source which exceeds the Tier 1 groundwater remediation objective; and

C) Total soil porosity can also be calculated using Equation R23.

b) Once values are obtained for all the input parameters identified in subsection (a) of this Section, the contaminant concentration  $C_x$  along the centerline of the plume at a distance X from the source shall be calculated so that X is the distance from the down-gradient edge of the source of the contamination at the site to the point where the contaminant concentration is equal to the Tier 1 groundwater remediation objective or concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F.

1) If there are any potable water supply wells located within the calculated distance X, then the Tier 1 groundwater remediation objective or concentration shall be met at the edge of the minimum or designated maximum setback zone of the nearest potable water supply down-gradient of the source. To demonstrate that a minimum or maximum setback zone of a potable water supply well will not be impacted above the applicable

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tier 1 groundwater remediation objective or concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F, X shall be the distance from the  $C_{\text{source}}$  location to the edge of the setback zone.

- 2) To demonstrate that no surface water is adversely impacted, X shall be the distance from the down-gradient edge of the source of the contamination site to the nearest surface water body. This calculation must show that the contaminant in the groundwater at this location ( $C_x$ ) does not exceed the applicable water quality standard.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.812 J&E Groundwater Equations for the Indoor Inhalation Exposure Route**

Groundwater remediation objectives for the indoor inhalation exposure route are calculated using the modified J&E model as described in Section 742.717, except as follows:

- a) In Equation J&E9a, the total number of layers of soil that contaminants migrate through from the source to the building shall include a capillary fringe layer.
- b) The thickness of the capillary fringe layer is 37.5 cm.
- c) The volumetric water content of the capillary fringe shall be 90% of the total porosity of the soil that comprises the capillary fringe.
- d) Equations J&E7 and J&E8 calculate an acceptable groundwater remediation objective.
  - 1) This calculation is made using:
    - A) the soil gas remediation objective calculated in accordance with Equation J&E4; and
    - B) the assumption that this gas is in equilibrium with any contamination in the groundwater.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Equation J&E7 is used when the mode of contaminant transport is both diffusion and advection. In this scenario, the  $Q_{\text{soil}}$  value equals 83.33  $\text{cm}^3/\text{sec}$  as described in Section 742.505.
- 3) Equation J&E8 is used when the mode of contaminant transport is diffusion only. In this scenario, the  $Q_{\text{soil}}$  value equals 0.0  $\text{cm}^3/\text{sec}$  as described in Section 742.505.
- e) A groundwater remediation objective that exceeds the water solubility of that chemical (refer to Appendix C, Table E for solubility values) is not allowed.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: TIER 3 EVALUATION

**Section 742.900 Tier 3 Evaluation Overview**

- a) Tier 3 sets forth a flexible framework to develop remediation objectives outside of the requirements of Tiers 1 and 2. Although Tier 1 and Tier 2 evaluations are not prerequisites to conduct Tier 3 evaluations, data from Tier 1 and Tier 2 can assist in developing remediation objectives under a Tier 3 evaluation.
- b) The level of detail required to adequately characterize a site depends on the particular use of Tier 3. Tier 3 can require additional investigative efforts beyond those described in Tier 2 to characterize the physical setting of the site. However, in situations where remedial efforts have simply reached a physical obstruction additional investigation may not be necessary for a Tier 3 submittal.
- c) Situations that can be considered for a Tier 3 evaluation include, but are not limited to:
  - 1) Modification of parameters not allowed under Tier 2;
  - 2) Use of models different from those used in Tier 2;
  - 3) Use of additional site data, such as results of indoor air sampling, to improve or confirm predictions of exposed receptors to contaminants of concern;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Analysis of site-specific risks using formal risk assessment, probabilistic data analysis, and sophisticated fate and transport models (e.g., requesting a target hazard quotient greater than 1 or a target cancer risk greater than 1 in 1,000,000);
- 5) Requests for site-specific remediation objectives because an assessment indicates further remediation is not practical;
- 6) Incomplete human exposure ~~parkways~~ pathway(s) not excluded under Subpart C;
- 7) Use of toxicological-specific information not available from the sources listed in Tier 2;
- 8) Land uses which are substantially different from the assumed residential or industrial/commercial property uses of a site (e.g., a site will be used for recreation in the future and cannot be evaluated in Tier 1 or 2); ~~and~~
- 9) Requests for site-specific remediation objectives that exceed Tier 1 groundwater remediation objectives so long as the following is demonstrated:
  - A) *To the extent practical, the exceedance of the groundwater quality standard has been minimized and beneficial use appropriate to the groundwater that was impacted has been returned; and*
  - B) *Any threat to human health or the environment has been minimized-* [415 ILCS 5/58.5(d)(4)(A)]; and
- 10) Use of building control technologies, other than those described in Subpart L, to prevent completion of the indoor inhalation exposure route.
- d) For requests of a target cancer risk ranging between 1 in 1,000,000 and 1 in 10,000 at the point of human exposure or a target hazard quotient greater than 1 at the point of human exposure, the requirements of Section 742.915 shall be followed. Requests for a target cancer risk exceeding 1 in 10,000 at the point of human exposure are not allowed.
- e) Requests for approval of a Tier 3 evaluation must be submitted to the Agency for

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

review under the specific program under which remediation is performed. When reviewing a submittal under Tier 3, the Agency shall consider *whether the interpretations and conclusions reached are supported by the information gathered*. [415 ILCS 58.7(e)(1)]. The Agency shall approve a Tier 3 evaluation if the person submits the information required under this Part and establishes through such information that public health is protected and that specified risks to human health and the environment have been minimized.

- f) If contaminants of concern include polychlorinated biphenyls (PCBs), requests for approval of a Tier 3 evaluation must additionally address the applicability of 40 CFR 761.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.920 Impractical Remediation**

Any request for site-specific remediation objectives due to impracticality of remediation shall be submitted to the Agency for review and approval. Any request for site-specific remediation objectives due to impracticality of remediation that involves the indoor inhalation exposure route shall follow Section 742.935 in lieu of this Section. A submittal under this Section shall include the following information:

- a) The ~~reasons~~reason(s) why the remediation is impractical;
- b) The extent of contamination;
- c) Geology, including soil types;
- d) The potential impact to groundwater;
- e) Results and locations of sampling events;
- f) Map of the area, including all utilities and structures; and
- g) Present and post-remediation uses of the area of contamination, including human receptors at risk.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.925 Exposure Routes**

Technical information may demonstrate that there is no actual or potential impact of contaminants of concern to receptors from a particular exposure route. In these instances, a demonstration excluding an exposure route shall be submitted to the Agency for review and approval. A demonstration that involves the indoor inhalation exposure route shall follow Section 742.935 in lieu of this Section. A submittal under this Section shall include the following information:

- a) A description of the route evaluated;
- b) A description of the site and physical site characteristics;
- c) A discussion of the result and possibility of the route becoming active in the future; and
- d) Technical support that may include, but is not limited to, the following:
  - 1) a discussion of the natural or man-made barriers to that exposure route;
  - 2) calculations and modeling;
  - 3) physical and chemical properties of contaminants of concern; and
  - 4) contaminant migration properties.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.935 Indoor Inhalation Exposure Route**

- a) Exclusion of Exposure Route  
Site information may demonstrate that there is no actual or potential impact of contaminants of concern to receptors from the indoor inhalation exposure route. In the instances, a demonstration excluding the exposure route shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:
  - 1) A description of the site, physical site characteristics, existing and planned buildings, and existing and planned manmade pathways; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2) A discussion of the possibility of the route becoming active in the future.

b) Exclusion of Exposure Route Using Building Control Technologies  
Any proposals to use building control technologies as a means to prevent or mitigate human exposures under the indoor inhalation exposure route that differ from the requirements of Subpart L shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

1) A description of the site and physical site characteristics;

2) The current extent of contamination;

3) Geology, including soil parameters;

4) Results and locations of sampling events;

5) Scaled map of the area, including all buildings and man-made pathways;

6) A description of building characteristics and methods of construction, including a description of man-made pathways;

7) Present and post-remediation uses of the land above the area of contamination, including human receptors at risk;

8) A description of any building control technologies currently in place or proposed for installation that can reduce or eliminate the potential for completion of the exposure route, including design and construction specifications;

9) Information regarding the effectiveness of any building control technologies currently in place or proposed for installation and a schedule for performance testing to show the effectiveness of the control technology. For buildings not yet constructed, an approved building control technology shall be in place and operational prior to human occupancy;

10) Identification of documents reviewed and the criteria used in the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

documents for determining whether building control technologies are effective and how those criteria compare to existing or potential buildings or man-made pathways at the site; and

11) A description as to how the effectiveness of the building control technologies will be operated and maintained for the life of the buildings and man-made pathways, or until soil gas and groundwater contaminant concentrations have reached remediation objectives that are approved by the Agency. This includes provisions for potential extended system inoperability due to power failure or other disruption.

c) Calculations and Modeling Used to Establish Soil Gas Remediation Objectives  
The calculations and modeling shall account for contaminant transport through the mechanisms of diffusion and advection. Proposals to use soil gas data, including sub-slab samples, to establish remediation objectives for the indoor inhalation exposure route that differ from the requirements of Section 742.227 shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

- 1) Scaled map of the area, showing all buildings and man-made pathways (current and planned);
- 2) The current extent of contamination;
- 3) Geology, including soil parameters;
- 4) Depth to groundwater (including seasonal variation) and flow direction;
- 5) Location of soil gas sampling points; and
- 6) A discussion of soil gas sampling procedures that, at a minimum, addresses the following:
  - A) sampling equipment;
  - B) soil gas collection protocol, including field tests and weather conditions; and
  - C) laboratory analytical methods.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) Calculations and Modeling Used to Establish Soil Remediation Objectives  
The calculations and modeling shall account for contaminant transport through the mechanisms of diffusion and advection. Any proposals to use soil data in lieu of soil gas data to establish remediation objectives for the indoor inhalation exposure route shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:
- 1) Scaled map of the area, showing all buildings and man-made pathways (current and planned);
  - 2) The current extent of contamination;
  - 3) Geology, including soil parameters;
  - 4) Location of soil sampling points;
  - 5) A discussion of soil sampling procedures that, at a minimum, addresses the following:
    - A) sampling equipment;
    - B) soil collection protocol, including field tests and weather conditions; and
    - C) laboratory analytical methods;
  - 6) Mathematical and technical justification for the model proposed; and
  - 7) Demonstration that the model was correctly applied.
- e) Calculations and Modeling Used to Establish Groundwater Remediation Objectives  
The calculations and modeling shall account for contaminant transport through the mechanisms of diffusion and advection. Proposals to use groundwater data to establish remediation objectives for the indoor inhalation exposure route that differ from the requirements of Sections 742.805 and 742.812 shall be submitted to the Agency for review and approval. A submittal under this Section shall include the following information:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Scaled map of the area, showing all buildings and man-made pathways (current and planned);
- 2) The current extent of contamination;
- 3) Geology, including soil parameters and the thickness of the capillary fringe;
- 4) Depth to groundwater (including seasonal variation) and flow direction;
- 5) Results and locations of groundwater sampling events;
- 6) Mathematical and technical justification for the model proposed; and
- 7) Demonstration that the model was correctly applied.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: INSTITUTIONAL CONTROLS

**Section 742.1000 Institutional Controls**

- a) Institutional controls in accordance with this Subpart must be placed on the property when remediation objectives are based on any of the following assumptions:
  - 1) Industrial/Commercial property use;
  - 2) Target cancer risk greater than 1 in 1,000,000;
  - 3) Target hazard quotient greater than 1;
  - 4) Engineered barriers;
  - 5) The point of human exposure is located at a place other than at the source;
  - 6) Exclusion of exposure routes; ~~or~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 7) Use of remediation objectives based on a diffusion only mode of contaminant transport for the indoor inhalation exposure route;
  - 8) Use of an indoor inhalation building control technology; or
  - 9)7) Any combination of the above.
- b) The Agency shall not approve any remediation objective under this Part that is based on the use of institutional controls unless the person has proposed institutional controls meeting the requirements of this Subpart and the requirements of the specific program under which the institutional control is proposed. A proposal for approval of institutional controls shall provide identification of the selected institutional controls from among the types recognized in this Subpart.
- c) The following instruments may be institutional controls subject to the requirements of this Subpart J and the requirements of the specific program under which the institutional control is proposed:
- 1) No Further Remediation Letters;
  - 2) Environmental Land Use Controls;
  - 3) Land Use Control Memoranda of Agreement;
  - 4) Ordinances adopted and administered by a unit of local government;
  - 5) Agreements between a property owner (or, in the case of a petroleum leaking underground storage tank, the owner or operator of the tank) and a highway authority with respect to any contamination remaining under highways; and
  - 6) Agreements between a highway authority that is also the property owner (or, in the case of a petroleum leaking underground storage tank, the owner or operator of the tank) and the Agency with respect to any contamination remaining under the highways.
- d) No Further Remediation Letters and Environmental Land Use Controls that meet the requirements of this Subpart and the recording requirements of the program

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

under which remediation is being performed are transferred with the property.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.1010 Environmental Land Use Controls**

- a) An Environmental Land Use Control (ELUC) is an institutional control that may be used under this Part to impose land use limitations or requirements related to environmental contamination. ELUCs are only effective when approved by the Agency in accordance with this Part. Activities or uses that may be limited or required include, but are not limited to, prohibition of use of groundwater for potable purposes, restriction to industrial/commercial uses, operation or maintenance of engineered barriers, [indoor inhalation building control technologies](#), or worker safety plans. ELUCs may be used in the following circumstances:
- 1) When No Further Remediation Letters are not available, including but not limited to when contamination has migrated off-site or outside the remediation site; or
  - 2) When No Further Remediation Letters are not issued under the program for which a person is undergoing remediation.
- b) Recording requirements:
- 1) An ELUC approved by the Agency pursuant to this Section must be recorded in the Office of the Recorder or Registrar of Titles for the county in which the property that is the subject of the ELUC is located. A copy of the ELUC demonstrating that it has been recorded must be submitted to the Agency before the Agency will issue a no further remediation determination.
  - 2) An ELUC approved under this Section will not become effective until officially recorded in the chain of title for the property that is the subject of the ELUC in accordance with subsection (b)(1) of this Section.
  - 3) Reference to the recorded ELUC must be made in the instrument memorializing the Agency's no further remediation determination. Recording of the no further remediation determination and confirmation of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

recording must be in accordance with the requirements of the program under which the determination was issued.

- 4) The requirements of this Section do not apply to Federally Owned Property for which the Federal Landholding Entity does not have the authority under federal law to record land use limitations on the chain of title.
- 5) The requirements of this Section apply only to those sites for which a request for a no further remediation determination has not yet been made to the Agency by January 6, 2001.

c) Duration:

- 1) Except as provided in this subsection (c), an ELUC shall remain in effect in perpetuity.
- 2) *At no time shall any site for which an ELUC has been imposed as a result of remediation activities under this Part be used in a manner inconsistent with the land use limitation unless attainment of objectives appropriate for the new land use is achieved and a new no further remediation determination has been obtained and recorded in accordance with the program under which the ELUC was first imposed or the Site Remediation Program (35 Ill. Adm. Code 740); [415 ILCS 58.8(c)].* In addition, the appropriate release or modification of the ELUC must be prepared by the Agency and filed on the chain of title for the property that is the subject of the ELUC.
  - A) For a Leaking Underground Storage Tank (LUST) site under 35 Ill. Adm. Code 731, ~~or 732~~, or 734 or a Site Remediation Program site under 35 Ill. Adm. Code 740, an ELUC may be released or modified only if the NFR Letter is also modified under the Site Remediation Program to reflect the change;
  - B) For a RCRA site under 35 Ill. Adm. Code 721-730, an ELUC may be released or modified only if there is also an amended certification of closure or a permit modification.
- 3) In addition to any other remedies that may be available, a failure to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

comply with the limitations or requirements of an ELUC may result in avoidance of an Agency no further remediation determination in accordance with the program under which the determination was made. The failure to comply with the limitations or requirements of an ELUC may also be grounds for an enforcement action pursuant to Title VIII of the Act.

- d) An ELUC submitted to the Agency must match the form and contain the same substance, except for variable elements (e.g., name of property owner), as the model in Appendix F and must contain the following elements:
- 1) Name of property owners and declaration of property ownership;
  - 2) Identification of the property to which the ELUC applies by common address, legal description, and Real Estate Tax Index/Parcel Index Number;
  - 3) A reference to the Bureau of Land LPC numbers or 10-digit identification numbers under which the remediation was conducted;
  - 4) A statement of the reason for the land use limitation or requirement relative to protecting human health and the surrounding environment from soil, groundwater, and/or other environmental contamination;
  - 5) The language instituting such land use limitations or requirements;
  - 6) A statement that the limitations or requirements apply to the current owners, occupants, and all heirs, successors, assigns, and lessees;
  - 7) A statement that the limitations or requirements apply in perpetuity or until:
    - A) The Agency determines that there is no longer a need for the ELUC;
    - B) The Agency, upon written request, issues to the site that received the no further remediation determination that relies on the ELUC a new no further remediation determination approving modification or removal of the limitations or requirements;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) The new no further remediation determination is filed on the chain of title of the site subject to the no further remediation determination; and
  - D) A release or modification of the land use limitation is filed on the chain of title for the property that is the subject of the ELUC;
- 8) Scaled site maps showing:
- A) The legal boundary of the property to which the ELUC applies;
  - B) The horizontal and vertical extent of contaminants of concern above applicable remediation objectives for soil, ~~and~~ groundwater, and soil gas to which the ELUC applies;
  - C) Any physical features to which an ELUC applies (e.g., engineered barriers, monitoring wells, caps, indoor inhalation building control technologies); and
  - D) The nature, location of the source, and direction of movement of the contaminants of concern;
- 9) A statement that any information regarding the remediation performed on the property for which the ELUC is necessary may be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140] and rules promulgated thereunder; and
- 10) The dated, notarized signatures of the property owners or authorized agent.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.1015 Ordinances**

- a) An ordinance adopted by a unit of local government that effectively prohibits the installation of potable water supply wells (and the use of such wells) may be used as an institutional control to meet the requirements of Section 742.320(d) or 742.805(a)(3) if the requirements of this Section are met. A model ordinance is

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

found in Appendix G. Ordinances prohibiting the installation of potable water supply wells (and the use of such wells) that do not expressly prohibit the installation of potable water supply wells (and the use of such wells) by units of local government may be acceptable as institutional controls if the requirements of this Section are met and a Memorandum of Understanding (MOU) is entered into under subsection (i) of this Section. For purposes of this Section, a unit of local government is considered to be expressly prohibited from installing and using potable water supply wells only if the unit of local government is included in the prohibition provision by name. The prohibition required by this Section shall satisfy the following requirements at a minimum:

- 1) The prohibition shall not allow exceptions for potable water well installation and use other than for the adopting unit of local government;
  - 2) The prohibition shall apply at all depths and shall not be limited to particular aquifers or other geologic formations;
  - 3) If the prohibition does not apply everywhere within the boundaries of the unit of local government, the limited area to which the prohibition applies shall be easily identifiable and clearly defined by the ordinance (e.g., narrative descriptions accompanied by maps with legends or labels showing prohibition boundaries or narrative descriptions using fixed, common reference points such as street names). Boundaries of prohibitions limited by area shall be fixed by the terms of the ordinance and shall not be subject to change without amending the ordinance in which the prohibition has been adopted (e.g., no boundaries defined with reference to zoning districts or the availability of the public water supply); and
  - 4) The prohibition shall not in any way restrict or limit the Agency's approval of the use of the ordinance as an institutional control pursuant to this Part (e.g., no restrictions based on remediation program participation or no restrictions on persons performing remediation within the prohibition area who may use the ordinance).
- b) A request for approval of a local ordinance as an institutional control shall provide the following:
- 1) A copy of the ordinance restricting groundwater use certified by an

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

official of the unit of local government in which the site is located that it is a true and accurate copy of the ordinance, unless the Agency and the unit of local government have entered an agreement under subsection (i) of this Section, in which case the request may alternatively reference the MOU. The ordinance must demonstrate that potable use of groundwater from potable water supply wells is prohibited;

- 2) A scaled ~~map or maps~~map(s) delineating the area and extent of groundwater contamination modeled above the applicable remediation objectives including any measured data showing concentrations of contaminants of concern in which the applicable remediation objectives are exceeded;
- 3) A scaled map delineating the boundaries of all properties under which groundwater is located ~~that~~which exceeds the applicable groundwater remediation objectives;
- 4) Information identifying the current ~~owner~~owner(s) of each property identified in subsection (b)(3) of this Section; and
- 5) A copy of the proposed written notification to the unit of local government that adopted the ordinance and to the current owners identified in subsection (b)(4) of this Section that includes the following information:
  - A) The name and address of the unit of local government that adopted the ordinance;
  - B) The ordinance's citation;
  - C) A description of the property being sent notice by adequate legal description, reference to a plat showing the boundaries of the property, or accurate street address;
  - D) Identification of the party requesting to use the groundwater ordinance as an institutional control, and a statement that the party has requested approval from the Agency to use the ordinance as an institutional control;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) A statement that use of the ordinance as an institutional control allows contamination above groundwater ingestion remediation objectives to remain in groundwater beneath the affected properties, and that the ordinance strictly prohibits human and domestic consumption of the groundwater;
  - F) A statement as to the nature of the release and response action with the site name, site address, and Agency site number or Illinois inventory identification number; and
  - G) A statement that more information about the remediation site may be obtained by contacting the party requesting the use of the groundwater ordinance as an institutional control or by submitting a FOIA request to the Agency.
- c) Written notification proposed pursuant to subsection (b)(5) of this Section must be sent to the unit of local government that adopted the ordinance, as well as to all current property owners identified in subsection (b)(4). Written proof that the notification was sent to the unit of local government and the property owners shall be submitted to the Agency within 45 days from the date the Agency's no further remediation determination is recorded. Such proof may consist of the return card from certified mail, return receipt requested, a notarized certificate of service, or a notarized affidavit.
- d) Unless the Agency and the unit of local government have entered into a MOU under subsection (i) of this Section, the current owner or successors in interest of a site who have received approval of use of an ordinance as an institutional control under this Section shall:
- 1) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at properties identified in subsection (b)(3) of this Section; and
  - 2) Notify the Agency of any approved variance requests or ordinance changes within 30 days after the date such action has been approved.
- e) The information required in subsections (b)(1) through (b)(5) of this Section and the Agency letter approving the groundwater remediation objective shall be

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

submitted to the unit of local government. Proof that the information has been filed with the unit of local government shall be provided to the Agency.

- f) Any ordinance or MOU used as an institutional control pursuant to this Section shall be recorded in the Office of the Recorder or Registrar of Titles of the county in which the site is located together with the instrument memorializing the Agency's no further remediation determination pursuant to the specific program within 45 days after receipt of the Agency's no further remediation determination.
- g) An institutional control approved under this Section shall not become effective until officially recorded in accordance with subsection (f) of this Section. The person receiving the approval shall obtain and submit to the Agency within 30 days after recording a copy of the institutional control demonstrating that it has been recorded.
- h) The following shall be grounds for voidance of the ordinance as an institutional control and the instrument memorializing the Agency's no further remediation determination:
  - 1) Modification of the ordinance by the unit of local government to allow potable use of groundwater;
  - 2) Approval of a site-specific request, such as a variance, to allow potable use of groundwater at a site identified in subsection (b)(3) of this Section;
  - 3) Violation of the terms of an institutional control recorded under Section 742.1005 or Section 742.1010; or
  - 4) Failure to provide notification and proof of such notification pursuant to subsection (c) of this Section.
- i) The Agency and a unit of local government may enter into a MOU under this Section if the unit of local government has adopted an ordinance satisfying subsection (a) of this Section and if the requirements of this subsection are met. The MOU submitted to the Agency must match the form and contain the same substance as the model in Appendix H and shall include the following:
  - 1) Identification of the authority of the unit of local government to enter the MOU;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Identification of the legal boundaries, or equivalent, under which the ordinance is applicable;
- 3) A certified copy of the ordinance;
- 4) A commitment by the unit of local government to notify the Agency of any variance requests or proposed ordinance changes at least 30 days prior to the date the local government is scheduled to take action on the request or proposed change;
- 5) A commitment by the unit of local government to maintain a registry of all sites within the unit of local government that have received no further remediation determinations pursuant to specific programs; and
- 6) If the ordinance does not expressly prohibit the installation of potable water supply wells (and the use of such wells) by units of local government, a commitment by the unit of local government:
  - A) To review the registry of sites established under subsection (i)(5) of this Section prior to siting potable water supply wells within the area covered by the ordinance;
  - B) To determine whether the potential source of potable water may be or has been affected by contamination left in place at those sites; and
  - C) To take whatever steps are necessary to ensure that the potential source of potable water is protected from the contamination or treated before it is used as a potable water supply.

j) A groundwater ordinance may not be used to exclude the indoor inhalation exposure route.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: ENGINEERED BARRIERS

**Section 742.1105 Engineered Barrier Requirements**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Natural attenuation, access controls, and point of use treatment shall not be considered engineered barriers. Engineered barriers may not be used to prevent direct human exposure to groundwater without the use of institutional controls.
- b) For purposes of determining remediation objectives under Tier 1, engineered barriers are not recognized.
- c) The following engineered barriers are recognized for purposes of calculating remediation objectives that exceed residential remediation objectives:
  - 1) For the soil component of the groundwater ingestion exposure route, the following engineered barriers are recognized if they prevent completion of the exposure pathway:
    - A) Caps or walls constructed of compacted clay, asphalt, concrete or other material approved by the Agency; and
    - B) Permanent structures such as buildings and highways.
  - 2) For the soil ingestion exposure route, the following engineered barriers are recognized if they prevent completion of the exposure pathway:
    - A) Caps or walls constructed of compacted clay, asphalt, concrete, or other material approved by the Agency;
    - B) Permanent structures such as buildings and highways; and
    - C) Soil, sand, gravel, or other geologic materials that:
      - i) Cover the contaminated media;
      - ii) Meet the soil remediation objectives under Subpart E for residential property for contaminants of concern; and
      - iii) Are a minimum of three feet in depth.
  - 3) For the outdoor inhalation exposure route, the following engineered barriers are recognized if they prevent completion of the exposure

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

pathway:

- A) Caps or walls constructed of compacted clay, asphalt, concrete, or other material approved by the Agency;
- B) Permanent structures such as buildings and highways; and
- C) Soil, sand, gravel, or other geologic materials that:
  - i) Cover the contaminated media;
  - ii) Meet the soil remediation objectives under Subpart E for residential property for contaminants of concern; and
  - iii) Are a minimum of ten feet in depth and not within ten feet of any manmade pathway.
- 4) For the ingestion of groundwater exposure route, the following engineered barriers are recognized if they prevent completion of the exposure pathway:
  - A) Slurry walls; and
  - B) Hydraulic control of groundwater.
- d) Unless otherwise prohibited under Section 742.1100, any other type of engineered barrier may be proposed if it will be as effective as the options listed in subsection (c) of this Section.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART L: BUILDING CONTROL TECHNOLOGIES**

**Section 742.1200 Building Control Technologies**

- a) Any person who develops remediation objectives under this Part based on building control technologies shall meet the requirements of this Subpart and the requirements of Subpart J relative to institutional controls.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) The Agency shall not approve any remediation objective under this Part that is based on the use of building control technologies unless the person has proposed building control technologies meeting the requirements of this Subpart or Subpart I and Subpart J relative to institutional controls.
- c) The use of building control technologies can be recognized in determining remediation objectives only if the building control technologies are intended for use as part of the final corrective action.
- d) An approved building control technology shall be in place and operational prior to human occupancy.
- e) Any no further remediation determination based upon the use of building control technologies shall require effective maintenance of the building control technology. The maintenance requirements shall be included in an institutional control under Subpart J. This institutional control shall address provisions for inoperability by requiring the following if the building control technology is rendered inoperable:
- 1) The site owner/operator shall notify building occupants and workers in advance of intrusive activities. The notification shall enumerate the contaminant of concern known to be present;
  - 2) The site owner/operator shall require building occupants and workers to implement protective measures consistent with good industrial hygiene practice; and
  - 3) For a school, the site owner/operator shall notify the Agency upon any building control technology being rendered inoperable. For the purposes of this subsection (e)(3), the term "school" means any public educational facility in Illinois, including grounds and/or campus, consisting of students, comprising one or more grade groups or other identifiable groups, organized as one unit with one or more teachers to give instruction of a defined type. Public educational facility includes, but is not limited to, primary and secondary (kindergarten-12<sup>th</sup> grade), charter, vocational, alternative, and special education schools. Public educational facility does not include junior colleges, colleges, or universities.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- f) Failure to install or maintain a building control technology in accordance with a no further remediation determination shall be grounds for avoidance of the determination and the instrument memorializing the Agency's no further remediation determination.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.1205 Building Control Technology Proposals**

A proposal to use a building control technology under this Subpart shall include the following information:

- a) A description of the site and physical site characteristics;
- b) The current extent and modeled migration of contamination;
- c) Geology, including soil types;
- d) Results and locations of sampling events;
- e) Scaled map of the area, including all buildings and man-made pathways;
- f) A description of building characteristics and methods of construction, including a description of man-made pathways; and
- g) Present and post-remediation uses of the land above the area of contamination, including human receptors at risk.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 742.1210 Building Control Technology Requirements**

- a) Natural attenuation, access controls, and point of use treatment shall not be considered building control technologies.
- b) For purposes of determining compliance with remediation objectives under Tier 1, building control technologies are not recognized.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- c) The following building control technologies are recognized for purposes of pathway exclusion under Section 742.312.
- 1) Sub-slab depressurization (SSD) systems meeting the following requirements:
- A) A suction pit is installed that is at least two cubic feet and extends at least 6 inches below the slab (larger suction pits may be excavated as needed to achieve the performance criteria in subsection (c)(1)(B));
- B) A PVC pipe of at least 3 inches in diameter extends from the suction pit to the intake side of an in-line fan capable of achieving a static vacuum of at least 0.25 inches water column (wc) at the suction point and measureable vacuum at the farthest edges of the area served by the suction pit under worst case conditions (all exhaust fans and heating systems running during cold weather) as determined by a differential pressure reading of at least -0.003 inches wc below the slab or visible downward flow of air at test holes using chemical or smoke sticks;
- C) All visible cracks and joints in the slab (including the place where the pipe exits the slab) and foundation walls are sealed;
- D) The pipe exhausts outside the building at least 10 feet above ground and at least 10 feet from any door or window; and
- E) Additional suction pits meeting the requirements of subsection (c)(1)(A) shall be installed as necessary to achieve measureable vacuum below the slab in all areas, including in any area where subsurface or foundation conditions (e.g., a sub-slab grade beam) prevent adequate suction field extension.
- 2) Sub-membrane depressurization (SMD) systems meeting the following requirements:
- A) A non-woven geotextile is installed on the exposed earthen material;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) A cross-laminated polyethylene membrane liner at least 0.10 mm (or 4 mil) thick is placed over the geotextile and sealed to foundation walls using a low volatile adhesive that is recommended by the liner manufacturer (e.g., acrylic latex adhesive);
- C) A 3 inch diameter PVC pipe extends from a hole cut in the liner to the intake side of an in-line fan capable of achieving a static vacuum of at least 0.25 inches water column (wc) at the riser pipe and measureable vacuum at the farthest edges of the liner under worst case conditions (all exhaust fans running during cold weather) as determined by a differential pressure reading of at least -0.003 inches wc below the liner or visible downward flow of air in test holes using chemical or smoke sticks;
- D) The pipe is sealed to the liner;
- E) The pipe exhausts outside the building at least 10 feet above ground and at least 10 feet from any door or window; and
- F) No leaks based on smoke stick tests along the entire perimeter of the liner (i.e., at all sealed edges) with the fan running. Where leaks are identified, appropriate repairs are undertaken and smoke stick testing repeated until no leaks are detected.
- 3) Membrane barrier systems when placed below concrete slabs meeting the following requirements:
- A) The membrane is impermeable to volatile chemicals and is not less than 1.5 mm (or 60 mil) thick;
- B) The membrane is sealed to foundation walls and any penetrating pipes according to membrane manufacturer/installer recommendations;
- C) The membrane is installed in accordance with the manufacturer's requirements and by an applicator trained and approved by the manufacturer;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) A smoke test of the membrane system (where smoke is injected below the installed liner prior to slab installation), in accordance with the manufacturer's requirements, is performed to ensure no leaks exist. Where leaks are identified, appropriate repairs are undertaken and smoke testing repeated until no leaks are detected;
  - E) The membrane is puncture resistant to slab installation construction activities and protected by sand layers or geotextiles as recommended by the manufacturer; and
  - F) Construction activities following membrane installation do not damage, puncture or tear the membrane or otherwise compromise its ability to prevent the migration of volatile chemicals.
- 4) Vented raised floors meeting the following requirements:
- A) An interconnected void system below the slab sufficient to allow free movement of air and communication of negative pressures to all points below the slab;
  - B) Sealing of all construction joints, open cracks, and penetrations through the slab (e.g., for utilities and riser pipes) with a low volatile caulk; and
  - C) At least one 3 inch diameter riser pipe venting to the atmosphere above the roof line (at least 10 feet from any doors or windows) for each 5000 square feet of membrane area, with the capability of converting passively vented floor systems to actively vented or SSD systems meeting the performance requirements of subsection (c)(1).

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 742.APPENDIX A General

Section 742.TABLE A Soil Saturation Limits ( $C_{sat}$ ) for Chemicals Whose Melting Point is Less than 30°C

<u>CAS No.</u>	<u>Chemical Name</u>	<u>For the Outdoor Inhalation Exposure Route<sup>a</sup> <math>C_{sat}</math> (mg/kg)</u>	<u>For the Soil Component of the Groundwater Ingestion Exposure Route<sup>b</sup> <math>C_{sat}</math> (mg/kg)</u>
<u>67-64-1</u>	<u>Acetone</u>	<u>1.00E+05</u>	<u>2.00E+05</u>
<u>71-43-2</u>	<u>Benzene</u>	<u>8.00E+02</u>	<u>5.80E+02</u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>3.00E+03</u>	<u>3.90E+03</u>
<u>117-81-7</u>	<u>Bis(2-ethylhexyl)phthalate</u>	<u>2.00E+02</u>	<u>6.80E+01</u>
<u>75-27-4</u>	<u>Bromodichloromethane (Dichlorobromomethane)</u>	<u>2.80E+03</u>	<u>2.00E+03</u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>2.00E+03</u>	<u>1.20E+03</u>
<u>71-36-3</u>	<u>Butanol</u>	<u>1.00E+04</u>	<u>1.60E+04</u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>2.50E+04</u>	<u>4.50E+04</u>
<u>85-68-7</u>	<u>Butyl benzyl phthalate</u>	<u>1.00E+03</u>	<u>3.40E+02</u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>8.50E+02</u>	<u>5.20E+02</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>1.20E+03</u>	<u>5.60E+02</u>
<u>108-90-7</u>	<u>Chlorobenzene (Monochlorobenzene)</u>	<u>6.20E+02</u>	<u>2.90E+02</u>
<u>124-48-1</u>	<u>Chlorodibromomethane (Dibromochloromethane)</u>	<u>1.40E+03</u>	<u>8.90E+02</u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>3.40E+03</u>	<u>2.50E+03</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>For the Outdoor Inhalation Exposure Route<sup>a</sup> C<sub>sat</sub> (mg/kg)</u>	<u>For the Soil Component of the Groundwater Ingestion Exposure Route<sup>b</sup> C<sub>sat</sub> (mg/kg)</u>
<u>95-57-8</u>	<u>2-Chlorophenol<sup>c</sup> (ionizable organic)</u>	<u>1.00E+04</u>	<u>7.10E+03</u>
<u>75-99-0</u>	<u>Dalapon</u>	<u>1.20E+05</u>	<u>1.90E+05</u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>6.90E+02</u>	<u>4.30E+02</u>
<u>106-93-4</u>	<u>1,2-Dibromoethane (Ethylene dibromide)</u>	<u>1.60E+03</u>	<u>1.20E+03</u>
<u>84-74-2</u>	<u>Di-n-butyl phthalate</u>	<u>2.60E+03</u>	<u>8.80E+02</u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene (o-Dichlorobenzene)</u>	<u>5.60E+02</u>	<u>2.10E+02</u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>8.70E+02</u>	<u>4.30E+02</u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>1.70E+03</u>	<u>1.40E+03</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane (Ethylene dichloride)</u>	<u>1.90E+03</u>	<u>2.10E+03</u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>1.40E+03</u>	<u>9.10E+02</u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>1.30E+03</u>	<u>1.00E+03</u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>3.00E+03</u>	<u>2.10E+03</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>1.20E+03</u>	<u>8.70E+02</u>
<u>542-75-6</u>	<u>1,3-Dichloropropene (1,3-Dichloropropylene, cis + trans)</u>	<u>1.00E+03</u>	<u>8.50E+02</u>
<u>84-66-2</u>	<u>Diethyl phthalate</u>	<u>2.20E+03</u>	<u>9.20E+02</u>
<u>105-67-9</u>	<u>2,4-Dimethylphenol</u>	<u>1.00E+04</u>	<u>4.70E+03</u>
<u>117-84-0</u>	<u>Di-n-octyl phthalate</u>	<u>1.60E+01</u>	<u>5.20E+00</u>
<u>123-91-1</u>	<u>p-Dioxane</u>	<u>1.00E+05</u>	<u>2.00E+05</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>For the Outdoor Inhalation Exposure Route<sup>a</sup> C<sub>sat</sub> (mg/kg)</u>	<u>For the Soil Component of the Groundwater Ingestion Exposure Route<sup>b</sup> C<sub>sat</sub> (mg/kg)</u>
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>3.50E+02</u>	<u>1.50E+02</u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>	<u>1.30E+02</u>	<u>4.40E+01</u>
<u>78-59-1</u>	<u>Isophorone</u>	<u>3.00E+03</u>	<u>3.00E+03</u>
<u>98-82-8</u>	<u>Isopropylbenzene (Cumene)</u>	<u>9.40E+02</u>	<u>4.00E+02</u>
<u>7439-97-6</u>	<u>Mercury (elemental)</u>	<u>3.10E+00</u>	<u>N/A</u>
<u>74-83-9</u>	<u>Methyl bromide (Bromomethane)</u>	<u>3.10E+03</u>	<u>3.60E+03</u>
<u>1634-04-4</u>	<u>Methyl tertiary-butyl ether</u>	<u>8.40E+03</u>	<u>1.10E+04</u>
<u>75-09-2</u>	<u>Methylene chloride (Dichloromethane)</u>	<u>2.50E+03</u>	<u>3.00E+03</u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>7.10E+02</u>	<u>5.90E+02</u>
<u>621-64-7</u>	<u>n-Nitrosodi-n-propylamine</u>	<u>1.90E+03</u>	<u>2.30E+03</u>
<u>100-42-5</u>	<u>Styrene</u>	<u>6.30E+02</u>	<u>2.60E+02</u>
<u>127-18-4</u>	<u>Tetrachloroethylene (Perchloroethylene)</u>	<u>8.00E+02</u>	<u>3.10E+02</u>
<u>108-88-3</u>	<u>Toluene</u>	<u>5.80E+02</u>	<u>2.90E+02</u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>	<u>3.40E+02</u>	<u>1.20E+02</u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>1.30E+03</u>	<u>6.70E+02</u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>	<u>1.80E+03</u>	<u>1.30E+03</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>1.20E+03</u>	<u>6.50E+02</u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>	<u>1.80E+03</u>	<u>8.90E+02</u>
<u>108-05-4</u>	<u>Vinyl acetate</u>	<u>2.60E+03</u>	<u>4.20E+03</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>For the Outdoor Inhalation Exposure Route<sup>a</sup> C<sub>sat</sub> (mg/kg)</u>	<u>For the Soil Component of the Groundwater Ingestion Exposure Route<sup>b</sup> C<sub>sat</sub> (mg/kg)</u>
<u>75-01-4</u>	<u>Vinyl chloride</u>	<u>2.60E+03</u>	<u>2.90E+03</u>
<u>108-38-3</u>	<u>m-Xylene</u>	<u>4.10E+02</u>	<u>1.60E+02</u>
<u>95-47-6</u>	<u>o-Xylene</u>	<u>3.70E+02</u>	<u>1.50E+02</u>
<u>106-42-3</u>	<u>p-Xylene</u>	<u>3.30E+02</u>	<u>1.40E+02</u>
<u>1330-20-7</u>	<u>Xylenes (total)</u>	<u>2.80E+02</u>	<u>1.10E+02</u>

<sup>a</sup> Soil Saturation Limits calculated using an foc of 0.006 g/g and a system temperature of 25°C.

<sup>b</sup> Soil Saturation Limits calculated using an foc of 0.002 g/g and a system temperature of 25°C.

<sup>c</sup> C<sub>sat</sub> for pH of 6.8. If soil pH is other than 6.8, a site-specific C<sub>sat</sub> should be calculated using equations S19 and S29 and the pH-specific K<sub>oc</sub> values in Appendix C, Table I.

<u>CAS No.</u>	<u>Chemical Name</u>	<u>C<sub>sat</sub> (mg/kg)</u>
<u>67-64-1</u>	<u>Acetone</u>	<u>100,000</u>
<u>71-43-2</u>	<u>Benzene</u>	<u>870</u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>3,300</u>
<u>117-81-7</u>	<u>Bis(2-ethylhexyl)phthalate</u>	<u>31,000</u>
<u>75-27-4</u>	<u>Bromodichloromethane (Dichlorobromomethane)</u>	<u>3,000</u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>1,900</u>
<u>71-36-3</u>	<u>Butanol</u>	<u>10,000</u>
<u>85-68-7</u>	<u>Butyl benzyl phthalate</u>	<u>930</u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>720</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>1,100</u>
<u>108-90-7</u>	<u>Chlorobenzene (Monochlorobenzene)</u>	<u>680</u>
<u>124-48-1</u>	<u>Chlorodibromomethane (Dibromochloromethane)</u>	<u>1,300</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

67-66-3	Chloroform	2,900
96-12-8	1,2-Dibromo-3-chloropropane	1,400
106-93-4	1,2-Dibromoethane (Ethylene dibromide)	2,800
84-74-2	Di- <i>n</i> -butyl phthalate	2,300
95-50-1	1,2-Dichlorobenzene ( <i>o</i> -Dichlorobenzene)	560
75-34-3	1,1-Dichloroethane	1,700
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	1,800
75-35-4	1,1-Dichloroethylene	1,500
156-59-2	<i>cis</i> -1,2-Dichloroethylene	1,200
156-60-5	<i>trans</i> -1,2-Dichloroethylene	3,100
78-87-5	1,2-Dichloropropane	1,100
542-75-6	1,3-Dichloropropene (1,3-Dichloropropylene, <i>cis</i> + <i>trans</i> )	1,400
84-66-2	Diethyl phthalate	2,000
117-84-0	Di- <i>n</i> -octyl phthalate	10,000
100-41-4	Ethylbenzene	400
77-47-4	Hexachlorocyclopentadiene	2,200
78-59-1	Isophorone	4,600
74-83-9	Methyl bromide (Bromomethane)	3,200
1634-04-4	Methyl tertiary-butyl ether	8,800
75-09-2	Methylene chloride (Dichloromethane)	2,400
98-95-3	Nitrobenzene	1,000
100-42-5	Styrene	1,500
127-18-4	Tetrachloroethylene (Perchloroethylene)	240
108-88-3	Toluene	650
120-82-1	1,2,4-Trichlorobenzene	3,200
71-55-6	1,1,1-Trichloroethane	1,200
79-00-5	1,1,2-Trichloroethane	1,800
79-01-6	Trichloroethylene	1,300
108-05-4	Vinyl acetate	2,700
75-01-4	Vinyl chloride	1,200
108-38-3	<i>m</i> -Xylene	420
95-47-6	<i>o</i> -Xylene	410
100-42-3	<i>p</i> -Xylene	460
1330-20-7	Xylenes (total)	320
	<b>Ionizable Organics</b>	
92-57-8	2-Chlorophenol	53,000

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX A General****Section 742.TABLE E Similar-Acting Noncarcinogenic Chemicals****Adrenal Gland**Isopropylbenzene**Cholinesterase Inhibition**AldicarbCarbofuran**Circulatory System**AlachlorAntimony (ingestion only)BenzeneCobalt (ingestion only)2,4-Dcis-1,2-Dichloroethylene (ingestion only)2,4-Dimethylphenol2,4-Dinitrotoluene2,6-DinitrotolueneEnzosulfanFluorantheneFluoreneMethylene Chloride (inhalation only)Nickel (Res. & I/C only) (inhalation only)Nitrate as NNitrobenzene (ingestion only)SeleniumSimazineStyrene (ingestion only)1,3,5-TrinitrobenzeneZinc**Decreased Body Weight Gain**AtrazineBis(2-chloroethyl)etherCyanide1,2-Dichlorobenzene (inhalation only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Diethyl phthalate (ingestion only)  
Enzosulfan  
2-Methylphenol (o-cresol)  
Naphthalene (ingestion only)  
Nickel (ingestion only)  
n-Nitrosodiphenylamine  
Phenol (ingestion only)  
Simazine  
Tetrachloroethylene (ingestion only)  
1,1,1-Trichloroethane (ingestion only)  
Vinyl acetate (ingestion only)  
Xylenes (Res. & I/C only) (ingestion only)

**Endocrine System**

Cyanide  
1,2-Dibromoethane (ingestion only)  
Di-n-octyl phthalate (ingestion only)  
Nitrobenzene  
1,2,4-Trichlorobenzene (ingestion only)

**Eye**

2,4-Dinitrophenol  
n-Nitrosodiphenylamine  
Polychlorinated biphenyls (PCBs)  
Trichloroethylene

**Gastrointestinal System**

Beryllium (ingestion only)  
Copper  
1,3-Dichloropropene (cis + trans)  
Endothall  
Fluoride  
Hexachlorocyclopentadiene (ingestion only)  
Iron  
Methyl bromide (ingestion only)  
Methyl tertiary-butyl ether (ingestion only)

**Immune System**

4-Chloroaniline

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2,4-Dichlorophenol

Mercury (ingestion only)

Polychlorinated biphenyls (PCBs)

**Kidney**

Acetone (ingestion only)

Aldrin (CW only)

Barium

Bromodichloromethane (ingestion only)

Cadmium

2,4-D

Dalapon

1,1-Dichloroethane

1,2-Dichloroethane (CW only) (ingestion only)

Enzosulfan

Ethylbenzene (ingestion only)

Fluoranthene

gamma-HCH (gamma-BHC)

Hexachloroethane (ingestion only)

Isopropylbenzene

Mecoprop (MCP)

Methyl tertiary-butyl ether (inhalation only)

Pentachlorophenol

Pyrene

Toluene (ingestion only)

2,4,5-Trichlorophenol

Vinyl acetate (ingestion only)

**Liver**

Acenaphthene

Aldrin (Res. & I/C only)

Bis(2-ethylhexyl)phthalate (Res.& I/C only) (ingestion only)

Bromoform

Butyl Benzyl Phthalate (ingestion only)

Carbon Tetrachloride

Chlordane

Chlorobenzene (ingestion only)

Chlorodibromomethane (ingestion only)

Chloroform

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2,4-D

DDT

1,2-Dibromoethane (ingestion only)

1,2-Dichlorobenzene (CW only) (ingestion only)

1,4-Dichlorobenzene

Dichlorodifluoromethane

1,2-Dichloroethane (inhalation only)

1,1-Dichloroethylene

trans-1,2-Dichloroethylene

1,2-Dichloropropane (ingestion only)

Dieldrin (Res. & I/C only)

2,4-Dinitrotoluene

2,6-Dinitrotoluene

Di-n-octyl phthalate (ingestion only)

p-Dioxane

Endrin

Ethylbenzene (ingestion only)

Fluoranthene

Heptachlor

Heptachlor epoxide

Hexachlorobenzene

alpha-HCH (alpha-BHC)

gamma-HCH (gamma-BHC)

High Melting Explosive, Octogen (HMX)

Isophorone (inhalation only)

Methyl tertiary-butyl ether

Methylene Chloride (ingestion only)

Pentachlorophenol

Phenol (inhalation only)

Picloram

Styrene (ingestion only)

Tetrachloroethylene (ingestion only)

Toxaphene (CW only)

2,4,5-TP (Silvex)

1,2,4-Trichlorobenzene (inhalation only)

1,1,1-Trichloroethane (inhalation only)

1,1,2-Trichloroethane (ingestion only)

2,4,5-Trichlorophenol

2,4,6-Trinitrotoluene (TNT)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Vinyl Chloride**Mortality**Di-n-butyl phthalate (ingestion only)Xylenes (Res. & I/C only) (ingestion only)**Nervous System**Butanol (ingestion only)Carbon disulfide (inhalation only)CyanideDieldrin2,4-Dimethylphenol2,4-Dinitrotoluene2,6-DinitrotolueneEndrinHexachloroethane (inhalation only) (CW only)ManganeseMercury (inhalation only)2-Methylphenol (o-cresol)Phenol (inhalation only)SeleniumStyrene (inhalation only)Tetrachloroethylene (inhalation only)Toluene (inhalation only)TrichloroethyleneXylenes (CW only) (ingestion only)Xylenes (inhalation only)**Reproductive System**Arsenic (inhalation only)Bis(2-ethylhexyl)phthalate (CW only) (ingestion only)Boron2-ButanoneCarbofuranCarbon disulfide (ingestion only)2-Chlorophenol1,2-Dibromo-3-chloropropane1,2-Dibromoethane (ingestion only)Dicamba

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

DinosebEthylbenzene (inhalation only)Isophorone (inhalation only)MethoxychlorRoyal Demolition Explosive, Cyclonite (RDX)2,4,6-Trichlorophenol**Respiratory System**Antimony (inhalation only)Benzoic Acid (inhalation only)Beryllium (inhalation only)Cadmium (inhalation only)Chromium (hex) (inhalation only)Cobalt (inhalation only)1,2-Dibromoethane (inhalation only)trans-1,2-Dichloroethylene (inhalation only)1,2-Dichloropropane (inhalation only)1,3-Dichloropropene (cis + trans) (inhalation only)Hexachlorocyclopentadiene (inhalation only)Methyl bromide (inhalation only)Naphthalene (inhalation only)Nickel (inhalation only)Nitrobenzene (inhalation only)Vinyl acetate (inhalation only)**Skin**Arsenic (ingestion only)Polychlorinated biphenyls (PCBs)SeleniumSilver**Spleen**1,3-Dinitrobenzene1,3,5-Trinitrobenzene**Notes:**Res. = Residential receptorI/C = Industrial Commercial receptorCW = Construction Worker receptor

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Adrenal Gland

Nitrobenzene

1,2,4-Trichlorobenzene (Ingestion only)

Kidney

Acetone (Ingestion only)

Cadmium (Ingestion only)

Chlorobenzene

Dalapon

1,1-Dichloroethane

Di-n-octyl phthalate (Ingestion only)

Endosulfan

Ethylbenzene

Fluoranthene

Methyl tertiary-butyl ether (Inhalation only)

Nitrobenzene

Pyrene

Toluene (Ingestion only)

2,4,5-Trichlorophenol

Vinyl acetate (Ingestion only)

Liver

Acenaphthene

Acetone (Ingestion only)

Butylbenzyl phthalate (Ingestion only)

Chlorobenzene (Ingestion only)

1,1-Dichloroethylene (Ingestion only)

Di-n-octyl phthalate (Ingestion only)

Endrin

Ethylbenzene

Fluoranthene

Methyl tertiary-butyl ether (Inhalation only)

Nitrobenzene

Picloram

Styrene (Ingestion only)

2,4,5-TP (Silvex)

Toluene (Ingestion only)

1,2,4-Trichlorobenzene (Inhalation only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2,4,5-TrichlorophenolCentral Nervous SystemButanol (Ingestion only)Cyanide (amenable)2,4-DimethylphenolEndrinManganese2-MethylphenolMercury (Inhalation only)Styrene (Inhalation only)Toluene (Inhalation only)Xylenes (Ingestion only)Circulatory SystemAntimonyBarium (Ingestion only)2,4-Dcis-1,2-Dichloroethylene (Ingestion only)Nitrobenzenetrans-1,2-Dichloroethylene (Ingestion only)2,4-DimethylphenolFluorantheneFluoreneStyrene (Ingestion only)ZincGastrointestinal SystemBeryllium (Ingestion only)EndothallHexachlorocyclopentadiene (Ingestion only)Methyl bromide (Ingestion only)Methyl tertiary-butyl ether (Ingestion only)Immune System2,4-Dichlorophenolp-ChloroanilineMercury (Ingestion only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Reproductive SystemBarium (Inhalation only)Boron (Ingestion only)Carbon disulfide2-Chlorophenol (Ingestion only)1,2-Dibromo-3-Chloropropane (Inhalation only)DinosebEthylbenzene (Inhalation only)MethoxychlorPhenolRespiratory System1,2-Dichloropropane (Inhalation only)1,3-Dichloropropylene (Inhalation only)Hexachlorocyclopentadiene (Inhalation only)Methyl bromide (Inhalation only)Napthalene (Inhalation only)Toluene (Inhalation only)Vinyl acetate (Inhalation only)Cholinesterase InhibitionAldicarbCarbofuranDecreased Body Weight Gains and Circulatory System EffectsAtrazineSimazine

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX A General****Section 742.TABLE F Similar-Acting Carcinogenic Chemicals****Bladder**

1,3-Dichloropropene (cis + trans) (ingestion only)

n-Nitrosodiphenylamine

**Circulatory System**

Benzene

1,2-Dibromoethane

1,2-Dichloroethane

Pentachlorophenol

2,4,6-Trichlorophenol

**Gall Bladder**

p-Dioxane (inhalation only)

**Gastrointestinal System**

Benzo(a)anthracene (ingestion only)

Benzo(b)fluoranthene (ingestion only)

Benzo(k)fluoranthene (ingestion only)

Benzo(a)pyrene (ingestion only)

Bromoform

Chrysene (ingestion only)

Dibenzo(a,h)anthracene (ingestion only)

1,2-Dibromoethane (ingestion only)

Indeno(1,2,3-cd)pyrene (ingestion only)

**Kidney**

Bromodichloromethane (ingestion only)

Chloroform (ingestion only)

1,2-Dibromo-3-chloropropane (ingestion only)

Nitrobenzene

**Liver**

Aldrin

Bis(2-chloroethyl)ether

Bis(2-ethylhexyl)phthalate

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Carbazole  
Carbon Tetrachloride  
Chlordane  
Chloroform  
DDD  
DDE  
DDT  
1,2-Dichloropropane  
Dieldrin  
2,4-Dinitrotoluene  
2,6-Dinitrotoluene  
p-Dioxane  
Heptachlor  
Heptachlor epoxide  
Hexachlorobenzene  
alpha-HCH (alpha-BHC)  
gamma-HCH (gamma-BHC)  
Methylene Chloride  
Nitrobenzene  
n-Nitrosodiphenylamine (inhalation only)  
n-Nitrosodi-n-propylamine  
Pentachlorophenol  
Polychlorinated biphenyls (PCBs)  
Tetrachloroethylene  
Toxaphene  
Trichloroethylene  
Vinyl Chloride (I/C & CW)  
Vinyl Chloride (Res.)

**Mammary Gland**

3,3'-Dichlorobenzidine  
2,4-Dinitrotoluene  
2,6-Dinitrotoluene

**Respiratory System**

Arsenic (inhalation only)  
Benzo(a)anthracene (inhalation only)  
Benzo(b)fluoranthene (inhalation only)  
Benzo(k)fluoranthene (inhalation only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Benzo(a)pyrene (inhalation only)  
Beryllium  
Cadmium  
Chromium (hexavalent ion)  
Chrysene (inhalation only)  
Cobalt  
Dibenzo(a,h)anthracene (inhalation only)  
1,2-Dibromo-3-chloropropane (inhalation only)  
1,2-Dibromoethane (inhalation only)  
1,3-Dichloropropene (cis + trans) (inhalation only)  
p-Dioxane (inhalation only)  
Trichloroethylene

**Notes:**

Res. = Residential receptor

I/C = Industrial Commercial receptor

CW = Construction Worker receptor

**Kidney**

~~Bromodichloromethane (Ingestion only)~~  
~~Chloroform (Ingestion only)~~  
~~1,2-Dibromo-3-chloropropane (Ingestion only)~~  
2,4-Dinitrotoluene  
2,6-Dinitrotoluene  
Hexachlorobenzene

**Liver**

Aldrin  
Bis(2-chloroethyl)ether  
Bis(2-ethylhexyl)phthalate (Ingestion only)  
Carbazole  
Carbon tetrachloride  
Chlordane  
Chloroform (Inhalation only)  
DDD  
DDE  
DDT  
1,2-Dibromo-3-chloropropane (Ingestion only)  
1,2-Dibromoethane (Ingestion only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

3,3'-Dichlorobenzidine  
1,2-Dichloroethane  
1,2-Dichloropropane (Ingestion only)  
1,3-Dichloropropylene (Ingestion only)  
Dieldrin  
2,4-Dinitrotoluene  
2,6-Dinitrotoluene  
Heptachlor  
Heptachlor-epoxide  
Hexachlorobenzene  
alpha-HCH  
gamma-HCH (Lindane)  
Methylene chloride  
N-Nitrosodiphenylamine  
N-Nitrosodi-n-propylamine  
Pentachlorophenol  
Tetrachloroethylene  
Trichloroethylene  
2,4,6-Trichlorophenol  
Toxaphene  
Vinyl chloride

Circulatory System

Benzene  
2,4,6-Trichlorophenol

Gastrointestinal System

Benzo(a)anthracene  
Benzo(b)fluoranthene  
Benzo(k)fluoranthene  
Benzo(a)pyrene  
Chrysene  
Dibenzo(a,h)anthracene  
Indeno(1,2,3-c,d)pyrene  
Bromodichloromethane (Ingestion only)  
Bromoform  
1,2-Dibromo-3-chloropropane (Ingestion only)  
1,2-Dibromoethane (Ingestion only)  
1,3-Dichloropropylene (Ingestion only)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Lung

~~Arsenic (Inhalation only)~~  
~~Beryllium (Inhalation only)~~  
~~Cadmium (Inhalation only)~~  
~~Chromium, hexavalent (Inhalation only)~~  
~~1,3-Dichloropropylene (Inhalation only)~~  
~~Methylene chloride (Inhalation only)~~  
~~N-Nitrosodi-n-propylamine~~  
~~Nickel (Inhalation only)~~  
~~Vinyl chloride~~

Nasal Cavity

~~1,2-Dibromo-3-chloropropane (Inhalation only)~~  
~~1,2-Dibromoethane (Inhalation only)~~  
~~N-Nitrosodi-n-propylamine~~

Bladder

~~3,3'-Dichlorobenzidine~~  
~~1,3-Dichloropropylene (Ingestion only)~~  
~~N-Nitrosodiphenylamine~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX A General****Section 742.TABLE J List of TACO Volatile Chemicals for the Indoor Inhalation Exposure Route**

<b><u>CAS No.</u></b>	<b><u>Chemical</u></b>
<u>67-64-1</u>	<u>Acetone</u>
<u>71-43-2</u>	<u>Benzene</u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>
<u>75-27-4</u>	<u>Bromodichloromethane</u>
<u>75-25-2</u>	<u>Bromoform</u>
<u>71-36-3</u>	<u>Butanol</u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>
<u>75-15-0</u>	<u>Carbon disulfide</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>
<u>108-90-7</u>	<u>Chlorobenzene</u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>
<u>67-66-3</u>	<u>Chloroform</u>
<u>95-57-8</u>	<u>2-Chlorophenol</u>
<u>75-99-0</u>	<u>Dalapon</u>
<u>96-12-8</u>	<u>1,2-dibromo-3-chloropropane</u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>
<u>156-60-5</u>	<u>Trans-1,2-Dichloroethylene</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>
<u>542-75-6</u>	<u>1,3-Dichloropropylene (cis + trans)</u>
<u>123-91-1</u>	<u>p-Dioxane</u>
<u>100-41-4</u>	<u>Ethylbenzene</u>
<u>76-44-8</u>	<u>Heptachlor</u>
<u>118-74-1</u>	<u>Hexachlorobenzene</u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>
<u>67-72-1</u>	<u>Hexachloroethane</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical</u>
<u>78-59-1</u>	<u>Isophorone</u>
<u>98-82-8</u>	<u>Isopropylbenzene (Cumene)</u>
<u>7439-97-6</u>	<u>Mercury</u>
<u>74-83-9</u>	<u>Methyl bromide</u>
<u>1634-04-4</u>	<u>Methyl tertiary-butyl ether</u>
<u>75-09-2</u>	<u>Methylene chloride</u>
<u>93-65-2</u>	<u>2-Methylnaphthalene</u>
<u>95-48-7</u>	<u>2-Methylphenol (o-cresol)</u>
<u>91-20-3</u>	<u>Naphthalene</u>
<u>98-95-3</u>	<u>Nitrobenzene</u>
<u>621-64-7</u>	<u>n-Nitrosodi-n-propylamine</u>
<u>108-95-2</u>	<u>Phenol</u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>
<u>100-42-5</u>	<u>Styrene</u>
<u>127-18-4</u>	<u>Tetrachloroethylene</u>
<u>108-88-3</u>	<u>Toluene</u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>
<u>108-05-4</u>	<u>Vinyl acetate</u>
<u>75-01-4</u>	<u>Vinyl chloride</u>
<u>108-38-3</u>	<u>m-Xylene</u>
<u>95-47-6</u>	<u>o-Xylene</u>
<u>106-42-3</u>	<u>p-Xylene</u>
<u>1330-20-7</u>	<u>Xylenes (total)</u>

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX A General****Section 742.TABLE K Soil Vapor Saturation Limits ( $C_v^{sat}$ ) for Volatile Chemicals**

<u>CAS No.</u>	<u>Chemical Name</u>	<u><math>C_v^{sat}</math> (mg/m<sup>3</sup>)</u>
<u>67-64-1</u>	<u>Acetone</u>	<u>7.50E+05</u>
<u>71-43-2</u>	<u>Benzene</u>	<u>4.20E+05</u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>1.20E+04</u>
<u>75-27-4</u>	<u>Bromodichloromethane</u>	<u>4.50E+05</u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>7.80E+04</u>
<u>71-36-3</u>	<u>Butanol</u>	<u>2.90E+04</u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>3.80E+05</u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>1.50E+06</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>1.00E+06</u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>7.40E+04</u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>	<u>5.70E+04</u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>1.30E+06</u>
<u>95-57-8</u>	<u>2-Chlorophenol (ionizable organic)</u>	<u>1.70E+04</u>
<u>75-99-0</u>	<u>Dalapon</u>	<u>1.50E+03</u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>7.80E+03</u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>	<u>1.40E+05</u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>	<u>1.10E+04</u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>	<u>8.40E+03</u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>3.30E+07</u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>1.30E+06</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>4.40E+05</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>C<sub>v</sub><sup>sat</sup> (mg/m<sup>3</sup>)</u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>3.30E+06</u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>1.10E+06</u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>1.80E+06</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>3.20E+05</u>
<u>542-75-6</u>	<u>1,3-Dichloropropylene (cis + trans)</u>	<u>2.10E+05</u>
<u>123-91-1</u>	<u>p-Dioxane</u>	<u>1.90E+05</u>
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>5.90E+04</u>
<u>76-44-8</u>	<u>Heptachlor</u>	<u>8.30E+00</u>
<u>118-74-1</u>	<u>Hexachlorobenzene</u>	<u>2.80E-01</u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>	<u>9.10E+02</u>
<u>67-72-1</u>	<u>Hexachloroethane</u>	<u>2.80E+03</u>
<u>78-59-1</u>	<u>Isophorone</u>	<u>3.40E+03</u>
<u>98-82-8</u>	<u>Isopropylbenzene (Cumene)</u>	<u>3.00E+04</u>
<u>7439-97-6</u>	<u>Mercury (elemental)</u>	<u>2.20E+01</u>
<u>74-83-9</u>	<u>Methyl bromide</u>	<u>8.60E+06</u>
<u>1634-04-4</u>	<u>Methyl tertiary-butyl ether</u>	<u>1.20E+06</u>
<u>75-09-2</u>	<u>Methylene chloride</u>	<u>2.00E+06</u>
<u>93-65-2</u>	<u>2-Methylnaphthalene</u>	<u>5.30E+02</u>
<u>1634-04-4</u>	<u>2-Methylphenol (o-cresol)</u>	<u>1.80E+03</u>
<u>91-20-3</u>	<u>Naphthalene</u>	<u>6.20E+02</u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>1.70E+03</u>
<u>621-64-7</u>	<u>n-Nitrosodi-n-propylamine</u>	<u>9.50E+02</u>
<u>108-95-2</u>	<u>Phenol</u>	<u>1.50E+03</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u><math>C_v^{\text{sat}}</math> (mg/m<sup>3</sup>)</u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>	<u>9.00E+00</u>
<u>100-42-5</u>	<u>Styrene</u>	<u>3.40E+04</u>
<u>127-18-4</u>	<u>Tetrachloroethylene</u>	<u>1.80E+05</u>
<u>108-88-3</u>	<u>Toluene</u>	<u>1.40E+05</u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>	<u>4.30E+03</u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>8.70E+05</u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>	<u>1.70E+05</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>5.30E+05</u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>	<u>6.30E+06</u>
<u>108-05-4</u>	<u>Vinyl acetate</u>	<u>4.30E+05</u>
<u>75-01-4</u>	<u>Vinyl chloride</u>	<u>1.10E+07</u>
<u>108-38-3</u>	<u>m-Xylene</u>	<u>5.20E+04</u>
<u>95-47-6</u>	<u>o-Xylene</u>	<u>4.10E+04</u>
<u>106-42-3</u>	<u>p-Xylene</u>	<u>5.50E+04</u>
<u>1330-20-7</u>	<u>Xylenes (total)</u>	<u>4.90E+04</u>

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX B Tier 1 Illustrations and Tables****Section 742.TABLE G Tier 1 Soil Gas Remediation Objectives for theOutdoor Inhalation Exposure Route<sup>a</sup>**

<u>CAS No.</u>	<u>Chemical Name</u>	<u>Residential (mg/m<sup>3</sup>)</u>	<u>Industrial/Commercial (mg/m<sup>3</sup>)</u>	<u>Construction Worker (mg/m<sup>3</sup>)</u>
<u>67-64-1</u>	<u>Acetone</u>	<u>750,000<sup>e</sup></u>	<u>750,000<sup>e</sup></u>	<u>750,000<sup>e</sup></u>
<u>71-43-2</u>	<u>Benzene</u>	<u>420<sup>c</sup></u>	<u>800<sup>c</sup></u>	<u>1,100<sup>c</sup></u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>1.3<sup>c</sup></u>	<u>2.4<sup>c</sup></u>	<u>3.4<sup>c</sup></u>
<u>75-27-4</u>	<u>Bromodichloromethane</u>	<u>450,000<sup>e</sup></u>	<u>450,000<sup>e</sup></u>	<u>450,000<sup>e</sup></u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>1,800<sup>c</sup></u>	<u>3,500<sup>c</sup></u>	<u>4,900<sup>c</sup></u>
<u>71-36-3</u>	<u>Butanol</u>	<u>29,000<sup>e</sup></u>	<u>29,000<sup>e</sup></u>	<u>29,000<sup>e</sup></u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>380,000<sup>e</sup></u>	<u>380,000<sup>e</sup></u>	<u>15,000<sup>b</sup></u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>1,500,000<sup>e</sup></u>	<u>1,500,000<sup>e</sup></u>	<u>48,000<sup>b</sup></u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>290<sup>c</sup></u>	<u>550<sup>c</sup></u>	<u>770<sup>c</sup></u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>36,000<sup>b</sup></u>	<u>57,000<sup>b</sup></u>	<u>3,700<sup>b</sup></u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>	<u>57,000<sup>e</sup></u>	<u>57,000<sup>e</sup></u>	<u>150<sup>b</sup></u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>110<sup>c</sup></u>	<u>200<sup>c</sup></u>	<u>290<sup>c</sup></u>
<u>95-57-8</u>	<u>2-Chlorophenol</u>	<u>17,000<sup>e</sup></u>	<u>17,000<sup>e</sup></u>	<u>17,000<sup>e</sup></u>
<u>75-99-0</u>	<u>Dalapon</u>	<u>1,500<sup>e</sup></u>	<u>1,500<sup>e</sup></u>	<u>1,500<sup>e</sup></u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>0.14<sup>c</sup></u>	<u>0.27<sup>c</sup></u>	<u>0.38<sup>c</sup></u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>	<u>2.9<sup>c</sup></u>	<u>5.6<sup>c</sup></u>	<u>7.9<sup>c</sup></u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>	<u>11,000<sup>e</sup></u>	<u>11,000<sup>e</sup></u>	<u>6,700<sup>b</sup></u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>	<u>8,400<sup>e</sup></u>	<u>8,400<sup>e</sup></u>	<u>6,400<sup>b</sup></u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>890,000<sup>b</sup></u>	<u>1,400,000<sup>b</sup></u>	<u>92,000<sup>b</sup></u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>870,000<sup>b</sup></u>	<u>1,300,000<sup>e</sup></u>	<u>90,000<sup>b</sup></u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>67<sup>c</sup></u>	<u>130<sup>c</sup></u>	<u>180<sup>c</sup></u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>520,000<sup>b</sup></u>	<u>820,000<sup>b</sup></u>	<u>5,300<sup>b</sup></u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>1,100,000<sup>e</sup></u>	<u>1,100,000<sup>e</sup></u>	<u>1,100,000<sup>e</sup></u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>120,000<sup>b</sup></u>	<u>190,000<sup>b</sup></u>	<u>12,000<sup>b</sup></u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>240<sup>c</sup></u>	<u>470<sup>c</sup></u>	<u>110<sup>c</sup></u>
<u>542-75-6</u>	<u>1,3-Dichloropropylene (cis + trans)</u>	<u>1,900<sup>c</sup></u>	<u>3,700<sup>c</sup></u>	<u>1,400<sup>c</sup></u>
<u>123-91-1</u>	<u>p-Dioxane</u>	<u>16<sup>c</sup></u>	<u>30<sup>c</sup></u>	<u>42<sup>c</sup></u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>Residential (mg/m<sup>3</sup>)</u>	<u>Industrial/Commercial (mg/m<sup>3</sup>)</u>	<u>Construction Worker (mg/m<sup>3</sup>)</u>
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>59,000<sup>e</sup></u>	<u>59,000<sup>e</sup></u>	<u>8,500<sup>b</sup></u>
<u>76-44-8</u>	<u>Heptachlor</u>	<u>0.40<sup>c</sup></u>	<u>0.76<sup>c</sup></u>	<u>1.1<sup>c</sup></u>
<u>118-74-1</u>	<u>Hexachlorobenzene</u>	<u>0.26<sup>c</sup></u>	<u>0.28<sup>c</sup></u>	<u>0.28<sup>c</sup></u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>	<u>85<sup>b</sup></u>	<u>140<sup>b</sup></u>	<u>440<sup>b</sup></u>
<u>67-72-1</u>	<u>Hexachloroethane</u>	<u>2,800<sup>e</sup></u>	<u>2,800<sup>e</sup></u>	<u>2,800<sup>e</sup></u>
<u>78-59-1</u>	<u>Isophorone</u>	<u>3,400<sup>e</sup></u>	<u>3,400<sup>e</sup></u>	<u>1,500<sup>b</sup></u>
<u>98-82-8</u>	<u>Isopropylbenzene (Cumene)</u>	<u>30,000<sup>e</sup></u>	<u>30,000<sup>e</sup></u>	<u>30,000<sup>e</sup></u>
<u>7439-97-6</u>	<u>Mercury<sup>f</sup></u>	<u>22<sup>e</sup></u>	<u>22<sup>e</sup></u>	<u>0.62<sup>b</sup></u>
<u>74-83-9</u>	<u>Methyl bromide</u>	<u>12,000<sup>b</sup></u>	<u>19,000<sup>b</sup></u>	<u>2,400<sup>b</sup></u>
<u>1634-04-4</u>	<u>Methyl tertiary-butyl ether</u>	<u>1,200,000<sup>e</sup></u>	<u>1,200,000<sup>e</sup></u>	<u>23,000<sup>b</sup></u>
<u>75-09-2</u>	<u>Methylene chloride</u>	<u>6,100<sup>c</sup></u>	<u>12,000<sup>c</sup></u>	<u>5,100<sup>b</sup></u>
<u>91-57-6</u>	<u>2-Methylnaphthalene</u>	<u>530<sup>c</sup></u>	<u>530<sup>c</sup></u>	<u>530<sup>c</sup></u>
<u>95-48-7</u>	<u>2-Methylphenol (o-cresol)</u>	<u>1,800<sup>e</sup></u>	<u>1,800<sup>e</sup></u>	<u>410<sup>b</sup></u>
<u>91-20-3</u>	<u>Naphthalene</u>	<u>560<sup>b</sup></u>	<u>620<sup>e</sup></u>	<u>5.8<sup>b</sup></u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>6.5<sup>c</sup></u>	<u>12<sup>c</sup></u>	<u>10<sup>b</sup></u>
<u>621-64-7</u>	<u>n-Nitrosodi-n-propylamine</u>	<u>0.056<sup>c</sup></u>	<u>0.11<sup>c</sup></u>	<u>0.15<sup>c</sup></u>
<u>108-95-2</u>	<u>Phenol</u>	<u>1,500<sup>e</sup></u>	<u>1,500<sup>e</sup></u>	<u>79<sup>b</sup></u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>	<u>---<sup>d</sup></u>	<u>---<sup>d</sup></u>	<u>---<sup>d</sup></u>
<u>100-42-5</u>	<u>Styrene</u>	<u>34,000<sup>e</sup></u>	<u>34,000<sup>e</sup></u>	<u>16,000<sup>b</sup></u>
<u>127-18-4</u>	<u>Tetrachloroethylene</u>	<u>360<sup>c</sup></u>	<u>690<sup>c</sup></u>	<u>970<sup>c</sup></u>
<u>108-88-3</u>	<u>Toluene</u>	<u>140,000<sup>e</sup></u>	<u>140,000<sup>e</sup></u>	<u>50,000<sup>b</sup></u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>	<u>1,000<sup>b</sup></u>	<u>1,600<sup>b</sup></u>	<u>110<sup>b</sup></u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>870,000<sup>e</sup></u>	<u>870,000<sup>e</sup></u>	<u>89,000<sup>b</sup></u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>	<u>170,000<sup>e</sup></u>	<u>170,000<sup>e</sup></u>	<u>170,000<sup>e</sup></u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>1,700<sup>c</sup></u>	<u>3,300<sup>c</sup></u>	<u>1,500<sup>b</sup></u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>	<u>2,100,000<sup>b</sup></u>	<u>3,400,000<sup>b</sup></u>	<u>220,000<sup>b</sup></u>
<u>108-05-4</u>	<u>Vinyl acetate</u>	<u>160,000<sup>b</sup></u>	<u>250,000<sup>b</sup></u>	<u>1,600<sup>b</sup></u>
<u>75-01-4</u>	<u>Vinyl chloride</u>	<u>780<sup>c</sup></u>	<u>3,000<sup>c</sup></u>	<u>3,000<sup>b</sup></u>
<u>108-38-3</u>	<u>m-Xylene</u>	<u>52,000<sup>e</sup></u>	<u>52,000<sup>e</sup></u>	<u>3,100<sup>b</sup></u>
<u>95-47-6</u>	<u>o-Xylene</u>	<u>41,000<sup>e</sup></u>	<u>41,000<sup>e</sup></u>	<u>2,600<sup>b</sup></u>
<u>106-42-3</u>	<u>p-Xylene</u>	<u>55,000<sup>e</sup></u>	<u>55,000<sup>e</sup></u>	<u>3,300<sup>b</sup></u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>Residential (mg/m<sup>3</sup>)</u>	<u>Industrial/Commercial (mg/m<sup>3</sup>)</u>	<u>Construction Worker (mg/m<sup>3</sup>)</u>
<u>1330-20-7</u>	<u>Xylenes (total)</u>	<u>49,000<sup>e</sup></u>	<u>49,000<sup>e</sup></u>	<u>2,900<sup>b</sup></u>

Chemical Name and Remediation Objective Notations

- <sup>a</sup> For the outdoor inhalation exposure route, it is acceptable to determine compliance by meeting either the soil or soil gas remediation objectives. The soil remediation objectives for the outdoor inhalation route are located in Appendix B, Tables A and B.
- <sup>b</sup> Calculated values correspond to a target hazard quotient of 1.
- <sup>c</sup> Calculated values correspond to a cancer risk level of 1 in 1,000,000.
- <sup>d</sup> PCBs are a mixture of different congeners. The appropriate values to use for the physical/chemical and toxicity parameters depend on the congeners present at the site. Persons remediating sites should consult with BOL if calculation of Tier 2 or 3 remediation objectives is desired.
- <sup>e</sup> The value shown is the Cvsat value of the chemical in soil gas. The Cvsat of the chemical becomes the remediation objective if the calculated value exceeds the Cvsat value or if there are no toxicity criteria available for the inhalation route of exposure.
- <sup>f</sup> Value for the inhalation exposure route is based on Reference Concentration for elemental Mercury (CAS No. 7439-97-6). Inhalation remediation objectives only apply at sites where elemental Mercury is a contaminant of concern.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX B Tier 1 Illustrations and Tables****Section 742.TABLE H Tier 1 Soil Gas and Groundwater Remediation Objectives for the Indoor Inhalation Exposure Route – Diffusion and Advection**Q<sub>soil</sub> equals 83.33 cm<sup>3</sup>/sec<sup>a</sup>

<u>CAS No.</u>	<u>Chemical Name</u>	<u>Soil Gas</u>		<u>Groundwater</u>	
		<u>Residential (mg/m<sup>3</sup>)</u>	<u>Industrial/ Commercial (mg/m<sup>3</sup>)</u>	<u>Residential (mg/L)</u>	<u>Industrial/ Commercial (mg/L)</u>
<u>67-64-1</u>	<u>Acetone</u>	<u>750,000<sup>f</sup></u>	<u>750,000<sup>f</sup></u>	<u>1,000,000<sup>g</sup></u>	<u>1,000,000<sup>g</sup></u>
<u>71-43-2</u>	<u>Benzene</u>	<u>0.37<sup>c</sup></u>	<u>2.8<sup>c</sup></u>	<u>0.11<sup>c</sup></u>	<u>0.41<sup>c</sup></u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>0.014<sup>c</sup></u>	<u>0.087<sup>c</sup></u>	<u>0.083<sup>c</sup></u>	<u>0.43<sup>c</sup></u>
<u>75-27-4</u>	<u>Bromodichloromethane</u>	<u>450,000<sup>f</sup></u>	<u>450,000<sup>f</sup></u>	<u>6,700<sup>g</sup></u>	<u>6,700<sup>g</sup></u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>11<sup>c</sup></u>	<u>52<sup>c</sup></u>	<u>3.1<sup>c</sup></u>	<u>12<sup>c</sup></u>
<u>71-36-3</u>	<u>Butanol</u>	<u>29,000<sup>f</sup></u>	<u>29,000<sup>f</sup></u>	<u>74,000<sup>g</sup></u>	<u>74,000<sup>g</sup></u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>6,400<sup>b</sup></u>	<u>40,000<sup>b</sup></u>	<u>10,000<sup>b</sup></u>	<u>48,000<sup>b</sup></u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>780<sup>b</sup></u>	<u>5,300<sup>b</sup></u>	<u>67<sup>b</sup></u>	<u>210<sup>b</sup></u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>0.21<sup>c</sup></u>	<u>1.5<sup>c</sup></u>	<u>0.020<sup>c</sup></u>	<u>0.076<sup>c</sup></u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>69<sup>b</sup></u>	<u>420<sup>b</sup></u>	<u>26<sup>b</sup></u>	<u>82<sup>b</sup></u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>	<u>57,000<sup>f</sup></u>	<u>57,000<sup>f</sup></u>	<u>2,600<sup>g</sup></u>	<u>2,600<sup>g</sup></u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>0.11<sup>c</sup></u>	<u>0.92<sup>c</sup></u>	<u>0.07<sup>i</sup></u>	<u>0.15<sup>c</sup></u>
<u>95-57-8</u>	<u>2-Chlorophenol</u>	<u>17,000<sup>f</sup></u>	<u>17,000<sup>f</sup></u>	<u>22,000<sup>g</sup></u>	<u>22,000<sup>g</sup></u>
<u>75-99-0</u>	<u>Dalapon<sup>c</sup></u>	<u>1,500<sup>f</sup></u>	<u>1,500<sup>f</sup></u>	<u>900,000<sup>g</sup></u>	<u>900,000<sup>g</sup></u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane<sup>c</sup></u>	<u>0.0012<sup>c</sup></u>	<u>0.0062<sup>c</sup></u>	<u>0.00065<sup>c</sup></u>	<u>0.0027<sup>c</sup></u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>	<u>0.0078<sup>c</sup></u>	<u>0.048<sup>c</sup></u>	<u>0.0035<sup>c</sup></u>	<u>0.014<sup>c</sup></u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>	<u>290<sup>b</sup></u>	<u>1,700<sup>b</sup></u>	<u>140<sup>b</sup></u>	<u>160<sup>g</sup></u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>	<u>1,200<sup>b</sup></u>	<u>6,800<sup>b</sup></u>	<u>79<sup>g</sup></u>	<u>79<sup>g</sup></u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>270<sup>b</sup></u>	<u>1,700<sup>b</sup></u>	<u>3.0<sup>b</sup></u>	<u>9.2<sup>b</sup></u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>690<sup>b</sup></u>	<u>4,200<sup>b</sup></u>	<u>180<sup>b</sup></u>	<u>580<sup>b</sup></u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>0.099<sup>c</sup></u>	<u>0.81<sup>c</sup></u>	<u>0.054<sup>c</sup></u>	<u>0.22<sup>c</sup></u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>240<sup>b</sup></u>	<u>1,600<sup>b</sup></u>	<u>24<sup>b</sup></u>	<u>74<sup>b</sup></u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>1,100,000<sup>f</sup></u>	<u>1,100,000<sup>f</sup></u>	<u>3,500<sup>g</sup></u>	<u>3,500<sup>g</sup></u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>85<sup>b</sup></u>	<u>510<sup>b</sup></u>	<u>16<sup>b</sup></u>	<u>51<sup>b</sup></u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>0.31<sup>c</sup></u>	<u>2.3<sup>c</sup></u>	<u>0.12<sup>c</sup></u>	<u>0.48<sup>c</sup></u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>542-75-6</u>	<u>1,3-Dichloropropylene (cis + trans)</u>	<u>0.90<sup>c</sup></u>	<u>6.2<sup>c</sup></u>	<u>0.14<sup>c</sup></u>	<u>0.52<sup>c</sup></u>
<u>123-91-1</u>	<u>p-Dioxane</u>	<u>0.22<sup>c</sup></u>	<u>2.3<sup>c</sup></u>	<u>2.9<sup>c</sup></u>	<u>25<sup>c</sup></u>
<u>100-41-4</u>	<u>Ethylbenzene</u>	<u>1.3<sup>c</sup></u>	<u>9.3<sup>c</sup></u>	<u>0.37<sup>c</sup></u>	<u>1.4<sup>c</sup></u>
<u>76-44-8</u>	<u>Heptachlor</u>	<u>0.0063<sup>c</sup></u>	<u>0.032<sup>c</sup></u>	<u>0.0025<sup>c</sup></u>	<u>0.0096<sup>c</sup></u>
<u>118-74-1</u>	<u>Hexachlorobenzene</u>	<u>0.0087<sup>c</sup></u>	<u>0.057<sup>c</sup></u>	<u>0.0059<sup>c</sup></u>	<u>0.0062<sup>g</sup></u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>	<u>0.58<sup>b</sup></u>	<u>2.6<sup>b</sup></u>	<u>0.084<sup>b</sup></u>	<u>0.26<sup>b</sup></u>
<u>67-72-1</u>	<u>Hexachloroethane</u>	<u>2,800<sup>f</sup></u>	<u>2,800<sup>f</sup></u>	<u>50<sup>g</sup></u>	<u>50<sup>g</sup></u>
<u>78-59-1</u>	<u>Isophorone</u>	<u>2,900<sup>b</sup></u>	<u>3,400<sup>f</sup></u>	<u>12,000<sup>g</sup></u>	<u>12,000<sup>g</sup></u>
<u>98-82-8</u>	<u>Isopropylbenzene (Cumene)</u>	<u>600<sup>b</sup></u>	<u>3,500<sup>b</sup></u>	<u>2.7<sup>b</sup></u>	<u>8.4<sup>b</sup></u>
<u>7439-97-6</u>	<u>Mercury<sup>h</sup></u>	<u>0.42<sup>b</sup></u>	<u>2.5<sup>b</sup></u>	<u>0.053<sup>b</sup></u>	<u>0.060<sup>g</sup></u>
<u>74-83-9</u>	<u>Methyl bromide</u>	<u>6.9<sup>b</sup></u>	<u>42<sup>b</sup></u>	<u>1.5<sup>b</sup></u>	<u>4.8<sup>b</sup></u>
<u>1634-04-4</u>	<u>Methyl tertiary-butyl ether</u>	<u>3,700<sup>b</sup></u>	<u>24,000<sup>b</sup></u>	<u>1,900<sup>b</sup></u>	<u>6,800<sup>b</sup></u>
<u>75-09-2</u>	<u>Methylene chloride</u>	<u>5.6<sup>c</sup></u>	<u>45<sup>c</sup></u>	<u>2.1<sup>c</sup></u>	<u>8.2<sup>c</sup></u>
<u>91-57-6</u>	<u>2-Methylnaphthalene</u>	<u>530<sup>f</sup></u>	<u>530<sup>f</sup></u>	<u>25<sup>g</sup></u>	<u>25<sup>g</sup></u>
<u>95-48-7</u>	<u>2-Methylphenol (o-cresol)</u>	<u>600<sup>b</sup></u>	<u>1,800<sup>f</sup></u>	<u>26,000<sup>g</sup></u>	<u>26,000<sup>g</sup></u>
<u>91-20-3</u>	<u>Naphthalene</u>	<u>0.11<sup>c</sup></u>	<u>0.75<sup>c</sup></u>	<u>0.075<sup>c</sup></u>	<u>0.32<sup>c</sup></u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>0.077<sup>c</sup></u>	<u>0.57<sup>c</sup></u>	<u>0.34<sup>c</sup></u>	<u>2.0<sup>c</sup></u>
<u>621-64-7</u>	<u>n-Nitrosodi-n-propylamine</u>	<u>0.0016<sup>c</sup></u>	<u>0.012<sup>c</sup></u>	<u>0.044<sup>c</sup></u>	<u>0.27<sup>c</sup></u>
<u>108-95-2</u>	<u>Phenol</u>	<u>140<sup>b</sup></u>	<u>1,300<sup>b</sup></u>	<u>28,000<sup>b</sup></u>	<u>83,000<sup>g</sup></u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>	<u>---<sup>d</sup></u>	<u>---<sup>d</sup></u>	<u>---<sup>d</sup></u>	<u>---<sup>d</sup></u>
<u>100-42-5</u>	<u>Styrene</u>	<u>1,400<sup>b</sup></u>	<u>8,500<sup>b</sup></u>	<u>310<sup>g</sup></u>	<u>310<sup>g</sup></u>
<u>127-18-4</u>	<u>Tetrachloroethylene</u>	<u>0.55<sup>c</sup></u>	<u>4.0<sup>c</sup></u>	<u>0.091<sup>c</sup></u>	<u>0.34<sup>c</sup></u>
<u>108-88-3</u>	<u>Toluene</u>	<u>6,200<sup>b</sup></u>	<u>40,000<sup>b</sup></u>	<u>530<sup>g</sup></u>	<u>530<sup>g</sup></u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>	<u>5.4<sup>b</sup></u>	<u>25<sup>b</sup></u>	<u>1.8</u>	<u>5.9<sup>b</sup></u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>6,600<sup>b</sup></u>	<u>41,000<sup>b</sup></u>	<u>1,000<sup>b</sup></u>	<u>1,300<sup>g</sup></u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>	<u>170,000<sup>f</sup></u>	<u>170,000<sup>f</sup></u>	<u>4,400<sup>g</sup></u>	<u>4,400<sup>g</sup></u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>1.5<sup>c</sup></u>	<u>12<sup>c</sup></u>	<u>0.34<sup>c</sup></u>	<u>1.3<sup>c</sup></u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>	<u>860<sup>b</sup></u>	<u>5,600<sup>b</sup></u>	<u>26<sup>b</sup></u>	<u>82<sup>b</sup></u>
<u>108-05-4</u>	<u>Vinyl acetate</u>	<u>250<sup>b</sup></u>	<u>1,600<sup>b</sup></u>	<u>160<sup>b</sup></u>	<u>550<sup>b</sup></u>
<u>75-01-4</u>	<u>Vinyl chloride</u>	<u>0.29<sup>c</sup></u>	<u>4.8<sup>c</sup></u>	<u>0.028<sup>c</sup></u>	<u>0.21<sup>c</sup></u>
<u>108-38-3</u>	<u>m-Xylene</u>	<u>140<sup>b</sup></u>	<u>850<sup>b</sup></u>	<u>43<sup>b</sup></u>	<u>130<sup>b</sup></u>
<u>95-47-6</u>	<u>o-Xylene</u>	<u>120<sup>b</sup></u>	<u>790<sup>b</sup></u>	<u>40<sup>b</sup></u>	<u>130<sup>b</sup></u>
<u>106-42-3</u>	<u>p-Xylene</u>	<u>130<sup>b</sup></u>	<u>820<sup>b</sup></u>	<u>38<sup>b</sup></u>	<u>120<sup>b</sup></u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>1330-20-7</u>	<u>Xylenes (total)<sup>c</sup></u>	<u>140<sup>b</sup></u>	<u>840<sup>b</sup></u>	<u>30<sup>b</sup></u>	<u>93<sup>b</sup></u>
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Chemical Name and Remediation Objective Notations

- <sup>a</sup> Compliance is determined by meeting either the soil gas remediation objectives or the groundwater remediation objectives. See Sections 742.505 and 742.515.
- <sup>b</sup> Calculated values correspond to a target hazard quotient of 1.
- <sup>c</sup> Calculated values correspond to a cancer risk level of 1 in 1,000,000.
- <sup>d</sup> PCBs are a mixture of different congeners. The appropriate values to use for the physical/chemical and toxicity parameters depend on the congeners present at the site. Persons remediating sites should consult with BOL if calculation of Tier 2 or 3 remediation objectives is desired.
- <sup>e</sup> Groundwater remediation objective calculated at 25°C. For Dalapon and 1,2-Dibromo-3-chloropropane, the critical temperature (Tc) and enthalpy of vaporization at the normal boiling point (Hv,b) are not available. For Xylenes (total), the enthalpy of vaporization at the normal boiling point (Hv,b) is not available.
- <sup>f</sup> The value shown is the Cvsat value of the chemical in soil gas. The Cvsat of the chemical becomes the remediation objective if the calculated value exceeds the Cvsat value or if there are no toxicity criteria available for the inhalation route of exposure.
- <sup>g</sup> The value shown is the solubility of the chemical in water. The solubility of the chemical becomes the remediation objective if the calculated value exceeds the solubility or if there are no toxicity criteria available for the ingestion route of exposure.
- <sup>h</sup> Value for the inhalation exposure route is based on Reference Concentration for elemental Mercury (CAS No. 7439-97-6). Inhalation remediation objectives only apply at sites where elemental Mercury is a contaminant of concern.
- <sup>i</sup> The value shown is the Groundwater Remediation Objective listed in Appendix B, Table E.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX B Tier 1 Illustrations and Tables****Section 742.TABLE I Tier 1 Soil Gas and Groundwater Remediation Objectives for the Indoor Inhalation Exposure Route – Diffusion Only**Q<sub>soil</sub> equals 0.0 cm<sup>3</sup>/sec<sup>a,b</sup>

CAS No.	Chemical Name	Soil Gas		Groundwater	
		Residential (mg/m <sup>3</sup> )	Industrial/ Commercial (mg/m <sup>3</sup> )	Residential (mg/L)	Industrial/ Commercial (mg/L)
<u>67-64-1</u>	<u>Acetone</u>	<u>750,000<sup>g</sup></u>	<u>750,000<sup>g</sup></u>	<u>1,000,000<sup>h</sup></u>	<u>1,000,000<sup>h</sup></u>
<u>71-43-2</u>	<u>Benzene</u>	<u>41<sup>d</sup></u>	<u>300<sup>d</sup></u>	<u>0.41<sup>d</sup></u>	<u>2.6<sup>d</sup></u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>	<u>1.9<sup>d</sup></u>	<u>14<sup>d</sup></u>	<u>6.6<sup>d</sup></u>	<u>48<sup>d</sup></u>
<u>75-27-4</u>	<u>Bromodichloromethane</u>	<u>450,000<sup>g</sup></u>	<u>450,000<sup>g</sup></u>	<u>6,700<sup>h</sup></u>	<u>6,700<sup>h</sup></u>
<u>75-25-2</u>	<u>Bromoform</u>	<u>1,800<sup>d</sup></u>	<u>13,000<sup>d</sup></u>	<u>170<sup>d</sup></u>	<u>1,300<sup>d</sup></u>
<u>71-36-3</u>	<u>Butanol</u>	<u>29,000<sup>g</sup></u>	<u>29,000<sup>g</sup></u>	<u>74,000<sup>h</sup></u>	<u>74,000<sup>h</sup></u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>380,000<sup>g</sup></u>	<u>380,000<sup>g</sup></u>	<u>220,000<sup>h</sup></u>	<u>220,000<sup>h</sup></u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>81,000<sup>c</sup></u>	<u>500,000<sup>c</sup></u>	<u>170<sup>c</sup></u>	<u>820<sup>c</sup></u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>24<sup>d</sup></u>	<u>180<sup>d</sup></u>	<u>0.052<sup>d</sup></u>	<u>0.31<sup>d</sup></u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>8,300<sup>c</sup></u>	<u>51,000<sup>c</sup></u>	<u>130<sup>c</sup></u>	<u>470<sup>h</sup></u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>	<u>57,000<sup>g</sup></u>	<u>57,000<sup>g</sup></u>	<u>2,600<sup>h</sup></u>	<u>2,600<sup>h</sup></u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>12<sup>d</sup></u>	<u>87<sup>d</sup></u>	<u>0.17<sup>d</sup></u>	<u>1.1<sup>d</sup></u>
<u>95-57-8</u>	<u>2-Chlorophenol</u>	<u>17,000<sup>g</sup></u>	<u>17,000<sup>g</sup></u>	<u>22,000<sup>h</sup></u>	<u>22,000<sup>h</sup></u>
<u>75-99-0</u>	<u>Dalapon<sup>f</sup></u>	<u>1,500<sup>g</sup></u>	<u>1,500<sup>g</sup></u>	<u>900,000<sup>h</sup></u>	<u>900,000<sup>h</sup></u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane<sup>f</sup></u>	<u>0.17<sup>d</sup></u>	<u>1.3<sup>d</sup></u>	<u>0.029<sup>d</sup></u>	<u>0.21<sup>d</sup></u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>	<u>1.1<sup>d</sup></u>	<u>7.9<sup>d</sup></u>	<u>0.073<sup>d</sup></u>	<u>0.52<sup>d</sup></u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>	<u>11,000<sup>g</sup></u>	<u>11,000<sup>g</sup></u>	<u>160<sup>h</sup></u>	<u>160<sup>h</sup></u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>	<u>8,400<sup>g</sup></u>	<u>8,400<sup>g</sup></u>	<u>79<sup>h</sup></u>	<u>79<sup>h</sup></u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>32,000<sup>c</sup></u>	<u>200,000<sup>c</sup></u>	<u>6.8<sup>c</sup></u>	<u>33<sup>c</sup></u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>81,000<sup>c</sup></u>	<u>500,000<sup>c</sup></u>	<u>750<sup>c</sup></u>	<u>4,100<sup>c</sup></u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>10<sup>d</sup></u>	<u>76<sup>d</sup></u>	<u>0.50<sup>d</sup></u>	<u>3.5<sup>d</sup></u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>27,000<sup>c</sup></u>	<u>160,000<sup>c</sup></u>	<u>61<sup>c</sup></u>	<u>300<sup>c</sup></u>
<u>156-59-2</u>	<u>cis-1,2-Dichloroethylene</u>	<u>1,100,000<sup>g</sup></u>	<u>1,100,000<sup>g</sup></u>	<u>3,500<sup>h</sup></u>	<u>3,500<sup>h</sup></u>
<u>156-60-5</u>	<u>trans-1,2-Dichloroethylene</u>	<u>10,000<sup>c</sup></u>	<u>63,000<sup>c</sup></u>	<u>58<sup>c</sup></u>	<u>310<sup>c</sup></u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>36<sup>d</sup></u>	<u>260<sup>d</sup></u>	<u>0.67<sup>d</sup></u>	<u>4.5<sup>d</sup></u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

CAS No.	Chemical Name	Soil Gas		Groundwater	
		Residential (mg/m <sup>3</sup> )	Industrial/ Commercial (mg/m <sup>3</sup> )	Residential (mg/L)	Industrial/ Commercial (mg/L)
<a href="#">542-75-6</a>	<a href="#">1,3-Dichloropropylene (cis + trans)</a>	<a href="#">110<sup>d</sup></a>	<a href="#">830<sup>d</sup></a>	<a href="#">0.42<sup>d</sup></a>	<a href="#">2.6<sup>d</sup></a>
<a href="#">123-91-1</a>	<a href="#">p-Dioxane</a>	<a href="#">15<sup>d</sup></a>	<a href="#">110<sup>d</sup></a>	<a href="#">140<sup>d</sup></a>	<a href="#">1,000<sup>d</sup></a>
<a href="#">100-41-4</a>	<a href="#">Ethylbenzene</a>	<a href="#">150<sup>d</sup></a>	<a href="#">1,100<sup>d</sup></a>	<a href="#">1.3<sup>d</sup></a>	<a href="#">8.1<sup>d</sup></a>
<a href="#">76-44-8</a>	<a href="#">Heptachlor</a>	<a href="#">0.97<sup>d</sup></a>	<a href="#">7.1<sup>d</sup></a>	<a href="#">0.058<sup>d</sup></a>	<a href="#">0.18<sup>h</sup></a>
<a href="#">118-74-1</a>	<a href="#">Hexachlorobenzene</a>	<a href="#">0.28<sup>g</sup></a>	<a href="#">0.28<sup>g</sup></a>	<a href="#">0.0062<sup>h</sup></a>	<a href="#">0.0062<sup>h</sup></a>
<a href="#">77-47-4</a>	<a href="#">Hexachlorocyclopentadiene</a>	<a href="#">86<sup>c</sup></a>	<a href="#">530<sup>c</sup></a>	<a href="#">0.29<sup>c</sup></a>	<a href="#">1.5<sup>c</sup></a>
<a href="#">67-72-1</a>	<a href="#">Hexachloroethane</a>	<a href="#">2,800<sup>g</sup></a>	<a href="#">2,800<sup>g</sup></a>	<a href="#">50<sup>h</sup></a>	<a href="#">50<sup>h</sup></a>
<a href="#">78-59-1</a>	<a href="#">Isophorone</a>	<a href="#">3,400<sup>g</sup></a>	<a href="#">3,400<sup>g</sup></a>	<a href="#">12,000<sup>h</sup></a>	<a href="#">12,000<sup>h</sup></a>
<a href="#">98-82-8</a>	<a href="#">Isopropylbenzene (Cumene)</a>	<a href="#">30,000<sup>g</sup></a>	<a href="#">30,000<sup>g</sup></a>	<a href="#">6.2<sup>c</sup></a>	<a href="#">30<sup>c</sup></a>
<a href="#">7439-97-6</a>	<a href="#">Mercury<sup>i</sup></a>	<a href="#">22<sup>g</sup></a>	<a href="#">22<sup>g</sup></a>	<a href="#">0.060<sup>h</sup></a>	<a href="#">0.060<sup>h</sup></a>
<a href="#">74-83-9</a>	<a href="#">Methyl bromide</a>	<a href="#">830<sup>c</sup></a>	<a href="#">5,100<sup>c</sup></a>	<a href="#">6.1<sup>c</sup></a>	<a href="#">33<sup>c</sup></a>
<a href="#">1634-04-4</a>	<a href="#">Methyl tertiary-butyl ether</a>	<a href="#">420,000<sup>c</sup></a>	<a href="#">1,200,000<sup>g</sup></a>	<a href="#">30,000<sup>c</sup></a>	<a href="#">51,000<sup>h</sup></a>
<a href="#">75-09-2</a>	<a href="#">Methylene chloride</a>	<a href="#">590<sup>d</sup></a>	<a href="#">4,400<sup>d</sup></a>	<a href="#">12<sup>d</sup></a>	<a href="#">84<sup>d</sup></a>
<a href="#">91-57-6</a>	<a href="#">2-Methylnaphthalene</a>	<a href="#">530<sup>g</sup></a>	<a href="#">530<sup>g</sup></a>	<a href="#">25<sup>h</sup></a>	<a href="#">25<sup>h</sup></a>
<a href="#">95-48-7</a>	<a href="#">2-Methylphenol (o-cresol)</a>	<a href="#">1,800<sup>g</sup></a>	<a href="#">1,800<sup>g</sup></a>	<a href="#">26,000<sup>h</sup></a>	<a href="#">26,000<sup>h</sup></a>
<a href="#">91-20-3</a>	<a href="#">Naphthalene</a>	<a href="#">14<sup>d</sup></a>	<a href="#">100<sup>d</sup></a>	<a href="#">1.8<sup>d</sup></a>	<a href="#">13<sup>d</sup></a>
<a href="#">98-95-3</a>	<a href="#">Nitrobenzene</a>	<a href="#">9.0<sup>d</sup></a>	<a href="#">66<sup>d</sup></a>	<a href="#">23<sup>d</sup></a>	<a href="#">170<sup>d</sup></a>
<a href="#">621-64-7</a>	<a href="#">n-Nitrosodi-n-propylamine</a>	<a href="#">0.18<sup>d</sup></a>	<a href="#">1.3<sup>d</sup></a>	<a href="#">3.3<sup>d</sup></a>	<a href="#">24<sup>d</sup></a>
<a href="#">108-95-2</a>	<a href="#">Phenol</a>	<a href="#">1,500<sup>g</sup></a>	<a href="#">1,500<sup>g</sup></a>	<a href="#">83,000<sup>h</sup></a>	<a href="#">83,000<sup>h</sup></a>
<a href="#">1336-36-3</a>	<a href="#">Polychlorinated biphenyls (PCBs)</a>	<a href="#">---<sup>c</sup></a>	<a href="#">---<sup>c</sup></a>	<a href="#">---<sup>c</sup></a>	<a href="#">---<sup>c</sup></a>
<a href="#">100-42-5</a>	<a href="#">Styrene</a>	<a href="#">34,000<sup>g</sup></a>	<a href="#">34,000<sup>g</sup></a>	<a href="#">310<sup>h</sup></a>	<a href="#">310<sup>h</sup></a>
<a href="#">127-18-4</a>	<a href="#">Tetrachloroethylene</a>	<a href="#">66<sup>d</sup></a>	<a href="#">490<sup>d</sup></a>	<a href="#">0.26<sup>d</sup></a>	<a href="#">1.6<sup>d</sup></a>
<a href="#">108-88-3</a>	<a href="#">Toluene</a>	<a href="#">140,000<sup>g</sup></a>	<a href="#">140,000<sup>g</sup></a>	<a href="#">530<sup>h</sup></a>	<a href="#">530<sup>h</sup></a>
<a href="#">120-82-1</a>	<a href="#">1,2,4-Trichlorobenzene</a>	<a href="#">800<sup>c</sup></a>	<a href="#">4,300<sup>g</sup></a>	<a href="#">35<sup>h</sup></a>	<a href="#">35<sup>h</sup></a>
<a href="#">71-55-6</a>	<a href="#">1,1,1-Trichloroethane</a>	<a href="#">770,000<sup>c</sup></a>	<a href="#">870,000<sup>g</sup></a>	<a href="#">1,300<sup>h</sup></a>	<a href="#">1,300<sup>h</sup></a>
<a href="#">79-00-5</a>	<a href="#">1,1,2-Trichloroethane</a>	<a href="#">170,000<sup>g</sup></a>	<a href="#">170,000<sup>g</sup></a>	<a href="#">4,400<sup>h</sup></a>	<a href="#">4,400<sup>h</sup></a>
<a href="#">79-01-6</a>	<a href="#">Trichloroethylene</a>	<a href="#">180<sup>d</sup></a>	<a href="#">1,300<sup>d</sup></a>	<a href="#">1.1<sup>d</sup></a>	<a href="#">6.7<sup>d</sup></a>
<a href="#">75-69-4</a>	<a href="#">Trichlorofluoromethane</a>	<a href="#">97,000<sup>c</sup></a>	<a href="#">600,000<sup>c</sup></a>	<a href="#">62<sup>c</sup></a>	<a href="#">300<sup>c</sup></a>
<a href="#">108-05-4</a>	<a href="#">Vinyl acetate</a>	<a href="#">28,000<sup>c</sup></a>	<a href="#">170,000<sup>c</sup></a>	<a href="#">2,500<sup>c</sup></a>	<a href="#">15,000<sup>c</sup></a>
<a href="#">75-01-4</a>	<a href="#">Vinyl chloride</a>	<a href="#">30<sup>d</sup></a>	<a href="#">440<sup>d</sup></a>	<a href="#">0.065<sup>d</sup></a>	<a href="#">0.75<sup>d</sup></a>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>CAS No.</u>	<u>Chemical Name</u>	<u>Soil Gas</u>		<u>Groundwater</u>	
		<u>Residential (mg/m<sup>3</sup>)</u>	<u>Industrial/ Commercial (mg/m<sup>3</sup>)</u>	<u>Residential (mg/L)</u>	<u>Industrial/ Commercial (mg/L)</u>
<u>108-38-3</u>	<u>m-Xylene</u>	<u>17,000<sup>d</sup></u>	<u>52,000<sup>c</sup></u>	<u>160<sup>c</sup></u>	<u>160<sup>h</sup></u>
<u>95-47-6</u>	<u>o-Xylene</u>	<u>14,000<sup>d</sup></u>	<u>41,000<sup>c</sup></u>	<u>170<sup>c</sup></u>	<u>180<sup>h</sup></u>
<u>106-42-3</u>	<u>p-Xylene</u>	<u>16,000<sup>d</sup></u>	<u>55,000<sup>c</sup></u>	<u>140<sup>c</sup></u>	<u>160<sup>h</sup></u>
<u>1330-20-7</u>	<u>Xylenes (total)<sup>f</sup></u>	<u>17,000<sup>d</sup></u>	<u>49,000<sup>c</sup></u>	<u>96<sup>c</sup></u>	<u>110<sup>h</sup></u>

Chemical Name and Remediation Objective Notations

- <sup>a</sup> Compliance is determined by meeting both the soil gas remediation objectives and the groundwater remediation objectives. See Sections 742.505 and 742.515.
- <sup>b</sup> Remediation objectives relying on this table require use of institutional controls in accordance with Subpart J.
- <sup>c</sup> Calculated values correspond to a target hazard quotient of 1.
- <sup>d</sup> Calculated values correspond to a cancer risk level of 1 in 1,000,000.
- <sup>e</sup> PCBs are a mixture of different congeners. The appropriate values to use for the physical/chemical and toxicity parameters depend on the congeners present at the site. Persons remediating sites should consult with BOL if calculation of Tier 2 or 3 remediation objectives is desired
- <sup>f</sup> Groundwater remediation objective calculated at 25°C. For Dalapon and 1,2-Dibromo-3-chloropropane, the critical temperature (Tc) and enthalpy of vaporization at the normal boiling point (Hv,b) are not available. For Xylenes (total), the enthalpy of vaporization at the normal boiling point (Hv,b) is not available.
- <sup>g</sup> The value shown is the Cvsat value of the chemical in soil gas. The Cvsat of the chemical becomes the remediation objective if the calculated value exceeds the Cvsat value or if there are no toxicity criteria available for the inhalation route of exposure.
- <sup>h</sup> The value shown is the solubility of the chemical in water. The solubility of the chemical becomes the remediation objective if the calculated value exceeds the solubility or if there are no toxicity criteria available for the inhalation route of exposure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<sup>i</sup> Value for the inhalation exposure route is based on Reference Concentration for elemental Mercury (CAS No. 7439-97-6). Inhalation remediation objectives only apply at sites where elemental Mercury is a contaminant of concern.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 742.APPENDIX C Tier 2 Illustrations and Tables

Section 742.TABLE A SSL Equations

Equations for Soil Ingestion Exposure Route	Remediation Objectives for Noncarcinogenic Contaminants (mg/kg)	$\frac{THQ \cdot BW \cdot AT \cdot 365 \frac{d}{yr}}{\frac{1}{RfD_o} \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot ED \cdot IR_{soil}}$	S1
	Remediation Objectives for Carcinogenic Contaminants – Residential (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_o \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot IF_{soil-adj}}$	S2
	Remediation Objectives for Carcinogenic Contaminants – Industrial/Commercial, Construction Worker (mg/kg)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_o \cdot 10^{-6} \frac{kg}{mg} \cdot EF \cdot ED \cdot IR_{soil}}$	S3
Equations for Inhalation Exposure Route (Organic Contaminants and Mercury)	Remediation Objectives for Noncarcinogenic Contaminants – Residential, Industrial/Commercial (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left( \frac{1}{RfC} \cdot \frac{1}{VF} \right)}$	S4
	Remediation Objectives for Noncarcinogenic Contaminants – Construction Worker (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left( \frac{1}{RfC} \cdot \frac{1}{VF'} \right)}$	S5
	Remediation Objectives for Carcinogenic Contaminants – Residential, Industrial/Commercial (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1000 \frac{\mu g}{mg} \cdot EF \cdot ED \frac{1}{VF}}$	S6
	Remediation Objectives for Carcinogenic Contaminants – Construction Worker (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1000 \frac{\mu g}{mg} \cdot EF \cdot ED \frac{1}{VF'}}$	S7

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	Equation for Derivation of the Volatilization Factor – Residential, Industrial/ Commercial, VF (m <sup>3</sup> /kg)	$VF = \frac{Q}{C} \cdot \frac{(3.14 \cdot D_A \cdot T)^{1/2}}{(2 \cdot \rho_b \cdot D_A)} \cdot 10^{-4} \frac{m^2}{cm^2}$	S8
	Equation for Derivation of the Volatilization Factor – Construction Worker, VF' (m <sup>3</sup> /kg)	$VF' = \frac{VF}{10}$	S9
	Equation for Derivation of Apparent Diffusivity, D <sub>A</sub> (cm <sup>2</sup> /s)	$D_A = \frac{(\theta_a^{3.33} \cdot D_i \cdot H') + (\theta_w^{3.33} \cdot D_w)}{\eta^2} \cdot \frac{1}{(\rho_b \cdot K_d)} + \theta_w + (\theta_a \cdot H')$	S10
Equations for Inhalation Exposure Route (Fugitive Dusts)	Remediation Objectives for Noncarcinogenic Contaminants – Residential, Industrial/Commercial (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left( \frac{1}{RfC} \cdot \frac{1}{PEF} \right)}$	S11
	Remediation Objectives for Noncarcinogenic Contaminants – Construction Worker (mg/kg)	$\frac{THQ \cdot AT \cdot 365 \frac{d}{yr}}{EF \cdot ED \cdot \left( \frac{1}{RfC} \cdot \frac{1}{PEF'} \right)}$	S12
	Remediation Objectives for Carcinogenic Contaminants – Residential, Industrial/ Commercial (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1000 \frac{\mu g}{mg} \cdot EF \cdot ED \frac{1}{PEF}}$	S13
	Remediation Objectives for Carcinogenic Contaminants – Construction Worker (mg/kg)	$\frac{TR \cdot AT_c \cdot 365 \frac{d}{yr}}{URF \cdot 1000 \frac{\mu g}{mg} \cdot EF \cdot ED \frac{1}{PEF'}}$	S14
	Equation for Derivation of Particulate Emission Factor, PEF (m <sup>3</sup> /kg)	$PEF = \frac{Q}{C} \cdot \frac{3,600 \frac{s}{hr}}{0.036 \cdot (1-V) \cdot \left( \frac{U_m}{U_t} \right)^3 \cdot F(x)}$	S15

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	Equation for Derivation of Particulate Emission Factor, PEF' – Construction Worker (m <sup>3</sup> /kg)	$PEF' = \frac{PEF}{10}$ <p>NOTE: PEF must be the industrial/commercial value</p>	S16
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Equations for the Soil Component of the Groundwater Ingestion Exposure Route	Remediation Objective (mg/kg)	$C_w \cdot \left[ K_d + \frac{(\theta_w + \theta_a \cdot H')}{\rho_b} \right]$ <p>NOTE: This equation can only be used to model contaminant migration not in the water bearing unit.</p>	S17
	Target Soil Leachate Concentration, $C_w$ (mg/L)	$C_w = DF \cdot GW_{obj}$	S18
	Soil-Water Partition Coefficient, $K_d$ (cm <sup>3</sup> /g)	$K_d = K_{oc} \cdot f_{oc}$	S19
	Water-Filled Soil Porosity, $\Theta_w$ (L <sub>water</sub> /L <sub>soil</sub> )	$\theta_w = \eta \cdot \left( \frac{I}{K_2} \right)^{1/(2b+3)}$	S20
	Air-Filled Soil Porosity, $\Theta_a$ (L <sub>air</sub> /L <sub>soil</sub> )	$\theta_a = \eta - \theta_w$	S21
	Dilution Factor, DF (unitless)	$DF = 1 + \frac{K \cdot i \cdot d}{I \cdot L}$	S22
	Groundwater Remediation Objection for Carcinogenic Contaminants, $GW_{obj}$ (mg/L)	$\frac{TR \cdot BW \cdot AT_c \cdot 365 \frac{d}{yr}}{SF_o \cdot IR_2 \cdot EF \cdot ED}$	S23
	Total Soil Porosity, $\eta$ (L <sub>pore</sub> /L <sub>soil</sub> )	$\eta = 1 - \frac{\rho_b}{\rho_s}$	S24
	Equation for Estimation of Mixing Zone Depth, d (m)	$d = (0.0112 \cdot L^2)^{0.5} + d_a \left[ 1 - \exp \left( \frac{-L \cdot 1}{K \cdot i \cdot d_a} \right) \right]$	S25
Mass-Limit Equations for Inhalation Exposure Route and Soil Component of the Groundwater	<p>Mass-Limit Volatilization Factor for the Inhalation Exposure Route – Residential, Industrial/Commercial VF (m<sup>3</sup>/kg)</p> $VF_{M-L} = \frac{Q}{C} \cdot \frac{\left[ T_{M-L} \cdot \left( 3.15 \cdot 10^7 \frac{s}{yr} \right) \right]}{\rho_b \cdot d_s \cdot 10^6 \frac{cm^3}{m^3}}$ <p>NOTE: This equation may be used when vertical thickness of contamination is known or can be estimated reliably.</p>	S26	

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Ingestion Exposure Route	Mass-Limit Volatilization Factor for the Inhalation Exposure Route – Construction Worker, VT' – (m3/kg)	$VF'_{M-L} = \frac{VF_{M-L}}{10}$	S27
	Mass-Limit Remediation Objective for Soil Component of the Groundwater Ingestion Exposure Route (mg/kg)	$\frac{(C_w \cdot I_{M-L} \cdot ED_{M-L})}{\rho_b \cdot d_s}$ NOTE: This equation may be used when vertical thickness is known or can be estimated reliably.	S28
Equation for Derivation of the Soil Saturation Limit, C <sub>sat</sub>		$C_{sat} = \frac{S}{\rho_b} \cdot [(K_d \cdot \rho_b) + \theta_w + (H' \cdot \theta_a)]$	S29
<u>Equation for the soil gas component of the Outdoor Inhalation Exposure Route</u>		$RO_{soil\ gas} = \frac{RO_{soil} \times H \times \rho_b \times 1000}{H' \times \Theta_a + \Theta_w + K_d \times \rho_b}$	<u>S30</u>

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 742.APPENDIX C Tier 2 Illustrations and Tables

## Section 742.TABLE B SSL Parameters

Symbol	Parameter	Units	Source	Parameter Value(s)
AT	Averaging Time for Noncarcinogens in Ingestion Equation	yr		Residential = 6 Industrial/Commercial = 25 Construction Worker = 0.115
AT	Averaging Time for Noncarcinogens in Inhalation Equation	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 0.115
AT <sub>c</sub>	Averaging Time for Carcinogens	yr	SSL	70
BW	Body Weight	kg		Residential = 15, noncarcinogens 70, carcinogens Industrial/Commercial = 70 Construction Worker = 70
C <sub>sat</sub>	Soil Saturation Concentration	mg/kg	Appendix A, Table A or Equation S29 in Appendix C, Table A	Chemical-Specific or Calculated Value
C <sub>w</sub>	Target Soil Leachate Concentration	mg/L	Equation S18 in Appendix C, Table A	Groundwater Standard, Health Advisory concentration, or Calculated Value
d	Mixing Zone Depth	m	SSL or Equation S25 in Appendix C, Table A	2 m or Calculated Value
d <sub>a</sub>	Aquifer Thickness	m	Field Measurement	Site-Specific
d <sub>s</sub>	Depth of Source  (Vertical thickness of contamination)	m	Field Measurement or Estimation	Site-Specific
Symbol	Parameter	Units	Source	Parameter Value(s)
D <sub>A</sub>	Apparent Diffusivity	cm <sup>2</sup> /s	Equation S10 in Appendix C, Table A	Calculated Value
D <sub>i</sub>	Diffusivity in Air	cm <sup>2</sup> /s	Appendix C, Table E	Chemical-Specific
D <sub>w</sub>	Diffusivity in Water	cm <sup>2</sup> /s	Appendix C, Table E	Chemical-Specific
DF	Dilution Factor	unitless	Equation S22 in Appendix C, Table A	20 or Calculated Value
ED	Exposure Duration for Ingestion of Carcinogens	yr		Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for Inhalation of Carcinogens	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for Ingestion of Noncarcinogens	yr		Residential = 6 Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for	yr		Residential = 30

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	Inhalation of Noncarcinogens			Industrial/Commercial = 25 Construction Worker = 1
ED	Exposure Duration for the Direct Ingestion of Groundwater	yr		Residential = 30 Industrial/Commercial = 25 Construction Worker = 1
ED <sub>M-L</sub>	Exposure Duration for Migration to Groundwater Mass-Limit Equation S28	yr	SSL	70
EF	Exposure Frequency	d/yr		Residential = 350 Industrial/Commercial = 250 Construction Worker = 30
F(x)	Function dependent on $U_m/U_t$	unitless	SSL	0.194
f <sub>oc</sub>	Organic Carbon Content of Soil	g/g	SSL or Field Measurement (See Appendix C, Table F)	Surface Soil = 0.006 Subsurface soil = 0.002, or Site-Specific
GW <sub>obj</sub>	Groundwater Remediation Remediation Objective	mg/L	Appendix B, Table E, 35 IAC 620.Subpart F, or Equation S23 in Appendix C, Table A	Chemical-Specific or Calculated
H'	Henry's Law Constant	unitless	Appendix C, Table E	Chemical-Specific
i	Hydraulic Gradient	m/m	Field Measurement (See Appendix C, Table F)	Site-Specific
I	Infiltration Rate	m/yr	SSL	0.3
I <sub>M-L</sub>	Infiltration Rate for Migration to Groundwater Mass-Limit Equation S28	m/yr	SSL	0.18
IF <sub>soil-adj</sub> (residential)	Age Adjusted Soil Ingestion Factor for Carcinogens	(mg-yr)/(kg-d)	SSL	114
IR <sub>soil</sub>	Soil Ingestion Rate	mg/d		Residential = 200 Industrial/Commercial = 50 Construction Worker = 480
IR <sub>w</sub>	Daily Water Ingestion Rate	L/d		Residential = 2 Industrial/Commercial = 1
K	Aquifer Hydraulic Conductivity	m/yr	Field Measurement (See Appendix C, Table F)	Site-Specific
K <sub>d</sub> (Non-ionizing organics)	Soil-Water Partition Coefficient	cm <sup>3</sup> /g or L/kg	Equation S19 in Appendix C, Table A	Calculated Value
K <sub>d</sub> (Ionizing organics)	Soil-Water Partition Coefficient	cm <sup>3</sup> /g or L/kg	Equation S19 in Appendix C, Table A	Chemical and pH-Specific (see Appendix C, Table I)
K <sub>d</sub> (In-organics)	Soil-Water Partition Coefficient	cm <sup>3</sup> /g or L/kg	Appendix C, Table J	Chemical and pH-Specific
K <sub>oc</sub>	Organic Carbon Partition Coefficient	cm <sup>3</sup> /g or L/kg	Appendix C, Table E or Appendix C, Table I	Chemical-Specific
K <sub>s</sub>	Saturated Hydraulic	m/yr	Appendix C, Table K	Site-Specific

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	Conductivity		Appendix C, Illustration C	
L	Source Length Parallel to Groundwater Flow	m	Field Measurement	Site-Specific
PEF	Particulate Emission Factor	m <sup>3</sup> /kg	SSL or Equation S15 in Appendix C, Table A	Residential = $1.32 \cdot 10^9$ or Site-Specific Industrial/Commercial = $1.24 \cdot 10^9$ or Site-Specific
PEF'	Particulate Emission Factor adjusted for Agitation (construction worker)	m <sup>3</sup> /kg	Equation S16 in Appendix C, Table A using PEF (industrial/commercial)	$1.24 \cdot 10^8$ or Site-Specific
Q/C (used in VF equations)	Inverse of the mean concentration at the center of a square source	(g/m <sup>2</sup> -s)/ (kg/m <sup>3</sup> )	Appendix C, Table H	Residential = 68.81 Industrial/Commercial = 85.81 Construction Worker = 85.81
Q/C (used in PEF equations)	Inverse of the mean concentration at the center of a square source	(g/m <sup>2</sup> -s)/ (kg/m <sup>3</sup> )	SSL or Appendix C, Table H	Residential = 90.80 Industrial/Commercial = 85.81 Construction Worker = 85.81
RfC	Inhalation Reference Concentration	mg/m <sup>3</sup>	<u>Illinois EPA:</u> <a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a> EPA (IRIS/HEAST <sup>a</sup> )	Toxicological-Specific (Note: for Construction Workers use subchronic reference concentrations)
RfD <sub>o</sub>	Oral Reference Dose	mg/(kg-d)	<u>Illinois EPA:</u> <a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a> EPA (IRIS/HEAST <sup>a</sup> )	Toxicological-Specific (Note: for Construction Workers use subchronic reference doses)
S	Solubility in Water	mg/L	Appendix C, Table E	Chemical-Specific
SF <sub>o</sub>	Oral Slope Factor	(mg/kg-d) <sup>-1</sup>	<u>Illinois EPA:</u> <a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a> EPA (IRIS/HEAST <sup>a</sup> )	Toxicological-Specific
T	Exposure Interval	s		Residential = $9.5 \cdot 10^8$ Industrial/Commercial = $7.9 \cdot 10^8$ Construction Worker = $3.6 \cdot 10^6$
T <sub>M-L</sub>	Exposure Interval for Mass-Limit Volatilization Factor Equation S26	yr	SSL	30
THQ	Target Hazard Quotient	unitless	SSL	1
TR	Target Cancer Risk	unitless		Residential = $10^{-6}$ at the point of human exposure Industrial/Commercial = $10^{-6}$ at the point of human exposure Construction Worker = $10^{-6}$ at the point of human exposure

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

$U_m$	Mean Annual Windspeed	m/s	SSL	4.69
URF	Inhalation Unit Risk Factor	$(\mu\text{g}/\text{m}^3)^{-1}$	<u>Illinois EPA:</u> <a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a> <u>HEPA (IRIS/HEAST<sup>3</sup>)</u>	Toxicological-Specific
$U_t$	Equivalent Threshold Value of Windspeed at 7 m	m/s	SSL	11.32
V	Fraction of Vegetative Cover	unitless	SSL or Field Measurement	0.5 of Site-Specific
VF	Volatilization Factor	$\text{m}^3/\text{kg}$	Equation S8 in Appendix C, Table A	Calculated Value
VF'	Volatilization Factor adjusted for Agitation	$\text{m}^3/\text{kg}$	Equation S9 in Appendix C, Table A	Calculated Value
VF <sub>M-L</sub>	Mass-Limit Volatilization Factor	$\text{m}^3/\text{kg}$	Equation S26 in Appendix C, Table A	Calculated Value
VF' <sub>M-L</sub>	Mass-Limit Volatilization Factor adjusted for Agitation	$\text{m}^3/\text{kg}$	Equation S27 in Appendix C, Table A	Calculated Value
$\eta$	Total Soil Porosity	$L_{\text{pore}}/L_{\text{soil}}$	SSL or Equation S24 in Appendix C, Table A	0.43, or Gravel = 0.25 Sand = 0.32 Silt = 0.40 Clay = 0.36, or Calculated Value
$\theta_a$	Air-Filled Soil Porosity	$L_{\text{air}}/L_{\text{soil}}$	SSL or Equation S21 in Appendix C, Table A	Surface Soil (top 1 meter) = 0.28 Subsurface Soil (below 1 meter) = 0.13, or Gravel = 0.05 Sand = 0.14 Silt = 0.24 Clay = 0.19, or Calculated Value
$\theta_w$	Water-Filled Soil Porosity	$L_{\text{water}}/L_{\text{soil}}$	SSL or Equation S20 in Appendix C, Table A	Surface Soil (top 1 meter) = 0.15 Subsurface Soil (below 1 meter) = 0.30, or Gravel = 0.20 Sand = 0.18 Silt = 0.16 Clay = 0.17, or Calculated Value

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

$\rho_b$	Dry Soil Bulk Density	kg/L or g/cm <sup>3</sup>	SSL or Field Measurement (See Appendix C, Table F)	1.5, or Gravel = 2.0 Sand = 1.8 Silt = 1.6 Clay = 1.7, or Site-Specific
$\rho_s$	Soil Particle Density	g/cm <sup>3</sup>	SSL or Field Measurement (See Appendix C, Table F)	2.65, or Site-Specific
$\rho_w$	Water Density	g/cm <sup>3</sup>	SSL	1
1/(2b+3)	Exponential in Equation S20	unitless	Appendix C, Table K Appendix C, Illustration C	Site-Specific

~~<sup>a</sup>HEAST = Health Effects Assessment Summary Tables. USEPA, Office of Solid Waste and  
Emergency Response. EPA/SQO/R-95/036. Updated Quarterly.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 742.APPENDIX C Tier 2 Illustrations and Tables

## Section 742.TABLE E Default Physical and Chemical Parameters

CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (di) (cm <sup>2</sup> /s)	Diffusivity in Water (D <sub>w</sub> ) (cm <sup>2</sup> /s)	Dimensionless Henry's Law Constant (H') (25°C)	Dimensionless Henry's Law Constant (H') (13°C) For the indoor inhalation exposure route	Organic Carbon Partition Coefficient (K <sub>oc</sub> ) (L/kg)	First Order Degradation Constant (λ)(d <sup>-1</sup> )	Vapor Pressure (mm/Hg)
Neutral Organics									
83-32-9	Acenaphthene	3.60E+00	4.76E-02	7.69E-06	6.60E-03	----- <sup>b</sup>	6.30E+03	3.40E-03	2.50E-03
67-64-1	Acetone	1.00E+06	1.24E-01	1.14E-05	1.60E-03	9.73E-04	7.80E-01	4.95E-02	2.30E+02
15972-60-8	Alachlor	2.40E+02	2.13E-02	5.28E-06	3.40E-06	----- <sup>b</sup>	3.20E+03	No Data	2.20E-05
116-06-3	Aldicarb	6.03E+03	3.18E-02	7.24E-06	5.90E-08	----- <sup>b</sup>	1.29E+01	1.09E-03	3.47E-05
309-00-2	Aldrin	1.70E-02	1.96E-02	4.86E-06	7.00E-03	----- <sup>b</sup>	2.50E+05	5.90E-04	6.00E-06
120-12-7	Anthracene	4.30E-02	3.85E-02	7.74E-06	2.70E-03	----- <sup>b</sup>	2.50E+04	7.50E-04	2.70E-06
1912-24-9	Atrazine	7.00E+01	2.59E-02	6.67E-06	9.68E-08	----- <sup>b</sup>	3.63E+02	No Data	2.70E-07
71-43-2	Benzene	1.80E+03	8.80E-02	1.02E-05	2.30E-01	1.34E-01	5.00E+01	9.00E-04	9.50E+01
56-55-3	Benzo(a)anthracene	9.40E-03	5.10E-02	9.00E-06	1.39E-04	----- <sup>b</sup>	4.00E+05	5.10E-04	1.10E-07
205-99-2	Benzo(b)fluoranthene	1.50E-03	2.23E-02	5.56E-06	4.55E-03	----- <sup>b</sup>	1.05E+06	5.70E-04	5.00E-07
207-08-9	Benzo(k)fluoranthene	8.00E-04	2.23E-02	5.56E-06	3.40E-05	----- <sup>b</sup>	1.00E+06	1.60E-04	2.00E-09
65-85-0	Benzoic Acid	3.40E+03	7.02E-02	7.97E-06	1.56E-06	----- <sup>b</sup>	1.21E+00 <sup>d</sup>	No Data	7.00E-04
50-32-8	Benzo(a)pyrene	1.60E-03	4.30E-02	9.49E-06	4.50E-05	----- <sup>b</sup>	7.90E+05	6.50E-04	5.50E-09
111-44-4	Bis(2-chloroethyl) ether	1.72E+04	4.13E-02	7.53E-06	7.40E-04	2.94E-04	1.26E+01	1.90E-03	1.55E+00
117-81-7	Bis(2-ethylhexyl)phthalate	3.40E-01	3.51E-02	3.66E-06	4.10E-06	----- <sup>b</sup>	1.00E+05	1.80E-03	6.80E-08
75-27-4	Bromodichloromethane	6.70E+03	5.61E-02	1.06E-05	6.60E-02	3.71E-02	5.00E+01	No Data	5.00E+01

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>75-25-2</u>	<u>Bromoform</u>	<u>3.10E+03</u>	<u>1.49E-02</u>	<u>1.03E-05</u>	<u>2.19E-02</u>	<u>1.06E-02</u>	<u>9.12E+01</u>	<u>1.90E-03</u>	<u>5.51E+00</u>
<u>71-36-3</u>	<u>Butanol</u>	<u>7.40E+04</u>	<u>8.00E-02</u>	<u>9.30E-06</u>	<u>3.61E-04</u>	<u>1.55E-04</u>	<u>6.00E+00</u>	<u>1.28E-02</u>	<u>7.00E+00</u>
<u>78-93-3</u>	<u>2-Butanone (MEK)</u>	<u>2.20E+05</u>	<u>8.08E-02</u>	<u>9.8E-06</u>	<u>2.30E-03</u>	<u>1.32E-03</u>	<u>2.00E+00</u>	<u>4.95E-02</u>	<u>9.50E+01</u>
<u>85-68-7</u>	<u>Butyl Benzyl Phthalate</u>	<u>2.70E+00</u>	<u>1.99E-02</u>	<u>4.89E-06</u>	<u>5.30E-05</u>	----- <sup>b</sup>	<u>6.30E+04</u>	<u>3.85E-03</u>	<u>8.30E-06</u>
<u>86-74-8</u>	<u>Carbazole</u>	<u>1.20E+00</u>	<u>4.17E-02</u>	<u>7.45E-06</u>	<u>3.60E-06</u>	----- <sup>b</sup>	<u>4.00E+03</u>	No Data	<u>7.00E-04</u>
<u>1563-66-2</u>	<u>Carbofuran</u>	<u>3.20E+02</u>	<u>2.37E-02</u>	<u>5.95E-06</u>	<u>1.27E-07</u>	----- <sup>b</sup>	<u>1.91E+02</u>	No Data	<u>4.85E-06</u>
<u>75-15-0</u>	<u>Carbon Disulfide</u>	<u>1.20E+03</u>	<u>1.04E-01</u>	<u>1.00E-05</u>	<u>1.23E+00</u>	<u>8.06E-01</u>	<u>6.30E+01</u>	No Data	<u>3.60E+02</u>
<u>56-23-5</u>	<u>Carbon Tetrachloride</u>	<u>7.90E+02</u>	<u>7.80E-02</u>	<u>8.80E-06</u>	<u>1.23E+00</u>	<u>7.48E-01</u>	<u>2.00E+02</u>	<u>1.90E-03</u>	<u>1.20E+02</u>
<u>57-74-9</u>	<u>Chlordane</u>	<u>5.60E-02</u>	<u>1.79E-02</u>	<u>4.37E-06</u>	<u>2.00E-03</u>	----- <sup>b</sup>	<u>2.50E+05</u>	<u>2.50E-04</u>	<u>9.80E-06</u>
<u>106-47-8</u>	<u>p-Chloroaniline</u>	<u>5.30E+03</u>	<u>6.99E-02</u>	<u>1.01E-05</u>	<u>4.76E-05</u>	----- <sup>b</sup>	<u>6.31E+01</u>	No Data	<u>1.23E-02</u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>4.70E+02</u>	<u>7.30E-02</u>	<u>8.70E-06</u>	<u>1.50E-01</u>	<u>7.93E-02</u>	<u>2.00E+02</u>	<u>2.30E-03</u>	<u>1.20E+01</u>
<u>124-48-1</u>	<u>Chlorodibromomethane</u>	<u>2.60E+03</u>	<u>3.66E-02</u>	<u>1.05E-05</u>	<u>3.20E-02</u>	<u>2.07E-02</u>	<u>6.92E+01</u>	<u>3.85E-03</u>	<u>4.90E+00</u>
<u>67-66-3</u>	<u>Chloroform</u>	<u>7.90E+03</u>	<u>1.04E-01</u>	<u>1.00E-05</u>	<u>1.50E-01</u>	<u>9.18E-02</u>	<u>5.00E+01</u>	<u>3.90E-04</u>	<u>2.00E+02</u>
<u>95-57-8</u>	<u>2-Chlorophenol</u>	<u>2.20E+04</u>	<u>6.61E-02</u>	<u>9.46E-06</u>	<u>1.60E-02</u>	<u>7.28E-03</u>	<u>5.93E+01<sup>d</sup></u>	No Data	<u>2.34E+00</u>
<u>218-01-9</u>	<u>Chrysene</u>	<u>6.30E-03</u>	<u>2.44E-02</u>	<u>6.21E-06</u>	<u>3.90E-03</u>	----- <sup>b</sup>	<u>4.00E+05</u>	<u>3.50E-04</u>	<u>6.20E-09</u>
<u>94-75-7</u>	<u>2,4-D</u>	<u>6.77E+02</u>	<u>5.88E-02</u>	<u>6.49E-06</u>	<u>4.18E-07</u>	----- <sup>b</sup>	<u>5.75E+02</u>	<u>3.85E-03</u>	<u>6.00E-07</u>
<u>72-54-8</u>	<u>4,4'-DDD</u>	<u>9.00E-02</u>	<u>2.27E-02</u>	<u>5.79E-06</u>	<u>1.60E-04</u>	----- <sup>b</sup>	<u>7.90E+05</u>	<u>6.20E-05</u>	<u>6.70E-07</u>
<u>72-55-9</u>	<u>4,4'-DDE</u>	<u>1.20E-01</u>	<u>2.38E-02</u>	<u>5.87E-06</u>	<u>8.60E-04</u>	----- <sup>b</sup>	<u>4.00E+05</u>	<u>6.20E-05</u>	<u>6.00E-06</u>
<u>50-29-3</u>	<u>4,4'-DDT</u>	<u>2.50E-02</u>	<u>1.99E-02</u>	<u>4.95E-06</u>	<u>3.30E-04</u>	----- <sup>b</sup>	<u>2.00E+06</u>	<u>6.20E-05</u>	<u>1.60E-07</u>
<u>75-99-0</u>	<u>Dalapon</u>	<u>9.00E+05</u>	<u>6.08E-02</u>	<u>9.45E-06</u>	<u>2.64E-06</u>	NA	<u>4.80E+00</u>	<u>5.78E-03</u>	<u>1.90E-01</u>
<u>53-70-3</u>	<u>Dibenzo(a,h)anthracene</u>	<u>2.50E-03</u>	<u>2.11E-02</u>	<u>5.24E-06</u>	<u>6.10E-07</u>	----- <sup>b</sup>	<u>2.50E+06</u>	<u>3.70E-04</u>	<u>1.00E-10</u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>1.20E+03</u>	<u>2.68E-02</u>	<u>7.02E-06</u>	<u>6.20E-03<sup>c</sup></u>	NA	<u>7.90E+01</u>	<u>1.93E-03</u>	<u>5.80E-01</u>
<u>106-93-4</u>	<u>1,2-Dibromoethane</u>	<u>4.00E+03</u>	<u>4.37E-02</u>	<u>8.44E-06</u>	<u>3.00E-02</u>	<u>1.54E-02</u>	<u>5.00E+01</u>	<u>5.78E-03</u>	<u>1.30E+01</u>
<u>84-74-2</u>	<u>Di-n-butyl Phthalate</u>	<u>1.10E+01</u>	<u>4.38E-02</u>	<u>7.86E-06</u>	<u>7.40E-05</u>	----- <sup>a</sup>	<u>4.00E+04</u>	<u>3.01E-02</u>	<u>7.30E-05</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>1918-00-9</u>	<u>Dicamba</u>	<u>4.50E+03</u>	<u>2.37E-02</u>	<u>5.95E-06</u>	<u>2.18E-09</u>	<u>-----<sup>a</sup></u>	<u>2.95E+00</u>	<u>No Data</u>	<u>3.38E-05</u>
<u>95-50-1</u>	<u>1,2-Dichlorobenzene</u>	<u>1.56E+02</u>	<u>6.90E-02</u>	<u>7.90E-06</u>	<u>7.79E-02</u>	<u>3.56E-02</u>	<u>5.75E+02</u>	<u>1.90E-03</u>	<u>1.36E+00</u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>	<u>7.90E+01</u>	<u>6.90E-02</u>	<u>7.90E-06</u>	<u>9.80E-02</u>	<u>4.69E-02</u>	<u>7.90E+02</u>	<u>1.90E-03</u>	<u>1.00E+00</u>
<u>91-94-1</u>	<u>3,3-Dichlorobenzidine</u>	<u>3.10E+00</u>	<u>2.59E-02</u>	<u>6.74E-06</u>	<u>1.60E-07</u>	<u>-----<sup>a</sup></u>	<u>2.82E+03</u>	<u>1.90E-03</u>	<u>3.71E-08</u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>2.80E+02</u>	<u>7.60E-02</u>	<u>1.08E-05</u>	<u>1.41E+01</u>	<u>8.14E+00</u>	<u>6.17E+01</u>	<u>1.92E-03</u>	<u>4.85E+03</u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>5.10E+03</u>	<u>7.42E-02</u>	<u>1.05E-05</u>	<u>2.30E-01</u>	<u>1.42E-01</u>	<u>3.20E+01</u>	<u>1.90E-03</u>	<u>2.30E+02</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane</u>	<u>8.50E+03</u>	<u>1.04E-02</u>	<u>9.90E-06</u>	<u>4.00E-02</u>	<u>2.29E-02</u>	<u>2.00E+01</u>	<u>1.90E-03</u>	<u>7.90E+01</u>
<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>	<u>2.30E+03</u>	<u>9.00E-02</u>	<u>1.04E-05</u>	<u>1.10E+00</u>	<u>7.10E-01</u>	<u>5.00E+01</u>	<u>5.30E-03</u>	<u>6.00E+02</u>
<u>156-59-2</u>	<u>Cis-1,2-Dichloroethylene</u>	<u>3.50E+03</u>	<u>8.86E-02</u>	<u>1.13E-05</u>	<u>1.70E-01</u>	<u>1.00E-01</u>	<u>4.00E+01</u>	<u>2.40E-04</u>	<u>2.00E+02</u>
<u>156-60-5</u>	<u>Trans-1,2-Dichloroethylene</u>	<u>6.30E+03</u>	<u>7.03E-02</u>	<u>1.19E-05</u>	<u>3.90E-01</u>	<u>2.43E-01</u>	<u>5.00E+01</u>	<u>2.40E-04</u>	<u>3.30E+02</u>
<u>120-83-2</u>	<u>2,4-Dichlorophenol</u>	<u>4.50E+03</u>	<u>4.89E-02</u>	<u>8.77E-06</u>	<u>1.30E-04</u>	<u>-----<sup>a</sup></u>	<u>7.32E+02<sup>d</sup></u>	<u>2.70E-04</u>	<u>6.70E-02</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>2.80E+03</u>	<u>7.82E-02</u>	<u>8.73E-06</u>	<u>1.10E-01</u>	<u>6.52E-02</u>	<u>5.00E+01</u>	<u>2.70E-04</u>	<u>5.20E+01</u>
<u>542-75-6</u>	<u>1,3-Dichloropropylene (cis + trans)</u>	<u>2.80E+03</u>	<u>6.26E-02</u>	<u>1.00E-05</u>	<u>7.40E-01</u>	<u>3.98E-01</u>	<u>2.00E+01</u>	<u>6.10E-02</u>	<u>3.40E+01</u>
<u>60-57-1</u>	<u>Dieldrin</u>	<u>2.00E-01</u>	<u>1.92E-02</u>	<u>4.74E-06</u>	<u>6.2E-04</u>	<u>-----<sup>a</sup></u>	<u>2.50E+04</u>	<u>3.20E-04</u>	<u>5.9E-06</u>
<u>84-66-2</u>	<u>Diethyl Phthalate</u>	<u>1.10E+03</u>	<u>2.49E-02</u>	<u>6.35E-06</u>	<u>1.80E-05</u>	<u>-----<sup>a</sup></u>	<u>3.20E+02</u>	<u>6.19E-03</u>	<u>1.60E-03</u>
<u>105-67-9</u>	<u>2,4-Dimethylphenol</u>	<u>7.90E+03</u>	<u>6.43E-02</u>	<u>8.69E-06</u>	<u>8.20E-05</u>	<u>-----<sup>a</sup></u>	<u>2.00E+02</u>	<u>4.95E-02</u>	<u>9.80E-02</u>
<u>75-71-8</u>	<u>1,3-Dinitrobenzene</u>	<u>8.60E+02</u>	<u>4.55E-02</u>	<u>8.46E-06</u>	<u>2.30E-07</u>	<u>-----<sup>a</sup></u>	<u>3.20E+01</u>	<u>1.92E-03</u>	<u>9.00E-04</u>
<u>51-28-5</u>	<u>2,4-Dinitrophenol</u>	<u>2.79E+03</u>	<u>2.73E-02</u>	<u>9.06E-06</u>	<u>1.82E-05</u>	<u>-----<sup>a</sup></u>	<u>3.24E+01</u>	<u>1.32E-03</u>	<u>5.10E-03</u>
<u>121-14-2</u>	<u>2,4-Dinitrotoluene</u>	<u>2.70E+02</u>	<u>2.03E-01</u>	<u>7.06E-06</u>	<u>3.80E-06</u>	<u>-----<sup>a</sup></u>	<u>8.90E+01</u>	<u>1.92E-03</u>	<u>1.47E-04</u>
<u>606-20-2</u>	<u>2,6-Dinitrotoluene</u>	<u>1.82E+02</u>	<u>3.70E-02</u>	<u>7.76E-06</u>	<u>3.06E-05</u>	<u>-----<sup>a</sup></u>	<u>4.90E+01</u>	<u>1.92E-03</u>	<u>5.67E-04</u>
<u>88-85-7</u>	<u>Dinoseb</u>	<u>5.20E+01</u>	<u>2.45E-02</u>	<u>6.25E-06</u>	<u>1.87E-05</u>	<u>-----<sup>a</sup></u>	<u>9.17E+01<sup>d</sup></u>	<u>2.82E-03</u>	<u>7.50E-05</u>
<u>117-84-0</u>	<u>Di-n-octyl Phthalate</u>	<u>2.00E-02</u>	<u>1.73E-02</u>	<u>4.17E-06</u>	<u>2.74E-03</u>	<u>-----<sup>a</sup></u>	<u>1.30E+05</u>	<u>1.90E-03</u>	<u>2.60E-06</u>
<u>123-91-1</u>	<u>p-Dioxane</u>	<u>1.00E+06</u>	<u>2.29E-01</u>	<u>1.02E-05</u>	<u>1.97E-04</u>	<u>1.07E-04</u>	<u>7.20E-01</u>	<u>1.92E-03</u>	<u>3.81E+01</u>
<u>115-29-7</u>	<u>Endosulfan</u>	<u>5.10E-01</u>	<u>1.85E-02</u>	<u>4.55E-06</u>	<u>4.51E-04</u>	<u>-----<sup>a</sup></u>	<u>5.00E+03</u>	<u>7.63E-02</u>	<u>1.00E-05</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<a href="#">145-73-3</a>	<a href="#">Endothall</a>	<a href="#">2.10E+04</a>	<a href="#">2.91E-02</a>	<a href="#">8.07E-06</a>	<a href="#">1.58E-14</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">7.59E+01</a>	<a href="#">No Data</a>	<a href="#">1.57E-10</a>
<a href="#">72-20-8</a>	<a href="#">Endrin</a>	<a href="#">2.50E-01</a>	<a href="#">1.92E-02</a>	<a href="#">4.74E-6</a>	<a href="#">3.08E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">3.20E+04</a>	<a href="#">3.20E-04</a>	<a href="#">3.00E-06</a>
<a href="#">100-41-4</a>	<a href="#">Ethylbenzene</a>	<a href="#">1.70E+02</a>	<a href="#">7.50E-02</a>	<a href="#">7.80E-06</a>	<a href="#">3.24E-01</a>	<a href="#">1.64E-01</a>	<a href="#">3.20E+02</a>	<a href="#">3.00E-03</a>	<a href="#">9.60E+00</a>
<a href="#">206-44-0</a>	<a href="#">Fluoranthene</a>	<a href="#">2.06E-01</a>	<a href="#">2.51E-02</a>	<a href="#">6.35E-06</a>	<a href="#">6.60E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">7.40E+04</a>	<a href="#">1.90E-04</a>	<a href="#">1.23E-08</a>
<a href="#">86-73-7</a>	<a href="#">Fluorene</a>	<a href="#">2.00E+00</a>	<a href="#">4.40E-02</a>	<a href="#">7.88E-06</a>	<a href="#">2.62E-03</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">1.30E+04</a>	<a href="#">6.91E-04</a>	<a href="#">6.30E-04</a>
<a href="#">76-44-8</a>	<a href="#">Heptachlor</a>	<a href="#">1.80E-01</a>	<a href="#">2.23E-02</a>	<a href="#">5.69E-06</a>	<a href="#">6.07E-02</a>	<a href="#">1.73E-02</a>	<a href="#">3.00E+03</a>	<a href="#">1.30E-01</a>	<a href="#">4.00E-04</a>
<a href="#">1024-57-3</a>	<a href="#">Heptachlor epoxide</a>	<a href="#">2.00E-01</a>	<a href="#">2.19E-02</a>	<a href="#">5.57E-06</a>	<a href="#">3.90E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">2.00E+05</a>	<a href="#">6.30E-04</a>	<a href="#">1.90E-05</a>
<a href="#">118-74-1</a>	<a href="#">Hexachlorobenzene</a>	<a href="#">6.20E-03</a>	<a href="#">5.42E-02</a>	<a href="#">5.91E-06</a>	<a href="#">5.33E-02</a>	<a href="#">1.35E-02</a>	<a href="#">2.00E+04</a>	<a href="#">1.70E-04</a>	<a href="#">1.80E-05</a>
<a href="#">319-84-6</a>	<a href="#">Alpha-HCH (alpha-BHC)</a>	<a href="#">2.00E+00</a>	<a href="#">2.04E-02</a>	<a href="#">5.04E-06</a>	<a href="#">4.51E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">5.00E+03</a>	<a href="#">2.50E-03</a>	<a href="#">4.50E-05</a>
<a href="#">58-89-9</a>	<a href="#">Gamma-HCH (Lindane)</a>	<a href="#">7.30E+00</a>	<a href="#">2.75E-02</a>	<a href="#">7.34E-06</a>	<a href="#">5.74E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">3.00E+03</a>	<a href="#">2.90E-03</a>	<a href="#">4.10E-04</a>
<a href="#">2691-41-0</a>	<a href="#">High Melting Explosive, Octogen (HMX)</a>	<a href="#">5.00E+00</a>	<a href="#">2.69E-02</a>	<a href="#">7.15E-06</a>	<a href="#">8.67E-10</a>	<a href="#">3.55E-08</a>	<a href="#">1.40E+00</a>	<a href="#">No Data</a>	<a href="#">3.30E-14</a>
<a href="#">77-47-4</a>	<a href="#">Hexachlorocyclopentadiene</a>	<a href="#">1.80E+00</a>	<a href="#">2.79E-02</a>	<a href="#">7.21E-06</a>	<a href="#">1.11E+00</a>	<a href="#">4.22E-01</a>	<a href="#">1.20E+04</a>	<a href="#">1.20E-02</a>	<a href="#">5.96E-02</a>
<a href="#">67-72-1</a>	<a href="#">Hexachloroethane</a>	<a href="#">5.00E+01</a>	<a href="#">2.50E-03</a>	<a href="#">6.80E-06</a>	<a href="#">1.59E-01</a>	<a href="#">7.26E-02</a>	<a href="#">1.50E+03</a>	<a href="#">1.92E-03</a>	<a href="#">2.10E-01</a>
<a href="#">193-39-5</a>	<a href="#">Indeno(1,2,3-c,d)pyrene</a>	<a href="#">2.20E-05</a>	<a href="#">2.25E-02</a>	<a href="#">5.66E-06</a>	<a href="#">6.56E-05</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">3.10E+06</a>	<a href="#">4.70E-04</a>	<a href="#">1.00E-10</a>
<a href="#">78-59-1</a>	<a href="#">Isophorone</a>	<a href="#">1.20E+04</a>	<a href="#">6.23E-02</a>	<a href="#">6.76E-06</a>	<a href="#">2.72E-04</a>	<a href="#">1.12E-04</a>	<a href="#">2.50E+01</a>	<a href="#">1.24E-02</a>	<a href="#">4.38E-01</a>
<a href="#">98-82-8</a>	<a href="#">Isopropylbenzene (Cumene)</a>	<a href="#">6.10E+01</a>	<a href="#">6.50E-02</a>	<a href="#">7.10E-06</a>	<a href="#">4.92E+01</a>	<a href="#">2.10E+01</a>	<a href="#">1.02E+03</a>	<a href="#">4.33E-02</a>	<a href="#">4.50E+00</a>
<a href="#">93-65-2</a>	<a href="#">Mecoprop (MCPP)</a>	<a href="#">8.95E+02</a>	<a href="#">2.40E-02</a>	<a href="#">6.05E-06</a>	<a href="#">7.70E-09</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">1.84E+01<sup>d</sup></a>	<a href="#">3.85E-03</a>	<a href="#">2.44E-05</a>
<a href="#">7439-97-6</a>	<a href="#">Mercury</a>	<a href="#">6.00E-02</a>	<a href="#">7.14E-02</a>	<a href="#">3.01E-05</a>	<a href="#">4.51E-01</a>	<a href="#">1.59E-01</a>	<a href="#">8.70E+03</a>	<a href="#">No Data</a>	<a href="#">2.00E-03</a>
<a href="#">72-43-5</a>	<a href="#">Methoxychlor</a>	<a href="#">4.50E-02</a>	<a href="#">1.84E-02</a>	<a href="#">4.46E-06</a>	<a href="#">6.56E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">5.00E+04</a>	<a href="#">1.90E-03</a>	<a href="#">6.00E-07</a>
<a href="#">74-83-9</a>	<a href="#">Methyl Bromide</a>	<a href="#">1.50E+04</a>	<a href="#">7.28E-02</a>	<a href="#">1.21E-05</a>	<a href="#">2.56E-01</a>	<a href="#">1.79E-01</a>	<a href="#">1.00E+01</a>	<a href="#">1.82E-02</a>	<a href="#">1.62E+03</a>
<a href="#">1634-04-4</a>	<a href="#">Methyl tertiary-butyl ether</a>	<a href="#">5.10E+04</a>	<a href="#">8.59E-02</a>	<a href="#">1.10E-05</a>	<a href="#">2.42E-02</a>	<a href="#">1.50E-02</a>	<a href="#">1.00E+01</a>	<a href="#">No Data</a>	<a href="#">2.50E+02</a>
<a href="#">75-09-2</a>	<a href="#">Methylene Chloride</a>	<a href="#">1.30E+04</a>	<a href="#">1.01E-01</a>	<a href="#">1.17E-05</a>	<a href="#">9.02E-02</a>	<a href="#">5.70E-02</a>	<a href="#">1.30E+01</a>	<a href="#">1.20E-02</a>	<a href="#">4.30E+02</a>
<a href="#">93-65-2</a>	<a href="#">2-Methylnaphthalene</a>	<a href="#">2.50E+01</a>	<a href="#">5.22E-02</a>	<a href="#">7.75E-06</a>	<a href="#">2.10E-02</a>	<a href="#">6.95E-03</a>	<a href="#">1.60E+03</a>	<a href="#">No Data</a>	<a href="#">6.80E-02</a>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>95-48-7</u>	<u>2-Methylphenol (o-cresol)</u>	<u>2.60E+04</u>	<u>7.40E-02</u>	<u>8.30E-06</u>	<u>4.92E-05</u>	<u>2.00E-05</u>	<u>4.20E+01</u>	<u>4.95E-02</u>	<u>2.99E-01</u>
<u>91-20-3</u>	<u>Naphthalene</u>	<u>3.10E+01</u>	<u>5.90E-02</u>	<u>7.50E-06</u>	<u>1.97E-02</u>	<u>8.29E-03</u>	<u>5.00E+02</u>	<u>2.70E-03</u>	<u>8.50E-02</u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>2.09E+03</u>	<u>7.60E-02</u>	<u>8.60E-06</u>	<u>9.84E-04</u>	<u>3.99E-04</u>	<u>4.00E+01</u>	<u>1.76E-03</u>	<u>2.40E-01</u>
<u>86-30-6</u>	<u>N-Nitrosodiphenylamine</u>	<u>3.50E+01</u>	<u>2.83E-02</u>	<u>7.19E-06</u>	<u>2.10E-04</u>	<u>-----<sup>a</sup></u>	<u>1.00E+03</u>	<u>1.00E-02</u>	<u>6.70E-04</u>
<u>621-64-7</u>	<u>N-Nitrosodi-n-propylamine</u>	<u>9.89E+03</u>	<u>5.87E-02</u>	<u>8.17E-06</u>	<u>9.20E-05</u>	<u>5.48E-05</u>	<u>1.45E+01</u>	<u>1.90E-03</u>	<u>1.30E-01</u>
<u>87-86-5</u>	<u>Pentachlorophenol</u>	<u>2.00E+03</u>	<u>5.60E-02</u>	<u>6.10E-06</u>	<u>9.84E-07</u>	<u>-----<sup>a</sup></u>	<u>2.77E+03<sup>d</sup></u>	<u>4.50E-04</u>	<u>3.20E-05</u>
<u>108-95-2</u>	<u>Phenol</u>	<u>8.30E+04</u>	<u>8.20E-02</u>	<u>9.10E-06</u>	<u>1.64E-05</u>	<u>6.67E-06</u>	<u>2.00E+01</u>	<u>9.90E-02</u>	<u>2.80E-01</u>
<u>1918-02-1</u>	<u>Picloram</u>	<u>4.30E+02</u>	<u>2.26E-02</u>	<u>5.64E-06</u>	<u>2.19E-12</u>	<u>-----<sup>a</sup></u>	<u>2.00E+00</u>	<u>No Data</u>	<u>7.21E-11</u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>	<u>-----<sup>a</sup></u>
<u>129-00-0</u>	<u>Pyrene</u>	<u>1.40E+00</u>	<u>2.77E-02</u>	<u>7.24E-06</u>	<u>4.51E-04</u>	<u>-----<sup>a</sup></u>	<u>6.31E+04</u>	<u>1.80E-04</u>	<u>4.60E-06</u>
<u>121-82-4</u>	<u>Royal Demolition Explosive, Cyclonite (RDX)</u>	<u>5.97E+01</u>	<u>3.11E-02</u>	<u>8.49E-06</u>	<u>2.01E-11</u>	<u>-----<sup>a</sup></u>	<u>7.20E+00</u>	<u>No Data</u>	<u>4.10E-09</u>
<u>122-34-9</u>	<u>Simazine</u>	<u>6.20E+00</u>	<u>2.48E-02</u>	<u>6.28E-06</u>	<u>3.80E-08</u>	<u>-----<sup>a</sup></u>	<u>1.32E+02</u>	<u>No Data</u>	<u>2.21E-08</u>
<u>100-42-5</u>	<u>Styrene</u>	<u>3.10E+02</u>	<u>7.10E-02</u>	<u>8.00E-06</u>	<u>1.11E-01</u>	<u>5.48E-03</u>	<u>3.16E+02</u>	<u>3.30E-03</u>	<u>6.10E+00</u>
<u>93-72-1</u>	<u>2,4,5-TP (Silvex)</u>	<u>7.10E+01</u>	<u>2.30E-02</u>	<u>5.83E-06</u>	<u>3.71E-07</u>	<u>-----<sup>a</sup></u>	<u>5.50E+03</u>	<u>No Data</u>	<u>9.97E-06</u>
<u>127-18-4</u>	<u>Tetrachloroethylene</u>	<u>2.00E+02</u>	<u>7.20E-02</u>	<u>8.20E-06</u>	<u>7.38E-01</u>	<u>4.00E-01</u>	<u>6.31E+02</u>	<u>9.60E-04</u>	<u>1.90E+01</u>
<u>108-88-3</u>	<u>Toluene</u>	<u>5.30E+02</u>	<u>8.70E-02</u>	<u>8.60E-06</u>	<u>2.71E-01</u>	<u>1.49E-01</u>	<u>1.58E+02</u>	<u>1.10E-02</u>	<u>2.80E+01</u>
<u>8001-35-2</u>	<u>Toxaphene</u>	<u>7.40E-01</u>	<u>2.16E-02</u>	<u>5.51E-06</u>	<u>2.46E-04</u>	<u>-----<sup>a</sup></u>	<u>5.01E+04</u>	<u>No Data</u>	<u>9.80E-07</u>
<u>120-82-1</u>	<u>1,2,4-Trichlorobenzene</u>	<u>3.50E+01</u>	<u>3.00E-02</u>	<u>8.23E-06</u>	<u>5.74E-02</u>	<u>2.38E-02</u>	<u>1.58E+03</u>	<u>1.90E-03</u>	<u>4.30E-01</u>
<u>71-55-6</u>	<u>1,1,1-Trichloroethane</u>	<u>1.30E+03</u>	<u>7.80E-02</u>	<u>8.80E-06</u>	<u>6.97E-01</u>	<u>4.21E-01</u>	<u>1.26E+02</u>	<u>1.30E-03</u>	<u>1.20E+02</u>
<u>79-00-5</u>	<u>1,1,2-Trichloroethane</u>	<u>4.40E+03</u>	<u>7.80E-02</u>	<u>8.80E-06</u>	<u>3.73E-02</u>	<u>1.98E-02</u>	<u>5.01E+01</u>	<u>9.50E-04</u>	<u>2.30E+01</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>1.50E+03</u>	<u>7.90E-02</u>	<u>9.10E-06</u>	<u>4.10E-01</u>	<u>2.41E-01</u>	<u>1.00E+02</u>	<u>4.20E-04</u>	<u>7.30E+01</u>
<u>75-69-4</u>	<u>Trichlorofluoromethane</u>	<u>1.10E+03</u>	<u>8.70E-02</u>	<u>9.70E-06</u>	<u>3.98E+00</u>	<u>2.69E+00</u>	<u>1.30E+02</u>	<u>9.63E-04</u>	<u>8.00E+02</u>
<u>95-95-4</u>	<u>2,4,5-Trichlorophenol</u>	<u>1.20E+03</u>	<u>2.91E-02</u>	<u>7.03E-06</u>	<u>1.78E-04</u>	<u>-----<sup>a</sup></u>	<u>2.68E+03<sup>d</sup></u>	<u>3.80E-04</u>	<u>2.40E-02</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

88-06-2	<a href="#">2,4,6-Trichlorophenol</a>	<a href="#">8.00E+02</a>	<a href="#">2.61E-02</a>	<a href="#">6.36E-06</a>	<a href="#">3.53E-04</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">8.78E+02<sup>d</sup></a>	<a href="#">3.80E-04</a>	<a href="#">2.00E-02</a>
108-05-4	<a href="#">Vinyl Acetate</a>	<a href="#">2.00E+04</a>	<a href="#">8.50E-02</a>	<a href="#">9.20E-06</a>	<a href="#">2.09E-02</a>	<a href="#">1.18E-02</a>	<a href="#">4.57E+00</a>	<a href="#">No Data</a>	<a href="#">9.00E+01</a>
99-35-4	<a href="#">1,3,5-Trinitrobenzene</a>	<a href="#">2.80E+02</a>	<a href="#">2.41E-02</a>	<a href="#">6.08E-06</a>	<a href="#">3.30E-10</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">1.60E+01</a>	<a href="#">No Data</a>	<a href="#">6.40E-06</a>
118-96-7	<a href="#">2,4,6-Trinitrotoluene (TNT)</a>	<a href="#">1.24E+02</a>	<a href="#">2.94E-02</a>	<a href="#">7.90E-06</a>	<a href="#">4.87E-09</a>	<a href="#">-----<sup>a</sup></a>	<a href="#">3.72E+01</a>	<a href="#">1.92E-03</a>	<a href="#">2.02E-06</a>
57-01-4	<a href="#">Vinyl Chloride</a>	<a href="#">8.80E+03</a>	<a href="#">1.06E-01</a>	<a href="#">1.23E-06</a>	<a href="#">1.11E+00</a>	<a href="#">8.14E-01</a>	<a href="#">1.58E+01</a>	<a href="#">2.40E-04</a>	<a href="#">3.00E+03</a>
108-38-3	<a href="#">m-Xylene</a>	<a href="#">1.60E+02</a>	<a href="#">7.00E-02</a>	<a href="#">7.80E-06</a>	<a href="#">2.99E-01</a>	<a href="#">1.52E-01</a>	<a href="#">3.98E+02</a>	<a href="#">1.90E-03</a>	<a href="#">8.50E+00</a>
95-47-6	<a href="#">o-Xylene</a>	<a href="#">1.80E+02</a>	<a href="#">8.70E-02</a>	<a href="#">1.00E-05</a>	<a href="#">2.13E-01</a>	<a href="#">1.07E-01</a>	<a href="#">3.16E+02</a>	<a href="#">1.90E-03</a>	<a href="#">6.60E+00</a>
106-42-3	<a href="#">p-Xylene</a>	<a href="#">1.60E+02</a>	<a href="#">7.69E-02</a>	<a href="#">8.44E-06</a>	<a href="#">3.16E-01</a>	<a href="#">1.59E-01</a>	<a href="#">3.16E+02</a>	<a href="#">1.90E-03</a>	<a href="#">8.90E+00</a>
1330-20-7	<a href="#">Xylenes (total)</a>	<a href="#">1.10E+02</a>	<a href="#">7.35E-02</a>	<a href="#">9.23E-06</a>	<a href="#">2.71E-01</a>	<a href="#">NA</a>	<a href="#">3.98E+02</a>	<a href="#">1.90E-03</a>	<a href="#">8.00E+00</a>

[Chemical Abstracts Service \(CAS\) registry number. This number in the format xxx-xx-x, is unique for each chemical and allows efficient searching on computerized databases.](#)

<sup>a</sup> [Soil remediation objectives are determined pursuant to 40 CFR 761, as incorporated by reference at Section 742.210\(b\) \(the USEPA "PCB Spill Cleanup Policy"\), for most sites; persons remediating sites should consult with BOL if calculation of Tier 2 or 3 remediation objectives is desired. PCBs are a mixture of different congeners. The appropriate values to use for the physical/chemical parameters depend on congeners present at the site.](#)

<sup>b</sup> [Dimensionless Henry's Law Constant at 13°C is not calculated because the chemical is not volatile and does not require evaluation under the indoor inhalation exposure route.](#)

<sup>c</sup> [Dimensionless Henry's Law Constant = 20°C](#)

<sup>d</sup> [These chemicals are ionizing and its  \$K\_{oc}\$  value will change with pH. The  \$K\_{oc}\$  values listed in this table is the effective  \$K\_{oc}\$  at pH of 6.8. If the site-specific pH is a value other than 6.8, the  \$K\_{oc}\$  value listed Appendix C, Table I should be used.](#)

<sup>e</sup> [The values in this table were taken from the following sources \(in order of preference\): SCDMS online database \(<http://www.epa.gov/superfund/sites/npl/hrsres/tools/scdm.htm>\); CHEMFATE online database \(<http://www.srcinc.com/what-we-do/databaseforms.aspx?id=381>\); PhysProp online database \(<http://www.srcinc.com/what-we-do/databaseforms.aspx?id=386>\); Water \(<http://www.epa.gov/ttn/chief/software/water/>\) for](#)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

diffusivity values; and Handbook of Environmental Degradation Rates by P.H. Howard (1991) for first order degradation constant values.

CAS No.	Chemical	Solubility in Water (S) (mg/L)	Diffusivity in Air (Di) (cm <sup>2</sup> /s)	Diffusivity in Water (D <sub>w</sub> ) (cm <sup>2</sup> /s)	Dimensionless Henry's Law Constant (H <sup>1</sup> ) (25°C)	Organic Carbon Partition Coefficient (K <sub>oc</sub> ) (L/kg)	First Order Degradation Constant (λ) (d <sup>-1</sup> )
83-32-9	Acenaphthene	4.24	0.0421	7.69E-6	0.00636	7,080	0.0034
67-64-1	Acetone	1,000,000	0.124	1.14E-5	0.00159	0.575	0.0495
15972-60-8	Alachlor	242	0.0198	5.69E-6	0.00000132	394	No Data
116-06-3	Aldicarb	6,000	0.0305	7.19E-6	0.0000000574	12	0.00109
309-00-2	Aldrin	0.18	0.0132	4.86E-6	0.00697	2,450,000	0.00059
120-12-7	Anthracene	0.0434	0.0324	7.74E-6	0.00267	29,500	0.00075
1912-24-9	Atrazine	70	0.0258	6.69E-6	0.00000005	451	No Data
71-43-2	Benzene	1,750	0.088	9.80E-6	0.228	58.9	0.0009
56-55-3	Benzo(a)anthracene	0.0094	0.0510	9.00E-6	0.000137	398,000	0.00051
205-99-2	Benzo(b)fluoranthene	0.0015	0.0226	5.56E-6	0.00455	1,230,000	0.00057
207-08-9	Benzo(k)fluoranthene	0.0008	0.0226	5.56E-6	0.000034	1,230,000	0.00016
65-85-0	Benzoic Acid	3,500	0.0536	7.97E-6	0.0000631	0.600	No Data
50-32-8	Benzo(a)pyrene	0.00162	0.043	9.00E-6	0.0000463	1,020,000	0.00065
111-44-4	Bis(2-chloroethyl)ether	17,200	0.0692	7.53E-6	0.000738	15.5	0.0019
117-81-7	Bis(2-ethylhexyl)phthalate	0.34	0.0351	3.66E-6	0.00000418	15,100,000	0.0018
75-27-4	Bromodichloromethane	6,740	0.0298	1.06E-5	0.0656	55.0	No Data
75-25-2	Bromoform	3,100	0.0149	1.03E-5	0.0219	87.1	0.0019
71-36-3	Butanol	74,000	0.0800	9.30E-6	0.000361	6.92	0.01283
85-68-7	Butyl Benzyl Phthalate	2.69	0.0174	4.83E-6	0.0000517	57,500	0.00385
86-74-8	Carbazole	7.48	0.0390	7.03E-6	0.000000626	3,390	No Data
1563-66-2	Carbofuran	320	0.0249	6.63E-6	0.00377	37	No Data
75-15-0	Carbon Disulfide	1,190	0.104	1.00E-5	1.24	45.7	No Data
56-23-5	Carbon Tetrachloride	793	0.0780	8.80E-6	1.25	174	0.0019

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

57-74-9	Chlordane	0.056	0.0118	4.37E-6	0.00199	120,000	0.00025
106-47-8	p-Chloroaniline	5,300	0.0483	1.01E-5	0.0000136	66.4	No Data
108-90-7	Chlorobenzene	472	0.0730	8.70E-6	0.152	219	0.0023
124-48-1	Chlorodibromomethane	2,600	0.0196	1.05E-5	0.0321	63.4	0.00385
67-66-3	Chloroform	7,920	0.104	1.00E-5	0.15	39.8	0.00039
95-57-8	2-Chlorophenol	22,000	0.0501	9.46E-6	0.016	388	No Data
218-01-9	Chrysene	0.0016	0.0248	6.21E-6	0.00388	398,000	0.00035
94-75-7	2,4-D	680	0.0231	7.31E-6	0.00000041	451	0.00385
72-54-8	4,4'-DDD	0.09	0.0169	4.76E-6	0.000164	1,000,000	0.000062
72-55-9	4,4'-DDE	0.12	0.0144	5.87E-6	0.000861	4,470,000	0.000062
50-29-3	4,4'-DDT	0.025	0.0137	4.95E-6	0.000332	2,630,000	0.000062
75-99-0	Dalapon	900,000	0.0414	9.46E-6	0.00000264	5.8	0.005775
53-70-3	Dibenzo(a,h)anthracene	0.00249	0.0202	5.18E-6	0.000000603	3,800,000	0.00037
96-12-8	1,2-Dibromo-3-	1,200	0.0212	7.02E-6	0.00615	182	0.001925
106-93-4	1,2-Dibromoethane	4,200	0.0287	8.06E-6	0.0303	93	0.005775
84-74-2	Di-n-butyl-Phthalate	11.2	0.0438	7.86E-6	0.0000000385	33,900	0.03013
95-50-1	1,2-Dichlorobenzene	156	0.0690	7.90E-6	0.0779	617	0.0019
106-46-7	1,4-Dichlorobenzene	73.8	0.0690	7.90E-6	0.0996	617	0.0019
91-94-1	3,3-Dichlorobenzidine	3.11	0.0194	6.74E-6	0.000000164	724	0.0019
75-34-3	1,1-Dichloroethane	5,060	0.0742	1.05E-5	0.23	31.6	0.0019
107-06-2	1,2-Dichloroethane	8,520	0.104	9.90E-6	0.0401	17.4	0.0019
75-35-4	1,1-Dichloroethylene	2,250	0.0900	1.04E-5	1.07	58.9	0.0053
156-59-2	cis-1,2-Dichloroethylene	3,500	0.0736	1.13E-5	0.167	35.5	0.00024
156-60-5	trans-1,2-Dichloroethylene	6,300	0.0707	1.19E-5	0.385	52.5	0.00024
120-83-2	2,4-Dichlorophenol	4,500	0.0346	8.77E-6	0.00013	147	0.00027
78-87-5	1,2-Dichloropropane	2,800	0.0782	8.73E-6	0.115	43.7	0.00027
542-75-6	1,3-Dichloropropylene (cis + trans)	2,800	0.0626	1.00E-5	0.726	45.7	0.061
60-57-1	Dieldrin	0.195	0.0125	4.74E-6	0.000619	21,400	0.00032
84-66-2	Diethyl-Phthalate	1,080	0.0256	6.35E-6	0.0000185	288	0.00619
105-67-9	2,4-Dimethylphenol	7,870	0.0584	8.69E-6	0.000082	209	0.0495

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

51-28-5	2,4-Dinitrophenol	2,790	0.0273	9.06E-6	0.0000182	0.01	0.00132
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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

121-14-2	2,4-Dinitrotoluene	270	0.203	7.06E-6	0.0000038	95.5	0.00192
106-20-2	2,6-Dinitrotoluene	182	0.0327	7.26E-6	0.0000306	69.2	0.00192
18-85-7	Dinoseb	52	0.0215	6.62E-6	0.0000189	1,120	0.002817
117-84-0	Di-n-octyl-Phthalate	0.02	0.0151	3.58E-6	0.00274	83,200,000	0.0019
115-29-7	Endosulfan	0.51	0.0115	4.55E-6	0.000459	2,140	0.07629
145-73-3	Endothall	21,000	0.0291	8.07E-6	0.000000107	0.29	No-Data
72-20-8	Endrin	0.25	0.0125	4.74E-6	0.000308	12,300	0.00032
100-41-4	Ethylbenzene	169	0.0750	7.80E-6	0.323	363	0.003
206-44-0	Fluoranthene	0.206	0.0302	6.35E-6	0.00066	107,000	0.00019
86-73-7	Fluorene	1.98	0.0363	7.88E-6	0.00261	13,800	0.000691
76-44-8	Heptachlor	0.18	0.0112	5.69E-6	60.7	1,410,000	0.13
1024-57-3	Heptachlor-epoxide	0.2	0.0132	4.23E-6	0.00039	83,200	0.00063
118-74-1	Hexachlorobenzene	6.2	0.0542	5.91E-6	0.0541	55,000	0.00017
119-84-6	alpha-HCH (alpha-BHC)	2.0	0.0142	7.34E-6	0.000435	1,230	0.0025
58-89-9	gamma-HCH (Lindane)	6.8	0.0142	7.34E-6	0.000574	1,070	0.0029
77-47-4	Hexachlorocyclopentadiene	1.8	0.0161	7.21E-6	1.11	200,000	0.012
67-72-1	Hexachloroethane	50	0.0025	6.80E-6	0.159	1,780	0.00192
193-39-5	Indeno(1,2,3-c,d)pyrene	0.000022	0.0190	5.66E-6	0.0000656	3,470,000	0.00047
78-59-1	Isophorone	12,000	0.0623	6.76E-6	0.000272	46.8	0.01238
7439-97-6	Mercury	—	0.0307	6.30E-6	0.467	—	No-Data
72-43-5	Methoxychlor	0.045	0.0156	4.46E-6	0.000648	97,700	0.0019
74-83-9	Methyl-Bromide	15,200	0.0728	1.21E-5	0.256	10.5	0.01824
1634-04-4	Methyl-tertiary-butyl-ether	51,000	0.102	1.10E-5	0.0241	11.5	No-Data
75-09-2	Methylene-Chloride	13,000	0.101	1.17E-5	0.0898	11.7	0.012
95-48-7	2-Methylphenol	26,000	0.0740	8.30E-6	0.0000492	91.2	0.0495
91-20-3	Naphthalene	31.0	0.0590	7.50E-6	0.0198	2,000	0.0027
98-95-3	Nitrobenzene	2,090	0.0760	8.60E-6	0.000984	64.6	0.00176
86-30-6	N-Nitrosodiphenylamine	35.1	0.0312	6.35E-6	0.000205	1,290	0.01
621-64-7	N-Nitrosodi-n-propylamine	9,890	0.0545	8.17E-6	0.0000923	24.0	0.0019

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

87-86-5	Pentachlorophenol	1,950	0.0560	6.10E-6	0.000001	592	0.00045
108-95-2	Phenol	82,800	0.0820	9.10E-6	0.0000163	28.8	0.099
1918-02-1	Picloram	430	0.0255	5.28E-6	0.00000000166	1.98	No Data
1336-36-3	Polychlorinated biphenyls	0.7	_____*	_____*	_____*	309,000	No Data
129-00-0	Pyrene	0.135	0.0272	7.24E-6	0.000451	105,000	0.00018
122-34-9	Simazine	5	0.027	7.36E-6	0.0000000133	133	No Data
100-42-5	Styrene	310	0.0710	8.00E-6	0.113	776	0.0033
93-72-1	2,4,5-TP (Silvex)	31	0.0194	5.83E-6	0.0000000032	5,440	No Data
127-18-4	Tetrachloroethylene	200	0.0720	8.20E-6	0.754	155	0.00096
108-88-3	Toluene	526	0.0870	8.60E-6	0.272	182	0.011
8001-35-2	Toxaphene	0.74	0.0116	4.34E-6	0.000246	257,000	No Data
120-82-1	1,2,4-Trichlorobenzene	300	0.0300	8.23E-6	0.0582	1,780	0.0019
71-55-6	1,1,1-Trichloroethane	1,330	0.0780	8.80E-6	0.705	110	0.0013
79-00-5	1,1,2-Trichloroethane	4,420	0.0780	8.80E-6	0.0374	50.1	0.00095
79-01-6	Trichloroethylene	1,100	0.0790	9.10E-6	0.422	166	0.00042
95-95-4	2,4,5-Trichlorophenol	1,200	0.0291	7.03E-6	0.000178	1,600	0.00038
88-06-2	2,4,6-Trichlorophenol	800	0.0318	6.25E-6	0.000319	381	0.00038
108-05-4	Vinyl Acetate	20,000	0.0850	9.20E-6	0.021	5.25	No Data
57-01-4	Vinyl Chloride	2,760	0.106	1.23E-6	1.11	18.6	0.00024
108-38-3	m-Xylene	161	0.070	7.80E-6	0.301	407	0.0019
95-47-6	o-Xylene	178	0.087	1.00E-5	0.213	363	0.0019
106-42-3	p-Xylene	185	0.0769	8.44E-6	0.314	389	0.0019
1330-20-7	Xylenes (total)	186	0.0720	9.34E-6	0.25	260	0.0019

Chemical Abstracts Service (CAS) registry number. This number in the format xxx-xx-x, is unique for each chemical and allows efficient searching on computerized data bases.

<sup>a</sup>—Soil Remediation objectives are determined pursuant to 40 CFR 761, as incorporated by reference at Section 732.104 (the USEPA "PCB Spill Cleanup Policy"), for most sites; persons remediating sites should consult with BOL if calculation of Tier 2 soil remediation objectives is desired.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 742.APPENDIX C Tier 2 Illustrations and Tables

## Section 742.TABLE F Methods for Determining Physical Soil Parameters

Methods for Determining Physical Soil Parameters		
Parameter	Sampling Location <sup>a</sup>	Method
$\rho_b$ (soil bulk density)	Surface	ASTM-D 1556-90 Sand Cone Method <sup>b</sup>
		ASTM-D 2167-94 Rubber Balloon Method <sup>b</sup>
	Subsurface	ASTM-D 2922-91 Nuclear Method <sup>b</sup>
		ASTM-D 2937-94 Drive Cylinder Method <sup>b</sup>
$\rho_s$ (soil particle density)	Surface or Subsurface	ASTM-D 854-92 Specific Gravity of Soil <sup>b</sup>
w (moisture content)	Surface or Subsurface	ASTM-D 4959-89 (Reapproved 1994) Standard <sup>b</sup>
		ASTM-D D 4643-93 Microwave Oven <sup>b</sup>
		ASTM-D D2216-92 Laboratory Determination <sup>b</sup>
		ASTM-D D3017-88 (Reapproved 1993) Nuclear Method <sup>b</sup>
		Equivalent USEPA Method (e.g., sample preparation procedures described in methods 3541 or 3550)
$f_{oc}$ (fraction organic carbon content)	Surface or Subsurface	ASTM-D 2974-00 Moisture, Ash, and Organic Matter <sup>b</sup> appropriately adjusted to estimate the fraction of organic carbon as stated in Nelson and Sommers (1982) <sup>b</sup>
$\eta$ or $\Theta_T$ (total soil porosity)	Surface or Subsurface (calculated)	Equation S24 in Appendix C, Table A for SSL Model, or Equation R23 in Appendix C, Table C for RBCA Model, <u>or Equation J&amp;E 16 in Appendix C, Table L for J&amp;E Model</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

$\Theta_a$ or $\Theta_{as}$ (air-filled soil porosity)	Surface or Subsurface (calculated)	Equation S21 in Appendix C, Table A for SSL Model, or Equation R21 in Appendix C, Table C for RBCA Model, <a href="#">or Equation J&amp;E 18 in Appendix C, Table L for J&amp;E Model</a>
$\Theta_w$ or $\Theta_{ws}$ (water-filled soil porosity)	Surface or Subsurface (calculated)	Equation S20 in Appendix C, Table A for SSL Model, or Equation R22 in Appendix C, Table C for RBCA Model, <a href="#">or Equation J&amp;E 17 in Appendix C, Table L for J&amp;E Model</a>
K (hydraulic conductivity)	Surface or Subsurface	ASTM-D 5084-90 Flexible Wall Permeameter <sup>b</sup>
		Pump Test
		Slug Test
i (hydraulic gradient)	Surface or Subsurface	Field Measurement

<sup>a</sup> This is the location where the sample is collected

<sup>b</sup> As incorporated by reference in Section 742.120.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX C Tier 2 Tables****Section 742.TABLE L J&E Equations**

<u>Indoor air remediation objectives (mg/m<sup>3</sup>)</u>	<u>For carcinogenic contaminants</u>	$RO_{indoorair} = \frac{TR \times AT_c \times 365 \text{ days/yr}}{ED \times EF \times URF \times 1000 \frac{\mu\text{g}}{\text{mg}}}$	<b><u>J&amp;E1</u></b>
	<u>For noncarcinogenic contaminants</u>	$RO_{indoorair} = \frac{THQ \times AT_{nc} \times 365 \text{ days/yr} \times RFC}{ED \times EF}$	<b><u>J&amp;E2</u></b>
<u>To convert mg/m<sup>3</sup> from parts per million volume</u>		$\text{mg} / \text{m}^3 = \frac{\text{ppmv} \times MW}{24.45}$ <p><u>Note: 24.45 equals the molar volume of air in liters at normal temperature (25°C) and pressure (760 mmHg).</u></p>	<b><u>J&amp;E3</u></b>
<u>Soil gas remediation objective (mg/m<sup>3</sup>)</u>		$RO_{soilgas} = \frac{RO_{indoor-air}}{\alpha}$	<b><u>J&amp;E4</u></b>
<u>Soil Vapor Saturation Limit (mg/m<sup>3</sup>-air)</u>		$C_v^{sat} = \frac{P \times MW}{R \times T} \times 10^6$	<b><u>J&amp;E5</u></b>
<u>Groundwater remediation objectives</u>		$RO_{gw} = \frac{RO_{soilgas}}{H' ts \times 1000 \frac{L_3}{m}}$	<b><u>J&amp;E6</u></b>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<p><u>Attenuation factor</u></p>	<p><u>Attenuation factor when the mode of contaminant transport is both diffusion and advection</u></p> <p><math>Q_{soil} = 83.33</math> <math>cm^3/sec</math></p>	$\alpha = \frac{\left[ \left( \frac{D_T^{eff} \times A_B}{Q_{bldg} \times L_T} \right) \times \exp\left( \frac{Q_{soil} \times L_{crack}}{D_{crack}^{eff} \times A_{crack}} \right) \right]}{\exp\left( \frac{Q_{soil} \times L_{crack}}{D_{crack}^{eff} \times A_{crack}} \right) + \left( \frac{D_T^{eff} \times A_B}{Q_{bldg} \times L_T} \right) + \left( \frac{D_T^{eff} \times A_B}{Q_{soil} \times L_T} \right) \left[ \exp\left( \frac{Q_{soil}}{D_{crack}^{eff}} \right) \right]}$	<p><b><u>J&amp;E7</u></b></p>
	<p><u>Attenuation factor when the mode of contaminant transport is diffusion only</u></p> <p><math>Q_{soil} = 0</math> <math>cm^3/sec</math></p>	$a = \frac{(D_T^{eff} \times A_B)}{1 + \left( \frac{D_T^{eff} \times A_B}{Q_{bldg} \times L_T} \right) + \left( \frac{D_T^{eff} \times A_B \times L_{crack}}{L_T \times D_{crack}^{eff} \times A_{crack}} \right)}$	<p><b><u>J&amp;E8</u></b></p>
<p><u>Total overall effective diffusion coefficient for vapor transport in porous media for multiple soil layers (<math>cm^2/s</math>)</u></p>	<p><u>In Equation J&amp;E9a, the following condition must be satisfied:</u></p>	$D_T^{eff} = \frac{L_T}{\sum_{i=1}^n L_i D_i^{eff}}$	<p><b><u>J&amp;E9a</u></b></p>
<p><u>Source to building separation (cm)</u></p>		$L_T = D_{source} - L_F$	<p><b><u>J&amp;E10</u></b></p>
<p><u>Effective diffusion coefficient for each soil layer (<math>cm^2/s</math>)</u></p>		$D_i^{eff} = \left( \frac{\Theta^{3.33_{a,i}}}{\Theta^{2_{T,i}}} \right) + \left( \frac{D_w}{H_{TS}} \right) \left( \frac{\Theta^{3.33_{wi}}}{\Theta^{2_{T,i}}} \right)$	<p><b><u>J&amp;E11</u></b></p>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>Surface area of enclosed space at or below grade (cm<sup>2</sup>)</u>	<u>For a slab-on-grade building</u>	$\underline{A_B = (L_B \times W_B)}$	<u>J&amp;E12a</u>
<u>Surface area of enclosed space at or below grade (cm<sup>2</sup>)</u>	<u>For a building with a basement</u>	$\underline{A_B = (L_B \times W_B) + (2 \times L_F \times L_B) + (2 \times L_F \times W_B)}$	<u>J&amp;E12b</u>
<u>Building ventilation rate (cm<sup>3</sup>/s)</u>		$\underline{Q_{bldg} = \frac{L_B \times W_B \times H_B \times ER}{3600 \text{ sec/hr}}}$	<u>J&amp;E13</u>
<u>Area of total cracks (cm<sup>2</sup>)</u>		$\underline{A_{crack} = 2 \times (L_B + W_B) \times w}$	<u>J&amp;E14</u>
<u>Effective diffusion coefficient through the cracks (cm<sup>2</sup>/s)</u>		$\underline{D_{crack}^{eff} = D_t \left( \frac{\Theta^{3.33_{a,crack}}}{\Theta^{2\tau_{crack}}} \right) + \left( \frac{D_w}{H_{TS}} \right) \left( \frac{\Theta^{3.33_{w,crack}}}{\Theta^{2\tau_{crack}}} \right)}$	<u>J&amp;E15</u>
<u>Total porosity</u>		$\underline{\Theta_{Ti} = 1 - \frac{\rho_{bi}}{\rho_s}}$	<u>J&amp;E16</u>
<u>Water-filled soil porosity</u>		$\underline{\Theta_w = W \times \frac{\rho_b}{\rho_w}}$	<u>J&amp;E17</u>
<u>Air-filled soil porosity</u>		$\underline{\Theta_a = \Theta_T - \Theta_w}$	<u>J&amp;E18</u>

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX C Tier 2 Tables****Section 742.TABLE M J&E Parameters**

<u>Symbol</u>	<u>Parameter</u>	<u>Units</u>	<u>Source</u>	<u>Tier 1 or Calculated Value</u>
<u>A<sub>B</sub></u>	<u>Surface area of enclosed space at or below grade</u>	<u>cm<sup>2</sup></u>	<u>Equation J&amp;E 12a or 12b, Appendix C, Table L</u>	<u>Residential = 1 x 10<sup>6</sup> Industrial/Commercial = 4.0 x 10<sup>6</sup></u>
<u>A<sub>crack</sub></u>	<u>Area of total cracks</u>	<u>cm<sup>2</sup></u>	<u>Equation J&amp;E 14, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>AT<sub>c</sub></u>	<u>Averaging time for carcinogens</u>	<u>year</u>	<u>SSL, May 1996</u>	<u>70</u>
<u>AT<sub>nc</sub></u>	<u>Averaging time for noncarcinogens</u>	<u>year</u>	<u>AT<sub>nc</sub> = ED</u>	<u>Residential = 30 Industrial/Commercial = 25</u>
<u>C<sub>v</sub><sup>sat</sup></u>	<u>Soil vapor saturation limit</u>	<u>mg/m<sup>3</sup>-air</u>	<u>Equation J&amp;E 5, Appendix C, Table L</u>	<u>Chemical-Specific or Calculated Value</u>
<u>D<sub>crack</sub><sup>eff</sup></u>	<u>Effective diffusion coefficient through the cracks</u>	<u>cm<sup>2</sup>/s</u>	<u>Equation J&amp;E 15, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>D<sub>i</sub></u>	<u>Diffusivity in air</u>	<u>cm<sup>2</sup>/s</u>	<u>Appendix C, Table E</u>	<u>Chemical-Specific</u>
<u>D<sub>i</sub><sup>eff</sup></u>	<u>Effective diffusion coefficient for each soil layer</u>	<u>cm<sup>2</sup>/s</u>	<u>Equation J&amp;E 11, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>D<sub>source</sub></u>	<u>Distance from ground surface to top of contamination</u>	<u>cm</u>	<u>Field Measurement</u>	<u>Soil Contamination = 152.4 Groundwater Contamination = 304.8 Site-Specific</u>
<u>D<sub>T</sub><sup>eff</sup></u>	<u>Total overall effective diffusion coefficient</u>	<u>cm<sup>2</sup>/s</u>	<u>Equation J&amp;E 9a, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>D<sub>w</sub></u>	<u>Diffusivity in water</u>	<u>cm<sup>2</sup>/s</u>	<u>Appendix C, Table E</u>	<u>Chemical-Specific</u>
<u>ED</u>	<u>Exposure duration</u>	<u>year</u>	<u>Residential: SSL, May 1996 Industrial/Commercial: SSL 2002</u>	<u>Residential = 30 Industrial/Commercial = 25</u>
<u>EF</u>	<u>Exposure frequency</u>	<u>day/year</u>	<u>Residential: SSL, May 1996 Industrial/Commercial: SSL 2002</u>	<u>Residential = 350 Industrial/Commercial = 250</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>ER</u>	<u>Air exchange rate</u>	<u>exchanges per hour</u>	<u>Illinois EPA</u>	<u>Residential = 0.53 Industrial/ Commercial = 0.93</u>
<u>f<sub>oc</sub></u>	<u>Fraction organic carbon content</u>	<u>g/g</u>	<u>SSL, May 1996, or Field Measurement Appendix C, Table F</u>	<u>0.002 or Site-Specific</u>
<u>H<sub>B</sub></u>	<u>Height of building</u>	<u>cm</u>	<u>Illinois EPA</u>	<u>Slab-on-Grade Residential = 244 Industrial/ Commercial = 305 or Site-Specific in Tier 3 Basement Residential = 427 Industrial/ Commercial = 488 or Site-Specific in Tier 3</u>
<u>H'<sub>TS</sub></u>	<u>Dimensionless Henry's law constant at the system (soil) temperature 13°C</u>	<u>unitless</u>	<u>Appendix C, Table E</u>	<u>Chemical-Specific</u>
<u>L<sub>B</sub></u>	<u>Length of building</u>	<u>cm</u>	<u>Illinois EPA</u>	<u>Residential = 1000 Industrial/Commercial = 2000 or Site-Specific in Tier 3</u>
<u>L<sub>crack</sub></u>	<u>Slab thickness</u>	<u>cm</u>	<u>USEPA, Users Guide, 2004</u>	<u>10</u>
<u>L<sub>F</sub></u>	<u>Distance from ground surface to bottom of slab</u>	<u>cm</u>	<u>USEPA, Users Guide, 2004</u>	<u>10 (slab on grade) 200 (basement)</u>
<u>L<sub>i</sub></u>	<u>Thickness of soil layer i</u>	<u>cm</u>	<u>Field Measurement for Capillary Fringe, USEPA, 2004</u>	<u>Site-Specific For Capillary Fringe, 37.5 cm</u>
<u>L<sub>T</sub></u>	<u>Distance from bottom of slab to top of contamination</u>	<u>cm</u>	<u>Field Measurement or Equation J&amp;E 10, Appendix C, Table L</u>	<u>142.4 or Site-Specific</u>
<u>MW</u>	<u>Molecular weight</u>	<u>g/mole</u>	<u>Illinois EPA</u>	<u>Chemical-Specific</u>
<u>n</u>	<u>Total number of layers of different types of soil vapors migrate through from source to building (if source is groundwater, include a capillary</u>	<u>unitless</u>	<u>Field Measurement</u>	<u>Site-Specific</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

	<u>fringe layer of 37.5 cm as one of the layers)</u>			
<u>P</u>	<u>Vapor Pressure</u>	<u>atm</u>	<u>Appendix C, Table E</u>	<u>Chemical-Specific</u>
<u>Q<sub>bldg</sub></u>	<u>Building ventilation rate</u>	<u>cm<sup>3</sup>/s</u>	<u>Equation J&amp;E 13, Appendix C, Table L</u>	<u>Slab-on-Grade</u> <u>Residential = 3.59 x 10<sup>4</sup></u> <u>Industrial/ Commercial = 3.15 x 10<sup>5</sup></u> <u>or Site-Specific in Tier 3</u>  <u>Basement</u> <u>Residential = 6.28 x 10<sup>4</sup></u> <u>Industrial/Commercial = 5.04 x 10<sup>5</sup></u> <u>or Site-Specific in Tier 3</u>
<u>Q<sub>soil</sub></u>	<u>Volumetric flow rate of soil gas into the enclosed space</u>	<u>cm<sup>3</sup>/s</u>	<u>USEPA, Users Guide for Evaluating Subsurface Vapor Intrusion into Buildings, 2004</u>	<u>If L<sub>T</sub> is less than 5 feet (152 cm),</u> <u>Q<sub>soil</sub> equals 83.33.</u>  <u>If L<sub>T</sub> is 5 feet (152 cm) or greater, Q<sub>soil</sub> equals zero.</u>  <u>An input value of zero requires an institutional control. See Section 742.505(b) and (c).</u>
<u>R</u>	<u>Ideal gas constant</u>	<u>atm-L/mol-K</u>	<u>USEPA, Users Guide, 2004</u>	<u>0.08206</u>
<u>RfC</u>	<u>Reference concentration</u>	<u>µg/m<sup>3</sup></u>	<u>Illinois EPA:</u> <u><a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a></u>	<u>Toxicological-Specific</u>
<u>RO<sub>gw</sub></u>	<u>Groundwater remediation objective</u>	<u>mg/L</u>	<u>Appendix B, Table E, or Equation J&amp;E 6, Appendix C, Table L</u>	<u>Chemical-Specific or Calculated Value</u>
<u>RO<sub>indoor-air</sub></u>	<u>Indoor air remediation objective</u>	<u>mg/m<sup>3</sup></u>	<u>Equations J&amp;E 1 and 2, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>RO<sub>soilgas</sub></u>	<u>Soil gas remediation objective</u>	<u>mg/m<sup>3</sup></u>	<u>Equation J&amp;E 4, Appendix C, Table L</u>	<u>Calculated Value</u>
<u>S</u>	<u>Solubility in water</u>	<u>mg/L</u>	<u>Appendix C, Table E</u>	<u>Chemical-Specific</u>
<u>T</u>	<u>Temperature</u>	<u>°K</u>	<u>USEPA, Users Guide, 2004</u>	<u>286 (converted from 13°C)</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<u>THQ</u>	<u>Target hazard quotient for a chemical</u>	<u>unitless</u>	<u>SSL, May 1996</u>	<u>1</u>
<u>TR</u>	<u>Target risk or the increased chance of developing cancer over a lifetime due to exposure to a chemical</u>	<u>unitless</u>	<u>SSL, May 1996</u>	<u>Residential = 10<sup>-6</sup> at the point of human exposure</u> <u>Industrial/Commercial = 10<sup>-6</sup> at the point of human exposure</u>
<u>URF</u>	<u>Unit risk factor</u>	<u>(<math>\mu\text{g}/\text{m}^3</math>)<sup>-1</sup></u>	<u>Illinois EPA:</u> <u><a href="http://www.epa.state.il.us/land/taco/toxicity-values.xls">http://www.epa.state.il.us/land/taco/toxicity-values.xls</a></u>	<u>Toxicological- Specific</u>
<u>w</u>	<u>Floor-wall seam gap</u>	<u>cm</u>	<u>USEPA, Users Guide, 2004</u>	<u>0.1</u>
<u>W</u>	<u>Moisture content</u>	<u>g of water/g of soil</u>	<u>Field Measurement, Appendix C, Table F</u>	<u>Site-Specific</u>
<u>W<sub>B</sub></u>	<u>Width of building</u>	<u>cm</u>	<u>Illinois EPA</u>	<u>Residential = 1000</u> <u>Industrial/ Commercial = 2000</u> <u>or Site-Specific in Tier 3</u>
<u><math>\alpha</math></u>	<u>Attenuation factor</u>	<u>unitless</u>	<u>Equations J&amp;E 7 or 8, Appendix C, Table L</u>	<u>Site-Specific</u>
<u><math>\Theta_a</math></u>	<u>Air-filled soil porosity</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 18, Appendix C, Table L</u>	<u>0.28 or Calculated Value</u>
<u><math>\Theta_{a,\text{crack}}</math></u>	<u>Air-filled porosity for soil in cracks</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 18, Appendix C, Table L</u>	<u>0.13</u>
<u><math>\Theta_{a,i}</math></u>	<u>Air-filled porosity of soil layer i</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 18, Appendix C, Table L</u>	<u>0.13 or Calculated Value</u> <u>For capillary fringe, <math>\Theta_{a,i} = 0.1 \Theta_{T,i}</math></u>
<u><math>\Theta_{T,\text{crack}}</math></u>	<u>Total porosity for soil in cracks</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 16, Appendix C, Table L</u>	<u>0.43</u>
<u><math>\Theta_{T,i}</math></u>	<u>Total porosity of soil layer i</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 16, Appendix C, Table L</u>	<u>0.43 or Calculated Value</u>
<u><math>\Theta_w</math></u>	<u>Water-filled soil porosity</u>	<u><math>\text{cm}^3/\text{cm}^3</math></u>	<u>SSL, May 1996 or Equation J&amp;E 17, Appendix C, Table L</u>	<u>0.15 or Calculated Value</u>

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

$\Theta_{w,crack}$	<u>Water-filled porosity for soil in cracks</u>	<u>cm<sup>3</sup>/cm<sup>3</sup></u>	<u>SSL, May 1996 or Equation J&amp;E 17, Appendix C, Table L</u>	<u>0.15</u>
$\Theta_{w,i}$	<u>Water-filled porosity of soil layer i</u>	<u>cm<sup>3</sup>/cm<sup>3</sup></u>	<u>SSL, May 1996 or Equation J&amp;E 17, Appendix C, Table L For capillary fringe, US EPA, Users Guide 2004</u>	<u>0.15 or Calculated Value For capillary fringe = 0.375 or 0.9 <math>\theta_{T,i}</math></u>
$\Theta_b$	<u>Dry soil bulk density</u>	<u>g/cm<sup>3</sup></u>	<u>SSL, May 1996 or Field Measurement, Appendix C, Table F</u>	<u>1.5 or Calculated Value</u>
$\Theta_{s,i}$	<u>Soil particle density</u>	<u>g/cm<sup>3</sup></u>	<u>SSL, May 1996 or Field Measurement, Appendix C, Table F</u>	<u>2.65 or Calculated Value</u>
$\Theta_w$	<u>Density of water</u>	<u>g/cm<sup>3</sup></u>	<u>Illinois EPA</u>	<u>1</u>

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 742.APPENDIX F Environmental Land Use Control**

PREPARED BY:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

RETURN TO:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**THE ABOVE SPACE FOR RECORDER'S OFFICE**

**Model Environmental Land Use Control**

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, ("Property Owner") of the real property located at the common address \_\_\_\_\_ ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil, ~~or~~ groundwater, or ~~soil gas~~~~both~~, that may be present on the property as a result of [VARIABLE] activities. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, indoor inhalation building control technologies, monitoring wells, caps, etc.).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

WHEREAS, \_\_\_\_\_ **[the party performing remediation]** \_\_\_\_\_ intends to request risk-based, site specific soil, ~~and~~ groundwater, ~~or soil gas~~ remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land \_\_\_\_\_ **[10-digit LPC or Identification number]** \_\_\_\_\_, utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Director

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of \_\_\_\_\_, State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil, ~~or~~ groundwater, ~~or soil gas~~ both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants **he/she** is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in \_\_\_\_\_ County, Illinois.

Section Three. The Property Owner hereby agrees, for **himself/herself**, and **his/her** heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that **[INSERT RESTRICTION (e.g., the groundwater under the Property shall not be used as a potable supply of water, and any contaminated groundwater or soil that is removed, excavated, or disturbed from the Property described in Exhibit A herein must be handled in accordance with all applicable laws and regulations)]**.

Section Four. This ELUC is binding on the Property Owner, **his/her** heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

issues to the site that received the no further remediation determination a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); the new no further remediation determination is filed on the chain of title of the site subject to the no further remediation determination; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act [5 ILCS 140] and rules promulgated thereunder by providing the IEPA with the 10-digit LPC or identification number listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signatures:

Property Owner(s)

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF ILLINOIS )  
 ) SS:  
\_\_\_\_\_)  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_ the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that \_\_\_\_\_ and \_\_\_\_\_, personally known to me to be the Property Owner(s) of \_\_\_\_\_, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacities they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**PIN NO. XX-XX-XXX-XXX-XXXX**  
**(Parcel Index Number)**

**Exhibit A**

The subject property is located in the City of \_\_\_\_\_, \_\_\_\_\_ County, State of Illinois, commonly known as \_\_\_\_\_, \_\_\_\_\_, Illinois and more particularly described as:

**LIST THE COMMON ADDRESS;  
LEGAL DESCRIPTION; AND  
REAL ESTATE TAX INDEX OR PARCEL #  
(PURSUANT TO SECTION 742.1010(D)(2))**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

PIN NO. XX-XX-XXX-XXX-XXXX

**Exhibit B**

IN ACCORDANCE WITH SECTION 742.1010(d)(8)(A)-(D), PROVIDE ALL THE FOLLOWING ELEMENTS. ATTACH SEPARATE SHEETS, LABELED AS EXHIBIT B, WHERE NECESSARY.

- (A) A scaled map showing the legal boundary of the property to which the ELUC applies.
- (B) Scaled maps showing the horizontal and vertical extent of contaminants of concern above the applicable remediation objectives for soil, ~~and~~ groundwater, and soil gas to which the ELUC applies.
- (C) Scaled maps showing the physical features to which an ELUC applies (e.g., engineered barriers, indoor inhalation building control technologies, monitoring wells, caps, etc.).
- (D) Scaled maps showing the nature, location of the source, and direction of movement of the contaminants of concern.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.426                      Proposed Action: Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code [625 ILCS 5/3] and authorized by Section 2-104(b) of the Illinois Vehicle Code
- 5) Complete Description of the Subjects and Issues Involved: Updating the administrative rule to reflect statutory changes to the five-day permit, which increased the permit from a five-day permit to a seven-day permit.
- 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 proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, [www.sos.state.il.us/departments/index/home](http://www.sos.state.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:

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

217/785-3094  
cgrant@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments will not impact small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 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 most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section  
1010.10 Owner – Application of Term  
1010.20 Secretary and Department

SUBPART B: TITLES

- Section  
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate  
1010.120 Salvage Certificate – Assignments and Reassignments  
1010.130 Exclusiveness of Lien on Certificate of Title  
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards  
1010.150 Transferring Certificates of Title Upon the Owner's Death  
1010.160 Repossession of Vehicles by Lienholders and Creditors  
1010.170 Junking Notification  
1010.180 Specially Constructed Vehicles – Defined  
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration  
1010.190 Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

- Section  
1010.200 Homemade Trailers – Title and Registration  
1010.210 Application for Registration  
1010.220 Vehicles Subject to Registration – Exceptions  
1010.230 Refusing Registration or Certificate of Title  
1010.240 Registration Plates To Be Furnished by the Secretary of State

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1010.245 Electronic Registration and Titling (ERT) Program Provisions  
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any  
Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards  
and Titles  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

## Section

- 1010.410 Temporary Registration – Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the  
Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 ~~Seven~~Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for  
Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces License Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
1010.460 Special Plates for Members of the United States Armed Forces Reserves  
1010.465 Requests for General Issuance Specialty License Plates

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

- Section
- 1010.510 Determination of Registration Fees
- 1010.520 When Fees Returnable
- 1010.530 Circuit Breaker Registration Discount
- 1010.540 Fees
- 1010.550 Determining Age of Vehicle

## SUBPART G: MISCELLANEOUS

- Section
- 1010.610 Unlawful Acts, Fines and Penalties
- 1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

- Section
- 1010.705 Reciprocity
- 1010.710 Vehicle Proration
- 1010.715 Proration Fees
- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Interline Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

- 1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

**AUTHORITY:** Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240,

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: SPECIAL PERMITS AND PLATES

**Section 1010.426 SevenFive Day Permits**

- a) For the purpose of this Section, the following ~~definitions~~definition shall apply:

"Authorized Agent" – a licensed remittance agent or dealer who has made application for and received SevenFive Day Permits from the Secretary of State for issuance to subsequent permit purchasers.

"SevenFive Day Permit" – a temporary registration permit as provided in Section 3-403 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code ~~[625 ILCS 5/3-403](Ill. Rev. Stat. 1989, ch. 95½, pars. 3-403)~~ issued to an Illinois resident for operation of a non-registered vehicle within the State of Illinois for up to ~~7~~five (~~5~~) days. In addition, the permit can be issued to a person whose registration ~~has a renewal hold~~is suspended for non-compliance with the emissions program. This will allow the person to drive to an emissions testing station or repair facility. The permit can be issued by a licensed dealer ~~or~~, remittance agent or at most Secretary of State facilities.

"Permit Purchaser" – an Illinois resident purchasing a SevenFive Day Permit for his/her non-registered vehicle.

"Secretary of State" – Secretary of State of Illinois.

"IVC" – Illinois Vehicle Code.

- b) If a permit purchaser obtains a SevenFive Day Permit at a Secretary of State facility:

- 1) ~~The permit purchaser shall complete a Vehicle Permit Application.~~ The appropriate fee must accompany the ~~transaction~~application as provided in ~~IVC Section 3-403 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code.~~

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 2) The permit purchaser shall provide proof that he/she owns the vehicle. Acceptable ownership documents include, but are not limited to:
  - A) a title issued in the permit purchaser's name;
  - B) a title assigned to the permit purchaser;
  - C) a Manufacturer's Certificate of Origin issued or assigned to the permit purchaser;
  - D) a registration identification card ~~that~~which has been expired less than one ~~(1)~~ year; or
  - E) verification through the Secretary of State computer file.
- 3) The Secretary of State employee shall attach a photocopy of the proof of ownership to the second part of the permit (the agent's copy). If ownership is verified through the Secretary of State's computer file, the information shall be written on the agent's copy.
- 4) The permits shall be issued in numerical sequence and completed in full containing the following information:
  - A) the issuance date and expiration date of the permit;
  - B) the name and address of the permit purchaser;
  - C) the year, make and vehicle identification number of the vehicle;
  - D) the name and address of the Secretary of State issuing facility; and
  - E) the signature of the Secretary of State employee.
- c) If a dealer or remittance agent wishes to obtain permits for issuance as an authorized agent of the Secretary of State:
  - 1) The dealer/remittance agent shall submit an application accompanied by the appropriate fee as provided in IVC Section 3-403 ~~of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code~~ for each

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

permit to the Secretary of State ~~that~~which contains the following information:

- A) the name and address of the authorized agent and his/her license number;
  - B) the type and quantity of permits being requested; and
  - C) the signature of the authorized agent.
- d) The sale of permits by an authorized agent is as follows:
- 1) If a permit purchaser obtains a permit from an authorized agent rather than a Secretary of State facility, he/she shall provide proof of ownership to the authorized agent as provided in subsection (b)(2)-(A) through (D).
  - 2) The authorized agent shall attach a photocopy of the proof of ownership to the second part of the permit (agent's copy as provided in subsection (b)(3)) and complete the SevenFive Day Permit in full as provided in subsection (b)(4). The only difference ~~is being~~ that the permit will contain the name, address, and signature of the authorized agent rather than the Secretary of State facility address and the Secretary of State employee's signature.
  - 3) The authorized agent shall issue the permits in numerical order. The authorized agent shall maintain records of the permits issued for ~~three (3)~~ years. The Secretary of State or his ~~or her representative~~representative shall have the authority to inspect~~free access to~~ the records of any ~~such~~ authorized agent issuing SevenFive Day Permits.
- e) The permit shall be displayed in the ~~upper~~lower left ~~corner~~side of the rear window of the vehicle. License plates are not to be displayed on the vehicle if the permit is being used. The permit can be issued to both first~~First~~ and second~~Second~~ ~~division~~Division vehicles, but second division vehicles ~~must~~shall be operated on empty weight. When properly displayed, the permit is an official document recognized by law enforcement agencies.
- f) SevenFive Day Permits may be issued for a variety of situations, including, but not limited to, the following:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) test driving a vehicle being sold by a non-dealer without current registration;
- 2) driving a homemade trailer to a Secretary of State facility for inspection pursuant to IVC Section 3-104(1);
- 32) driving a vehicle ~~that~~which has a registration renewal hold due to its own license plates suspended because of failure to comply with the emissions requirements to an EPA testing station; and
- 43) ~~if the registration of a vehicle has expired.~~driving a vehicle that must be inspected to an authorized inspection site pursuant to IVC Section 3-308 or 13-101.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
104.900	New Section
104.910	New Section
104.920	New Section
104.930	New Section
104.940	New Section
104.950	New Section
104.960	New Section
104.970	New Section
104.980	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials 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: December 2, 2011; 35 Ill. Reg. 19322
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: In Section 104.980(a), added language indicating that final administrative decisions shall be made "as soon as practicable."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

<u>Section:</u> 104.101	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 35 Ill. Reg. 19627; December 9, 2011
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- 15) Summary and Purpose of Amendments: This rulemaking in conjunction with rules filed under 89 Ill. Adm. Code 140, provide the procedural framework for implementing amendments to 305 ILCS 5/8A-2.5. The statute allows HFS to seek to recover State and federal money that has improperly and erroneously paid benefits as a result of fraudulent action. Further, law requires that prior to the recovery of any amount paid for benefits allegedly obtained by fraudulent means the recipient of such benefits shall be afforded the opportunity for a hearing. In addition, HFS hearings, enforcement of final administrative decisions, and collection of repayment and penalty amounts are outlined in this rule.

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

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEALS

## Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

## SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section
- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST  
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE  
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

## SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation by Reference

SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

<u>Section</u>	
<u>104.900</u>	<u>Unauthorized Use of Medical Assistance</u>
<u>104.910</u>	<u>Definitions</u>
<u>104.920</u>	<u>Applicability</u>
<u>104.930</u>	<u>Notice of Intent to Recover Money</u>
<u>104.940</u>	<u>Request for Hearing</u>
<u>104.950</u>	<u>Representation</u>
<u>104.960</u>	<u>Conduct of Hearings</u>
<u>104.970</u>	<u>Recommended Decision</u>
<u>104.980</u>	<u>Final Administrative Decision</u>

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. 7530, effective May 7, 2012.

SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCESection 104.900 Unauthorized Use of Medical Assistance

The Department may seek to recover any and all State and federal monies for which it has improperly and erroneously paid for unauthorized use of medical assistance benefits. The Department may also recover any and all civil penalties authorized by law.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.910 Definitions**

As used in this Subpart and 89 Ill. Adm. Code 140.Subpart L:

- a) "Knowing" and "knowingly" mean that a person, with respect to information:
  - 1) has, or should have, actual knowledge of the information;
  - 2) acts in deliberate ignorance of the truth or falsity of the information; or
  - 3) acts in reckless disregard of the truth or falsity of the information, regardless of whether there is specific proof of intent to defraud.
- b) "Medical card" means a document, or any other tangible thing, that causes the Department to pay for essential medical services and supplies.
- c) "Person" means, in addition to natural persons, any firm, corporation, partnership, association, agency, institution or other legal organization.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.920 Applicability**

This Subpart applies to administrative actions brought by the Department to recover State and federal monies improperly and erroneously paid to, or on behalf of, any person who knowingly:

- a) uses, acquires, possesses or transfers a medical card in any manner not authorized by law or by rules and regulations of the Department;
- b) aids, abets, incites, compels or coerces the use, acquisition, possession or transfer of a medical card in any manner not authorized by law or by rules and regulations of the Department;
- c) alters a medical card;
- d) uses, acquires, possesses or transfers an altered medical card;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- e) obtains unauthorized medical benefits with or without the use of a medical card;  
or
- f) causes to be presented to the Department a claim for unauthorized medical benefits.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.930 Notice of Intent to Recover Money**

- a) Prior to the recovery of any amount paid for unauthorized medical benefits allegedly obtained, the recipient of the benefits shall be afforded an opportunity for a hearing after written notice of the Department's intent to recover money. This notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the person, or his or her agent appointed to receive service, and shall contain:
  - 1) a statement of the time, place and nature of the hearing;
  - 2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - 3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
  - 4) except when a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number;
  - 5) a statement of the monetary value of the benefits at issue;
  - 6) a statement that, in addition to any other penalties provided by law, a civil penalty not to exceed \$2,000 may be imposed for each payment or benefit received;
  - 7) a statement providing that the Department's findings may be contested by petitioning the Department for an administrative hearing; and

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 8) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice, unless otherwise confidential by law.
- b) The Department may recover interest on the amount paid for unauthorized medical benefits at the rate of 5% per annum. Interest will accrue for the period from when payment was made to the date when repayment was made to the Department. If the amount of overpayment subject to recovery of interest is paid to the Department prior to the issuance of a final administrative decision, interest will cease to accrue. If the Department determines that it will recover the interest, the Department shall, as part of its notice of intent to recover money, set forth:
- 1) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
  - 2) a statement of the amount of State and federal monies paid that is subject to recovery of interest;
  - 3) a statement of the amount of interest accrued as of the date of the Department's notice; and
  - 4) a statement that the amount of interest may continue to accrue until such time as the amount subject to interest has been paid.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.940 Request for Hearing**

- a) Any person may request a hearing before an administrative law judge to contest the Department's recovery action. All such requests must be received by the Department within 30 days after receipt of the Department's notice of intent to recover money.
- b) A request for a hearing must be in writing and must contain a brief statement of the basis upon which the Department's recovery action is being challenged.
- c) If a request for a hearing is not properly received, or is received but later withdrawn, the Department's decision and the grounds asserted in the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Department's notice of intent to recover money as the basis for that decision shall be a final and binding administrative determination.

- d) If a request for a hearing is properly received, the Department will schedule a hearing to take place within 30 days after the Department's receipt of the request for a hearing. The Department will notify the parties in writing of the date, time and place of the hearing.
- e) A request for a hearing may be withdrawn prior to the hearing. A withdrawal must be in writing and signed by the person seeking the withdrawal and/or his or her representative. The hearing request may also be withdrawn on the record during the hearing.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.950 Representation**

- a) Any person may appear and be heard at a hearing requested pursuant to Sections 104.930(a)(7) and 104.940 through an attorney at law authorized to practice in the State of Illinois. An individual may also appear and be heard on his or her own behalf.
- b) Attorneys or other persons appearing in a representative capacity shall file a written notice of appearance identifying themselves by name, address, telephone number and party represented.
- c) All persons appearing in proceedings before the Department shall conform to the standards of conduct of attorneys before the courts of the State of Illinois. If a person does not conform to those standards, the Department may decline to permit the person to appear in any proceeding or may exclude that person.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.960 Conduct of Hearings**

- a) A hearing requested pursuant to Sections 104.930(a)(7) and 104.940 shall be conducted by an attorney designated by the Director of the Department as an administrative law judge.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- b) The administrative law judge shall inquire fully into the matters at issue and shall receive testimony of witnesses and any other evidence relevant and material to the issues presented. The administrative law judge shall determine the order in which evidence is taken and the procedure at the hearing.
- c) The hearing shall be open to such persons as the administrative law judge deems necessary and proper for its orderly and efficient conduct.
- d) Any person and/or his or her representative shall have the opportunity to:
- 1) examine the documents and evidence to be presented at hearing;
  - 2) present evidence and witnesses on his or her behalf;
  - 3) refute testimony or other evidence; and
  - 4) cross-examine witnesses.
- e) All papers or documents filed in any proceeding must be served on the Chief Administrative Law Judge. One copy of any such papers or documents must be served on all other parties involved. Service must be personal or by deposit in the United States mail, properly addressed with postage prepaid.
- f) At any time before completion of the hearing, amendments may be allowed on just and reasonable terms to introduce any party who ought to have been joined, to dismiss any party, or to delete, modify or add allegations or defenses.
- g) Any request that a Department issue a subpoena on behalf of a party to a hearing may be made in writing to the designated administrative law judge or, if none has been designated, to the Chief Administrative Law Judge. Any subpoena shall be granted by the Department only upon:
- 1) a showing of relevancy and reasonable scope;
  - 2) a showing that, unless the subpoena is issued, the party will be unable to produce individuals or documents requested by the subpoena;
  - 3) a showing that the individuals or documents requested by the subpoena are not unduly repetitious; and

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 4) a showing that there are not other individuals or documents available to establish the matters that the subpoenaed individuals or documents are intended to establish.
- h) The burden of proof in hearings conducted pursuant to this Subpart shall be on the Department.
- 1) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof shall be on the party that alleges the new matter.
- 2) The standard of proof with respect to all hearings conducted pursuant to this Subpart shall be a preponderance of the evidence.
- i) Official notice may be taken of:
- 1) matters of which the Circuit Courts of this State may take judicial notice;
- 2) matters in prior administrative hearings within and outside the agency relating to the person to whom this Subpart applies (including findings and evidence made in hearings initiated prior to December 30, 1977);
- 3) generally recognized technical or scientific facts within the agency's specialized knowledge; and
- 4) generally recognized technical, scientific or customary and ordinary procedures and operations, without the agency's specialized knowledge.
- j) Unless proven otherwise, computer generated documents, or photocopies of computer generated documents, prepared by the State, a State agency, or an agent of the State, shall be presumed to constitute an accurate reflection of State records.
- k) Any party to the hearing is entitled to one postponement or continuance of up to 30 calendar days. All other requests for postponement or continuance made prior to the hearing ordinarily will be granted only when the party, or the party's representative, shows that he or she has good cause for not appearing for that

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

hearing for reasons such as illness or similar circumstances beyond his or her reasonable control.

- l) If any person, without good cause, fails to appear at a hearing scheduled by the Department, or fails to proceed at a hearing, the Department's action or decision, and the grounds asserted as the basis for the action or decision, shall be a final and binding administrative determination.
- m) At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted by any party unless, prior to the adjournment of the hearing, a request to leave the record open for a specific period for the submittal of additional evidence was made by a party and granted by the administrative law judge.
- n) A complete record of the hearing shall include:
  - 1) all pleadings (including all notices and responses to those pleadings, motions and rulings);
  - 2) documentary evidence received;
  - 3) offers of proof, objections and rulings thereon;
  - 4) proposed findings and exceptions;
  - 5) the recommended decision of the administrative law judge; and
  - 6) any ex parte communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60].
- o) A copy of the record will be reproduced at the request of any party. The requesting party will bear the cost of reproducing the record.
- p) Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.970 Recommended Decision**

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) After the close of a hearing, the administrative law judge shall prepare a written recommended decision based upon the evidence adduced at the hearing or otherwise included in the record. The recommended decision shall contain findings of fact and recommendations. The recommended decision shall be issued within 60 days after the closing of the record at hearing.
- b) The recommended decision shall be submitted to the Director of the Department. The administrative law judge shall also send a copy of the recommended decision to all parties or their counsel.
- c) Any party may file written exceptions with the Director of the Department within 10 days after receipt of the recommended decision. Any adverse party may file with the Director a written response to any such exceptions within 5 days after receipt of the exceptions.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

**Section 104.980 Final Administrative Decision**

- a) The Director of the Department shall make a final administrative decision in each case as soon as practicable. This decision shall be in writing and contain findings of fact and a final decision. A copy of the final administrative decision shall be served on each party at his or her last address on file with the Department.
- b) The final administrative decision is reviewable only by a timely complaint filed under the Administrative Review Law [735 ILCS 5/Art. III]. No petition or motion for rehearing or reconsideration is allowed.
- c) The filing of a petition or a motion or any correspondence in the nature of a petition or motion, or any response by the Department to a petition, motion or correspondence will not delay the time for filing a complaint in administrative review.

(Source: Added at 36 Ill. Reg. 7530, effective May 7, 2012)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.1300	New Section
140.1310	New Section
140.1320	New Section
140.1330	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials 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: December 2, 2011; 35 Ill. Reg. 19368
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.462	Amendment	35 Ill. Reg. 11126; August 29, 2011
- 15) Summary and Purpose of Amendments: This rulemaking in conjunction with rules filed under 89 Ill. Adm. Code 104, provides the procedural framework for the implementing

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

amendments to 305 ILCS 5/8A-2.5. The statute allows HFS to seek to recover State and federal money that has been improperly and erroneously used to pay benefits as a result of fraudulent action. Further, law requires that, prior to the recovery of any amount paid for benefits allegedly obtained by fraudulent means, the recipient of such benefits shall be afforded the opportunity for a hearing. In addition, HFS hearings, enforcement of final administrative decisions, and collection of repayment and penalty amounts are outlined in this rule.

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

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,  
Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB  
Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or  
Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher  
Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust  
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services  
(Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 SeniorCare Pharmaceutical Benefit (Repealed)
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –  
Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry  
(Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Diagnostic Imaging Services
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

## SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

## Section

140.850 Reimbursement of Administrative Expenditures  
140.855 Administrative Claim Review and Reconsideration Procedure  
140.860 County Owned or Operated Nursing Facilities  
140.865 Sponsor Qualifications (Repealed)  
140.870 Sponsor Responsibilities (Repealed)  
140.875 Department Responsibilities (Repealed)  
140.880 Provider Qualifications (Repealed)  
140.885 Provider Responsibilities (Repealed)  
140.890 Payment Methodology (Repealed)  
140.895 Contract Monitoring (Repealed)  
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term  
Care Facilities For the Developmentally Disabled (Recodified)  
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care  
Facilities (Recodified)  
140.901 Functional Areas of Needs (Recodified)  
140.902 Service Needs (Recodified)  
140.903 Definitions (Recodified)  
140.904 Times and Staff Levels (Repealed)  
140.905 Statewide Rates (Repealed)  
140.906 Reconsiderations (Recodified)  
140.907 Midnight Census Report (Recodified)  
140.908 Times and Staff Levels (Recodified)  
140.909 Statewide Rates (Recodified)  
140.910 Referrals (Recodified)  
140.911 Basic Rehabilitation Aide Training Program (Recodified)  
140.912 Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## Section

140.920 General Description  
140.922 Covered Services  
140.924 Maternal and Child Health Provider Participation Requirements

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.926 Client Eligibility (Repealed)
- 140.928 Client Enrollment and Program Components (Repealed)
- 140.930 Reimbursement
- 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND  
REIMBURSEMENT EQUITY (ICARE) PROGRAM

## Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

- 140.990 Primary Care Case Management Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.991	Primary Care Provider Participation Requirements
140.992	Populations Eligible to Participate in the Primary Care Case Management Program
140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section	
140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee

## SUBPART K: MANDATORY MCO ENROLLMENT

140.1010	Mandatory Enrollment in MCOs
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SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

<u>Section</u>	
<u>140.1300</u>	<u>Definitions</u>
<u>140.1310</u>	<u>Recovery of Money</u>
<u>140.1320</u>	<u>Penalties</u>
<u>140.1330</u>	<u>Enforcement</u>

140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012.

**SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE****Section 140.1300 Definitions**

This Subpart adopts the definitions set forth in 89 Ill. Adm. Code 104.910.

(Source: Added at 36 Ill. Reg. 7545, effective May 7, 2012)

**Section 140.1310 Recovery of Money**

- a) The Department shall recover any and all State and federal monies that the Director, by his or her final administrative decision, has determined were improperly and erroneously paid by:
- 1) direct payment to the Department;
  - 2) recoupment from any future assistance provided by the State pursuant to 305 ILCS 5/11-14.5, provided that the recoupment from the future assistance is the greater of either 20 percent of the household's monthly benefit amount or \$20;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 3) recoupment from SNAP benefits pursuant to 305 ILCS 5/11-14.5, provided that the recoupment from the SNAP benefits is the greater of either 20 percent of the household's monthly benefit amount or \$20;
  - 4) initiation of wage garnishment proceedings;
  - 5) referral of the overpayment to a private collection agency for collection;
  - 6) referral of the overpayment to the Comptroller of the State of Illinois for collection under Section 10.5 of the State Comptroller Act [15 ILCS 405/10.5];
  - 7) initiation of proceedings to obtain a civil judgment under Section 8A-7 of the Illinois Public Aid Code [305 ILCS 5/8A-7];
  - 8) referral of the overpayment to the Treasury Offset Program for deduction of the debt from tax refunds and/or other federal warrants in accordance with federal regulations (see 7 CFR 272-273); or
  - 9) any legal means consistent with State and federal law.
- b) The Department may recover interest, at the rate, and accruing as, stated in 89 Ill. Adm. Code 104.930(b), on State and federal monies that the Director, by his or her final administrative decision, has determined were improperly and erroneously paid to, or on behalf of, any person who knowingly:
- 1) uses, acquires, possesses or transfers a medical card in any manner not authorized by law or by rules of the Department;
  - 2) aids, abets, incites, compels or coerces the use, acquisition, possession or transfer of a medical card in any manner not authorized by law or by rules of the Department;
  - 3) alters a medical card;
  - 4) uses, acquires, possesses or transfers an altered medical card;
  - 5) obtains unauthorized medical benefits with or without the use of a medical card; or

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 6) causes to be presented to the Department a claim for unauthorized medical benefits.

(Source: Added at 36 Ill. Reg. 7545, effective May 7, 2012)

**Section 140.1320 Penalties**

- a) The Department may recover a civil penalty in an amount not to exceed \$2,000 for each benefit or payment received, in addition to any other penalties provided by law.
- b) A written notice of penalty assessment shall be sent to the person against whom the penalty is to be assessed. Each notice of penalty assessment shall include:
- 1) the amount of the penalty being assessed;
  - 2) a description of the circumstances that led to the assessment of the penalty; and
  - 3) a citation to the provision of the Act or the rule the person has violated.

(Source: Added at 36 Ill. Reg. 7545, effective May 7, 2012)

**Section 140.1330 Enforcement**

- a) Upon entry of a final administrative decision for repayment of any unauthorized medical benefits or payments, or for any civil penalties assessed:
- 1) any unpaid amount of repayment or penalty will constitute a debt due and owing to the Department; and
  - 2) a lien shall attach to all property and assets of the person, firm, corporation, association, agency, institution or other legal entity until the debt is satisfied. The lien may be enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.
- b) Any amounts imposed by a final administrative decision that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures shall be a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

debt due and owing the Department and, as such, may be collected in accordance with applicable law or the rules of the Department.

- c) After the expiration of the period in which judicial review may be sought, unless stayed by a court of competent jurisdiction, the final administrative decision may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- d) Nothing in this Section shall prevent the Department from enforcing or seeking to enforce the final administrative decision in any manner that is in accordance with applicable law.

(Source: Added at 36 Ill. Reg. 7545, effective May 7, 2012)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards and Limitations for Organic Material Emissions for Area Sources
- 2) Code Citation: 35 Ill. Adm. Code 223
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
223.201	Amended
223.203	Amended
223.205	Amended
223.207	Amended
223.208	Amended
223.211	New
223.305	Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) Effective Date of Amendments: May 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2012; 36 Ill. Reg. 727
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In proceeding from first notice to final adoption, the Board has not substantively amended its proposal for Part 223.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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: For a more detailed description of this rulemaking, please see the Board's January 5, 2012, first-notice opinion and order and its May 3, 2012 opinion and order adopting these rules. Amendments to 35 Ill. Adm. Code Part 223: Standards and Limitations for Organic Material Emissions for Area Sources, R11-22 (Jan. 5, 2012; May 3, 2012).

This rulemaking proposal filed by the Illinois Environmental Protection Agency sought to add to Part 223 volatile organic material limitations applicable to several categories of consumer and consumer products: adhesive removers, anti-static products, contact adhesives, electrical cleaner, electronic cleaner, fabric refresher, footwear or leather care products, graffiti remover, hair styling product, shaving gel, and wood cleaner. The proposal also seeks to clarify the applicability of Part 223 to containers of architectural and industrial maintenance coatings. The Agency's proposal also noted that volatile organic materials are an ozone precursor.

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

Timothy J. Fox  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

312-814-6085  
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-8 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCESPART 223  
STANDARDS AND LIMITATIONS FOR ORGANIC  
MATERIAL EMISSIONS FOR AREA SOURCES

## SUBPART A: GENERAL PROVISIONS

Section	
223.100	Severability
223.105	Abbreviations and Acronyms
223.120	Incorporations by Reference

## SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section	
223.200	Purpose
223.201	Applicability
223.203	Definitions for Subpart B
223.205	Standards
223.206	Diluted Products
223.207	Products Registered under FIFRA
223.208	Requirements for Aerosol Adhesives
223.209	Requirements for Floor Wax Strippers
223.210	Products Containing Ozone-Depleting Compounds
<u>223.211</u>	<u>Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers</u>
223.220	Requirements for Charcoal Lighter Material
223.230	Exemptions
223.240	Innovative Product Exemption
223.245	Alternative Compliance Plans
223.250	Product Dating
223.255	Additional Product Dating Requirements
223.260	Most Restrictive Limit
223.265	Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and Contact Adhesives
223.270	Reporting Requirements
223.275	Special Recordkeeping Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride
223.280	Calculating Illinois Sales
223.285	Test Methods

## SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Section	Purpose
223.300	Purpose
223.305	Applicability
223.307	Definitions for Subpart C
223.310	Standards
223.320	Container Labeling Requirements
223.330	Reporting Requirements
223.340	Compliance Provisions and Test Methods
223.350	Alternative Test Methods
223.360	Methacrylate Traffic Coating Markings
223.370	Test Methods

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted in R08-17 at 33 Ill. Reg. 8224, effective June 8, 2009; amended in R09-19 at 35 Ill. Reg. 18846, effective October 25, 2011; amended in R12-08 at 36 Ill. Reg. 7569, effective May 4, 2012.

## SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

**Section 223.201 Applicability**

Except as provided in Section 223.230, unless another date is specified, this Subpart shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after July 1, 2009, for use in Illinois.

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 223.203 Definitions for Subpart B**

The definitions contained in this Section apply only to the provisions of this Subpart. Unless otherwise defined in this Section, the definitions of terms used in this Subpart shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

"Adhesive" means any product that is used to bond one surface to another by attachment. This does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For "Contact Adhesive", adhesive does not include units of product, less packaging, that consist of more than one gallon. For "Construction, Panel, and Floor Covering Adhesive", and "General Purpose Adhesive", "Adhesive" does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

"Adhesive Remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates. "Adhesive Remover" does not include products that remove adhesives intended exclusively for use on humans or animals.

For the purpose of this definition and the "Adhesive Remover" subcategories listed in this definition, the term "Adhesive" shall mean a substance used to bond one or more materials. Adhesive includes, but is not limited to, caulks, sealants, glues, or similar substances used for the purpose of forming a bond.

"Floor and Wall Covering Adhesive Remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

"Gasket or Thread Locking Adhesive Remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered "Gasket or Thread Locking Adhesive Remover".

"General Purpose Adhesive Remover" means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

adhesives or residue from a variety of substrates. "General Purpose Adhesive Remover" includes, but is not limited to, the following: products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starchbased adhesives, casein glues, rubber or latex-based adhesives, and products that remove stickers, decals, stencils, or similar materials. "General Purpose Adhesive Remover" does not include "Floor or Wall Covering Adhesive Remover".

"Specialty Adhesive Remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to epoxies, urethanes, and silicones. "Specialty Adhesive Remover" does not include "Gasket or Thread Locking Adhesive Remover".

"Aerosol Adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. This does not include "special purpose spray adhesives", "mist spray adhesives" and "web spray adhesives".

"Aerosol Cooking Spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

"Aerosol Product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. "Aerosol Product" does not include "Pump Spray".

"Agricultural Use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. This does not include the sale or use of pesticides in properly labeled packages or containers that are intended for home use, use in structural pest control, or industrial or institutional use. For the purposes of this definition only:

"Home Use" means use in a household or its immediate environment;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Structural Pest Control" means a use requiring a license under the Structural Pest Control Act [225 ILCS 235];

"Industrial Use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; or

"Institutional Use" means use within the lines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

"Air Freshener" means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, "Toilet/Urinal Care Products", disinfectant products claiming to deodorize by killing germs on surfaces, or institutional and industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. "Air Freshener" does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

"All Other Carbon-Containing Compounds" means all other compounds that contain at least one carbon atom and are not listed under Section 223.205(a) or are a "LVP-VOM".

"All Other Forms" means all consumer product forms for which no form-specific VOM standard is specified. Unless specified otherwise by the applicable VOM standard, "All Other Forms" include, but is not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

"Alternative Control Plan" or "ACP" means any emissions averaging program approved by the Agency pursuant to the provisions of this Subpart.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Antimicrobial Hand or Body Cleaner or Soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. This includes, but is not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, pre-operative skin preparations and surgical scrubs. "Antimicrobial Hand or Body Cleaner or Soap" does not include prescription drug products, antiperspirants, "Astringent/Toner", deodorant, "Facial Cleaner or Soap", "General-use Hand or Body Cleaner or Soap", "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Antiperspirant" means any product, including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

"Anti-Static Product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. "Anti-Static Product" does not include "Electronic Cleaner", "Floor Polish or Wax", "Floor Coating", and products that meet the definition of "Aerosol Coating Product" or "Architectural Coating".

"Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools, lampposts, partitions, pipes and piping systems, rain gutters and downspouts, stairways, fixed ladders, catwalks and fire escapes, and window screens.

"Architectural Coating" means a coating to be applied to stationary structures or the appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered "Architectural Coatings" for the purposes of this Subpart.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Astringent/Toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner", cold cream, lotion, or antiperspirant.

"Automotive Brake Cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

"Automotive Hard Paste Wax" means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, and is a solid at room temperature, and contains 0% water by formulation.

"Automotive Instant Detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

"Automotive Rubbing or Polishing Compound" means a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

"Automotive Wax, Polish, Sealant, or Glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. This includes, but is not limited to, products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public. The term does not include "Automotive Rubbing or Polishing Compounds", automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

"Automotive Windshield Washer Fluid" means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. This does not include fluids placed by the manufacturer in a new vehicle.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Bathroom and Tile Cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean toilet bowls, toilet tanks or urinals.

"Bug and Tar Remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish: biological-type residues such as insect carcasses, tree sap and road grime such as road tar, roadway paint markings, and asphalt.

"Carburetor or Fuel-Injection Air Intake Cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages, excluding products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

"Carpet and Upholstery Cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. This includes, but is not limited to, products that make fabric protectant claims. The term does not include "General Purpose Cleaners", "Spot Removers", vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

"Charcoal Lighter Material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following: electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.

"Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.

"Construction, Panel, and Floor Covering Adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (including, but not limited to, drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

wall bases, flooring or subflooring, or floor or wall coverings (including, but not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass). The term does not include "Floor Seam Sealer".

"Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not "consumers" for that product.

"Consumer Product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home lawn and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. "Consumer Product" does not include other paint products, furniture coatings, or architectural coatings. As used in this Subpart, "Consumer Product" shall also refer to "Aerosol Adhesive", including an "Aerosol Adhesive" used for consumer, industrial or commercial uses.

"Contact Adhesive" means an adhesive that is designed for application to both surfaces to be bonded together, and is allowed to dry before the two surfaces are placed in contact with each other, and forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. The term does not include rubber cements that are primarily intended for use on paper substrates. "Contact Adhesive" also does not include vulcanizing fluids that are designed and labeled for tire repair only.

"Contact Adhesive – General Purpose" means any contact adhesive that is not a "Contact Adhesive – Special Purpose".

"Contact Adhesive – Special Purpose" means a contact adhesive that is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, or high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces, or is used in automotive applications that are either automotive under the hood

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

applications requiring heat, oil or gasoline resistance or body-side molding, automotive weatherstrip or decorative trim.

"Container/Packaging" means the part or parts of the consumer or institutional product that serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes for which the product was designed or intended. This includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

"Crawling Bug Insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders, excluding products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

"House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

"House dust mite" means mites that feed primarily on skin cells shed in the home by humans and pets and that belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

"Date-Code" means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating that date.

"Deodorant" means:

For products manufactured before July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

For products manufactured on or after July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. A "Deodorant Body Spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla is a "Deodorant".

"Deodorant Body Spray" means:

For products manufactured before July 1, 2009, a "Personal Fragrance Product" with 20 percent or less fragrance.

For products manufactured on or after July 1, 2009, a "Personal Fragrance Product" with 20 percent or less fragrance, that is designed for application all over the human body to provide a scent. A "Deodorant Body Spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla, is a "Deodorant".

"Device" means any instrument or contrivance (other than a firearm) designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacterium, virus, or another microorganism on or in living man or other living animals), but not including equipment used for the application of pesticides when sold separately from the device.

"Disinfectant" means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.). "Disinfectant" does not include any of the following products designed solely for use on humans or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs, products that, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Double Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that require the product container to be shaken before use to mix the phases, producing an emulsion.

"Dry Cleaning Fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics that are labeled "dry clean only", such as clothing or drapery or "S-coded" fabrics. This includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place. The term does not include "Spot Remover" or "Carpet and Upholstery Cleaner". For the purposes of this definition, "S-coded fabric" means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

"Dusting Aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include "Pressurized Gas Duster".

"Electrical Cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. The term does not include "General Purpose Cleaner", "General Purpose Degreaser", "Dusting Aid", "Electronic Cleaner", "Energized Electrical Cleaner", "Pressurized Gas Duster", "Engine Degreaser", "Anti-Static Product", or products designed to clean the casings or housings of electrical equipment.

"Electronic Cleaner" means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards, and the internal components of electronic devices, including, but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. "Electronic Cleaner" does not include "General Purpose Cleaner", "General Purpose Degreaser", "Dusting Aid", "Pressurized Gas Duster", "Engine Degreaser", "Electrical Cleaner", "Energized Electrical Cleaner", "Anti-Static Product", or products designed to clean the casings or housings of electronic equipment.

"Energized Electrical Cleaner" means a product that meets both of the following criteria:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

The product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor.

The product label clearly displays the statements: "Energized equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

This does not include "Electronic Cleaner".

"Engine Degreaser" means a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

"Existing Product" means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in Illinois prior to the effective date in Section 223.205 July 1, 2009 or any ~~subsequently introduced~~ identical formulation.

"Fabric Protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics labeled "dry clean only" and sold in containers of 10 fluid ounces or less.

"Fabric Refresher" means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, or clothing or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. "Fabric Refresher" does not include "Anti-static Product", "Carpet and Upholstery Cleaner", "Soft Household Surface Sanitizers", "Footwear or Leather Care Product", "Spot Remover", or "Disinfectant", or products labeled for application to both fabric and human skin.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

For the purposes of this definition only, "Soft Household Surface Sanitizer" means a product labeled to neutralize or eliminate odors on the listed surfaces above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.).

"Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face including, but not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Fat Wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin that enhance ignition of the kindling, excluding any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

"Faux Finishing Coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

"Flea and Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

"Flexible Flooring Material" means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

"Floor Coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces that may be subjected to foot traffic.

"Floor Polish or Wax" means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include "Spray Buff Products", products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Floor Seam Sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

"Floor Wax Stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. This does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

"Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. The term does not include "Wasp and Hornet Insecticide", products that are designed to be used exclusively on humans or animals, or any moth-proofing product.

For purposes of this definition only, "Moth-Proofing Product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

"Footwear or Leather Care Product" means any product designed or labeled to be applied to footwear or to other leather articles/components to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel. "Footwear or Leather Care Product" does not include "Fabric Protectant", "General Purpose Adhesive", "Contact Adhesive", "Vinyl/Fabric/Leather/Polycarbonate Coating", "Rubber and Vinyl Protectant", "Fabric Refresher", products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than two millimeters thick.

"Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of two mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Furniture Maintenance Product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. The term does not include "Dusting Aids", "Wood Cleaners", products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

"Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

"Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

"General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. The term does not include contact adhesives, construction, panel, and floor covering adhesives, adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

"General Purpose Cleaner" means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. This includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces, and does not include "General Purpose Degreasers" and "Electronic Cleaners".

"General Purpose Degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. This does not include "Engine Degreaser", "General Purpose Cleaner", "Adhesive Remover", "Electronic Cleaner", "Electrical Cleaner", "Energized Electrical Cleaner", "Metal Polish/Cleanser", products used exclusively in "Solvent Cleaning Tanks or Related Equipment", or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled "not for retail sale".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Solvent Cleaning Tanks or Related Equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

"General-Use Hand or Body Cleaner or Soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils, including, but not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "Facial Cleaner or Soap", "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol".

"Glass Cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

"Graffiti Remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates. The term does not include "Paint Remover or Stripper", "Nail Polish Remover", or "Spot Remover". Products labeled for dual use as both a paint stripper and graffiti remover are considered "Graffiti Removers".

"Hair Mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

"Hair Shine" means any product designed for the primary purpose of creating a shine when applied to the hair. This includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include "Hair Spray", "Hair Mousse", "Hair Styling Product", "Hair Styling Gel", or products whose primary purpose is to condition or hold the hair.

"Hair Spray" means:

For products manufactured before July 1, 2009, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

For products manufactured on or after July 1, 2009, a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity to hold, retain and/or finish the style of the hair for a period of time. This includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. This does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle. For the purposes of this Subpart, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, "styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

"Hair Styling Gel" means a consumer product manufactured before July 1, 2009 that is a high viscosity, often gelatinous, product that contains a resin and is designed for application to hair to aid in styling and sculpting of the hair coiffure.

"Hair Styling Product" means a consumer product manufactured on or after July 1, 2009 that is designed or labeled for application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. This includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. This does not include "Hair Mousse", "Hair Shine", "Hair Spray", or shampoos and/or conditioners that are rinsed from the hair prior to styling. For the purposes of this Subpart, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, "styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

"Heavy-Duty Hand Cleaner or Soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner",

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Facial Cleaner or Soap", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner" or "Rubbing Alcohol".

"Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

"High Volatility Organic Material" or "HVOM" or "High Volatility Organic Compound" or "HVOC" means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

"Household Product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

"Illinois Sales" means the sales (net pounds of product, less packaging and container, per year) in Illinois for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive 12 month period commencing no earlier than two years prior to the due date of the registration. If direct sales data for Illinois is not available, sales may be estimated by prorating national or regional sales data by population.

"Industrial Use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

"Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are for agricultural use or for a use that requires a structural pest control license under the Structural Pest Control Act [225 ILCS 235], or restricted materials that require a permit for use and possession.

"Insecticide Fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

"Institutional Product" or "Industrial and Institutional (I&I) Product" means a consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities, or provides services for profit, or is engaged in the nonprofit promotion of a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

particular public, educational, or charitable cause. "Establishments" include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. This does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

"Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed into, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

"Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

"Laundry Prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

"Laundry Starch Product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. This includes, but is not limited to, fabric finish, sizing, and starch.

"Lawn and Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of Section 223.260, aerosol "Lawn and Garden Insecticides" may claim to kill insects or other arthropods.

"Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board. This does not include powders or other materials that are composed entirely of solid particles.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. This does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled "not for retail sale".

"LVP Content" means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

"LVP-VOM" or "LVP-VOC" means a chemical material or mixture or compound that contains at least one carbon atom and meets one of the following:

Has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is a chemical material or compound with more than 12 carbon atoms, or a chemical mixture comprised solely of material or a compound with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; or

Is a chemical material or compound with a boiling point greater than 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120.

For the purposes of this definition, chemical material or compound means a molecule of definite chemical formula and isomeric structure, and chemical mixture means a substrate comprised of two or more chemical materials or compounds.

"Medicated Astringent/Medicated Toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

pores. This includes, but is not limited to, clarifiers and substrate-impregnated products. The term does not include hand, face, or body cleaner or soap products, "Astringent/Toner", cold cream, lotion, antiperspirants, or products that must be purchased with a doctor's prescription.

"Medium Volatility Organic Material" or "MVOM" or "Medium Volatility Organic Compound" or "MVOC" means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than two mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

"Metal Polish/Cleanser" means any product designed primarily to improve the appearance of finished metal or metallic or metallized surfaces by physical or chemical action. To "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. This includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. The term does not include "Automotive Wax, Polish, Sealant or Glaze", wheel cleaner, "Paint Remover or Stripper", products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

"Mist Spray Adhesive" means any aerosol that is not a special purpose spray adhesive and that delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

"Multi-Purpose Dry Lubricant" means any lubricant designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces, and designed for general purpose lubrication or for use in a wide variety of applications.

"Multi-Purpose Lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. The term does not include "Multi-purpose Dry Lubricants", "Penetrants", or "Silicone-based Multi-purpose Lubricants".

"Multi-Purpose Solvent" means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. This includes solvents

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. This does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

"Nail Polish" means any clear or colored coating designed for application to the fingernails or toenails, including but not limited to lacquers, enamels, acrylics, base coats and top coats.

"Nail Polish Remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

"Non-Aerosol Product" means any consumer product that is not dispensed by a pressurized spray system.

"Non-Carbon Containing Compound" means any compound that does not contain any carbon atoms.

"Nonresilient Flooring" means flooring of a mineral content that is not flexible. This includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

"Non-Selective Terrestrial Herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.

"Oven Cleaner" means any cleaning product designed to clean and to remove dried food deposits from oven walls.

"Paint" means any pigmented liquid or liquefiable or mastic composition designed for application to a substrate in a thin layer that is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

"Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. This does not include "Multi-purpose Solvents", paint

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

brush cleaners, products designed and labeled exclusively as "Graffiti Removers", and hand cleaner products that claim to remove paints and other related coatings from skin.

"Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include "Multi-purpose Lubricants" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

"Personal Fragrance Product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. This does not include "Deodorant"; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes and breath fresheners and deodorizers; lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

"Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "Pesticide" will not include any substance, mixture of substances, or device the United States Environmental Protection Agency does not consider to be a pesticide.

"Photograph Coating" means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image or changes in gloss level, or to cover fingerprints.

"Pressurized Gas Duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. This does not include "Dusting Aid".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Principal Display Panel or Panels" means that part, or those parts, of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the "Principal Display Panel" shall pertain to all such "Principal Display Panels".

"Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.

"Product Category" means the applicable category, defined in this Section and limited in Section 223.205(a), that best describes the product.

"Product Form" for the purpose of complying with Section 223.270 only, means the applicable form that most accurately describes the product's dispensing form, as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

"Product Line" means a group of products of identical form and function belonging to the same product category or categories.

"Pump Spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

"Responsible ACP Party" means the company, firm or establishment listed on the ACP product's label. If the label lists two or more companies, firms, or establishments, the "Responsible ACP Party" is the party the ACP product was "manufactured for" or "distributed by", as noted on the label.

"Restricted Materials" means pesticides established as restricted materials under applicable Illinois statutes or regulations.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Roll-On Product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

"Rubber and Vinyl Protectant" means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. This does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

"Rubbing Alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

"Rust Preventive Coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in Section 223.320(f).

"Sanding Sealer" means a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A "Sanding Sealer" that also meets the definition of a "Lacquer" is not included in this category, but it is included in the "Lacquer" category.

"Sealant and Caulking Compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. This does not include roof cements and roof sealants, insulating foams, removable caulking compounds, clear/paintable/water resistant caulking compounds, floor seam sealers, products designed exclusively for automotive uses, or sealers that are applied as continuous coatings. The term also does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces.

For the purposes of this definition only, "removable caulking compound" means a compound that temporarily seals windows or doors for three to six month time intervals. "Clear/paintable/water resistant caulking compound" means a compound that contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

"Semisolid" means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

"Shaving Cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other body hair. The term does not include "Shaving Gel".

"Shaving Gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other body hair. This does not include "Shaving Cream".

"Silicone-Based Multi-Purpose Lubricant" means any lubricant designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and designed and labeled for general purpose lubrication, or for use in a wide variety of applications. The term does not include products designed and labeled exclusively to release manufactured products from molds.

"Single Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and that does not require that the product container be shaken before use.

"Solid" means a substance or mixture of substances that, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board.

"Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

"Mounting Adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Flexible Vinyl Adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM E260-96, incorporated by reference in Section 223.120, or from product formulation data or an equivalent method approved by the CARB.

"Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

"Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

"Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.

"Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:

The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.); or

The touch-up, repair, or attachment of edgebanding materials, including but not limited to other laminates, synthetic marble, veneers, wood molding, and decorative metals.

For the purposes of this definition "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265°F, and at pressures between 1,000 and 1,400 psi.

"Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 to 275°F.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Spot Remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. This does not include "Dry Cleaning Fluid", "Laundry Prewash", or "Multi-Purpose Solvent".

"Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

"Stick Product" means any antiperspirant or deodorant that contains active ingredients in a solid matrix form and that dispenses the active ingredients by frictional action on the affected area.

"Structural Waterproof Adhesive" means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water and that conforms with Federal Specification MMM-A-181D (Type 1, Grade A), incorporated by reference in Section 223.120, and MIL-A-4605 (Type A, Grade A and Grade C), per the Federal Consumer Products Regulation (40 CFR 59, subpart C), incorporated by reference in Section 223.120.

"Terrestrial" means to live on or grow from land.

"Tire Sealant and Inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

"Toilet/Urinal Care Product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilets or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. This does not include "Bathroom and Tile Cleaner" or "General Purpose Cleaner".

"Type A Propellant" means a compressed gas, such as CO<sub>2</sub>, N<sub>2</sub>, N<sub>2</sub>O, or compressed air, that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Type B Propellant" means any halocarbon that is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

"Type C Propellant" means any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

"Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. This includes, but is not limited to, rubberized, mastic, or asphaltic products.

"Usage Directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.

"Vinyl/Fabric/Leather/Polycarbonate Coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

"VOM Content" means, for purposes of this Subpart, except for charcoal lighter products, the total weight of VOM in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to Section 223.285(a) and (b).

For charcoal lighter material products only,

$$VOC\ Content = \frac{(Certified\ Emissions\ x\ 100)}{Certified\ Use\ Rate}$$

Certified

Emissions = The emissions level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174, Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference at Section 223.120, expressed to the nearest 0.001 pound CH<sub>2</sub> per start.

Certified

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Use Rate = The usage level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174, Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference at Section 223.120, expressed to the nearest 0.001 pound certified product used per start.

For purposes of Subpart C of this Part, "VOM Content" means the weight of VOM per volume of coating, calculated according to the procedures specified in Section 223.340(a).

"Wasp and Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates, excluding "Fabric Protectants".

"Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). This includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

"Web Spray Adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

"Wood Cleaner" means a product labeled to clean wooden materials, including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. The term does not include "Dusting Aid", "General Purpose Cleaner", "Furniture Maintenance Product", "Floor Wax Stripper", "Floor Polish or Wax", or products designed and labeled exclusively to preserve or color wood.

"Wood Floor Wax" means wax-based products for use solely on wood floors.

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 223.205 Standards**

- a) Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after the date specified July 1, 2009 that contains VOMs in excess of the limits specified in this subsection:

<u>Affected Product</u>	<u>% VOM by Weight</u>	
	<u>July 1, 2009</u> <u>%VOM</u> <u>By Weight</u>	<u>July 1, 2012</u> <u>%VOM</u> <u>By Weight</u>
<u>1) Adhesives – Removers</u>		
<u>A) Floor or Wall Covering</u>		<u>5</u>
<u>B) Gasket or Thread Locking</u>		<u>50</u>
<u>C) General Purpose</u>		<u>20</u>
<u>D) Specialty</u>		<u>70</u>
<u>24) Adhesives – Spray</u>		
A) Mist Spray	65	
B) Web Spray	55	
C) Special Purpose Spray Adhesives		
i) Mounting, Automotive Engine Compartment, and Flexible Vinyl	70	
ii) Polystyrene Foam and Automotive Headliner	65	
iii) Polyolefin and Laminate Repair/Edgebanding	60	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

3)	Adhesives – Construction, Panel, and Floor Covering	15	
4)	<u>Adhesive Removers</u>		
	A) <u>General Purpose</u>		<u>55</u>
	B) <u>Special Purpose</u>		<u>80</u>
<del>53</del> )	Adhesives – General Purpose	10	
<del>64</del> )	Adhesives – Structural Waterproof	15	
<del>75</del> )	Air Fresheners		
	A) Single Phase Aerosol	30	
	B) Double Phase Aerosol	25	
	C) Liquids/Pump Sprays	18	
	D) Solids/Gel	3	
<del>86</del> )	Antiperspirants		
	A) Aerosol	40 HVOM 10 <u>MVOM</u> <u>HVOM</u>	
	B) Non-Aerosol	0 <u>HVOM</u> <u>MVOM</u> 0 MVOM	
9)	<u>Anti-static Product, Non-Aerosol</u>		<u>11</u>
<del>107</del> )	Automotive Brake Cleaners	45	
<del>118</del> )	Automotive Rubbing or Polishing Compound	17	
<del>129</del> )	Automotive Wax, Polish, Sealant, or Glaze		

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	A)	Hard Paste Waxes	45
	B)	Instant Detailers	3
	C)	All Other Forms	15
	<u>1340</u> )	Automotive Windshield Washer Fluids	35
	<u>1411</u> )	Bathroom and Tile Cleaners	
	A)	Aerosol	7
	B)	All Other Forms	5
	<u>1512</u> )	Bug and Tar Remover	40
	<u>1613</u> )	Carburetor or Fuel-Injection Air Intake Cleaners	45
	<u>1714</u> )	Carpet and Upholstery Cleaners	
	A)	Aerosol	7
	B)	Non-Aerosol (Dilutables)	0.1
	C)	Non-Aerosol (Ready-to-Use)	3.0
	<u>1815</u> )	Charcoal Lighter Material	see Section 223.220
	<u>1916</u> )	Cooking Spray – Aerosol	18
	<u>2017</u> )	Deodorants	
	A)	Aerosol	0 HVOM 10 <u>MVOM</u> <u>HVOM</u>
	B)	Non-Aerosol	0 <u>HVOM</u> <u>MVOM</u> 0 MVOM

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

<u>2118)</u>	Dusting Aids		
	A) Aerosol	25	
	B) All Other Forms	7	
<u>22)</u>	<u>Electrical Cleaner</u>		<u>45</u>
<u>23)</u>	<u>Electronic Cleaner</u>		<u>75</u>
<u>2419)</u>	Engine Degreasers		
	A) Aerosol	35	
	B) Non-Aerosol	5	
<u>2520)</u>	Fabric Protectants	60	
<u>26)</u>	<u>Fabric Refresher</u>		
	A) <u>Aerosol</u>		<u>15</u>
	B) <u>Non-Aerosol</u>		<u>6</u>
<u>2721)</u>	Floor Polishes/Waxes		
	A) Products for Flexible Flooring Materials	7	
	B) Products for Nonresilient Flooring	10	
	C) Wood Floor Wax	90	
<u>2822)</u>	Floor Wax Strippers	see Section 223.209	
<u>29)</u>	<u>Footwear or Leather Care Products</u>		
	A) <u>Aerosol</u>		<u>75</u>

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	<u>B)</u>	<u>Solid</u>		<u>55</u>
	<u>C)</u>	<u>Other Forms</u>		<u>15</u>
	<u>3023)</u>	Furniture Maintenance Products		
	A)	Aerosol	17	
	B)	All Other Forms Except Solid or Paste	7	
	<u>3124)</u>	General Purpose Cleaners		
	A)	Aerosol	10	
	B)	Non-Aerosol	4	
	<u>3225)</u>	General Purpose Degreasers		
	A)	Aerosol	50	
	B)	Non-Aerosol	4	
	<u>3326)</u>	Glass Cleaners		
	A)	Aerosol	12	
	B)	Non-Aerosol	4	
	<u>34)</u>	<u>Graffiti Remover</u>		
	<u>A)</u>	<u>Aerosol</u>		<u>50</u>
	<u>B)</u>	<u>Non-Aerosol</u>		<u>30</u>
	<u>3527)</u>	Hair Mousses	6	
	<u>3628)</u>	Hairshines	55	
	<u>3729)</u>	Hairsprays	55	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	<u>3830</u> )	Hair Styling Gels	6	
	<u>39</u> )	<u>Hair Styling Products</u>		
		<u>A) Aerosol and Pump Sprays</u>		<u>6</u>
		<u>B) All Other Forms</u>		<u>2</u>
	<u>4034</u> )	Heavy Duty Hand Cleaner or Soap	8	
	<u>4132</u> )	Insecticides		
		A) Crawling Bug (Aerosol)	15	
		B) Crawling Bug (All Other Forms)	20	
		C) Flea and Tick	25	
		D) Flying Bug (Aerosol)	25	
		E) Flying Bug (All Other Forms)	35	
		F) Foggers	45	
		G) Lawn and Garden (Aerosol)	20	
		H) Lawn and Garden (All Other Forms)	3	
		I) Wasp and Hornet	40	
	<u>4233</u> )	Laundry Prewash		
		A) Aerosols/Solids	22	
		B) All Other Forms	5	
	<u>4334</u> )	Laundry Starch Products	5	
	<u>4435</u> )	Metal Polishes/Cleansers	30	
	<u>4536</u> )	Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	<u>4637</u> )	Nail Polish Removers	75	
	<u>4738</u> )	Non-Selective Terrestrial Herbicide – Non-Aerosol	3	
	<u>4839</u> )	Oven Cleaners		
		A) Aerosols/Pump Sprays	8	
		B) Liquids	5	
	<u>4940</u> )	Paint Removers or Strippers	50	
	<u>5041</u> )	Penetrants	50	
	<u>5142</u> )	Rubber and Vinyl Protectants		
		A) Aerosol	10	
		B) Non-Aerosol	3	
	<u>5243</u> )	Sealants and Caulking Compounds	4	
	<u>5344</u> )	Shaving Creams	5	
	<u>54</u> )	<u>Shaving Gel</u>		<u>7</u>
	<u>5545</u> )	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60	
	<u>5646</u> )	Spot Removers		
		A) Aerosol	23	
		B) Non-Aerosol	8	
	<u>5747</u> )	Tire Sealants and Inflators	20	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

<u>5848)</u>	Undercoatings – Aerosols	40
<u>59)</u>	<u>Wood Cleaner</u>	
	<u>A) Aerosol</u>	<u>17</u>
	<u>B) Non-Aerosol</u>	<u>4</u>

- b) No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after July 1, 2009, any antiperspirant or deodorant that contains any compound listed in this subsection (b) below:

Benzene

Ethylene Dibromide

Ethylene Dichloride

Hexavalent Chromium

Asbestos

Cadmium (metallic cadmium and cadmium compounds)

Carbon Tetrachloride

Trichloroethylene

Chloroform

Vinyl Chloride

Inorganic Arsenic

Nickel (metallic nickel and inorganic nickel compounds)

Perchloroethylene

Formaldehyde

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1,3-Butadiene

Inorganic Lead

Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

**Section 223.207 Products Registered under FIFRA**

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 through 136y), incorporated by reference in Section 223.120, the effective date of the VOM standards will be one year after the effective date specified in Section 223.205 ~~July 1, 2010~~.

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

**Section 223.208 Requirements for Aerosol Adhesives**

- a) As specified in California Code Section 41712(h)(2), incorporated by reference in Section 223.120, the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Sections 223.207, 223.230, 223.240, and 223.245, no person shall sell, supply, offer for sale, use or manufacture for sale in Illinois any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOMs in excess of the specified standard.
- b) Special Purpose Spray Adhesive.
  - 1) In order to qualify as a Special Purpose Spray Adhesive the product must meet one or more of the definitions for Special Purpose Spray Adhesive specified in Section 223.203, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for Special Purpose Spray Adhesive, then the product shall be classified as either a Web Spray Adhesive or a Mist Spray Adhesive.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) If a product meets more than one of the definitions specified in Section 223.203 for Special Purpose Spray Adhesive and is not classified as a Web Spray Adhesive or Mist Spray Adhesive under Section 223.203, then the VOC limit for the product shall be the lowest applicable VOM limit specified in Section 223.205(a).
- c) Effective July 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any aerosol adhesive that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. These requirements do not apply to any Aerosol Adhesive containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.
- d) All aerosol adhesives must comply with the labeling requirements specified in Section 223.265.

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

**Section 223.211 Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers**

- a) No person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or Graffiti Removers manufactured on or after July 1, 2012 that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.
- b) Impurities  
The requirements of subsection (a) do not apply to any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or Graffiti Removers containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(Source: Added at 36 Ill. Reg. 7569, effective May 4, 2012)

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 223.305 Applicability**

This Subpart is applicable to any person who supplies, sells, offers for sale, or manufactures any architectural coating for use within the State of Illinois, as well as any person who applies or solicits the application of any architectural coating within Illinois. This Subpart does not apply to:

- a) Any architectural coating that is sold or manufactured for use outside of the State of Illinois or for shipment to other manufacturers for reformulation or repackaging.
- b) Any aerosol coating product.
- c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less. For the purposes of this subsection, the volume of architectural coating in a container shall be considered the total volume of coating that is packaged as a unit of retail sale or for use by the consumer.

(Source: Amended at 36 Ill. Reg. 7569, effective May 4, 2012)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code
- 2) Code Citation: 77 Ill. Adm. Code 697
- 3)
 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
697.10	Repealed
697.20	Amended
697.30	Amended
697.40	Amended
697.100	Amended
697.110	Amended
697.120	Amended
697.130	Amended
697.140	Amended
697.155	New
697.160	Amended
697.170	Amended
697.180	Amended
697.200	Amended
697.210	Amended
697.220	Amended
697.300	Repealed
697.400	Amended
697.410	Repealed
697.420	Amended
697.APPENDIX A.ILLUSTRATION A	Repealed
697.APPENDIX C	Repealed
- 4) Statutory Authority: AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; Perinatal HIV Prevention Act [410 ILCS 335]; Section 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 3210-325, and 2310-580]
- 5) Effective Date of Rulemaking: May 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: January 27, 2012; 36 Ill. Reg. 960
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version:
- No changes were made and no comments were received during the first notice or public comment period:
- The following changes were made in response to comments and suggestions of JCAR:
1. In Section 697.30(a)(3)(A), change “Public Law 100-578, effective October 31, 1988” to “42 USC 263(a)”.
  2. In Section 697.30(a)(3)(B), change “Public Law 94-142, effective November 29, 1975” to “20 USC 921 and 1400”.
  3. In Section 697.140(a)(3)(C), change “and” to “or”.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The HIV/AIDS Confidentiality and Testing Code has been updated and revised to correspond to new Centers for Disease Control and Prevention (CDC) standards/guidelines, new laboratory testing methodologies approved by the Food and Drug Administration (FDA), and new Illinois legislation. Archaic tests have been replaced.

Examples of the revisions include: 697.30 (Incorporated Materials) cited guidelines and standards that have been replaced by current CDC recommendations; 697.20

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

(Definitions) has references to outmoded laboratory tests that have been replaced by other technologies with improved sensitivity and specificity; 697.120 (Informed Consent) Illinois legislation no longer requires separate written informed consent for HIV testing. Public Act 96-0007 amended the AIDS Confidentiality Act to state that informed consent may be written or verbal.

Section 697.300 has been repealed, since HIV Counseling and Testing Centers are obsolete. The Centers for Disease Control and Prevention recommend universal HIV testing for anyone 13 to 64 years of age. Therefore, HIV testing is occurring in doctor's offices, emergency rooms and local health department clinics. Early in the HIV epidemic the Department established special HIV Counseling and Testing Centers where residents could be tested anonymously. However, today the recommendation is to test everyone for HIV at least annually in a variety of clinic settings. Section 697, which was advisory, has been repealed.

The appendices have been repealed, since written informed consent is no longer required. [See Section 197.120]

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

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5<sup>th</sup> Floor  
Springfield, Illinois 62761  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

217/782-2043

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 697  
HIV/AIDS CONFIDENTIALITY AND TESTING CODE

## SUBPART A: GENERAL PROVISIONS

## Section

- | 697.10 Applicability (~~Repealed~~)
- 697.20 Definitions
- | 697.30 Incorporated ~~and Referenced~~ Materials
- 697.40 Administrative Hearings

## SUBPART B: HIV TESTING

## Section

- 697.100 Approved HIV Tests and Testing Procedures
- 697.110 HIV Pre-Test Information
- | 697.120 ~~Written~~-Informed Consent
- 697.130 Anonymous Testing
- 697.140 Nondisclosure of the Identity of a Person Tested or Test Results
- 697.150 Marriage License Testing Requirements (Repealed)
- | 697.155 Delivery of HIV Test Results
- 697.160 HIV Testing for Insurance Purposes
- 697.170 Enforcement of the AIDS Confidentiality Act
- 697.180 HIV Testing for Blood and Human Tissue Donations

## SUBPART C: HIV/AIDS REGISTRY SYSTEM

## Section

- 697.200 HIV/AIDS Registry System
- 697.210 Reporting Requirements
- | 697.220 Release of HIV/AIDS Registry ~~Data~~Information

## SUBPART D: HIV COUNSELING AND TESTING CENTERS

## Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

697.300 HIV Counseling and Testing Centers (Repealed)

## SUBPART E: MISCELLANEOUS PROVISIONS

## Section

697.400 Notification of School Principals  
 697.410 Guidelines for the Management of Chronic Infectious Diseases in School  
 Children (Repealed)  
 697.420 Testing, Treatment or Counseling of Minors

697.APPENDIX A Sample HIV Testing Forms (Repealed)  
 697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody  
 Testing (Repealed)  
 697.ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)  
 697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)  
 697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing  
(Repealed)

**AUTHORITY:** Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580].

**SOURCE:** Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. 1117, effective January 20, 1995; amended at 22 Ill. Reg. 21994, effective December 9, 1998; amended at 28 Ill. Reg. 13905, effective October 8, 2004; emergency amendment at 29 Ill. Reg. 14558, effective September 14, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 2373, effective February 3, 2006; amended at 36 Ill. Reg. 7613, effective May 4, 2012.

## SUBPART A: GENERAL PROVISIONS

**Section 697.10 Applicability (Repealed)**

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- a) ~~This Part is in response to various statutes concerning acquired immunodeficiency syndrome (AIDS). The provisions of this rulemaking are organized into six components which consist of five Subparts and one appendix. Subpart A includes general provisions which apply to all Sections of the Part such as definitions and administrative hearing rules.~~
- b) ~~Subpart B includes provisions concerning testing for the presence of antibodies to the human immunodeficiency virus (HIV) or any other causative agent of acquired immunodeficiency syndrome (AIDS). These provisions set forth the approved HIV tests and testing procedures, the information that must be given by a physician prior to ordering a HIV test, the written informed consent a physician must obtain prior to performing a HIV test, the requirements for HIV testing for insurance purposes, testing requirements for blood and human tissue donations, the disclosure or confidentiality rules, and the rules for enforcement of the AIDS Confidentiality Act.~~
- c) ~~Subpart C includes the provisions for the implementation of the HIV/AIDS Registry System. These provisions include information reported and the entities which report. In addition, provisions concerning the disclosure of registry information are included.~~
- d) ~~Subpart D includes provisions for the establishment and operation of alternative test sites known as "HIV Counseling and Testing Centers." These provisions specify how the centers are to be used and include a brief outline of the services to be provided.~~
- e) ~~Subpart E includes miscellaneous provisions which concern children. These provisions set forth the requirements for notification of school principals of children with AIDS and HIV infection, the guidelines for management of chronic infectious diseases in school children, and requirements for testing, treatment or counseling of minors.~~
- f) ~~The appendix includes a written informed consent form.~~

(Source: Repealed at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.20 Definitions**

~~The following are definitions of terms used in this Part:~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

"Act" or "~~AIDS Confidentiality Act~~" means the AIDS Confidentiality Act ~~[410 ILCS 305]~~.

~~"AIDS" means acquired immunodeficiency syndrome (Section 3(b) of the Act), as defined by the Centers for Disease Control or the National Institutes of Health. (Section 3(a) of the AIDS Registry Act) Similar definitions appear in the Act. Current definition can be found in 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention (CDC). Morbidity and Mortality Weekly Report (MMWR), December 18, 1992; vol. 41, no. RR-17; and in 1994 Revised Classification System for HIV Infection for Children Less Than 13 Years of Age. Morbidity and Mortality Weekly Report (MMWR), vol. 43 RR-12.~~

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

~~"Designated AgentAgency" means an organization designated by the Department to conduct public health activities in accordance with a written service agreement with the Department. a health care organization under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.~~

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

"Health Care Facility" or "Facility" means any institution, building or agency, or portion of any institution, building or agency, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"Health Care Professional" means any of the following:

*a licensed physician;*

*a physician assistant to whom the physician assistant's supervising*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

physician has delegated the provision of health services;

an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of health services;

a licensed dentist; or

a licensed podiatrist. (Section 3(f-5) of the Act)

"Health Care Provider" means any physician, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind. (Section 3(f) of the Act)

"Health Facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "Health Facility" as that term is defined in the Illinois Finance Authority Act [20 ILCS 3501]. (Section 3(e) of the Act)

"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS. (Section 3(c) of the Act)

"HIV Infection" or "Mortality" means infected with HIV, as evidenced by a positive or reactive supplemental confirmed laboratory test result. for antibodies to HIV as specified in Section 697.100, viral culture or positive antigen test or a clinical diagnosis of AIDS.

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification.

"Informed Consent" means a written or verbal agreement by the subject of a test or the subject's legally authorized representative obtained without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion. (Section 3(d) of the Act)

"Laboratory" means a CLIA approved or licensed facility any facility or location, other than blood banks, at which tests are performed to determine the presence of a sexually transmitted infection (STI). antibodies to HIV.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is:

Under the age of 12,

Deceased,

Declared incompetent by a court of law, or

Otherwise not competent to consent (for reasons other than age, such as the apparent inability to understand or communicate with the health care ~~professional provider~~) as determined by the health care ~~professional provider~~ seeking ~~the such~~ consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of 18:

Parent, except as limited by ~~Section 9(k) of the AIDS Confidentiality Act [410 ILCS 305/9(k)]~~ providing limitations on the ability of a parent or legal guardian to receive the child's test results, and ~~Sections 4 and 5 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/4 and 5]~~ regarding release of test results involving a sexually transmitted ~~infection disease~~,

Legal guardian or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age 18 or over:

Agent authorized by durable power of attorney for health care,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Legal guardian or other court-appointed personal representative,

Spouse,

Person in a civil union,

Adult children,

Parent,

Adult next-of-kin.

*"Local Health Authority" means the official health department or board of health recognized by the Department as having jurisdiction over a particular area. (Section 3(2) of the Illinois Sexually Transmissible Disease Control Act ~~[410 ILCS 325]~~)*

*~~"Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity. (Section 3(h) of the Act)~~*

*"Opt-Out Testing" means a process in which the test subject is informed that the health care facility or health care professional routinely tests patients for HIV unless the patient refuses, is provided pre-test information as described in this Part, and is given an opportunity to ask questions and told how to decline testing without penalty to his or her ability to receive health care or other services.*

*"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.*

*"Rapid HIV ~~Antibody~~ Test" means any test approved by the U.S. Food and Drug Administration (FDA) or validated under a laboratory's CLIA certification for the detection of HIV ~~a federal Food and Drug Administration (FDA) approved screening test to detect antibodies to HIV~~ that can be collected and processed within ~~a short interval of time (under~~ 60 minutes).*

*"Screening Test" ~~means~~ any HIV test approved by the FDA or validated under a laboratory's CLIA certification that must be followed by a supplemental test to*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~confirm a positive result for antibody or antigen to HIV virus approved by the FDA for use as a screening or diagnostic test.~~

~~"Sexually Transmissible Infection" or "STI" means infection with syphilis, gonorrhea, chlamydia, chancroid or HIV.~~

~~"Supplemental Test" means any HIV test approved by the FDA or validated under a laboratory's CLIA certification used to confirm the positive result of a screening test for antibody or antigen to HIV virus approved by the FDA for use as a supplemental or confirmatory test.~~

~~"Test" or "HIV Test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection. (Section 3(g) of the Act)~~

~~"Treatment" means services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication and immunization.~~

~~"Written Informed Consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement such as any element of force, fraud, deceit, duress or other form of constraint or coercion (See Appendix A, Illustration A), which entails at least the following:~~

~~A fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and~~

~~A fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time prior to the completion of the laboratory tests, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law. (Section 3(d) of the Act)~~

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.30 Incorporated and Referenced Materials**

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

a) The following materials are ~~incorporated or~~ referenced in this Part:

~~1)a)~~ Illinois Statutes

~~A)1)~~ AIDS Confidentiality Act [410 ILCS 305];

~~B)2)~~ AIDS Registry Act [410 ILCS 310];

~~C)3)~~ ~~The~~ Communicable Disease Prevention Act [410 ILCS 315];

~~D)4)~~ ~~The~~ Unified Code of Corrections [730 ILCS 5];

~~E)5)~~ ~~The~~ Medical Patient Rights Act [410 ILCS 50];

F) Perinatal HIV Prevention Act [410 ILCS 335]

~~G)6)~~ ~~The~~ Civil Administrative Code of Illinois [20 ILCS 2310/55 to 55.45].

H) School Code [105 ILCS 5]

I) Abused and Neglected Child Reporting Act [325 ILCS 5]

J) Illinois Insurance Code [215 ILCS 5]

K) Consent by Minors to Medical Procedures Act [410 ILCS 210]

L) Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]

M) Medical Practice Act of 1987 [225 ILCS 60]

N) Perinatal HIV Prevention Act [410 ILCS 335]

O) Criminal Code of 1961 [720 ILCS 5]

P) Code of Civil Procedure [735 ILCS 5]

Q) Illinois Anatomical Gift Act [755 ILCS 50]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

R) Organ Donation Request Act [755 ILCS 60]

S) Communicable Disease Prevention Act [410 ILCS 315]

2)b) Illinois Rules

A)1) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (see in particular Section 697.140(a)(4) of this Part);

B)2) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) (see in particular Sections 697.140(a)(4) and 697.210(a) of this Part);

C)3) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (see in particular Section 697.180(c) and (e));

4) ~~Blood Labeling Code (77 Ill. Adm. Code 460) (see in particular Section 697.180(e) and (e) of this Part);~~

D)5) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (see in particular Section 697.180(c) and (e));

E)6) ~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see in particular Section 697.40 of this Part);~~

7) ~~Illinois Blood Bank Code (77 Ill. Adm. Code 490);~~

F) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

G) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

H) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

I) Illinois Veterans' Home Code (77 Ill. Adm. Code 340)

J) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- K) Long-term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- L) Community Living Facilities Code (77 Ill. Adm. Code 370)
- M) Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)
- 3) Federal Statutes
  - A) Clinical Laboratory Improvement Amendments of 1988 (42 USC 263(a))
  - B) Education for All Handicapped Children Act (20 USC 921 and 1400)
- b) The following materials are incorporated by reference in this Part:
  - 1)e) Federal ~~Regulations~~Rules
    - A) 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a.7(a)-(b), Protection of Identity – Research Subjects (April 4, 1979)
    - B) 45 CFR 164.501, Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 (October 1, 2007)
  - 2)d) Other ~~Codes, Guidelines and Standards~~
    - A) Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), September 22, 2006, Vol. 55, No. RR-14
    - B) Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Reduce Perinatal HIV Transmission in the United States, May 24, 2010; US Department of Health and Human Services, Panel on Treatment of HIV-Infected Pregnant Women and Prevention of Perinatal Transmission (A Working Group of the Office of AIDS Research Advisory Committee)

- 1) ~~1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention (CDC). Morbidity and Mortality Weekly Report (MMWR), December 18, 1992; vol. 41, no. RR-17.~~
- 2) ~~1994 Revised Classification System for HIV Infection for Children Less Than 13 Years of Age. Centers for Disease Control and Prevention (CDC). Morbidity and Mortality Weekly Report (MMWR), vol. 43 (RR-12).~~
- 3) ~~The "Adult HIV/AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget No. 0920-0009 (1993). (See Section 697.210.)~~
- 4) ~~Guidelines for the Management of Chronic Infectious Diseases in School Children. (See Section 697.410.)~~
- 5) ~~1993 Revised Classification Scheme for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR). Vol. 41, No. RR-17, December 18, 1992; Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.~~
- 6) ~~Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV-1 Transmission in the United States, Public Health Service Task Force, U.S. Department of Health and Human Services, Atlanta, Georgia 30333 (August 30, 2002).~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 7) ~~Updated U.S. Public Health Services Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), Vol. 50, No. RR-11, June 29, 2001, Atlanta, Georgia 30333.~~
- 8) ~~Revised Guidelines for HIV Counseling, Testing and Referral, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), Vol. 50, No. RR-19, November 9, 2001, Atlanta, Georgia 30333.~~
- 9) ~~Revised Recommendations for HIV Screening of Pregnant Women, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), Vol. 50, No. RR-19, November 9, 2001, Atlanta, Georgia 30333.~~
- 10) ~~Advancing HIV Prevention: New Strategies for a Changing Epidemic—United States 2003, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (MMWR), Vol. 52, No. 15, April 18, 2003, Atlanta, Georgia 30333.~~

- e) ~~All citations to federal regulations in this Part concern the specified regulations in the 1994 Code of Federal Regulations, unless another date is specified.~~
- c)f) ~~All incorporations by reference of federal regulations or guidelinesstandards and the standards of nationally recognized organizations refer to the regulations or guidelinesand standards on the date specified and do not include any amendments or editionsadditions or deletions subsequent to the date specified.~~

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

### Section 697.40 Administrative Hearings

Any administrative hearings conducted by the Department concerning ~~the provisions of~~ this Part shall be governed by the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings ~~(See 77 Ill. Adm. Code 100).~~

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART B: HIV TESTING

**Section 697.100 Approved HIV Tests and Testing Procedures**

- a) Any person, laboratory, blood bank, hospital or other entity that conducts laboratory tests to detect the ~~presenceevidence~~ of ~~infection-with-HIV~~ infection shall use an approved HIV test as defined in this Part~~tests approved by the FDA.~~ (See Section 697.20.)
- b) ~~Testing for the presence of antibodies to the HIV virus shall consist of the following:~~
- ~~1) For the conventional HIV test, every sample shall be tested with an approved screening test. If the test is found to be reactive (according to the package insert or product circular), a second screening test, in duplicate, shall be conducted as soon as possible. If the second screening test is also found to be reactive, then a supplemental test shall be conducted. If the supplemental test is found to be reactive (according to the package insert or product circular), then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.~~
  - ~~2) For the rapid HIV test, every sample shall be tested with an approved HIV rapid antibody screening test. If the test is found to be reactive (according to the package insert or product circular), it will be considered preliminary positive and a supplemental test shall be conducted. Before the supplemental test, a second sample shall be obtained, if necessary, to ensure an adequate sample amount. If the supplemental test is found to be reactive (according to the package insert or product circular), then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.~~
  - ~~3) For both the conventional and rapid HIV tests, if the supplemental test is found to be indeterminate, then the specimen should be tested with another supplemental test. If the sample is found to be reactive (according to the package insert or product circular), then the sample shall be considered to indicate the presence of antibodies to HIV or to be positive.~~
- 1)4) Confirmatory~~All phases of testing required by this Section~~ shall be completed before HIV test results are released to the health care

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~professional physician~~ or other individuals authorized to receive the results as described and limited in Section 697.140, except in the following situations that, as allowed under subsection (b)(6), reactive results from rapid HIV antibody tests may be released to individuals authorized to receive the results under the following circumstances:

- A) ~~When~~when immediate medical treatment is necessary to prevent further transmission of HIV to a newborn infant in labor, delivery and postpartum settings. For the purposes of this subsection ~~(a)(1)(b)(4)~~, immediate medical treatment, for a newborn infant, means *upon delivery or within 48 hours after the infant's birth*. (Section 10 of the Perinatal HIV Prevention Act ~~[410 ILCS 335]~~) Treatment shall be conducted as provided by the Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV Transmission in the United States guidelines of the U.S. Public Health Service for reducing perinatal HIV transmission in the United States (see Section 697.30);
- B) ~~In~~in instances of occupational exposure, as provided by Section 697.140(a)(8) and (9); or
- C) ~~At~~at the time of testing, ~~or immediately thereafter,~~ provided that the subject of the test or the subject's legally authorized representative has received pre-test information, has been informed of his/her right to refuse testing, and has provided consent to be tested and to receive a preliminary test result in accordance with Sections 697.110 and 697.120, except in the case of a newborn infant as provided in the Perinatal HIV Prevention Act. counseling that includes the limitations of the test and the need for supplemental testing, as well as appropriate risk reduction measures and referrals, and that the individual has consented to a rapid HIV antibody test and to the receipt of preliminary result.

- ~~2)5)~~ Before testing is conducted under subsection ~~(a)(1)(b)(4)~~(A) ~~or~~, (B) ~~or~~ (C), the subject of the test or the subject's legally authorized representative shall receive pre-test information~~have been counseled~~ and shall have provided specific written or verbal informed consent to be tested and to receive a preliminary test result in accordance with Sections 697.110 and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

697.120, except in the case of a newborn infant as provided in the Perinatal HIV Prevention Act. The provision of pre-test information and informed consent shall be documented in the patient's medical record or as part of the consent form for medical care or HIV testing completed by the patient.

~~3)6)~~ In ~~such cases as~~ the exceptions described in ~~subsections~~ (a)(1)(b)(4)(A) or (B) or (C), a preliminary test result may be released to persons specified in Section 697.140(a)(1), (2), (3), (8), or (9).

~~4)7)~~ Any release of preliminary positive results from ~~rapid~~ HIV ~~antibody~~ tests shall include a disclaimer that an HIV ~~infection~~ positive diagnosis has not been ~~diagnosed~~ made and cannot be ~~diagnosed~~ made without supplemental testing.

~~8)~~ ~~Any subject or subject's legally authorized representative receiving test results will receive counseling that includes the limitations of the test, appropriate risk reduction measures, appropriate referrals, and, if the test result is reactive, information on partner notification programs prior to being informed of the results.~~

b) HIV testing shall be a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention, Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings.

c) The Department will conduct training, technical assistance, and outreach activities, as needed, to encourage routine opt-out HIV testing in health care settings.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.110 HIV Pre-Test Information**

a) ~~No health care professional~~ physician may order an HIV test without making available to the person tested ~~pre-test~~ pre-test information, except as provided in subsection (b) ~~below~~. (Section 5 of the Act) Pre-test information may be provided in writing, verbally, or by video, electronic, or other means. The subject must be offered an opportunity to ask questions about the HIV test and decline

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~testing. (Section (3)(d) of the Act) The health care professional may delegate the responsibility of providing pre-test information only may not be delegated by the physician. However, the task of providing pre-test information to the patient may be delegated to another individual health care provider who is knowledgeable about HIV infection, including possible medical and psychosocial aspects of the such infection. Pre-test information may be included along with other medical information generally provided to a subject.~~ The required pre-test information consists of the following information:

- 1) ~~The About the meaning of the test results, including (such as the purpose, potential uses, and limitations of the test and test results, and procedures to be followed, and the statutory rights to anonymous testing and to confidentiality);~~
  - 2) ~~That testing for HIV is voluntary, and consent to be tested may be withdrawn at any time before testing of the specimen has been initiated;~~
  - 2) ~~The availability of additional or confirmatory testing, if appropriate (See Section 697.100(b)), and~~
  - 3) ~~The availability of referrals for further information or counseling (Section 5 of the AIDS Confidentiality Act);~~
  - 4) ~~The subject's right to be tested anonymously at a site that offers anonymous testing, and a referral to a site at the request of the patient; and~~
  - 5) ~~The right to confidentiality, including nondisclosure of information identifying the subject of the test and the results of the test, to the extent provided by law.~~
- b) Pre-test information when ordering an HIV test is not required in the following situations listed in Section 697.120 (b)(1), (2), (5) and (7).:
- 1) ~~When the Health Care provider or health facility procures processes, distributes or uses a human body part donated for purposes specified under the Uniform Anatomical Gift Act or the Organ Donation Request Act and the test is performed to assure the medical acceptability of the human body part. (Section 7 of the AIDS Confidentially Act.)~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) ~~When the testing is for the purpose of research and performed in such a way that the identity of the test subject is not known and may not be retrieved by the researcher, and in such a way that the test subject is not informed of the results of the testing. (Section 8 of the AIDS Confidentiality Act.)~~
- 3) ~~When an insurance company, fraternal benefit society, health services corporation, health maintenance organization, or any other insurer subject to regulation under the Illinois Insurance Code, as amended, requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with HIV virus or any other identified causative agent of AIDS. (Section 3 of AN ACT concerning certain rights of medical patients, Ill. Rev. Stat. 1987, ch. 111½, par. 5403). (See Section 697.170.)~~
- 4) ~~When in the judgment of the physician, such testing is medically indicated to provide appropriate diagnosis and treatment to the subject of the test, provided that the subject of the test has otherwise provided his or her consent to such physician for medical treatment. (Section 8 of the AIDS Confidentiality Act).~~

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

### Section 697.120 ~~Written~~ Informed Consent

- a) ~~No person may order an HIV test without first receiving the documented~~written~~, informed consent of the subject of the test or the subject's legally authorized representative, except as provided in subsection (b). A health care facility or provider may offer opt-out HIV testing where the subject or the subject's legally authorized representative is informed that the subject will be tested for HIV unless he or she refuses. The health care facility or professional must document the provision of informed consent, including pre-test information, and whether the subject or the subject's legally authorized representative declined the offer of HIV testing. (Section 4 of the ~~AIDS Confidentiality~~ Act)~~
- 1) ~~The~~This written informed consent and test results must be obtained by the health care professional~~physician~~ ordering the test or ~~by another health care professional~~physician involved in the patient's care shall obtain the informed consent.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) ~~The health care professional may delegate the~~The responsibility of obtaining ~~written~~ informed consent ~~only may not be delegated by the physician. However, the task of obtaining written informed consent from the patient may be delegated~~ to another ~~individual health care provider~~ who is knowledgeable about HIV infection, including possible medical and psychosocial aspects of ~~that~~~~such~~ infection.
  - 3) A health care professional may combine a form used to obtain informed consent for HIV testing with forms used to obtain written consent for general medical care or any other medical test or procedure, provided that the forms make it clear that the subject may consent to general medical care, tests, or medical procedures without being required to consent to HIV testing and clearly explain how the subject may opt-out of HIV testing. (Section 3(d)(2) of the Act)
  - 4) The person obtaining the informed consent shall document receipt of consent in the subject's medical record or as part of the consent form for medical care or HIV testing completed by the patient.
- b) ~~Informed~~~~Written informed~~ consent to perform an HIV test is not required in the following situations:
- 1) ~~When the health care professional~~~~provider~~ or health ~~care~~ facility procures, processes, distributes or uses a human body part donated for purposes specified under the ~~Illinois Uniform~~ Anatomical Gift Act or the Organ Donation Request Act and the test is ~~necessary~~~~performed~~ to assure the medical acceptability of the human body part. (Section 7 of the ~~AIDS Confidentiality~~ Act)
  - 2) ~~When the health care professional~~~~provider~~ or health ~~care~~ facility procures, processes, distributes or uses semen provided prior to September 21, 1987, for the purpose of artificial insemination and ~~the~~~~the~~ test is ~~necessary~~~~performed~~ to assure ~~the~~ medical acceptability of ~~the~~~~the~~ semen. (Section 7 of the ~~AIDS Confidentiality~~ Act)
  - 3) When the testing is~~When the testing is~~ for the purpose of research ~~and~~~~and~~ performed in such a way that the identity of the test subject is not known and may not be retrieved by the researcher, and in such a way that the test

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*subject is not informed of the results of the testing.* (Section 8 of the ~~AIDS Confidentiality~~ Act)

- 4) ~~When an HIV test is performed~~*When an HIV test is performed* upon a person who is specifically required by state or federal law to be tested, such as blood, plasma, semen and human tissue donors, ~~immigrants to the United States,~~ and persons required to be tested pursuant to Section 5-5-3 of the Unified Code of Corrections). (Section 11 of the ~~AIDS Confidentiality~~ Act)
- 5) *When an insurance company, fraternal benefit society, health services corporation, health maintenance organization, or any other insurer subject to regulation under the Illinois Insurance Code* ~~fraternal benefit society, health services corporation, health maintenance organization, or any other insurer subject to regulation under the Illinois Insurance Code, as amended~~ requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with HIV or any other identified causative agent of AIDS. (Section 3 of the Medical Patient Rights Act ~~[410 ILCS 50/3]~~) (See Section 697.160.)
- 6) *When a health care provider or employee of a health facility, or a firefighter or an EMT-B, EMT-I or EMT-P, is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment. Should such test prove to be positive, the patient and the health care provider, health facility employee, firefighter, EMT-B, EMT-I, or EMT-P shall be provided appropriate counseling consistent with the Act.* ~~When a health care provider or employee of a health facility, or a firefighter or an Emergency Medical Technician-Ambulance (EMT-A), Emergency Medical Technician-Intermediate (EMT-I) or Emergency Medical Technician-Paramedic (EMT-P) is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with this Act.~~ (Section 7 of the ~~AIDS Confidentially~~ Act)-
- 7) *When in the judgment of the physician, such testing is medically indicated*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*to provide appropriate diagnosis and treatment to the subject of the test, provided that the subject of the test has otherwise provided his or her consent to such physician for medical treatment. (Section 8 of the ~~AIDS Confidentiality Act~~)-*

- 8) *For a health care ~~professional provider~~ or health care facility to perform a test when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with ~~the this~~ Act. For purposes of Section 7(c) of the Act, "~~law enforcement officer~~Law Enforcement Officer" means any person employed by the State, a county or a municipality as a policeman, peace officer, auxiliary-policeman, correctional officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that ~~person's~~persons life. (Section 7 of the ~~AIDS Confidentiality Act~~)*
- 9) When an individual is charged with a sex crime in accordance with the Criminal Code of 1961.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.130 Anonymous Testing**

*Any individual seeking an HIV test shall have the right to anonymous testing, unless identification of the test subject is otherwise required. Anonymous testing shall be performed after pre-test information is provided and informed consent is obtained, using a coded system that does not link individual identity with the request or result. A health care facility or health care professional that does not provide anonymous testing shall refer an individual requesting an anonymous test to a site where it is available. Any person upon whom an HIV test is performed shall have the right to request anonymity and to provide written informed consent by using a coded system that does not link individual identity with the request or the result except when written informed consent is not required by law as specified in Section 697.120.* (Section 6 of the ~~AIDS Confidentiality Act~~.) Any anonymous testing system adopted by the health care ~~professional provider~~ ordering the test ~~shall~~must ensure that the persons conducting the laboratory tests transmit the correct test results ~~are transmitted by the persons conducting the laboratory tests~~ to the proper health care professional~~physician~~, and that the correct test results

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

are given to the correct patient. When a test subject does not have the right to request anonymity, the test subject may request that the blood sample be labeled ~~so in such a manner~~ as to prevent ~~any person~~ ~~persons~~ from learning the identity of the test subject, unless ~~the person~~ ~~is such persons are~~ authorized to receive ~~the such~~ information pursuant to Section 697.140 of this Part.

- a) If anonymous testing is requested, the ~~health care professional~~ ~~physician~~ shall assign to ~~the such~~ person a unique number or notation, which shall be used ~~by the person to sign the written informed consent~~ in lieu of the person's name. The ~~specimen~~ ~~blood sample~~ for testing shall be labeled with the ~~physician's~~ name ~~of the health care professional or health care facility~~ and the unique number or notation assigned to the patient for the purpose of receiving the test results. Unless otherwise authorized by the patient, any record of the test result shall be maintained in a manner identifying the record only by its unique number or notation.
- b) Anonymous testing shall not be permitted under the following circumstances:
  - 1) When identification of the test subject is permitted or required ~~in order~~ to comply with ~~the provisions of~~ Section 697.140(a)(3) or (6) of this Part;<sup>5</sup> or
  - 2) If the test is performed ~~in order~~ to determine eligibility as a donor or acceptability of a donation of blood, plasma, semen, oocytes or other human tissue.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.140 Nondisclosure of the Identity of a Person Tested or Test Results**

- a) *No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons.* (Section 9 of the ~~AIDS Confidentiality Act~~): ~~The term "disclose" as used in this subsection (a) shall not prohibit internal use by a person, or a person's agents or employees, for the purposes of treatment, payment and health care operations, as those terms are defined in 45 CFR 164.501. Any internal use shall be limited to those agents or employees, and the minimum necessary information, needed to accomplish the intended purposes of treatment, payment or health care operations.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) *The subject of the test or the subject's legally authorized representative (Section 9(a) of the ~~AIDS Confidentiality Act~~).*
- 2) *Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative. (Section 9(b) of the ~~AIDS Confidentiality Act~~) A legally effective release means a time-limited written release of medical information ~~specific to HIV test results~~ signed by the test subject. ~~A general release is not sufficient. A single form may be used to authorize the release of medical records including HIV information provided such form specifically authorizes the release of any HIV information. Any such release, under this subsection (a)(2), must not reveal whether or not HIV information exists.~~*
- 3) *An authorized agent or employee of a health care facility or health care ~~professional provider~~ or referring, treating or consulting health care professional physician, dentist, or podiatrist of the test subject, if:*
  - A) *The health care facility or health care ~~professional provider itself~~ is authorized to obtain the test results. ~~(Health care facility or health care professional provider, for the purposes of this subsection (a)(3)(A), includes the medical records or similar personnel who handle and process medical records for that health care facility or health care professional provider.);~~*
  - B) *The agent or employee or referring, treating or consulting health care professional physician, dentist, or podiatrist of the test subject provides patient care or handles or processes specimens of body fluids or tissues; ~~and~~*
  - C) *The agent or employee or the test subject's referring, treating or consulting health care professional physician of the test subject has a need to know such information. (Section 9(c) of the ~~AIDS Confidentiality Act~~); ~~or An authorized agent or employee of a health facility or health care provider or referring, treating or consulting physician, dentist, or podiatrist has a need to know the identity of the patient or the test results revealing the identity of the patient under the following circumstances:~~*



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 6) *Health care facility staff committees for the purpose of conducting program monitoring, program evaluation or service reviews conducted by, but not limited to, the Department, local health authority or designated agent.* (Section 9(f) of the ~~AIDS Confidentiality~~ Act)
  - 7) A school principal in accordance with ~~the provisions of~~ Section 697.400 of this Part.
  - 8) *Any health care ~~professional provider~~ or employee of a health care facility, and any firefighter or any EMT-~~BA~~, EMT-I, ~~EMT-PEMT-P~~ involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment.* (Section 9(h) of the ~~AIDS Confidentiality~~ Act)
  - 9) *Any law enforcement officer, as defined in subsection (c) of Section 7 of the Act, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment.* (Section 9(i) of the ~~AIDS Confidentiality~~ Act)
  - 10) *A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, ~~as now or hereafter amended.~~* (Section 9(j) of the ~~AIDS Confidentiality~~ Act)
- b) HIV test results may be disclosed to ~~health care providers and~~ researchers when done in a manner that does not reveal the identity of the subject of the test. The de-identification of test results may be performed by an authorized agent or employee of a health facility or health care professional. Any test results that cannot be revealed without identifying the subject of the test shall be disclosed only in accordance with subsection (a). The Department shall disclose test results and demographic data without identifying information to researchers, in accordance with Section 697.220.
  - c) No person may disclose unconfirmed HIV test results~~reactive results from rapid HIV antibody tests~~ in a manner that permits the identification of the subject of the test, except in accordance with Section 697.100~~(a)(1)(b)(4)~~.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- d) ~~Documentation of informed consent, including written forms, if any, The written informed consent form~~ and HIV test results may be maintained, documented, and transmitted in a confidential manner in an electronic medical record system, medical record ~~and/or~~ confidential fax that allows disclosure only to persons authorized to receive the information under subsection (a).
- e) Liability and Sanctions
- 1) *Nothing in the Act or this Part shall be construed to impose civil liability or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition.* (Section 15 of the ~~AIDS Confidentiality~~ Act)
  - 2) *Nothing in the Act or this Part shall be construed to impose civil or criminal sanction for performing a test without ~~written~~ informed consent pursuant to the provisions of ~~subsection (b) or (c) of Section 7(b) or (c) of the AIDS Confidentiality Act.~~* (Section 15 of the ~~AIDS Confidentiality~~ Act)
  - 3) ~~The~~ *The intentional or reckless violation of the ~~Act or this Part~~ ~~AIDS Confidentiality Act or any regulation issued under that Act~~ shall constitute a ~~Class A~~ Class A misdemeanor.* (Section 12 of the ~~AIDS Confidentiality~~ Act)
- f) Sections 697.110, 697.120, 697.130 and 697.140 *shall not apply to eligibility and coverage requirements established by a health maintenance organization nor to any insurance company, fraternal benefit society, or other insurer regulated under the ~~Illinois Insurance Code~~ Illinois Insurance Code.* (Section 15.1 of the ~~AIDS Confidentiality~~ Act)

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.155 Delivery of HIV Test Results**

- a) *The subject of the test or the subject's legally authorized representative shall be notified in person whenever possible of the confirmed positive result of an HIV test.* (Section 9.5(b) of the Act) *If the results are provided over the phone, the health care professional shall ensure that results are delivered to the test subject or*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

the legally authorized representative only through methods such as verifying the subject's date of birth or other confidential information known only to the subject.

- 1) A health care professional shall make at least two attempts to deliver a positive test result to the subject or the subject's legally authorized representative.
  - 2) If a health care professional is unable to notify a subject or the subject's legally authorized representative of a positive test within 14 days after receipt of the test result, the health care professional shall notify the local health department within 21 days after receipt of the test result. The name of the subject (unless testing was anonymous) and his or her locating information shall be included in the notification.
- b) When the subject or the subject's legally authorized representative is notified of a confirmed positive test result, the health care professional shall provide the subject or the subject's legally authorized representative with a referral to counseling in connection with the confirmed positive test result and a referral to an appropriate medical facility for the treatment and management of HIV. (Section 9.5(b) of the Act) Any health care professional making a referral to another health care professional shall document consent from the test subject or the test subject's legally authorized representative.
- c) A health care professional shall not be in violation of this Section when an attempt to contact the test subject or the subject's legally authorized representative at the address or telephone number provided by the test subject or the test subject's legally authorized representative does not result in contact and notification or where an attempt to deliver results by personal contact has not been successful and the Department has been notified in accordance with subsection (a)(2). (Section 9.5(b) of the Act)
- d) HIV-negative results shall be delivered to the test subject in person when feasible. It is recommended that post-test information be provided to those with HIV-negative results, including:
- 1) Risk reduction strategies to prevent transmission;
  - 2) The importance and availability of STI screening;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 3) The possibility that a recent infection cannot be detected by standard tests; and
- 4) The benefits of repeat testing.

(Source: Added at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.160 HIV Testing for Insurance Purposes**

- a) Health maintenance organizations, insurance companies, fraternal benefit societies, health services corporations and other insurers subject to regulation under the Illinois Insurance Code are not required to comply with ~~the provisions of~~ Sections 697.110, 697.120, 697.130 and 697.140 in establishing eligibility and coverage requirements ~~that which~~ include mandatory HIV tests. This exemption also extends to the physician or other health care ~~professional provider~~ that performs ~~thesuch~~ tests.
- b) Health maintenance organizations, insurance companies, fraternal benefit societies, health services corporations and other insurers subject to ~~regulation under~~ the Illinois Insurance Code ~~that require that require~~ any insured patient or applicant for new or continued insurance or coverage to be tested for HIV infection with Human Immunodeficiency Virus (HIV) or any other identified causative agent or Acquired Immunodeficiency Syndrome (AIDS) shall:
- 1) *Give the patient or applicant prior written notice of such requirement;*
  - 2) *Proceed with such testing only upon the written authorization of the applicant or patient;* and
  - 3) *Keep the results of such testing confidential.*
- c) *Notice of an adverse underwriting or coverage decision may be given to any appropriately interested party, but the insurer may only disclose the test result itself to a physician designated by the applicant or patient, and any such disclosure shall be in a manner that assures confidentiality. (Section 3(c) of the Medical Patient Rights Act 2.02 of "AN ACT concerning certain rights of medical patients")*

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

**Section 697.170 Enforcement of the AIDS Confidentiality Act**

- a) All health care facilities and health care professionals~~providers~~ are required to comply with ~~the provisions of~~ this Part. Any failure to comply will be addressed in accordance with the following:
- 1) Health care facilities and health care professionals~~providers~~ that are licensed, certified, permitted or given any other form of recognition by the Department shall comply with the provisions of Sections 697.110, 697.120, 697.130 and 697.140 of this Part ~~that, as such provisions~~ are applicable to the health care facilities and health care professionals~~providers~~ as a condition of ~~such~~ licensure, certification, permit or any other form of recognition by the Department. The reckless, deliberate or conscious failure to comply with ~~these~~such provisions shall constitute grounds for suspension, revocation or denial in accordance with the respective licensure, certification, permit and other recognition laws and regulations.
  - 2) The Department shall forward to the appropriate ~~State~~state, federal, or local regulatory agency, any complaint ~~that~~which it receives concerning the failure by any health care facility or health care professional ~~that~~provider, which is subject to regulation by ~~that~~such agency, to comply with the applicable provisions of Sections 697.110, 697.120, 697.130 and 697.140 ~~of this Part, as such provisions are applicable to the health facilities and health care providers.~~
- b) ~~The~~The intentional or reckless violation of the Act~~the AIDS Confidentiality Act or this Part~~any regulations issued thereunder shall constitute a Class A~~class B~~ misdemeanor. (Section 12 of the ~~AIDS Confidentiality Act~~.)
- c) Any person aggrieved by a violation of the Act or this Part shall have a right of action in the circuit court and may recover for each violation.~~Civil remedy provisions can be found in Section 13 of the AIDS Confidentiality Act.~~
- 1) Against any person who negligently violates a provision of the Act or this Part, liquidated damages of \$2,000 or actual damages, whichever is greater.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) *Against any person who intentionally or recklessly violates a provision of the Act or this Part, liquidated damages of \$10,000 or actual damages, whichever is greater.*
- 3) *Reasonable attorney fees.*
- 4) *Such other relief, including an injunction, as the court may deem appropriate. (Section 13 of the Act)*

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.180 HIV Testing for Blood and Human Tissue Donations**

All potential donors of blood, plasma, semen, oocytes, organs, or other tissues shall be tested for HIV infection ~~in order~~ to determine whether ~~or not~~ the donated blood, plasma, semen, oocytes, organs, or other human tissue may be infected with HIV.

- a) All potential donors shall receive the HIV pre-test information set forth in Section 697.110(a) of this Part and be given the opportunity to refuse HIV testing. The ~~written~~ informed consent provisions of Section 697.120 of this Part are ~~not~~ required.
- b) If ~~permission for~~ HIV testing is ~~refused not given~~, ~~then~~ the person shall not be accepted as a donor.
- c) The results of HIV testing shall be ~~delivered~~~~disclosed~~ in accordance with ~~the provisions of~~ Section 697. ~~155 and 140 of this Part~~, 77 Ill. Adm. Code 450, ~~77 Ill. Adm. Code 460~~, ~~77 Ill. Adm. Code 490~~ and ~~77 Ill. Adm. Code~~ 470.
- d) The results of HIV testing shall be kept confidential in accordance with ~~the provisions of~~ Section 697.140 ~~of this Part~~.
- e) The donated blood, plasma, semen, oocytes, organs or other human tissue shall be handled in accordance with ~~the provisions of~~ 77 Ill. Adm. Code 450, ~~77 Ill. Adm. Code 460~~, ~~77 Ill. Adm. Code 490~~ and ~~77 Ill. Adm. Code~~ 470.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

## SUBPART C: HIV/AIDS REGISTRY SYSTEM

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

**Section 697.200 HIV/AIDS Registry System**

The Department's HIV/AIDS Registry System has been created to compile more complete and precise statistical data than is presently available in order to evaluate HIV/AIDS treatment and prevention measures. The HIV/AIDS Registry System is a compilation of information concerning reported~~diagnosed~~ cases of AIDS and HIV.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.210 Reporting Requirements**

- a) Local health authorities that~~Health Authorities which~~ receive HIV/AIDS reports from health care professionals~~physicians~~, hospitals or laboratories shall report to the Department's HIV/AIDS Registry System within seven days after receiving the HIV/AIDS report. ~~Prior to forwarding an HIV report to the Department, a Local Health Authority shall replace an individual's name with a unique identifier derived by methodology specified by the Department. (See Control of Sexually Transmissible Disease Code, 77 Ill. Adm. Code 693.30.)~~
- b) ~~The report shall be provided upon the "HIV/AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009 and supplied by the Department.~~
- b) The Department requests, but does not require, hospitals, clinics, military facilities and prisons maintained by the federal government~~Federal Government~~ or other governmental agencies within the United States to report HIV/AIDS case information concerning present or past residents of Illinois, using the "Adult HIV/AIDS Confidential Case Report", as modified by the Department.

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.220 Release of HIV/AIDS Registry Data~~Information~~**

- a) *The Department may not release data~~information~~ gathered pursuant to the HIV/AIDS Registry Act unless:*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) *It is in a statistical form that does not identify the reporting entity, physician ~~and/or~~ patient in any way, including by address;*
- 2) *The release or transfer is to an Illinois Local Public Health Department or to a registry or health department of another state, and is of ~~data~~information concerning a person who is residing in that jurisdiction. The Department shall disclose individual patient ~~data~~information concerning residents of another state to the Registry in the individual's state of residence if the recipient of reported information about HIV/AIDS is legally required to hold reported information about HIV/AIDS in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law. (Section 7(a) of the AIDS Registry Act)*
- b) *All data obtained directly from medical records of individual patients shall be for the confidential use of the Department and those entities authorized by the Department to view such records in order to carry out the purposes of the HIV/AIDS Registry Act ~~the Registry Act~~. (Section 7(b) of the HIV/AIDS Registry Act)*
- c) *The identity of any person whose condition or treatment has been studied, or any facts which are likely to reveal the identity of such person, shall be confidential and shall not be revealed in any report or any other matter prepared, released or published. Researchers may, however, use the names of persons when requesting additional information for research studies approved by the Department; provided, however, that when a request for additional information is to be made, the Department shall first obtain authorization from the patient or the patient's legally authorized representative after ascertaining that a test subject's physical and psychological condition is suitable for ~~the~~such a request in the opinion of the test subject's health care professional~~physician~~. (Section 7(c) of the HIV/AIDS Registry Act)*
- 1) *All requests by medical or epidemiologic researchers for confidential HIV/AIDS Registry data ~~shall~~must be submitted in writing to the ~~Department~~Registry. The request ~~shall~~must include a study protocol ~~that~~which contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, health care professionals~~physicians~~ or study*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

subjects, ~~and~~ including methods for documenting compliance with 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a. 7(a)-(b)(1); methods for the processing of data; storage and security measures taken to ~~ensure~~~~insure~~ confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request ~~shall~~~~must~~ specify what patient or facility identifying information is needed and how the information will be used.

- 2) All requests to conduct research and modifications to approved research proposals involving the use of data ~~that~~~~which~~ includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions. The Department will enter into contracts for research ~~that requires~~~~which require~~ the release of patient or health care facility identifying information when requests meet the following conditions:
- A) The request for patient or facility identifying information contains stated goals or objectives;
  - B) The request documents the feasibility of the study design in achieving the stated goals and objectives;
  - C) The request documents the need for the requested data to achieve the stated goals and objectives;
  - D) The requested data can be provided within the time frame set forth in the request;
  - E) The request documents that the researcher has qualifications relevant to the type of research being conducted;
  - F) The research will not duplicate other research already underway using the same Registry data; and
  - G) The request documents other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights, because the Department will ~~only~~ release only the patient or facility identifying information ~~that~~~~which~~ is

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

necessary for the research.

- 3) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used. In addition, the researcher shall include assurances that:
- A) The researcher understands that use of data is restricted to the specifications of the research protocol;
  - B) The researcher understands that any ~~and all~~ data ~~that which~~ may lead to the identity of any patient, research subject, health care professional, physician, other person, or hospital ~~is are~~ strictly privileged and confidential and agrees to keep all ~~such~~ data strictly confidential at all times;
  - C) The researcher understands that all officers, agents and employees are to keep all ~~such~~ data strictly confidential;
  - D) The researcher agrees to communicate the requirements of this Section to all officers, agents, and employees, to discipline all persons who may violate the requirements of this Section, and to notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;
  - E) The researcher understands that all data provided by the Department pursuant to this contract may ~~only~~ be used only for the purposes named in this contract and that any other or additional use of the data shall result in immediate termination of this contract by the Department; and
  - F) The researcher understands that all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of the contract.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 4) Any departures from the approved protocol ~~shall~~**must** be submitted in writing and approved by the Director in accordance with subsection (c)(2) ~~of this Section~~ prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 5) The Department shall disclose individual patient or facility information to the reporting facility ~~that~~**which** originally supplied that information to the Department, upon written request of the facility.
- d) HIV/AIDS information may be disclosed in accordance with ~~the provisions of Sections 697.140 and 697.400~~ ~~of this Part~~.
- e) *No liability shall attach to any hospital, physician or other facility submitting information pursuant to ~~the~~**this** Act based upon a claim that such hospital, physician or facility reported information which may be confidential. (Section 7(d) of the HIV/AIDS Registry Act)*

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

## SUBPART D: HIV COUNSELING AND TESTING CENTERS

**Section 697.300 HIV Counseling and Testing Centers (Repealed)**

- a) ~~The Department shall establish alternative blood and HIV test services, known as HIV Counseling and Testing Centers. (Section 2310-315 of the Civil Administrative Code of Illinois) These facilities shall be operated by the Department or Designated Agencies. These facilities shall provide services in accordance with the provisions of this Part and the applicable provisions of the Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693, specifically Sections 693.40, 693.70, 693.80, 693.90, 693.100, 693.120, 693.130 and 693.140.)~~
  - 1) ~~These facilities shall not be operated by blood banks, plasma centers or hospitals. (Section 2310-315 of the Civil Administrative Code of Illinois)~~
  - 2) ~~Physicians and other health care providers may refer HIV-infected persons to these facilities for counseling.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ~~3) Any person twelve years of age or older may consent to testing and counseling at an HIV Counseling and Testing Center.~~
- b) ~~No person may be subjected to an HIV antibody test at HIV Counseling and Testing Centers, unless written informed consent is first obtained from the test subject or the test subject's legally authorized representative. (See Appendix A, Illustration A for a Sample Written Informed Consent Form.)~~
- e) ~~All persons seeking counseling and testing at an HIV Counseling and Testing Center shall be offered the option of confidential or anonymous services and shall provide written informed consent using a coded system. All patient records shall be maintained using this code system.~~
- d) ~~The HIV Counseling and Testing Centers shall provide counseling to the test subject prior to performing the test. The counseling shall include, but not necessarily be limited to, information about:~~
- ~~1) HIV infection and HIV transmission;~~
  - ~~2) the difference between confidential and anonymous HIV testing; information about the meaning of the test and test results; such as the purpose, potential uses, and limitations of the test and test results and the statutory rights to anonymous testing and to confidentiality; and information about the availability of supplemental testing;~~
  - ~~3) the availability of referrals for further information, or counseling; and~~
  - ~~4) methods for prevention of transmission of HIV.~~
- e) ~~Contact interview and investigation services shall be provided only by counselors who have completed a course of training that included instruction in the following:~~
- ~~1) The etiology and transmission of HIV, including associated risk behaviors and activities and patient profiles of persons at significant risk of HIV infection;~~
  - ~~2) The natural history and progression of HIV infection;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ~~3) Methods for preventing transmission of HIV infection;~~
  - ~~4) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV-infected persons, critiqued role playing, psychological assessment and crisis intervention;~~
  - ~~5) Principles and techniques of contact investigation and referral; and~~
  - ~~6) Principles of communicable diseases.~~
- ~~f) It shall be the duty of every person providing results of an HIV antibody test to provide the subject of the test with an explanation of the test results, methods for prevention of HIV transmission, and referrals for medical and psychological follow-up appropriate to the needs of the test subject. These referrals shall include appropriate referrals to physicians who will provide services to HIV positive individuals; tuberculosis and sexually transmissible disease services facilities for psychological counseling; and crisis intervention and substance abuse treatment facilities, as available.~~
- ~~g) All persons with a positive HIV antibody test shall be offered the assistance of health professionals in locating and referring sexual and needle-sharing contacts for counseling and testing, with the consent of the infected person. All persons refusing such assistance shall be strongly encouraged to notify their previous sexual and needle-sharing contacts of their possible exposure to HIV, and to refer such contacts for counseling and possible testing.~~
- ~~1) HIV-infected persons shall be asked to identify their sexual and needle-sharing contacts for the preceding 12-month period. The counselor shall discuss the specific nature of each contact with the client to determine the likelihood of HIV transmission based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors.~~
  - ~~2) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted for contacts for whom sufficient information to identify the person is available, such as first and last name, street address, or telephone number.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 3) ~~The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based again on the counselor's professional judgment), except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:~~
- A) ~~are aware of having engaged in behavior likely to result in exposure; and/or~~
  - B) ~~are knowledgeable about the type of behavior carrying such risks.~~
- 4) ~~Persons choosing to self-refer their contacts shall receive intensive individualized instruction and counseling in methods to provide this notification and referral.~~
- 5) ~~Contacts to persons with HIV infection, identified through the contact interview and investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection, methods to prevent the spread of the infection, and services available from public health agencies. Such persons shall also be offered testing to determine infection.~~
- 6) ~~If such person is legally unable to agree to counseling because of age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If such person is legally able to agree to but appears to be incapable of understanding and competently acting on such counseling, in the professional judgment of the counselor, participation in counseling shall be requested of a parent or other person chosen by the client.~~
- h) ~~It shall be the duty of every person conducting an HIV test in an HIV Counseling and Testing Center to provide results of the test only to the individual upon whom the test was performed. Such results are to be provided only in an individual face-to-face interview. The test subject may elect to have other persons present during the interview. It shall be the duty of the person providing the counseling to determine that the presence of a second party during the interview is not the result of undue inducement such as any element of force, fraud, deceit or other constraint or coercion.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- i) ~~It shall be the duty of every person with access to an individual's HIV antibody test results to maintain strict confidentiality of those results and the test subject's identity as required by the Act and as specified in Section 697.140.~~

(Source: Repealed at 36 Ill. Reg. 7613, effective May 4, 2012)

## SUBPART E: MISCELLANEOUS PROVISIONS

**Section 697.400 Notification of School Principals**

- a) ~~Whenever a child of school age is reported to the Department or to a local health department with a confirmed HIV infection, the Department or local health authority as having been diagnosed as having AIDS or as having been shown to have been exposed to Human Immune Deficiency Virus (HIV) (or any other identified causative agent of AIDS) by testing positive on a Western Blot Assay or more reliable tests as specified in Section 697.100, such department shall give prompt (within three working days) and confidential notice of the identity of the child to the principal of the school in which the child is enrolled. If the child is enrolled in a public school, the principal shall disclose the identity of the child to the superintendent of the school district in which the child resides. (Section 2a of the Communicable Disease Prevention Act [410 ILCS 315/2a]). School age is defined as between ages 5 and 21 by Section 10-20.12 of the School Code [105 ILCS 5/10-20.12] and between ages 3 and 21 for handicapped children by the Education for All Handicapped Children Act (20 U.S.C. Section 1412(1)(B)). Diagnosed cases and laboratory results are reported to the Department in accordance with the provisions of the "Control of Sexually Transmissible Infections Diseases Code" (77 Ill. Adm. Code 693). If the child resides in a county or city governed by a full-time Local Health authority, such notification shall be the responsibility of the Local Health authority. In all other cases, such notification shall be the responsibility of the Department. The Local Health authority or the Department shall offer assistance to the principal concerning HIV, the availability of counseling and training, and guidelines for management of the child in the classroom.~~
- b) ~~Upon receipt of the notice Upon receipt of such notice, the principal may, as necessary, such as when a student needs medical attention or must take medication during school attendance, or when the student's clinical condition necessitates other such services, disclose the identity of an infected child to the school nurse at that school, the classroom teachers in whose classes the child is~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*enrolled, and those persons who, pursuant to ~~federal~~Federal or ~~State~~state law, are required to decide the placement or educational program of the child. In addition, the principal may inform such other persons as may be necessary, in the opinion of the principal, that an infected child is enrolled at that school so long as the child's identity is not revealed. (Section 2a of the Communicable Disease Prevention Act ~~[410 ILCS 315/2a]~~)*

- c) No person to whom the child's identity is disclosed may disclose ~~the~~such information to any other person except as permitted by law (see Sections 9 and 10 of the ~~AIDS Confidentiality~~ Act).

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.410 Guidelines for the Management of Chronic Infectious Diseases in School Children ~~(Repealed)~~**

~~The management of the child in the classroom should be in accordance with the following guidelines developed jointly by the Department and the State Board of Education, "Guidelines for Management of Chronic Infectious Diseases in School Children."~~

(Source: Repealed at 36 Ill. Reg. 7613, effective May 4, 2012)

**Section 697.420 Testing, Treatment or Counseling of Minors**

~~Any person 12~~any person twelve~~ years of age or older who may have come in contact with any ~~STI/STD, such as AIDS or HIV infection~~ may consent to testing and to medical care and/or counseling related to the diagnosis and/or treatment of such ~~STI~~diseases. (Section 4 of the Consent by Minors to Medical Procedure Act ~~[405 ILCS 210/4]~~)~~

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 697.APPENDIX A Sample HIV Testing Forms **(Repealed)**

Section 697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody Testing **(Repealed)**

**~~WRITTEN INFORMED CONSENT FOR HIV ANTIBODY TESTING  
(Conventional Testing – Not for Use with a Rapid HIV Test)~~**

Test Subject or Number: \_\_\_\_\_ Date: \_\_\_\_\_  
Time: \_\_\_\_\_ (AM)(PM)

~~I hereby grant my permission for a test to detect whether I have antibodies to HIV (Human Immunodeficiency Virus) in my body.~~

~~HIV Testing is voluntary and requires your consent in writing. The purpose of HIV antibody testing is to show whether you are infected with HIV, the virus that causes AIDS.~~

~~Any test result that indicates that antibodies for HIV are present is considered positive for HIV infection.~~

~~Before you consent to be tested for HIV, your healthcare provider should speak to you about:~~

- ~~▪How HIV is passed from person to person and mother to baby;~~
- ~~▪Steps to take that may prevent the transmission of HIV; and~~
- ~~▪The meaning of an HIV antibody test result.~~

~~If you agree with the following statements and want to consent to HIV testing, please sign this form.~~

~~I have been counseled about the benefits of having an HIV test and understand that:~~

- ~~▪Human immunodeficiency virus (HIV) is the virus that causes AIDS;~~
- ~~▪HIV is spread by sexual intercourse, so all sexually active persons are potentially at risk for HIV infection;~~
- ~~▪HIV is spread by sharing needles with another person during injection of drugs, so all injection drug users are potentially at risk for HIV infection;~~
- ~~▪HIV can be passed from a mother to her baby during pregnancy, at delivery, and through~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~breastfeeding; and~~

~~▪ HIV antibody test results are confidential, and the law protects me from discrimination.~~

~~I understand that a positive result does not mean I have AIDS, but indicates that I have HIV infection. I understand that if my test results are positive, I will be offered HIV counseling.~~

~~I understand that test results may indicate that a person has HIV antibodies when the person does not have the antibodies (a false positive result) or the test may fail to detect that a person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).~~

~~If my HIV antibody test result is negative, no further testing will be done at this time. A negative HIV antibody test result most likely means that I am not infected with HIV, but it may not detect recent infection.~~

~~If my HIV antibody test result is positive, this means that antibodies to the virus were detected and that I am HIV infected.~~

**~~Confidentiality of HIV Information:~~**

~~If you take the HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.~~

~~The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act.~~

~~I understand that my test results will be kept confidential to the extent provided by law. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests. I understand that my testing is voluntary.~~

~~I agree to be tested and I agree that I may be told my test results.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~I agree that if the result of my HIV test is positive I may be referred to another healthcare provider for follow-up testing and care.~~

~~I have been advised about the purpose, potential uses, limitations and meaning of the test results; the voluntary nature of the test; the right to withdraw consent at any time prior to the completion of laboratory tests; and the confidentiality protections under the law. The information presented above has been completely and clearly explained to me, and all of my questions have been answered. I hereby authorize my physician or facility to collect an oral or blood specimen and perform an HIV antibody test on that specimen.~~

\_\_\_\_\_  
~~Patient/Client Signature or Signature of Legally Authorized Representative~~

\_\_\_\_\_  
~~Date~~

\_\_\_\_\_  
~~Facility/Provider Witness~~

\_\_\_\_\_  
~~Date~~

(Source: Repealed at 36 Ill. Reg. 7613, effective May 4, 2012)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

**Section 697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing (Repealed)****~~WRITTEN INFORMED CONSENT FOR RAPID HIV ANTIBODY TEST~~**

Test Subject or Number: \_\_\_\_\_ Date: \_\_\_\_\_  
 Time: \_\_\_\_\_ (AM)(PM)

~~I hereby grant my permission for a rapid HIV test to detect whether I have antibodies to HIV (Human Immunodeficiency Virus) in my body.~~

~~HIV Testing is voluntary and requires your consent in writing. The purpose of rapid HIV testing is to show whether you are infected with HIV, the virus that causes AIDS.~~

~~Rapid HIV testing will allow you to receive a preliminary test result in less than 60 minutes. Any test result that indicates that antibodies for HIV are present is considered preliminary positive and must be confirmed.~~

~~Before you consent to be tested for HIV, your healthcare provider should speak to you about:~~

- ~~▪How HIV is passed from person to person and mother to baby;~~
- ~~▪Steps to take that may prevent the transmission of HIV; and~~
- ~~▪The meaning of a preliminary positive HIV rapid test result and how a preliminary HIV rapid test result is confirmed.~~

~~If you agree with the following statements and want to consent to rapid HIV testing, please sign this form:~~

~~I have been counseled about the benefits of having a rapid HIV test and understand that:~~

- ~~▪Human immunodeficiency virus (HIV) is the virus that causes AIDS;~~
- ~~▪HIV is spread by sexual intercourse, so all sexually active persons are potentially at risk for HIV infection;~~
- ~~▪HIV is spread by sharing needles with another person during injection of drugs, so all injection drug users are potentially at risk for HIV infection;~~
- ~~▪HIV can be passed from a mother to her baby during pregnancy, at delivery, and through breastfeeding; and~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~▪ HIV antibody test results are confidential, and the law protects me from discrimination.~~

~~I understand that a preliminary positive result does not mean I have AIDS, but indicates that I may have HIV infection.~~

~~I understand that preliminary positive test results may indicate that a person has HIV antibodies when the person does not have the antibodies (a false positive result) or the test may fail to detect that a person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).~~

~~The rapid HIV test that I am consenting to take will provide me and my health care provider with preliminary HIV test results:~~

- ~~▪ If my rapid HIV test result is negative, no further testing will be done at this time.~~
- ~~▪ If my rapid HIV test result is negative, it most likely means that I am not infected with HIV, but it may not detect recent infection.~~
- ~~▪ If my rapid HIV test result is preliminary positive, this means there is a possibility that I am HIV infected. A second test, to confirm a preliminary positive HIV test result, will be done.~~
- ~~▪ I understand that if my rapid HIV test result is preliminary positive, I still may not have HIV infection, since a false positive test result can occur. A second test, to confirm a preliminary positive HIV test result, will be done.~~
- ~~▪ I understand that if my rapid HIV test result is preliminary positive, I will be offered HIV counseling.~~

**Confidentiality of HIV Information:**

~~If you take the rapid HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.~~

~~The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act.~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~I understand that my rapid HIV test results will be kept confidential to the extent provided by law. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests. I understand that my testing is voluntary.~~

~~I agree to be tested using a rapid HIV test and I agree that I may be told my test results.~~

~~I have been counseled that if the result of the rapid HIV test is preliminary positive, then I must undergo additional testing to confirm whether I am HIV positive. I consent to that additional testing.~~

~~I agree that if the result of my rapid HIV test is preliminary positive or if the result of my rapid HIV test is confirmed positive, I may be referred to another health care provider for follow-up testing and care.~~

~~I have been advised about the purpose, potential uses, limitations and meaning of the test results; the voluntary nature of the test; the right to withdraw consent at any time, prior to the completion of laboratory tests; and the confidentiality protections under the law. The information presented above has been completely and clearly explained to me, and all of my questions have been answered. I hereby authorize my physician or facility to collect an oral or blood specimen and perform a rapid HIV test on that specimen.~~

\_\_\_\_\_  
~~Patient/Client Signature or Signature of Legally Authorized Representative~~

\_\_\_\_\_  
~~Date~~

\_\_\_\_\_  
~~Facility/Provider Witness~~

\_\_\_\_\_  
~~Date~~

(Source: Repealed at 36 Ill. Reg. 7613, effective May 4, 2012)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of the Capitol Complex and Springfield Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2005.10	Amendment
2005.30	Amendment
2005.40	Amendment
2005.50	Amendment
2005.60	Amendment
2005.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Secretary of State Act (15 ILCS 305/5)
- 5) Effective Date of Amendments: May 2, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: January 20, 2012; 36 Ill. Reg. 814
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This amendatory rulemaking updates the administrative rules for the use of the Capitol grounds.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
- Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756  
or  
cgrant@ilsos.net
- 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 500/5-25]? No

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER IV: SECRETARY OF STATE

## PART 2005

## PUBLIC USE OF THE CAPITOL COMPLEX AND SPRINGFIELD FACILITIES

Section	
2005.10	Applicability
2005.20	Definitions
2005.30	Business Hours and Public Access
2005.40	Prohibited Activities
2005.50	Demonstrations
2005.60	Use of Buildings for Non-Demonstration Activity or Fund Raising Events
2005.70	Distribution of Leaflets and Solicitation of Funds
2005.80	Secretary of State Police Department
2005.90	Severability

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15656, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days; emergency expired April 25, 2002; amended at 26 Ill. Reg. 9948, effective June 24, 2002; amended at 36 Ill. Reg. 7662, effective May 2, 2012.

**Section 2005.10 Applicability**

This Part is applicable to the use of the Stratton Building, the Visitors' Center, the Supreme Court Building, the Capitol Building, the Willard Ice Revenue Building, the Department of Driver Services Building, the Howlett Building, the State Library and their grounds, the Archives Building, Driver's License Facility Mechanical Services Building at 316 North Klein, Klein and Mason Warehouse, Power Plant at 315 North Klein, Court of Claims, [Waterways Building](#)/Appellate Court at 201 West Monroe, the Warehouses at 3701, [3710](#) and 3765 Winchester Road, the Index Division at 111 East Monroe, the Emergency Services at 110 East Adam, the Securities Department at [300 West Jefferson, Suite 300520-South Second Street](#), the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Secretary of State Police at ~~110322~~ East Adams, Internal Audits at ~~222 South College~~~~324 West Monroe~~, the Herndon Building at 421 East Capitol, and ~~the~~ Property Control ~~at 319 North Klein/Literacy Division at 4th and Jackson~~, pursuant to Section 5 of the Secretary of State Act [15 ILCS 305/5].

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

**Section 2005.30 Business Hours and Public Access**

- a) The public business hours of the Capitol Complex Buildings are ~~87~~ a.m. to ~~56~~ p.m., unless otherwise posted, Monday through Friday, except holidays declared by the Governor pursuant to Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635], and on weekends and holidays between 9 a.m. and 4 p.m. for purposes of public tours only. When the General Assembly is in session, and the start of a committee meeting or session is sooner or later than the limits listed in this subsection, the public hours shall be one hour before the earliest committee meeting or session of either house for the opening time, and one hour after the adjournment of the last committee meeting or session of either house for the closing time in the Capitol Building or in whatever building the legislative function is held.
- b) Entrance to any building during times other than ~~the times~~ stated in subsection (a) of this Section is prohibited, except for the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:
  - 1) members of the General Assembly;
  - 2) employees of the General Assembly;
  - 3) employees of the executive departments whose offices are in the building;
  - 4) representatives of news media who have offices in the Capitol Building;
  - 5) any authorized maintenance, repairer, contractor or other service employee, while performing duties which have been arranged for by the Department of Physical Services; and
  - 6) any person who is specifically requested to enter into any building or

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

office by an authorized individual listed in subsections (b)(1) to (4) of this Section.

- c) Proper identification of all persons, such as a press pass, government photo identification card, a driver's license or other document which shows the identity of the person, may be demanded by security personnel, and ~~employees may~~ persons will be required to sign in and out of a building after 5 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard or investigator does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas. All persons entering into the buildings of the Capitol Complex may be required to wear their government photo identification card outside their clothing at all times when it has been determined by the Director of the Department of Police that security concerns warrant such display. All visitors to the Capitol Complex who do not possess a government photo identification card will be required to submit themselves to security screening measures prior to entry, sign a logbook as they enter the buildings. ~~Visitors will be issued a visitor badge.~~ Lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards may ~~shall~~ be issued photo identification cards by the Secretary of State Department of Police Physical Services.
- d) All persons and vehicles entering into the Capitol Complex and its buildings may be subject to search, including, but not limited to, inspection of vehicles, trunks, parcels and packages, metal detector screening, X-Ray scans and inspection of bulky personal items brought into the Capitol Complex.
- e) Firearms, firearm ammunition, knives with a blade exceeding 3 inches, explosive devices, flammable, corrosive or explosive compounds, incendiary devices, irritants or noxious compounds (i.e., tear gas or pepper spray), and toy or dummy weapons, all contraband and any other items deemed to be inappropriate or that could be used as a weapon shall be prohibited. ~~The fixed blade knives and knives with a blade exceeding 4 inches in length are prohibited in the Capitol Complex, except those possessed by law enforcement personnel in the performance of their official duties, or unless previously authorized by the~~ Director of the Department of Police may permit exemptions to these prohibitions for law enforcement, military and ceremonial personnel who are performing their official duties.
- f) Emergency responders who are responding to a bonafide emergency situation

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

within the Capitol Complex are not subject to screening or searches.

- gf) Public access to any building or area of the grounds may be restricted, if it is determined by the Director of the Department of Police that a situation has arisen that threatens the security of persons and buildings within the Capitol Complex.

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

**Section 2005.40 Prohibited Activities**

- a) No animals, except guide dogs to assist ~~persons with disabilities~~handicapped persons, or dogs utilized by police officers and firefighters in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the State Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i) of this Section.
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.
- e) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.
- f) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d) of this Part. Permission will be granted for demonstration only.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- h) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.
- i) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d) of this Part. Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director, which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.
- j) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.
- k) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 75dB. If the noise level from these persons exceeds this limit, the Director shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).
- l) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.

- m) ~~No smoking is permitted in any building in the Capitol Complex~~  
~~the public areas of all buildings, unless in a designated smoking area.~~
- n) No skateboard riding, rollerblading, or skating is allowed in the Capitol Complex.

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

**Section 2005.50 Demonstrations**

- a) The holding or conducting of any demonstration, public meeting, gathering, or parade on or in the buildings or their grounds is prohibited unless a permit for such activity is issued by the Director. A Special Events form addressed to the Department of Physical Services, Special Events Division, must be submitted at least 48 hours in advance of the event to be scheduled, unless the requestor can show by the preponderance of the evidence, that the cause or reason for the requested demonstration, meeting, gathering or parade was not known, contemplated, reasonably foreseeable, resulted from changed circumstances, or in existence within those 48 hours, except that no such request shall take precedence over an activity which was previously scheduled by the Director.
- b) The Special Events form shall state the name of the individual, organization, corporation, association, society, fraternity, sorority, club, or group ~~of whatever kind or nature~~ seeking to use the building or the grounds. The request shall ~~also~~ list the ~~event contact person, telephone numbers and address. Additionally, names and addresses of all officers or leaders,~~ the particular facility desired to be used, the dates and times sought, equipment to be used, or supplied, and the estimated number of the participants ~~shall be provided by the applicant. The permit shall only be valid for the date and time approved by the Director and does not allow the group to demonstrate at any date or time other than what has been approved.~~
- c) Any group seeking a permit under this Section shall have one marshal per 25 participants. Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration. The marshals' duties shall include making certain, to the best of his/her ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstration remains peaceful and orderly and the participants remain

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

within the physical boundaries of the permit.

- d) The Director will issue a permit to an applicant unless he or she finds that the intended activity will:
- 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the Capital Complex, or persons within the buildings or on the grounds;
  - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of public business to be conducted in the area;
  - 3) Endanger the health and safety of the permit applicants or other persons;
  - 4) Be a commercial activity; or
  - 5) Conflict in date, time, and place with a previously scheduled activity of another applicant or a government agency. All Special Events forms are date and time stamped upon receipt and permits are issued on a first-come, first-served basis.
- e) Applicants may also be denied a permit if past demonstrations involving their particular organization/individuals have resulted in removal, arrest, or other violation of this Part.
- f) Applicants denied a permit may modify their request to meet the objection and concerns of the Director and may resubmit their application for consideration.
- g) A Special Events form addressed to the Department of Physical Services, Special Events Division shall be considered an application. A written response from the Director approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the request in whole or in part.
- h) A person or organization denied a permit in whole or in part, may appeal the denial to the Secretary of State. The appeal shall be in writing, stating the specific

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

reasons why the Director's decision was incorrect and what relief is sought. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Secretary time within which to consider and decide the appeal. The Secretary's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's time of starting. The Secretary's decision shall be final for the purposes of the Administrative Review Act [735 ILCS 5/Art. III].

- i) Permitted demonstrations may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant such an action.
- j) Groups may be subject to time changes or cancellation if it is determined that the scheduled activity will unreasonably interfere with legislative process.

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

**Section 2005.60 Use of Building for Non-Demonstration Activity or Fund Raising Events**

- a) Not-for-profit organizations~~Organizations~~ that apply to sell baked goods, ~~cards~~, or other items with a price not to exceed \$50.00 in the buildings specified in Section 2005.10 of this Part shall submit a Special Events form to the Department of Physical Services, Special Events Division at least 48 hours in advance of the desired start of their sale. The application shall state the name of the organization, the date requested for the sale or activity, the location requested, and any alternative dates and locations.
  - 1) Only one activity at a time will be approved by the Director for each location.
  - 2) The only locations allowed for such sales are the northwest lobby of the Howlett Building, the area on the south side of the Stratton Building Cafeteria, and the designated first floor hallway area at the Department of Driver Services Building at 2701 South Dirksen Parkway.
  - 3) Sales may occur during the public business hours.
  - 4) The Director will only approve applications to sell submitted by not-for-profit organizations, who must submit a copy of the organization's tax exempt number form. No organization without a tax exempt number will

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

be allowed to sell in the areas designated.

- b) No commercial activity, including but not limited to~~such as~~ selling real estate, automobiles, or insurance, is allowed in the buildings specified in Section 2005.10 of this Part.
- c) No alcohol or alcoholic beverages are allowed to be sold, consumed, delivered, or used in the buildings specified in Section 2005.10 of this Part, except as permitted by Section 6-15 of the Liquor Control Act of 1934 [235 ILCS 5/6-15].
- d) All organizations that are permitted to use the Capitol Complex buildings or the buildings specified in Section 2005.10 of this Part shall indemnify the State and the Secretary of State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members who cause the damage or injury are primarily responsible. Such organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Director shall be the final decision-maker on the clean-up of the used area. This subsection applies to those organizations listed in subsection (a) of this Section and any other organization receiving permission from the Director to use the specified buildings for meetings or parties.
- e) All Special Events forms requesting use of the buildings specified in Section 2005.10 of this Part or the Capitol Complex will be submitted to the Department of Physical Services, Special Events Division at least 48 hours in advance of the proposed starting time of the activity.
- f) Nothing in this Section shall give the Director authority over the use of the Chambers, meeting rooms, or committee rooms of the General Assembly. The use of each room shall be decided according to legislative rules.
- g) Decorations cannot be applied by tape, glue or any type of adhesive material to any part of the building, unless special arrangements have been made and approved by the Special Events Coordinator. No candles, confetti or balloons are allowed. No smoke/fog machines are permitted. Any other special effects equipment must have prior approval of the Special Events Division.
- h) No on-site cooking, such as grilling, is permitted in the Capital Complex or on the grounds.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- ~~i~~h) Permitted uses of the Capitol Complex may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant such an action.

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

**Section 2005.70 Distribution of Leaflets and Solicitation of Funds**

- a) No organization, including charitable organizations and political parties or candidates, shall distribute leaflets to, ~~or solicit and collect funds from,~~ persons entering or in the buildings specified in Section 2005.10 of this Part, except from public sidewalks, walkways within the Capitol Complex, or on the north plaza of the Howlett Building.
- b) No such distribution ~~or solicitation~~ shall be allowed in any automobile parking area under the control of the Director in Springfield, or within business areas in the buildings specified in Section 2005.10 of this Part.
- c) Activities included in subsection (a) of this Section shall not be allowed without the written permission of the Director, which shall not be withheld if the request pertains to political activity or charitable solicitation. All requests to engage in this activity must be submitted in writing at least 48 hours in advance of the activity, unless the criteria for requests within less than 48 hours set forth in Section 2005.50(a) are met.
- ~~d)~~ Pursuant to the State Officials and Employees Ethics Act [5 ILCS 430], no contributions regulated by the Election Code (see 10 ILCS 5/9-1.4) may be intentionally solicited, accepted, offered or made in the buildings or on the grounds of the buildings set forth in Section 2005.10 by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act [25 ILCS 170], or by any officers, employees or agents of any political organization, except as allowed by 5 ILCS 430/5-35.
- ~~d)~~ All requests to engage in such activity must be submitted in writing at least 48 hours in advance of the activity, unless the criteria for requests within less than 48 hours set forth in Section 2005.50(a) of this Part are met.

(Source: Amended at 36 Ill. Reg. 7662, effective May 2, 2012)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.245                      Adopted Action: Amendment
- 4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3-100.3) and authorized by Section 2-104(b) of the Illinois Vehicle Code
- 5) Effective Date of Amendment: May 2, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: January 20, 2012; 36 Ill. Reg. 826
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The rulemaking increases the bond amount required for ERT service providers and increases the amount to be paid by the ERT service provider for unaccounted for inventory.
- 16) Information and questions regarding this adopted amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Cynthia Grant  
Assistant General Counsel  
298 Howlett Building  
Springfield, Illinois 62756  
or  
cgrant@ilsos.net

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1010.245 Electronic Registration and Titling (ERT) Program Provisions  
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any  
Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards  
and Titles  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

## Section

- 1010.410 Temporary Registration – Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the  
Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for  
Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces License Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
1010.460 Special Plates for Members of the United States Armed Forces Reserves  
1010.465 Requests for General Issuance Specialty License Plates

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

- Section
- 1010.510 Determination of Registration Fees
- 1010.520 When Fees Returnable
- 1010.530 Circuit Breaker Registration Discount
- 1010.540 Fees
- 1010.550 Determining Age of Vehicle

## SUBPART G: MISCELLANEOUS

- Section
- 1010.610 Unlawful Acts, Fines and Penalties
- 1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

- Section
- 1010.705 Reciprocity
- 1010.710 Vehicle Proration
- 1010.715 Proration Fees
- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Interline Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

- 1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012.

## SUBPART C: REGISTRATION

**Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions**

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act and the Consumer Installment Loan Act. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
- c) The ERT service provider shall be responsible for the following:
  - 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all specifications of the Secretary of State's office. The communication link

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

must provide for the secure transmission of information as required under this Section without permitting access to the vendor's confidential information by any entity that is not authorized by the vendor and the Secretary of State. Any entity that is authorized to access a vendor's information system, software, data or network must preserve its confidentiality and integrity. This provision does not limit or prohibit the Secretary of State from accessing confidential information;

- 2) transmitting all fees associated with the title and registration transactions to the Secretary of State and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
- 3) maintaining an inventory of registration plates and stickers at a secure location that is subject to inspection by the Secretary of State, distributing those plates and stickers to vendors as necessary, receiving unused, expired, damaged and voided plates and stickers and reports of lost or stolen plates and stickers from vendors, and forwarding those reports and returning those unused, expired, damaged and voided plates and stickers to the Secretary of State warehouse monthly. For purposes of this Section, the term "plates" shall mean vehicle registration license plates, and the term "sticker" shall mean the adhesive sticker affixed to license plates and the form, with a pre-printed control number and barcode, to which the sticker is attached when shipped and printed. When this Section provides for shipping, inventory, accounting or reconciliation of, or credit for returned, stickers, the sticker must be attached to the original form or affixed to a plate and recorded as issued with that plate.
  - A) The inventory control system shall accurately track all registration plates and stickers shipped to the service provider by the Secretary, those distributed by the provider to vendors (including tracking which specific plates and stickers were shipped to individual vendors), those returned by vendors to the provider, and those returned by the provider to the Secretary. The inventory yet to be shipped and the returned inventory shall be stored separately. In addition, the inventory system shall comply with one of the following:
    - i) All inventory shall be maintained in sequential order, according to document number, including inventory being

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

held for shipping to vendors and inventory returned by vendors.

- ii) The computerized inventory control system must utilize barcode readers that enable the service provider or Secretary of State employees to scan and accurately record inventory items yet to be shipped and returned inventory. Secretary of State employees must have access to a computer terminal at the service provider's site during inventory and reconciliation procedures, and the system must allow the printing of necessary inventory reports during these procedures.
- B) Real-time access to the inventory control system shall be provided to Secretary of State staff, auditors and Secretary of State Police for review, reconciliation, auditing and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued. All electronic information shall be maintained for not less than five years after receipt of the inventory by the service provider.
- C) Bulk inventories of registration plates and stickers will be delivered by the Secretary to the service provider as needed. The service provider shall acknowledge receipt of the inventory in a manner approved by the Secretary and is responsible for the inventory upon receipt. The service provider shall store the inventory within the State of Illinois. The service provider shall distribute registration plates and stickers to vendors, as necessary, and shall accept returns from the vendors of unused, expired, damaged and voided plates and stickers.
- D) Vendors shall not return unused, expired, damaged or voided plates and stickers directly to the Secretary. The Secretary shall not be responsible for inventory incorrectly returned.
- E) Vendors who have inventory that is damaged, voided, missing, lost or stolen during a given month shall report those occurrences to the

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

service provider not later than the final day of the following month. (Example: Inventory items damaged during August must be reported and returned to the service provider not later than the following September 30.) Credit for returned plates will only be granted when both plates in the set have been returned or accounted for, if the plates were of the type issued as a pair. All or as much as possible of the damaged or voided stickers must be returned to receive credit for returned inventory. When it is not possible to return any portion of a damaged or voided plate or sticker, an explanation as to the circumstances causing the plate or sticker to be voided or damaged, and the reasons no portion can be returned, must be provided. The Secretary shall have the right to determine whether the explanation will be accepted and whether inventory credit will be given for the plates or stickers not returned in whole or in part. In making this determination, the Secretary shall consider whether the vendor is able to retain and return the form on which the sticker is issued; whether matters beyond the control of the vendor may have contributed to the complete loss of the stickers (e.g., fires or industrial accidents that are accompanied by police reports, fire reports or insurance claims); and the history of the individual vendor with regard to the loss of stickers.

- F) Service providers may be relieved of responsibility for payment for plates and stickers reported as stolen only if a copy of a police report concerning the theft is provided to the Secretary.
- G) Not later than March 31 of each calendar year, vendors shall return to service providers all remaining stickers in their possession of the type and color that expire during that calendar year. (Example: During 2007, vendors sell stickers that expire during 2008, such that a sticker sold in March 2007 expires in March 2008. As of January 2008, vendors will be selling stickers of the type and color that expire in 2009. Therefore, not later than March 31, 2008, vendors shall return to the service provider all remaining stickers in their possession of the type and color that expire during 2008).
- H) On a periodic basis, but not less than monthly, the Secretary and the service provider shall reconcile their records of plates and stickers shipped by the Secretary to the service provider, plates and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

stickers issued by vendors to vehicle owners and for which the appropriate documentation and fees were received by the Secretary, plates and stickers returned by vendors to the service provider as unused, expired, damaged or voided, explanations provided by vendors for damaged or voided stickers and plates that have not been returned in whole or in part, and plates and stickers still in the actual possession of the service providers and vendors. The review and accounting of inventory and returned items shall be conducted in the manner prescribed by the Secretary. After these periodic reconciliations, the unused, expired, damaged or voided plates and stickers shall be returned to the Secretary and the Secretary shall issue the service provider a receipt for the returned inventory. A preliminary report of missing billable inventory for the preceding month shall be provided after these periodic reconciliations.

- I) Following the reconciliation after March 31, June 30, September 30 and December 31, the Secretary shall invoice the service provider for all plates or stickers unaccounted for during the preceding quarter. These reconciliations will be based on the reported inventory still in the possession of vendors. Service providers shall not receive credit for unaccounted for inventory items that are located after this quarterly reconciliation and billing.
- J) The unaccounted for inventory shall be invoiced at the following rates. For unaccounted for stickers, the rate shall be ~~\$125+00~~ per sticker. For unaccounted for plates that are intended to be sold as a set (e.g., passenger vehicle or truck plates) the rate shall be ~~\$125+00~~ per set of plates. For unaccounted for plates that are intended to be sold individually (e.g., motorcycle or trailer plates) the rate shall be ~~\$125+00~~ per plate. Payment in full must be made to the Secretary within 45 days after receipt of the notice from the Secretary of the amount due. Service providers may recover such payments from vendors pursuant to the contracts between the service providers and the vendors.
- K) Certain types of registration stickers are sold outside of the one-year process noted in subsection (c)(3)(G) (e.g., registrations of fleet vehicles). To accommodate these sales, after the return and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

reconciliation of all inventory as provided in subsections (c)(3)(H) and (I), the Secretary may re-issue preceding year stickers to service providers for the use of vendors engaging in sales of vehicles requiring these registrations. These re-issued stickers shall be tracked separately in the service provider's inventory control system. Not less than three months after these re-issued stickers may no longer be legally sold, all remaining inventory of these stickers shall be returned to the service provider by the vendor, and the stickers shall be subject to the final reconciliation and billing process set forth in subsection (c)(3)(I).

- L) The Secretary shall have the right to conduct physical inspections of the inventory of service providers and vendors during normal business hours.
  - M) The Secretary shall have the right to suspend or revoke the right of service providers and/or vendors to participate in the ERT program for failure to comply with the inventory control provisions set forth in this subsection (c)(3), or for excessive or repeated incidents of unaccounted for inventory;
- 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, which shall prohibit access to a vendor's confidential information by any entity without authorization of the vendor and Secretary of State and a requirement that any entity that is authorized to access a vendor's confidential information must preserve the confidentiality and integrity of the vendor's information systems, software, data and network, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers. This provision does not limit or prohibit the Secretary of State from accessing confidential information;
  - 5) retaining records of all ERT transactions as directed by the Secretary;
  - 6) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000. Beginning July 1, 2012, a service provider must post a performance bond in the amount of \$1,500,000;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- 7) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
  - 8) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider;
  - 9) providing a formal process for billing and enforcement of all vendor inventory issues and pending transaction issues and designating a specific representative to communicate with the Secretary of State on all vendor inventory issues and pending transaction issues.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program.
- 1) All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program.
  - 2) The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Retail merchants wishing to serve as vendors must be approved in advance by the Secretary. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on:
    - A) the vendor's prior compliance with or violations of applicable statutes, rules and regulations;
    - B) the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421;
    - C) violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program;
    - D) the benefit to the public to be derived by the vendor's participation in the program;
    - E) the resources of the Secretary of State's office to support the vendor's participation in the program; and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT

- F) The factors set forth in Section 1010.240(b)(2)(E)-(J).
- 3) Vendors shall inform customers that utilizing the electronic registration and titling system is optional.
- 4) The ERT program shall not be used to request or obtain specialty, vanity or personalized registration plates.
- 5) Fees collected for ERT transactions are nonrefundable by the Secretary.
- 6) Registration plates and stickers may only be issued at the time an ERT transaction is processed.
- 7) Title, registration and registration renewal applications and other required documents shall be delivered to the Office of the Secretary of State within 20 days after vehicle sale, registration or registration renewal.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).

(Source: Amended at 36 Ill. Reg. 7674, effective May 2, 2012)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1650.511	Amended
1650.3005	Amended
1650.3010	Amended
1650.3015	Amended
1650.3020	Amended
1650.3025	Amended
1650.3030	Amended
1650.3032	New
1650.3035	Amended
1650.3040	Amended
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Amendments: May 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the Teachers' Retirement System's principal office and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 20, 2012; 35 Ill.Reg. 21013
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various punctuation changes recommended by JCAR were made in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Amendments:

Section 1650.511 was modified to reflect the return to the 100-day/500-hour post-retirement teaching limits that took effect July 1, 2011. The legislature did not extend the 120-day/600-hour limits during the spring legislative session.

Subpart P: Competitive Selection Procedures for Investment Services was amended to reflect process-related changes approved by the Board of Trustees over the past year, including a change in the investment process for the selection of public markets investment managers allowing for staff selection and/or termination of managers in certain circumstances, the addition of a private equity co-investment program, and updating language relating to the absolute return portfolio to reflect direct investment in addition to the existing funds of funds process.

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

Cynthia M. Fain Gray, Sr. Assistant General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253

217/753-0375

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

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

## Section

1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

## Section

1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements (Repealed)  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

## Section

1650.201 Disability Benefits – Application Procedure; Effective Date  
1650.202 Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy  
1650.208 Disability Payments  
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

## SUBPART F: ANNUITANTS AND BENEFICIARIES

## Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations
- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
- 1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
- 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

- Section
- 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

- Section
- 1650.610 Staff Responsibility
- 1650.620 Right of Appeal
- 1650.630 Form of Written Request
- 1650.635 Presiding Hearing Officer – Duties and Responsibilities
- 1650.640 Prehearing Procedure
- 1650.641 Claims Hearing Committee Hearing Packet
- 1650.650 Hearing Procedure
- 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

- Section
- 1650.710 Amendments

SUBPART J: RULES OF ORDER

- Section
- 1650.810 Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## Section

1650.910	Summary and Purpose (Repealed)
1650.920	Definitions (Repealed)
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests (Repealed)
1650.950	Appeal of a Denial (Repealed)
1650.960	Executive Director's Response to Appeal (Repealed)
1650.970	Response to FOIA Requests (Repealed)
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Immediately Available

## SUBPART L: BOARD ELECTION PROCEDURES

## Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
1650.1114	Filing a QILDRO or a Calculation Order with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROs Against Persons Who Became Members Prior to July 1, 1999

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122	Providing Benefit Information for Divorce Purposes
1650.1123	Suspension and Expiration of a QILDRO
1650.1124	Income Tax Reporting
1650.1125	Lump-Sum Death Benefit Allocation to Alternate Payee

## SUBPART N: PAYROLL DEDUCTION PROGRAM

Section	
1650.1200	Payroll Deduction Program Guidelines
1650.1201	Employer Responsibility Under the Payroll Deduction Program
1650.1202	Payroll Deduction Agreements – Suspensions and Terminations
1650.1203	Payroll Deduction Program – Full Time Employment Defined
1650.1204	Payroll Deduction Program – Disability Defined
1650.1205	Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART O: RETIREMENT BENEFITS

Section	
1650.2900	Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES  
FOR INVESTMENT SERVICES

Section	
1650.3000	Summary and Purpose
1650.3005	Definitions
1650.3010	<a href="#">Public Markets</a> Manager Database
1650.3015	Emerging Investment Managers
1650.3020	Public Market Searches
1650.3025	Small and Mid Cap Equity Searches
1650.3030	Private Market and Commingled Fund Searches
1650.3032	<a href="#">Co-Investment Opportunities</a>
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1650.3045 Evaluation by Investment Committee

## SUBPART Q: PLAN QUALIFICATION

1650.3100 Summary and Purpose  
1650.3105 Exclusive Benefit Rule  
1650.3110 USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance  
1650.3115 Required Minimum Distributions  
1650.3120 Federal Contribution and Benefit Limitations  
1650.3125 Mortality Tables and Interest Rates

**AUTHORITY:** Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012.

## SUBPART F: ANNUITANTS AND BENEFICIARIES

**Section 1650.511 Separation from Service**

- a) Under the provisions of section 401(a) of the Internal Revenue Code (26 USC 401(a)), a member must "separate from service" to be eligible to receive a retirement benefit from the System.
- b) To meet the "separation from service" requirement of the Internal Revenue Code, an annuitant cannot return to work with his or her last employer in the same position unless:
  - 1) ~~Re-employment~~**reemployment** was not discussed nor arranged until 30 days after the annuitant's date of retirement.
  - 2) The annuitant is not employed by the annuitant's former employer prior to 30 days after the annuitant's retirement and until the next school year after retirement.
  - 3) The annuitant is only employed by his or her last employer in the annuitant's last position no more than the limit provided in Section 16-118(a)(2) of the Pension Code [40 ILCS 5/16-118(a)(2)] in the school year following the school year of retirement.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 4) The annuitant's employer must fill the annuitant's former position with a new employee after the above ~~100+20~~ day or ~~500600~~ hour employment period has elapsed.
- c) This Section shall apply whether or not the position requires certification or the member can fill the position post-retirement without certification.
- d) A change in job title is not sufficient to demonstrate "separation from service".
- e) Failure to "separate from service" shall nullify an annuitant's retirement and constitute a return to service under Section 16-150(d) of the Pension Code.
- f) Return to part-time non-tenured or substitute teaching with the annuitant's last employer shall not be a return to the same position.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

SUBPART P: COMPETITIVE SELECTION PROCEDURES  
FOR INVESTMENT SERVICES**Section 1650.3005 Definitions**

- a) The definitions in Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16] apply to this Subpart.
- b) The definition of "investment services" in the Illinois Pension Code [40 ILCS 5/1-113.14(a)] applies to this Subpart.
- c) "System" means the Teachers' Retirement System of the State of Illinois.
- d) "Consultant" means the independent investment consulting firm or firms contractually engaged by the System to provide general or specialty investment consulting services for the prudent administration of the System's investment portfolio.
- e) "Board" means the Board of Trustees of the Teachers' Retirement System of the State of Illinois.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- f) "Investment Committee" means the investment committee of the Board of Trustees of the Teachers' Retirement System of the State of Illinois.
- g) "Manager Database" means an industry database of institutional quality registered investment management firms utilized by the consultant as described in [this Subpart. Section 1650.3010.](#)
- h) "PEOC" means the internal Staff Private Equity Oversight Committee.
- i) "PMOC" means the internal Staff Public Market Oversight Committee.
- j) "REOC" means the internal Staff Real Estate Oversight Committee.
- k) "Staff" means the professional investment staff of the Teachers' Retirement System responsible for the applicable asset class.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

**Section 1650.3010 [Public Markets](#) Manager Database**

- a) The consultant ~~makes will make~~ use of an industry database (Manager Database) containing institutional quality firms that are registered investment managers. No fee is required to participate in the Manager Database.
- b) The Manager Database serves as the primary pool from which the System identifies candidates for public market investment manager searches.
- c) To be considered in a public market search, all interested investment managers not currently in the Manager Database should ensure that all required information has been submitted to the Manager Database prior to the screening dates specified in the candidate profiles described in Sections 1650.3020 and 1650.3025. [Should a search be conducted for which a developed database does not exist or is incomplete, investment managers may also submit or be requested to submit a written Request for Information \(RFI\).](#)
- d) The consultant's contact information is available on the TRS web site ([trs.illinois.gov](http://trs.illinois.gov)).

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

**Section 1650.3015 Emerging Investment Managers**

- a) The System's emerging managers program is broadly available across all asset classes. The program is open to any firm meeting the definition of "emerging investment manager" as defined in Section 1-109.1(4) of the Illinois Pension Code and to any other younger, growing investment firms with smaller asset bases and developing track records. Any firm interested in participating in the emerging managers program may submit the appropriate questionnaire provided on the TRS web site (trs.illinois.gov). All responses are reviewed by staff and included in the System's emerging manager database.
- b) Staff screens the System's database for emerging manager candidates across all asset classes and actively pursues other potential candidates not included within the database through industry participation and other networking channels. Any candidate meeting the definition of "emerging investment manager" as defined in the Illinois Pension Code [40 ILCS 5/1-109.1(4)] or any promising younger, growing investment manager that currently has smaller asset bases and developing track records, and meeting the minimum criteria for a related search, is invited to meet with staff to discuss its product.
- c) Based on review of the database and submitted questionnaires, staff meets to identify managers ~~the results of the meetings, staff selects semi-finalist firms~~ that appear to have the highest probability of success over the next three to five years and the potential for graduation from the emerging manager program into the main portfolio.
- d) Staff and the consultant conduct in-person interviews of ~~managers~~ semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the ~~manager~~ firm. ~~Semi-finalists must be approved by the applicable staff oversight committee (PMOC, PEOC or REOC).~~
- e) Following favorable results of the in-person interviews, staff identifies finalist firms for on-site due diligence at the candidate firm's offices. On-site visits and finalist recommendations must be approved by the applicable staff oversight committee (PMOC, PEOC or REOC).
- f) After on-site due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

relative to hiring an investment manager ~~should~~must be negotiated in final form prior to Investment Committee consideration. Any open items relating to fee and contract negotiation must be disclosed prior to Investment Committee consideration.

- g) Any finalist firm that successfully passes staff due diligence review (including approval of the appropriate oversight committee) and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

**Section 1650.3020 Public Market Searches**

- a) The Board authorizes the System's asset allocation targets and investment manager structure~~every search for a new or replacement public market investment mandate (excluding small and mid cap equities; see Section 1650.3025)~~ by recorded vote ~~of the Board~~ in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the System's asset allocation and/or fill vacancies within the manager structure.
- b) At each meeting of the Investment Committee, staff will notify the Board of any new manager search, the status of all existing searches, and the outcome of all completed searches. The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS web site (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) With the initiation of a search~~Following Board authorization~~, staff, working with the consultant, prepares a written candidate profile that lists specific requirements for each search. The candidate profile identifies specific quantitative and qualitative factors, such as:
- 1) Minimum assets under management;
  - 2) Minimum track record;
  - 3) Risks relative to benchmarks;

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 4) Return relative to benchmarks over various time periods;
  - 5) Size and tenure of professional staff;
  - 6) Investment strategy and process; and
  - 7) Organizational stability and strength.
- d) The candidate profile is posted on the TRS web site to allow ~~all~~ interested ~~candidate~~ candidates to review the search criteria and understand how to participate in the search.
  - e) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
  - f) During the screening period identified in the candidate profile, staff and the consultant identify and rank all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.
  - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-119.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
  - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.
  - i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. ~~Semi-finalist~~ Semi-finalists candidates must be approved by the PMOC.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the PMOC. ~~If any eligible emerging managers, as defined in the Illinois Pension Code [40 ILCS 5/1-119.1(4)], meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting allowing sufficient time on the meeting agenda.~~
- k) ~~Following favorable due diligence review and successful contract and fee negotiations, a finalist candidate is, or candidates are, presented to the PMOC for final approval. After due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation relative to hiring an investment manager must be negotiated in final form prior to Investment Committee consideration.~~
- l) With approval from the PMOC, staff will present the recommendation to the Investment Committee Chair and/or Vice Chair. Documentation to the Chair will include a timeline of the search process, a summary of that process, and confirmation that the search was conducted in accordance with TRS policy. Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.
- m) With approval of the Investment Committee Chair and/or Vice Chair, staff is authorized to implement the recommendation.
- n) At the next scheduled meeting of the Investment Committee following the completion of any search, staff will provide the Committee a full report of the search process, including a summary of the search criteria and candidate firms. The Investment Committee and Board will provide final ratification for the long-term selection of the investment manager.
- o) If any eligible managers, as defined in Section 1-119.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

**Section 1650.3025 Small and Mid Cap Equity Searches**

- a) The Board has authorized and directed staff to continuously monitor the investment manager universe for attractive small and mid cap public equity candidates. Staff and the consultant formally screen the full manager universe on a semi-annual basis following the end of each fiscal and calendar year.
- b) Following the semi-annual screening of the small cap and/or mid-cap equity database, the search process continues in a manner consistent with Section 1650.3020. Staff, working with the consultant, has prepared a written candidate profile that lists specific requirements for small and mid cap public equity candidates. The candidate profile identifies specific quantitative and qualitative factors, such as:
- 1) Minimum assets under management;
  - 2) Minimum track record;
  - 3) Risks relative to benchmarks;
  - 4) Return relative to benchmarks over various time periods;
  - 5) Size and tenure of professional staff;
  - 6) Investment strategy and process; and
  - 7) Organizational stability and strength.
- e) The candidate profile is continuously posted on the TRS web site (trs.illinois.gov) to allow any interested candidate to review the search criteria.
- d) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database to identify all managers meeting the criteria of the candidate profile.
- e) During the screening period identified in the candidate profile, staff and the consultant identify and rank all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- f) ~~Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens.~~
- g) ~~Staff and the consultant further refine the candidate list to identify firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.~~
- h) ~~Staff and the consultant conduct in-person interviews of semi-finalist firms at the System's offices or alternate location agreed upon by the System and the firm. Semi-finalists must be approved by the PMOC.~~
- i) ~~Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the PMOC.~~
- j) ~~After due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation relative to hiring an investment manager must be negotiated in final form prior to Investment Committee consideration.~~
- k) ~~Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.~~

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

**Section 1650.3030 Private Market and Commingled Fund Searches**

- a) Funds and managers are opportunistically reviewed as they are available in the ~~private~~ market based on the System's ~~annual private equity and real estate~~ tactical plans and quality of the fund's or manager's team, process and strategy.
- b) ~~Each year, staff~~Staff, working with the consultants, ~~prepare~~prepares a private equity tactical plan and a real estate tactical plans for private equity, real estate, and absolute return plan for presentation to the Investment Committee\_ at the

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

~~beginning of each fiscal year.~~ The annual tactical plans establish allocation targets for opportunistic investments within the private equity, real estate, and absolute return~~private markets~~ asset classes for the upcoming year.

- c) Summaries of the System's annual tactical plans are posted on the TRS web site (trs.illinois.gov) following Board approval. Investment focus for the fiscal year is specified in the annual tactical plan summaries for all interested funds and managers to review.
- d) Funds and managers interested in participating in the System's alternative investment~~private market~~ program and meeting the investment focus specified in the annual tactical ~~plans~~plan may identify themselves to the System or ~~its~~the consultants via email, as instructed on the TRS web site.
- e) Over the course of the tactical plan period, staff reviews all information received from funds and managers that best position the System's investment portfolio for its intended strategic allocation targets.
- f) Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual tactical ~~plans~~plan.
- g) Any fund or manager meeting the criteria set forth in the annual tactical plan and deemed to be a complementary~~complimentary~~ fit to the portfolio is invited to interview with staff in person or via conference call. Any decision to interview a prospective fund or manager must be approved by the applicable staff oversight committee (PEOC, ~~or~~ REOC, or PMOC).
- h) Following favorable interview results and staff research into the fund offering or manager, the fund or manager is asked to complete the System's standardized comprehensive due diligence questionnaire. Any recommendation to send the due diligence questionnaire must be approved by the applicable staff oversight committee.
- i) Following continued favorable review~~favorable results of the completed due diligence questionnaire~~, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the applicable staff oversight committee.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a fund or manager ~~should~~must be negotiated in final form prior to Investment Committee consideration. Disclosure must be made to the Investment Committee prior to consideration in the event of any contractual issues still under negotiation.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

**Section 1650.3032 Co-Investment Opportunities**

- a) The System's alternative investment relations will often present opportunities for co-investment alongside fund investments. When these investments are complementary to the portfolio, it is advantageous to the System to participate in these opportunities as they provide return enhancement at lower fee structures.
- b) Co-investment opportunities are typically presented to TRS staff from existing alternative investment managers. Staff conducts their own separate due diligence on each co-investment opportunity.

(Source: Added at 36 Ill. Reg. 7688, effective May 4, 2012)

**Section 1650.3035 Private Market Real Estate Separate Account Searches**

- a) Real estate separate account managers are opportunistically reviewed as they are available in the market based on the System's annual real estate tactical plan and quality of the manager's team, process and strategy.
- b) Staff, working with the consultant, prepares a real estate tactical plan for presentation to the Investment Committee at the beginning of each fiscal year. The annual real estate tactical plan establishes the search criteria, investment strategy and allocation targets.
- c) A real estate tactical plan summary is posted on the TRS web site (trs.illinois.gov) following Board approval. Search criteria for the fiscal year are listed in the real estate tactical plan summary for all interested managers to review.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- d) Managers interested in participating in the System's real estate program and meeting the criteria specified in the annual real estate tactical plan may identify themselves to the System or the consultant via email, as instructed on the TRS web site.
- e) Over the course of the real estate tactical plan period, staff reviews all information received from managers that best position the System's investment portfolio for its intended strategic allocation targets.
- f) Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual real estate tactical plan.
- g) Any manager meeting the criteria set forth in the annual real estate tactical plan and deemed to be a ~~complementary~~ complimentary fit to the portfolio is invited to interview with staff in person or via conference call. Any decision to interview a prospective manager must be approved by the REOC.
- h) Following favorable results of interview and staff research, the manager is asked to complete the System's standardized comprehensive due diligence questionnaire. Any recommendation to send the due diligence questionnaire must be approved by the REOC.
- i) Following favorable results of the completed due diligence questionnaire, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the REOC.
- j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a manager must be negotiated in final form prior to Investment Committee consideration.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

**Section 1650.3040 Consultant Searches**

- a) The Board authorizes every search for a new or replacement consultant to provide general or specialty investment consulting services to the System by recorded vote ~~of the Board~~ in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS web site (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following Board authorization, staff prepares a Request for Proposal (RFP) containing the following information:
  - 1) The type of services required;
  - 2) An estimate of when and for how long the services will be required;
  - 3) The contract to be used;
  - 4) The date and time by which proposals must be submitted; and
  - 5) A statement of the information the proposal must contain.
- d) The RFP is posted on the TRS web site to allow any interested candidate to review the search criteria. The RFP notice posted on the TRS Web site summarizes the services sought, tells how and where to submit proposals, specifies the deadline for submitting proposals, and tells when and where proposals will be publicly opened and how to obtain paper copies of the RFP.
- e) Proposals submitted in response to an RFP must comply with all requirements set forth in the RFP and submitted within the time frame specified in the RFP. Proposals are date and time stamped upon receipt. Proposals that arrive late for any reason will not be considered.
- f) Proposals are publicly opened at the date and time specified on the TRS web site. Staff reviews all proposals timely received to ensure all required information is

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

included. Proposal information is publicly available following execution of a contract with the successful firm.

- g) Staff identifies and ranks all proposals meeting all minimum qualifications specified in the RFP to identify semi-finalist firms.
- h) Staff conducts in-person interviews of semi-finalist firms at the System's offices or alternate location agreed upon by the System and the firm.
- i) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices.
- j) After due diligence is completed, staff initiates fee and contract negotiations with finalist firms. All contracts and related documentation relative to hiring a consultant must be negotiated in final form prior to Investment Committee consideration. Contracts for consultant services may not exceed five years in duration.
- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 36 Ill. Reg. 7688, effective May 4, 2012)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 1, 2012 through May 7, 2012 and have been scheduled for review by the Committee at its June 12, 2012 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>
6/14/12	<u>Attorney General</u> , Attorney General's Procurement (44 Ill. Adm. Code 1300)	12/30/11 35 Ill. Reg. 20859	6/12/12
6/20/12	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	3/9/12 36 Ill. Reg. 3361	6/12/12

## PROCLAMATIONS

**2012-145****Ravinia Women's Board Day**

WHEREAS, located in Highland Park, Illinois, and established in 1904, Ravinia Festival is the oldest outdoor music festival in the United States, with a series of outdoor concerts and performances held every summer from June to September; and,

WHEREAS, presenting world-class music, the Festival attracts about 600,000 listeners to some 120 to 150 events that span all genres from classical music to jazz to musical theater over each three-month summer season; and,

WHEREAS, in 1962, Ravinia Festival Trustee Margaret McClure, along with a group of volunteers, formed the Women's Board. Today, four original founding members—Barbara Marshall, Boots Nathan, Jane O'Connor and Jan Weil—still serve among the current 130 members; and,

WHEREAS, since its establishment, the Ravinia Women's Board has had a strong tradition of promoting the Festival and developing appreciation and understanding of music and the arts throughout the Chicagoland area; and,

WHEREAS, the broad based mission of the Ravinia Women's Board also includes fundraising and volunteer support of Ravinia's Education and Community Partnerships programs; and,

WHEREAS, the Women's Board launched Ravinia's first educational programs in under-served communities and continues to be a driving force in Ravinia's REACH\*TEACH\*PLAY programs that sustain classical music and return music to the classrooms of budget-strapped schools. These education outreach activities now reach 75,000 people; and,

WHEREAS, the Ravinia Women's Board also formed RISE—Ravinia's Immersion in Symphonic Education—student orchestras at Hibbard Elementary School in Chicago, and will continue to create new student orchestras; and,

WHEREAS, since 1972, Ravinia Gifts has been operated by Women's Board volunteers and has sold a variety of merchandise, including two best-selling cookbooks written, published and promoted by Board members - Noteworthy and Noteworthy II, in addition to Ribbee Dibbee Doo, a music story and activity book; and,

WHEREAS, this season, the Ravinia Women's Board is celebrating its 50<sup>th</sup> Anniversary with a gala dinner and concert on July 21<sup>st</sup>, as a salute to "Leading Ladies" with Patricia Racette and Patti LuPone singing together for the first time and James Conlon conducting the Chicago

## PROCLAMATIONS

Symphony Orchestra in three pieces about women, which all appeared on Ravinia's 1962 schedule; and,

WHEREAS, the Women's Board of Ravinia Festival has provided considerable financial support over the last fifty years, but more than that has helped inspire the welcoming, family-friendly feeling of the festival—enhancing the Ravinia experience for patrons and artists:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 21, 2012 as **RAVINIA WOMEN'S BOARD DAY** in Illinois, in recognition of 50 years of dedication to the advancement of the arts in our state.

Issued by the Governor April 11, 2012  
Filed by the Secretary of State May 4, 2012

**2012-146**  
**Great Outdoors Month**

WHEREAS, June of each year is designated as Great Outdoors Month to highlight the numerous benefits of the outdoors and the magnificent shared resources of our parks, forests, refuges, and other public lands and waters; and,

WHEREAS, Great Outdoors Month is an opportunity to celebrate the rich blessings of our nation's natural beauty, and to renew our commitment to protecting our environment so that we can leave our children and grandchildren a healthy and flourishing land; and,

WHEREAS, this month is also an opportunity to pay tribute to those whose hard work and dedication keep our country's open spaces beautiful and accessible to our citizens; and,

WHEREAS, June also opens the active summer vacation and recreation season. Through recreational activities such as fishing, skiing, biking, and nature watching, we can teach our young people about the wonders of our state's landscapes; and,

WHEREAS, experiencing Illinois' natural splendor contributes to happier and healthier lives for our citizens and a deeper appreciation for the great outdoors; and,

WHEREAS, countless citizens volunteer their time and talents to protect America's natural resources. By working together, we can help preserve our local parks, lakes, rivers, and working lands; and,

## PROCLAMATIONS

WHEREAS, it is fitting that during this month we should also acknowledge the dedicated efforts of all those who work to promote stewardship and conservation of our state's natural wonders; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2012 as **GREAT OUTDOORS MONTH** in Illinois, and encourage all citizens to observe this month with appropriate programs and activities and to take time to experience and enjoy the great outdoors.

Issued by the Governor April 11, 2012

Filed by the Secretary of State May 4, 2012

**2012-147****Cherry Blossom Centennial Celebration Day**

WHEREAS, in our increasingly interconnected global community, it is more important than ever to create and strengthen partnerships between the United States and international communities in an effort to increase global cooperation and to promote cultural understanding; and,

WHEREAS, in 1912, Japan bestowed the United States with a special gift of more than 3,000 Cherry Trees, which can be seen blossoming every Spring in their home of Washington, D.C.; and,

WHEREAS, a symbol of friendship, the Cherry Blossom Trees were sent by Tokyo, Japan Mayor Yukio Ozaki and planted by First Lady Helen Herron Taft and the wife of the Japanese Ambassador to the U.S., Viscountess Chinda on March 27, 1912; and,

WHEREAS, the trees were planted on the North Bank of the Tidal Basin in West Potomac Park, between the center of U. S. Government and the Japanese Embassy, uniting the two governments; and,

WHEREAS, every year, the trees produce a cloud of pink cherry blossoms that signal spring and invite visitors to our Nation's capital to enjoy their beauty, while reminding them of our lasting friendship with Japan; and,

WHEREAS, the State of Illinois and Japan enjoy a strong, mutually beneficial relationship built on the promotion of cultural, social and socioeconomic exchanges; and,

WHEREAS, with a vibrant Japanese-American community who call the Land of Lincoln home, the ties between Japan and Illinois have never been stronger; and,

## PROCLAMATIONS

WHEREAS, it is imperative that we continue to strive to build connections in the international community that will promote mutual understanding and cultural awareness; and,

WHEREAS, on April 18, 2012, representatives from Japan will join Illinoisans in a special tree-planting ceremony at the Illinois Governor's Executive Mansion in Springfield to reenact the first tree-planting in April of 1912; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 18, 2012 as **CHERRY BLOSSOM CENTENNIAL CELEBRATION DAY** in honor of this special gift, and the lasting friendship between our two great nations.

Issued by the Governor April 11, 2012

Filed by the Secretary of State May 4, 2012

**2012-148****National Volunteer Week**

WHEREAS service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet our challenges by volunteering in their communities; and

WHEREAS the current economic downturn means more Americans are facing hardships, and volunteering is needed more than ever; and

WHEREAS Illinois is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and

WHEREAS last year, nearly 2.8 million Illinoisans gave back over 378.5 million hours to their communities; which led to over \$8.4 billion dollars in impact; and

WHEREAS since 1994, more than 775,000 men and women across the nation, including more than 28,000 from Illinois, have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps Members; and

WHEREAS in Illinois, the Serve Illinois Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and

WHEREAS in 1974, President Nixon established National Volunteer Week for the celebration of volunteers; and

## PROCLAMATIONS

WHEREAS President Obama has reaffirmed that April 15 through April 21 be known across the nation and National Volunteer Week; and

WHEREAS during National Volunteer Week, service projects and special events will take place throughout Illinois and across the national; and

WHEREAS the annual observance of National Volunteer Week sets aside an entire week to encourage everyone to serve others in need as well as honor those who volunteer all year; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim April 15-21, 2012 as **NATIONAL VOLUNTEER WEEK** in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities across the state. To find a volunteer opportunity or to learn more about how to recognize your volunteers, visit the Serve Illinois Commission website at [www.Serve.Illinois.gov](http://www.Serve.Illinois.gov) or call 800-592-9896.

Issued by the Governor April 12, 2012

Filed by the Secretary of State May 4, 2012

**2012-149****Union Pacific Railroad Day**

WHEREAS, historically, the rail industry has served as the lifeblood of rural America as well as one of the largest private employers in the United States, and Illinois is proud of its distinguished history as a center of American railway travel; and

WHEREAS, we recognize that the industrial and economic development of our State was largely due to our railway infrastructure, and it has allowed both our citizens and freight to move cross-country more quickly and efficiently than ever before; and

WHEREAS, Illinois was among the first to adopt and benefit from railway travel, and looks forward to continuing this legacy with our adoption of the innovative and economical high-speed rail; and

WHEREAS, it was an Illinoisan, President Abraham Lincoln, who signed the Pacific Railroad Act on July 1, 1862, that would create the original Union Pacific Railroad; and,

WHEREAS, The Pacific Railroad Act of 1862 tasked the Union Pacific with building Westward, and Central Pacific Railroad of California with building Eastward, thereby joining East and West; and,

## PROCLAMATIONS

WHEREAS, seven years, 20,000 men, and 1,700 miles later the Railroad was completed on May 10, 1869 with the hammering of a golden spike; and,

WHEREAS, since 1869, a series of mergers have made the Union Pacific Railroad one of the strongest franchises in the nation; and,

WHEREAS, Union Pacific boasts the largest presence of all rail in Chicago with one-quarter of their traffic coming through the Chicago Rail Terminal and Proviso Rail Yard; and,

WHEREAS, Union Pacific hosts rail yards throughout Illinois, located in Northlake, Berkeley, Bellwood, Melrose Park, Dolton, Chicago Heights, Rochelle, West Chicago, Dupo and Salem, with 2,201 miles of track through hundreds of communities; and,

WHEREAS, Union Pacific transports over 115,00 commuters daily along with major commodities such as corn, soybeans, automobile parts, completed automobiles, as well as general merchandise; and,

WHEREAS, Union Pacific's capital investment in Illinois tops \$470 million over the past two years and in 2010 employed more than 4,000 Illinois residents with an annual combined salary of more than \$327.3 million; and,

WHEREAS, Union Pacific has partnered with the State of Illinois, the City of Chicago and Metra in a number of public-private partnerships such as the CREATE Program, Union Pacific Metra West Line Improvement Project and the Illinois High Speed Rail Project; and,

WHEREAS, Union Pacific will celebrate its 150<sup>th</sup> anniversary in 2012; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 1, 2012 as **UNION PACIFIC RAILROAD DAY** in Illinois, in honor of their sesquicentennial and encourage all residents to celebrate the contribution of rail throughout Illinois and nation.

Issued by the Governor April 12, 2012

Filed by the Secretary of State May 4, 2012

**2012-150**  
**Earth Month**

WHEREAS, the Illinois Constitution states that each person has the right to a healthful environment, and that the public policy of the state of Illinois and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations; and,

## PROCLAMATIONS

WHEREAS, the state is committed to conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; minimizing greenhouse gas emissions; and enhancing the health and safety of its residents; and,

WHEREAS, the state of Illinois is working to encourage green practices in order to create a healthier, safer state that encourages and implements sustainable growth and maintenance; and,

WHEREAS, the Illinois Green Governments Coordinating Council was established to encourage cost-effective sustainability measures that enhance health and safety, reduce the consumption of energy and fuels, conserve water, minimize emissions and reduce solid and hazardous wastes; and,

WHEREAS, by making sustainable choices, the state of Illinois can lead by example in minimizing potential environmental and health impacts, while saving taxpayer money; and,

WHEREAS, to build a better future for forthcoming generations, we all must work together to develop a greater respect for our environment, to protect our water, land and air, and to maintain environmental stability; and,

WHEREAS, although every day should be Earth Day, and every month should be Earth Month, the month of April, which includes both Earth Day on April 22 and Arbor Day on April 27, provides the perfect time to raise awareness of environmental conservation efforts; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2012 as **EARTH MONTH** in Illinois, and encourage all citizens to act as responsible stewards of our planet during this month and throughout the entire year.

Issued by the Governor April 12, 2012

Filed by the Secretary of State May 4, 2012

**2012-151****Air Quality Awareness Month**

WHEREAS, poor outdoor air quality can threaten the health of our citizens; and,

WHEREAS, it is estimated that one out of every three people in the United States is at a higher risk of experiencing problems from ground-level ozone, a contributor to poor air quality; and,

WHEREAS, children, people with lung disease, older adults, and people with heart disease are more vulnerable to outdoor pollution, so it is imperative that we educate these groups on the the relationship between air quality and health; and,

## PROCLAMATIONS

WHEREAS, studies have shown that one in eight children in Chicago suffers from asthma; and,

WHEREAS, like the weather, air quality is forecasted each day using the federal air quality index; and,

WHEREAS, citizens can sign-up to receive their local air quality forecast via email as a free service; and,

WHEREAS, knowledge of the air quality forecast can help empower citizens to better protect their families; and,

WHEREAS, Illinois Partners for Clean Air and the Illinois Environmental Protection Agency are supporting efforts to encourage citizens to utilize the Air Quality Index, understand what causes poor air quality, and take actions to improve the overall outdoor air quality and thereby protect their health; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the month of May 2012 as **AIR QUALITY AWARENESS MONTH** in the State of Illinois.

Issued by the Governor April 12, 2012

Filed by the Secretary of State May 4, 2012

**2012-152****Trinidad and Tobago Day**

WHEREAS, the Republic of Trinidad and Tobago will celebrate its 50<sup>th</sup> anniversary as a sovereign nation in the year 2012; and,

WHEREAS, the two islands of Trinidad and Tobago were incorporated into a single colony under British rule in 1888; and,

WHEREAS, for 74 years Trinidad and Tobago remained a British Crown Colony until gaining their independence on August 31, 1962; and,

WHEREAS, since 1962, Trinidad and Tobago has distinguished itself as the most industrialized and second-largest country in the English-speaking Caribbean; and,

WHEREAS, Illinois is proud the Republic of Trinidad and Tobago's colorful carnival celebrations and indigenous foods have found a place in the Land of Lincoln; and,

WHEREAS, Trinidad and Tobago and the United States have shared a relationship built on mutual respect and enjoy a common history defending and promoting ethnic and religious tolerance; and,

## PROCLAMATIONS

WHEREAS, the strength of the bond between Trinidad and Tobago and the United States is exemplified by the strong community of American-Trinidadians and Tobagonians, who continue to enrich our Nation with its diversity and help maintain the strong cultural ties between our countries; and,

WHEREAS, today Illinois joins with the people of Trinidad and Tobago in the celebration of this significant milestone; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 31, 2012 as **TRINIDAD AND TOBAGO DAY** in Illinois, in celebration of Trinidad and Tobago's semicentennial.

Issued by the Governor April 13, 2012  
Filed by the Secretary of State May 4, 2012

**2012-153**  
**Día De Los Niños**

WHEREAS, in Illinois, the Chicago Public Schools in conjunction with the Chicago Día de los Niños Committee is hosting the 13<sup>th</sup> Annual celebration of Día de los Niños on April 28, 2012; and,

WHEREAS, this annual celebration of Día de los Niños in Chicago continues to grow in size each year, with more than 60 schools, community organizations, city and government agencies, museums, universities and businesses participating last year; and,

WHEREAS, the guiding principle of the Día de los Niños celebrations has always been education – highlighting and celebrating the most important citizens of the State of Illinois – the children who will be shaping tomorrow's future; and,

WHEREAS, the theme for this year's Día de los Niños celebration is "Celebrating Education & Diversity As We Shape Our Children's Future," emphasizing the importance of unity and family involvement; and,

WHEREAS, the annual celebration culminates in Harrison Park with activities for children and their families, including interactive games, health screenings, musical performances, and much more; and,

## PROCLAMATIONS

WHEREAS, it is anticipated that more than 5,000 children and their families will participate in this year's parade, making it one of the largest Día de los Niños celebration in the United States; and,

WHEREAS, by celebrating April 28 as Día de los Niños, we are making a commitment to children that we will continue to listen, teach, and nurture them:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 28, 2012 as **DIA DE LOS NIÑOS** in Illinois, and encourage all citizens to take this opportunity to celebrate children, families, and cultural heritage.

Issued by the Governor April 13, 2012

Filed by the Secretary of State May 4, 2012

**2012-154****Illinois Flag Display Act**

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but have the courage to act calmly and professionally in otherwise terrifying situations; and,

WHEREAS, on the afternoon of April 12, 2012 one of these brave souls, Captain John C. Winkelman of the Huntley Fire Department, was suddenly taken from us; and,

WHEREAS, we will always remember that throughout his 23-year career as a proud member and officer of the Huntley Fire Department, Captain Winkelman courageously volunteered to walk into fires as everyone else ran out; and,

WHEREAS, although Captain Winkelman is no longer with us we will not forget the countless lives that were impacted by his public service; and,

WHEREAS, Captain Winkelman was 54, and leaves behind a wife, Lynn, and three daughters and two stepsons: Sherie, 31; Tara, 29; Julie, 25; Matthew, 25 and Rich, 23. Not only did he serve the citizens of Huntley and of this great state, but was a hero in his role as a husband and a father; and,

## PROCLAMATIONS

WHEREAS, on Wednesday, April 18, 2012 a funeral will be held in Union, Illinois for Captain Winkelman; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on April 16, 2012 until sunset on April 18, 2012 in honor and remembrance of Captain John C. Winkelman, whose selfless service and sacrifice is an inspiration.

Issued by the Governor April 13, 2012

Filed by the Secretary of State May 4, 2012

**2012-155****Health Care Workers Day**

WHEREAS, the health and well-being of our citizens is the primary concern of Illinois health care professionals; and,

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and,

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals are all integral parts of a successful health care delivery team; and,

WHEREAS, health care employees make valuable contributions to every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and,

WHEREAS, the more than 150 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2, 2012 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor April 13, 2012

Filed by the Secretary of State May 4, 2012

**2012-156****Children's Day**

## PROCLAMATIONS

WHEREAS, children hold a special place in our lives. Raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society because children are profoundly influenced by the people and the environment around them; and,

WHEREAS, the strongest influence is often a child's family, but good schools and nurturing communities also play a vital role in helping children reach their full potential; and,

WHEREAS, children are the future of Illinois and it is important that we take action to ensure that they are provided a positive start to life; and,

WHEREAS, in Illinois, we place the utmost value on the safety and welfare of our children and we strongly support programs designed to advocate for their best interests; and,

WHEREAS, it is important that all citizens work to promote an environment of hope and love for children; and,

WHEREAS, the State of Illinois is dedicated to ensuring the health, education and well-being of our children, and we pledge to continue our commitment to ensuring a bright future for all of our young people; and,

WHEREAS, Children's Day focuses on inspiring parents to take positive action and serve as role models for society, and encourages individuals to consider how their actions affect future generations; and,

WHEREAS, the second Sunday in June has been set aside as a day to celebrate children and reaffirm our commitment to their needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 10, 2012 as **CHILDREN'S DAY** in Illinois, and urge all members of the community to unite in participating in the education, recognition, and inspiration of our state's children.

Issued by the Governor April 17, 2012

Filed by the Secretary of State May 4, 2012

**2012-157**

**War of 1812 Bicentennial Commemoration Day**

## PROCLAMATIONS

WHEREAS, the War of 1812 is commonly referred to as the Second War of Independence and was important in boosting national confidence and autonomy and fostering patriotism throughout the newly formed United States; and,

WHEREAS, the War of 1812 was fought on both land and sea between the forces of the United States of America and the British Empire between June 18, 1812 and February 17, 1815; and

WHEREAS, the War began as a response to the British Royal Navy's disruption of United States trade efforts and impressments of its seamen, and British and Native American resistance to America's interest in expanding its territory; and,

WHEREAS, the War of 1812 involved many naval conflicts which were important in building America's growing navy and it is remembered for its monumental naval combat, with a primary theatre of battle being the Great Lakes region.; and,

WHEREAS, the Illinois territory, at that time not yet an official State, played a crucial role in the preservation of the United States of America because of the brave actions of its soldiers who protected local settlers from the attacks of the British and Native American troops; and,

WHEREAS, the Illinois territory was an important border throughout the conflict and the site of a pivotal battle. The Battle of Fort Dearborn took place in what is now the City of Chicago and ended in total devastation for the fort and its inhabitants; and,

WHEREAS, the United States suffered many defeats and casualties throughout the War, including the burning of Washington D.C., however, because of the persistence of the troops and their dedication to the War's cause, the United States was victorious and concluded the War with the signing of the Treaty of Ghent on February 17, 1815; and,

WHEREAS, this year marks the Bicentennial anniversary of the War, which in the years since has been critically important in the development of what has become the modern United States and paved the way for the Illinois territory to gain statehood in 1818 as America's 21<sup>st</sup> state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 18, 2012 as **WAR OF 1812 BICENTENNIAL COMMEMORATION DAY** in Illinois, in recognition of the brave soldiers who fought valiantly to preserve and develop the United States of America and the state of Illinois.

Issued by the Governor April 17, 2012  
Filed by the Secretary of State May 4, 2012

## PROCLAMATIONS

**Illinois Flag Display Act**

WHEREAS, in December of 1972, United States Captain George Duncan Macdonald of Evanston, Illinois was declared missing in action at age 24 while supporting combat operations during the Vietnam Era; and,

WHEREAS, Captain Macdonald ran track at Evanston High School and because of his grades was accepted to Ohio State University; and,

WHEREAS, Captain Macdonald graduated from Evanston High School in 1967 and enrolled in Ohio State University; and,

WHEREAS, Captain Macdonald was an active member of the Air Force ROTC while he attended Ohio State University. He was also a dedicated track star who ranked sixteenth in the nation as a freshman; and,

WHEREAS, Captain Macdonald graduated from Ohio State University in 1971, and enlisted in the Air Force, becoming a dedicated Airman; and,

WHEREAS, Captain Macdonald was declared missing in action in December of 1972 with his fate unknown; and,

WHEREAS, a full military memorial service will be held at Arlington National Cemetery on Tuesday, May 29, 2012 for Captain Macdonald who is survived by 5 brothers and a sister; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Sunday, May 27, 2012 until sunset on Tuesday, May 29, 2012 in honor and remembrance of Captain McDonald, whose selfless service and sacrifice is an inspiration.

Issued by the Governor April 17, 2012

Filed by the Secretary of State May 4, 2012

**2012-159****Armenian Genocide Remembrance Day**

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian Genocide, which occurred 97 years ago; and,

## PROCLAMATIONS

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones and the loss of their ancestral homelands; and,

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and,

WHEREAS, Armenians continue to be a people filled with hope, courage, faith, and pride in their heritage, working together to rebuild a firm foundation for Armenia; and,

WHEREAS, many of the thousands of Armenian-Americans in Illinois are descendents or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage, and language, while contributing much to our state and our nation's diverse society and economy; and,

WHEREAS, both recognition and education concerning past atrocities such as the Armenian Genocide are crucial in the prevention of future crimes against humanity; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 21, 2012 as **ARMENIAN GENOCIDE REMEMBRANCE DAY** in Illinois, in observance of the 97<sup>th</sup> Anniversary of the Armenian Genocide.

Issued by the Governor April 17, 2012

Filed by the Secretary of State May 4, 2012

**2012-160****Women Build Week**

WHEREAS, Habitat for Humanity and Lowe's companies, Inc. have designated the week of May 5-13, 2012 as National Women Build Week, to highlight the efforts of the Women Build program, which recruits, educates and inspires women to build and advocate for simple, decent and affordable houses in their communities; and,

WHEREAS, more than 12 million U.S. children live in poverty and this initiative is aimed at creating awareness of opportunities for helping parents provide warm, safe homes for their children and solving poverty housing; and,

WHEREAS, the McLean County, Champaign County, Sangamon County, Chicago South Suburbs, DuPage, Coles County, Kankakee and Lake County Habitat for humanity affiliates serving the State of Illinois are joining 275 Habitat for Humanity affiliates across all 50 states

## PROCLAMATIONS

during National Women Build Week, uniting more than 10,000 women volunteers on Women Build sites across the country; and,

WHEREAS, this year's theme, "The Build Generation," reflects Habitat Women Build's goal to recruit and train women volunteers, as well as welcome the next generation of Habitat Women Builders – young women, aged 18-24 years, who can continue the legacy of Habitat's mission to create affordable housing; and,

WHEREAS, this initiative helps provide simple, decent, affordable housing through joining efforts between habitat partner families, volunteers, sponsors, community organizations and business and government leaders; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim May 5-13, 2012 as **WOMEN BUILD WEEK** in Illinois.

Issued by the Governor April 17, 2012

Filed by the Secretary of State May 4, 2012

**2012-161**  
**Memorial Day**

WHEREAS, Memorial Day was designated as a national holiday for the purpose of cherishing and solemnly celebrating our memories of those who sacrificed their lives on the battlefield in service to our country; and,

WHEREAS, Memorial Day was first observed in 1868 upon the order of Illinois' own John A. Logan, national commander of the Grand Army of the Republic, who called on every American to raise the flag in honor of those lost and to "renew our pledges to aid and assist those whom they have left among us as sacred charges upon the Nation's gratitude,—the soldier's and sailor's widow and orphan"; and,

WHEREAS, Memorial Day today continues to serve as a reminder to every American that our freedom was bought and is preserved at a great cost, and that each of us owes a boundless debt of gratitude to those valorous men and women who have given their lives to defend our country on the battlefields, on the seas and in the skies around the world; and,

WHEREAS, Memorial Day 2012 offers everyone in the Land of Lincoln an opportunity to honor those brave men and women who have served, and continued to serve, as members of the United States Armed Forces; and,

## PROCLAMATIONS

WHEREAS, Memorial Day 2012 reminds us that we can acknowledge our debt to those who serve by flying the flag proudly, by paying our respects at the final resting places of those who fell in battle, and by supporting our men and women in uniform through the Illinois Military Family Relief Fund or other organizations dedicated to helping veterans and service members:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 30, 2012, as **MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to noon on this day, and ask everyone in Illinois to honor the enduring legacy of our national heroes who gave their lives in defense of our nation and the undying American principles of justice, freedom, and democracy.

Issued by the Governor April 17, 2012  
Filed by the Secretary of State May 4, 2012

**2012-162****National Association of Letter Carriers Food Drive Day**

WHEREAS, founded in 1889, the National Association of Letter Carriers, AFL-CIO (NALC) is the union of city letter carriers employed by the United States Postal Service; and,

WHEREAS, there are approximately 300,000 active and retired members of the NALC, of which about two thirds are active city delivery letter carriers; and,

WHEREAS, last year these letter carriers delivered 168 billion pieces of mail, six days a week, to over 149 million homes and businesses in every city, suburb and town in America; and,

WHEREAS, each year, the National Association of Letter Carriers and the United States Postal Service conduct a nationwide food drive to help stock food banks and food pantries within the communities they serve; and,

WHEREAS, the NALC Food Drive is the largest one-day food drive in the nation, collecting over 70.2 million pounds of food in 2011, and raising the total amount of donations over the past 20 years to 1.1 billion pounds; and,

WHEREAS, letter carriers in Illinois collected over 1.7 million pounds of food across the Land of Lincoln in 2011; and,

WHEREAS, the need for food assistance has never been greater. According to the U.S. Department of Agriculture's most recent study of food security in the United States in 2009, the number of Americans living in so-called "food insecure" homes topped 50 million. Of those, 17.2 million are children; and,

## PROCLAMATIONS

WHEREAS, letter carriers all over the State of Illinois are preparing to once again help "Stamp Out Hunger" in their communities; and,

WHEREAS, the national drive, in which food is collected by letter carriers as they deliver mail along their postal routes, is held each year on the second Saturday in May—which falls on May 12 this year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 12, 2012 as **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY** in Illinois, in recognition of the NALC's efforts to combat hunger for the past twenty years.

Issued by the Governor April 20, 2012  
Filed by the Secretary of State May 4, 2012

**2012-163****Provider Appreciation Day**

WHEREAS, early childhood is the most critical developmental period for all children; and,

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; and,

WHEREAS, high quality early childcare services represent a worthy commitment to our children's future; and,

WHEREAS, of the 20 million children under age five in America, over 11 million are in some form of child care setting at least part time; and,

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers started Provider Appreciation Day in 1996; and,

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups aim to improve the quality and availability of such services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 11, 2012 as **PROVIDER APPRECIATION DAY** in Illinois, and urge all citizens to join me in recognizing Illinois' child care providers for their commitment and dedication to our children.

Issued by the Governor April 20, 2012

## PROCLAMATIONS

Filed by the Secretary of State May 4, 2012

**2012-164**  
**Correctional Officers Week**

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and,

WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators and crisis intervention experts. In addition, they must maintain their professional demeanor while often facing hostile, aggressive and intimidating behavior from prison inmates; and,

WHEREAS, correctional officers must possess the intuitive sense to resolve conflicts and save lives, while also possessing the physical ability to restrain persons representing a danger to themselves and others; and,

WHEREAS, we could not operate Illinois' prisons, correctional camps, transitional houses and county facilities without the hard work and sacrifices made each day by our correctional officers and their families; and,

WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers and the American Correctional Association in celebrating Correctional Officers Week and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2012 as **CORRECTIONAL OFFICERS WEEK** in Illinois, and encourage all citizens to pay special tribute to these men and women who serve faithfully, often with little thanks or recognition in serving to protect others.

Issued by the Governor April 23, 2012  
Filed by the Secretary of State May 4, 2012

**2012-165**  
**X and Y Chromosome Variation Awareness Month**

WHEREAS, a chromosome is a single piece of coiled DNA structure found in human cells; composed of numerous genes, proteins, regulatory elements and other nucleotide sequences that serve in packaging DNA as well as controlling its function; and,

## PROCLAMATIONS

WHEREAS, chromosome abnormalities also referred to as chromosome disorders, are problems that exist in the genetic structure of chromosomes. These abnormalities can appear in different ways such as: involving an extra copy of a particular chromosome, arranged in the wrong order, or broken. Although there is no cure, persons with X and Y chromosomal variations can be treated; and,

WHEREAS, X & Y variations are lifelong genetic disorders that impair the individual central nervous system and body condition, resulting in attention and behavioral disorders such as dyslexia, reading dysfunctions, language-based disabilities, motor planning deficits and an impairment in their overall ability to learn ; and,

WHEREAS, The Focus Foundation was founded in 2005, and is the first and only research-based agency exclusively dedicated to identifying and helping children who have X & Y chromosomal variations through early identification and syndrome-specific treatment; enabling them to attain a better quality of life and reach their full potential; and,

WHEREAS, every day, 20 children will be born with XXY, XXX and XYY chromosomal disorders. Only 5 of the 20 will be diagnosed and treated appropriately in their lifetime; and

WHEREAS, more than 500,000 people in the United States are believed to have a sex chromosome anomaly. XXY occurs in 1 out of 650 live births, XXX occurs in 1 out of 900 live births and XYY occurs in 1 out of 1,000 live births. 48, XXXY disorder occurs in one out of every 50,000 to 85,000 live births and 49, XXXXY disorders occurs in one out of every 85,000 to 100,000 live births; and,

WHEREAS, X and Y chromosomal variations are complex disorders that require increased research and knowledge to continue discovering treatments that maximize potential, greater recognition and understanding in order to ensure that individuals living with X and Y chromosomal variations are diagnosed and appropriately treated throughout their lives ; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2012 as **X AND Y CHROMOSOME VARIATION AWARENESS MONTH** in Illinois.

Issued by the Governor April 24, 2012

Filed by the Secretary of State May 4, 2012

**2012-166**

**Park West Cooperative Nursery School Day**

## PROCLAMATIONS

WHEREAS, the growth and development of children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, founded in 1971 with an educational philosophy that encourages thinking abilities above rote learning, Park West Cooperative Nursery School was established by a group of parents who wanted the ability to participate in all aspects of their children's first school experience, a tradition that Park West continues to honor; and

WHEREAS, Park West Cooperative Nursery School began with two classes, two teachers and 26 children. Since then, the school has grown to include seven classes, 11 teachers, and 125 students. Additionally, the school offers "tot classes" for 32 toddlers; and

WHEREAS, throughout the growth of the institution, Park West Cooperative Nursery School has always maintained their core principles of acceptance through a lottery, play-based curriculum and parents assisting in the classroom.

WHEREAS, children hold a special place in our lives. Raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society because children are profoundly influenced by the people and the environment around them; and,

WHEREAS, the strongest influence is often a child's family, but good schools and nurturing communities also play a vital role in helping children reach their full potential; and,

WHEREAS, Park West Cooperative Nursery School, an outstanding community institution, will celebrate four decades of "taking children and their ideas seriously" and of parents and teachers working and supporting each other, with the common goal of creating a school with children and how they learn at the core; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 5, 2012 as **PARK WEST COOPERATIVE NURSERY SCHOOL DAY** in Illinois, in celebration of this significant milestone.

Issued by the Governor April 24, 2012

Filed by the Secretary of State May 4, 2012

## PROCLAMATIONS

**Trinity Academy of Irish Dance Day**

WHEREAS, the arts are the embodiment of beauty throughout the world and help to preserve our cultural heritage; and

WHEREAS, according to Americans for the Arts, arts education stimulates and develops the imagination and critical thinking and refines cognitive and creative skill. Arts education adds to overall academic achievement and school success; and,

WHEREAS, the art of dance provides an outlet for creativity and a means of sharing the arts in communities throughout the state; and,

WHEREAS, dance fosters confidence, self-esteem, skills, and values in its participants; and,

WHEREAS, the Trinity Academy of Irish Dance is a team of families, instructors and staff who teach children to support and encourage their peers, to place emphasis on the journey rather than the result, to understand that wins and losses are not the most important thing and to do both gracefully, and to strive towards excellence, but also to celebrate dance and competition as pure enjoyment; and,

WHEREAS, the Trinity Academy of Irish Dance was founded by Mark Howard in 1982 as a small Irish dance school whose students practiced in a church basement; and,

WHEREAS, the Trinity Academy of Irish Dance is now the largest dance school in the United States with over 1,100 students, and locations throughout the Chicagoland area including Lakeview, Elmhurst, Downers Grove, Palatine, and Western Springs; and,

WHEREAS, the Trinity Academy of Irish Dance focuses on three areas: solo competition, team, and performance; and,

WHEREAS, the Trinity Irish Dancers have won over 35 medals at the World Championship of Irish Dance, more than any other American school; and,

WHEREAS, Trinity Irish Dancers are one of the most recognizable and known Irish Dance troupes in the World; and,

WHEREAS, the Trinity Academy of Irish Dance will celebrate its 30<sup>th</sup> anniversary this year; and;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 27, 2012 as **TRINITY ACADEMY OF IRISH DANCE DAY** in the State of Illinois, in recognition of

## PROCLAMATIONS

the school's contribution to the state, the country and the field of Irish Dance, and offer best wishes for continued success.

Issued by the Governor April 24, 2012

Filed by the Secretary of State May 4, 2012

**2012-168****Healthcare Technology Management Week**

WHEREAS, as medical technology advances, healthcare facilities must keep pace by employing quality, well-trained professionals capable of understanding the complexity of medical equipment operations and applications; and,

WHEREAS, the complexity of medical technology today and in the future makes it essential that those individuals responsible for the care, safety, and accuracy of this equipment are recognized as an invaluable resource to the healthcare industry; and,

WHEREAS, biomedical equipment technicians, clinical engineers, and other medical technology professionals uniquely serve patients and the medical community while utilizing new technology developments to improve the quality of today's healthcare; and,

WHEREAS, these professionals research, recommend, install, inspect, and repair medical devices and other complicated medical systems, as well as advise and train others concerning the safe and effective use of medical devices, thereby controlling healthcare costs and improving patient safety; and,

WHEREAS, the Association for the Advancement of Medical Instrumentation (AAMI) is a unique alliance of more than 6,000 members united by a common goal to increase the understanding and beneficial use of medical instrumentation; and,

WHEREAS, AAMI's Technology Management Council (TMC) seeks to advance the interests of biomedical equipment technicians, clinical engineers, and other medical technology professionals; and,

WHEREAS, the AAMI has designated the week of May 20-26, 2012 as Healthcare Technology Management Week. This annual celebration is specifically designed to promote the awareness of, and appreciation for, biomedical equipment technicians, clinical engineers, and all other medical technology professionals:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 20-26, 2012 as **HEALTHCARE TECHNOLOGY MANAGEMENT WEEK** in Illinois, and

## PROCLAMATIONS

encourage all citizens to recognize these dedicated professionals for their contributions to improving the healthcare system and patient outcomes in our state.

Issued by the Governor April 24, 2012

Filed by the Secretary of State May 4, 2012

**2012-169****Small Business and Entrepreneur Week**

WHEREAS, small businesses and entrepreneurs are vital to Illinois' growth and prosperity; and,

WHEREAS, 65 percent of new jobs created throughout the United States in the past two decades have come from entrepreneurs and small businesses; and,

WHEREAS, many young Americans envision starting a business or doing something entrepreneurial as adults; and,

WHEREAS, the State of Illinois remains committed to nurturing our entrepreneurs and small businesses by providing a network of entrepreneurship and small business centers throughout Illinois to turn promising ideas into promising companies and new jobs; and,

WHEREAS, a broad coalition of partner organizations in Illinois and throughout the United States is actively engaged in enhancing small business and entrepreneurial opportunities; and,

WHEREAS, encouraging youth to be excited about business and working to expand the knowledge and skills of Illinoisans to be successful are crucial to the long-term growth of Illinois and the United States; and,

WHEREAS, Small Business and Entrepreneur Week provides an opportunity to focus on the innovative ways in which small business and entrepreneurship education can bring together the core academic, technical and problem solving skills essential for future entrepreneurs and successful workers in future workplaces; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 14-18, 2012 as **SMALL BUSINESS AND ENTREPRENEUR WEEK** in Illinois, and encourage consumers in the Land of Lincoln to support small businesses and entrepreneurs that create jobs within our communities and reinvest in our local economies.

Issued by the Governor April 24, 2012

Filed by the Secretary of State May 4, 2012

## PROCLAMATIONS

**2012-170****Phillip Humber Day**

WHEREAS, the people of Illinois are both entertained and inspired by demonstrations of athletic excellence and take great pride in the achievements of their favorite Major League Baseball teams; and,

WHEREAS, on April 21, 2012, Chicago White Sox Pitcher Philip Humber threw a perfect game in a 4-0 victory against the Seattle Mariners at Safeco Field in Seattle; and,

WHEREAS, with this accomplishment, Philip Humber became only the 21<sup>st</sup> pitcher in the history of Major League Baseball ever to pitch a perfect game; and,

WHEREAS, Philip Humber became the first pitcher to throw a perfect game in the month of April since former White Sox hurler and fellow Texan Charles Robertson in 1922; and,

WHEREAS, Philip Humber became the first pitcher to not allow a single base runner against the Seattle Mariners; and,

WHEREAS, this extraordinary occasion marks the third perfect game for the White Sox, combining the achievements of Humber, Robertson, and Mark Buehrle in making the Chicago White Sox the leader in perfect games of all Major League franchises; and,

WHEREAS, in his perfect game, Philip Humber showed extreme poise and pure domination in a 96-pitch outing with 9 strike outs, including striking out Mariners' pinch-hitter Brendan Ryan on a 3-2 count for the final out of the game; and,

WHEREAS, during his time on the mound, Philip Humber was able to pitch for a full eight innings without allowing a single batter to receive three balls and kept nearly every hitter from threatening to reach base; and,

WHEREAS, other players of the Chicago White Sox exemplified the highest ideals of teamwork in contributing to Philip Humber's achievement, namely Alex Rios whose over the shoulder catch of Dustin Ackley's line drive in the fourth stopped the Mariners attempt to get on base in their tracks; Paul Konerko, who struck first with a home run in the second inning and added another RBI in the third, and Anthony John Pierzynski, who not only caught Humber's perfect game, but also drove in a run in the third and preserved the perfect game with a heads up play in the bottom of the ninth to end the game; and,

WHEREAS, sports fans throughout the world acknowledge Philip Humber's contributions to the Chicago White Sox, the State of Illinois, and the game of baseball; and

## PROCLAMATIONS

WHEREAS, Philip Humber's remarkable performance on Saturday, April 21, 2012, now takes its place among the most memorable moments in the storied history of our national pastime:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, commend and salute Philip Humber for his exemplary performance on the baseball diamond and do hereby proclaim April 28, 2012, as **PHILIP HUMBER DAY** in Illinois in recognition of this historic and extraordinary accomplishment.

Issued by the Governor April 25, 2012

Filed by the Secretary of State May 4, 2012

**2012-171****Illinois Flag Display Act**

WHEREAS, on Thursday, April 19, United States Army Sgt. Dean R. Shaffer of Pekin, Illinois died at age 23 while supporting combat operations in Helmand province, Afghanistan where he was serving in support of Operation Enduring Freedom; and,

WHEREAS, Sgt. Shaffer was assigned to B Company, 2<sup>nd</sup> Battalion, 25<sup>th</sup> Aviation Regiment, 25<sup>th</sup> Infantry Division, based at Wheeler Army Airfield, Hawaii; and,

WHEREAS, Sgt. Shaffer was an involved member of the JROTC Honor Guard, Color Guard, Drill Team, Physical Fitness Team, Academic Team, Orienteering Team, and was the first recipient of the first PCHS JROTC Career and Technical Education Award at Pekin Community High School; and,

WHEREAS, Sgt. Shaffer graduated from Pekin Community High School in 2007 and enlisted in the Army that same year; and,

WHEREAS, Sgt. Shaffer was travelling with three other soldiers when they were involved in a fatal helicopter crash; and

WHEREAS, Sgt. Shaffer has been posthumously awarded the Bronze Star, Purple Heart, and the Combat Aviation Badge.

WHEREAS, a funeral will be held on Monday, April, 30, 2012 for Sgt. Shaffer who is survived by his parents, and a sister; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on

## PROCLAMATIONS

Saturday, April 28, 2012 until sunset on Monday, April 30, 2012 in honor and remembrance of Sgt. Dean R. Shaffer, whose selfless service and sacrifice is an inspiration.

Issued by the Governor April 27, 2012

Filed by the Secretary of State May 4, 2012

**2012-172****Mobility Awareness Month**

WHEREAS, the people of Illinois will celebrate Mobility Awareness Month in May 2012; and,

WHEREAS, in the United States, 19 percent of the non-institutionalized civilian population aged five and older have some level of disability, representing 54 million people in the nation, with nearly 1.3 million of those citizens residing in Illinois, comprising 10.3 percent of the state's population; and,

WHEREAS, Illinois has a long history of protecting the rights and liberties of persons with disabilities, going back 32 years to the passage of the Illinois Human Rights Act (December 6, 1979); and,

WHEREAS, the State of Illinois and its agencies remain committed to continuing efforts to ensure that people with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and,

WHEREAS, the National Mobility Equipment Dealers Association, comprised of more than 600 mobility equipment dealers, manufacturers and driver rehabilitation specialists, sponsors Mobility Awareness Month and remains dedicated to expanding opportunities for people with Disabilities; and,

WHEREAS, the observance of National Mobility Awareness Month is designed to promote awareness for increasing independence and the quality of life for people with disabilities; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2012 as **MOBILITY AWARENESS MONTH** in Illinois, and encourage all citizens to reaffirm the principles of equality and inclusion, and do their part to ensure that people with disabilities enjoy access to active, mobile lifestyles.

Issued by the Governor April 27, 2012

Filed by the Secretary of State May 4, 2012

**2012-173**

## PROCLAMATIONS

**Jay Leno Day**

WHEREAS, James "Jay" Douglas Muir Leno was born in humble beginnings in New Rochelle, New York on April 28, 1950 to parents Catherine and Angelo; and,

WHEREAS, Jay Leno grew up in Andover, Massachusetts, the son of a Scottish immigrant mother and first-generation Italian American father; and,

WHEREAS, Jay Leno learned the value of hard work and overcame great adversity in school, going on to receive a bachelor's degree in speech therapy from Emerson College in Boston, defying the expectations of his teacher and guidance counselor; and,

WHEREAS, Jay Leno began performing comedy in 1970 and was performing 300 nights a year by 1973; and,

WHEREAS, Jay Leno, after several minor roles in television and film, became a regular substitute for Johnny Carson on "The Tonight Show" in 1987; and,

WHEREAS, Jay Leno eventually replaced Carson on "The Tonight Show" as host, upon Carson's retirement in 1992; and,

WHEREAS, Jay Leno is the recipient of numerous awards, including an Emmy in 1995, a People's Choice Award in 2006 and has a Star on the Hollywood Walk of Fame; and,

WHEREAS, in addition to comedy, Jay Leno is a published author, philanthropist and avid car collector; and,

WHEREAS, for the past forty years, Omni Youth Services has been dedicated to developing youth, strengthening families and serving communities through innovative programs and partnerships in the greater Chicago area; and,

WHEREAS, on April 28th, Jay Leno will appear in Chicago for a special performance to celebrate Omni Youth Services' fortieth anniversary; and,

WHEREAS, Jay Leno is an extraordinary comedian, celebrated actor, philanthropist, author and husband; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 29, 2012 as **JAY LENO DAY** in Illinois, in recognition of his extraordinary contributions to the global community through the arts, and thank him for his partnership with Omni Youth Services.

## PROCLAMATIONS

Issued by the Governor April 27, 2012  
Filed by the Secretary of State May 4, 2012

**2012-174****Public Service Recognition Week**

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, public employees take not only jobs, but oaths; and,

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States; and,

WHEREAS, public servants include teachers, mail carriers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, laborers, computer technicians and social workers, as well as countless other occupations; and,

WHEREAS, day in and day out, these dedicated public servants provide the diverse services demanded by the American people of their government with efficiency and integrity; and,

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2012 as **PUBLIC SERVICE RECOGNITION WEEK** in Illinois, and encourage all citizens to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and city.

Issued by the Governor April 30, 2012  
Filed by the Secretary of State May 4, 2012

**2012-175****Scoliosis Awareness Month**

WHEREAS, scoliosis is an abnormal curvature of the spine that affects 2-3 percent of the population, or an estimated 7 million people in the United States. Scoliosis impacts people of all ages, regardless of race or socio-economic status, and there is no cure; and,

## PROCLAMATIONS

WHEREAS, scoliosis is common in children with a variety of congenital and neuromuscular diseases, but it is most prevalent in seemingly healthy children, with no known cause. The primary age of onset for scoliosis is 10-15 years of age, occurring equally among both genders, but with females five to eight times more likely to progress to a curve magnitude that requires treatment; and,

WHEREAS, approximately one out of every six children diagnosed with scoliosis will have a curve that progresses to a degree that requires active treatment. Annually an estimated one million patients diagnosed with scoliosis utilize health care resources; and,

WHEREAS, scoliosis can impact a person's quality of life by limiting activity, reducing respiratory function, causing pain and diminishing self esteem; and,

WHEREAS, screening programs allow for early detection and treatment which may alleviate the worst effects of scoliosis; and,

WHEREAS, increased public awareness of scoliosis can help children, parents, adults and healthcare providers understand and recognize the complexities of spinal deformities such as scoliosis; and,

WHEREAS, the observance of National Scoliosis Awareness Month provides an opportunity to renew our commitment to raise awareness of the societal and economic costs of musculoskeletal diseases such as scoliosis, and the need for continued research to alleviate the pain and suffering those diseases cause:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2012 as **SCOLIOSIS AWARENESS MONTH** in Illinois, in support of the efforts by the Scoliosis Research Society and the National Scoliosis Foundation to raise awareness of scoliosis and to improve the quality of life for those affected.

Issued by the Governor May 1, 2012

Filed by the Secretary of State May 4, 2012

**2012-176****National Rosie the Riveter Day**

WHEREAS, National Rosie the Riveter Day is a collective national effort to raise awareness of the 16 million working women during World War II; and,

WHEREAS, it is important for Americans to honor female workers who contributed on the home front during World War II; and,

## PROCLAMATIONS

WHEREAS, these women left their homes to work or volunteer fulltime in factories, farms, shipyards, airplane factories, banks, and other institutions in support of the military effort overseas; and,

WHEREAS, these women worked with the United Service Organizations (USO) or Red Cross, drove trucks, riveted airplane parts, collected critical materials, rolled bandages, and served on rationing boards, among other contributions; and,

WHEREAS, it is right and proper to recognize and preserve the history and legacy of working women, including volunteer women, during World War II to promote cooperation and fellowship among such women and their descendents; and,

WHEREAS, these women and their descendents wish to further the advancement of patriotic ideals, excellence in the workplace, and loyalty to the United States of America; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 26, 2012 as **NATIONAL ROSIE THE RIVETER DAY** in Illinois, and encourage all citizens to honor these women who contributed to our country through their patriotism.

Issued by the Governor May 1, 2012

Filed by the Secretary of State May 4, 2012

**2012-177****Wirtz Beverage Group Day**

WHEREAS, in this time of global economic uncertainty, businesses are more important than ever to the vitality of Illinois' growth and prosperity; and,

WHEREAS, the health of Illinois' economy depends on our support of businesses who create jobs, boost our local economy and preserve our neighborhoods; and,

WHEREAS, Wirtz Beverage Group is a leading national distributor of the world's top luxury and premium wine, spirits and beer brands with locations throughout the United States; and,

WHEREAS, Wirtz Beverage Group is a true success story, experiencing over \$1.5 Billion in annual sales among their operations in Illinois, Iowa, Minnesota, Nevada and Wisconsin; and,

WHEREAS, Wirtz beverage Illinois is the flagship distributor for Wirtz Beverage Group, and serves as the oldest and most established alcohol-beverage distributor in our state; and,

## PROCLAMATIONS

WHEREAS, Wirtz Beverage Illinois will make an \$80 million investment by opening a new, 600,000-square foot state-of-the-art office, training and distribution center in Cicero, which will employ over 1,000 Illinois residents; and,

WHEREAS, the new Cicero facility will include innovative technological advancements, office space, conference centers, training facilities and warehouse space that will accommodate the nearly 1,500 beverage products Wirtz distributes; and,

WHEREAS, Wirtz Beverage Illinois will officially open the new Cicero facility on May 2, 2012 with a grand opening celebration and reception; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2, 2012 as **WIRTZ BEVERAGE GROUP DAY** in Illinois, in celebration of this milestone.

Issued by the Governor May 2, 2012

Filed by the Secretary of State May 4, 2012

**2012-178****National Children's Mental Health Awareness Day**

WHEREAS, addressing the continuing mental healthcare needs of children, youth, and their families today bears on the future wellbeing of all Illinoisans; and,

WHEREAS, the need for comprehensive and coordinated mental healthcare services for children and adolescents must be of vital concern and responsibility to our local communities; and,

WHEREAS, the Illinois Department of Human Services Division of Community Health and Prevention, along with the Illinois Children's Mental Health Partnership and our All Our Kids (AOK) Networks will observe National Children's Mental Health Awareness Day by affirming the benefits and value of the work being done by the recent beneficiaries of federal SAMHSA grants in Illinois through Project LAUNCH; and,

WHEREAS, it is fitting that we set aside a day each year for the observance of the mental healthcare requirements of our young in order to see where progress has been made and to assess where there is more work to be done; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 9, 2012 as **NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY** in Illinois, and urge every citizen, state and local agency and private organization committed to advancing the mental wellbeing of children and adolescents to come together to raise awareness of this cause

## PROCLAMATIONS

and of the importance of sustaining year-round mental health programs for children and youth and their families.

Issued by the Governor May 2, 2012

Filed by the Secretary of State May 4, 2012

**2012-179****Azerbaijan National Day**

WHEREAS, the Republic of Azerbaijan was proclaimed on May 28, 1918, stretching from the Caucasus mountains in the north to the Araxes river in the south, Caspian Sea in the east to Kerki in the west, and became the first secular Muslim parliamentary democratic republic in the history of the world, and was recognized as such by other democratic nations of the time, including the United States of America; and,

WHEREAS, the modern Republic of Azerbaijan, situated in the South Caucasus region of southeastern Europe, has an area of 33,440 square miles, including the exclave of Naxcivan and the Karabakh region; and,

WHEREAS, the territorial integrity, state sovereignty and independence of the Republic of Azerbaijan is unconditionally supported by the United States; and,

WHEREAS, every year for the last 94 years, an estimated 40 million Azerbaijanis around the globe observe May 28 as the National Day of Azerbaijan and remember the contribution of their forefathers to the spread of freedom and democracy in the Caucasus and the greater region; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 28, 2012 as **AZERBAIJAN NATIONAL DAY** in Illinois, in recognition of the 94<sup>th</sup> anniversary of the founding of the Republic of Azerbaijan, and in tribute to all Azerbaijani-Americans who call Illinois home.

Issued by the Governor May 3, 2012

Filed by the Secretary of State May 4, 2012

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 36, Issue 20 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

35 - 742	.....	7340
92 - 1010	.....	7520

**ADOPTED RULES**

89 - 104	5/7/2012 .....	7530
89 - 140	5/7/2012 .....	7545
35 - 223	5/4/2012 .....	7569
77 - 697	5/4/2012 .....	7613
71 - 2005	5/2/2012 .....	7662
92 - 1010	5/2/2012 .....	7674
80 - 1650	5/4/2012 .....	7688

**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

12 - 145	4/11/2012 .....	7712
12 - 146	4/11/2012 .....	7713
12 - 147	4/11/2012 .....	7714
12 - 148	4/12/2012 .....	7715
12 - 149	4/12/2012 .....	7716
12 - 150	4/12/2012 .....	7717
12 - 151	4/12/2012 .....	7718
12 - 152	4/13/2012 .....	7719
12 - 153	4/13/2012 .....	7720
12 - 154	4/13/2012 .....	7721
12 - 155	4/13/2012 .....	7722
12 - 156	4/17/2012 .....	7722
12 - 157	4/17/2012 .....	7723
12 - 158	4/17/2012 .....	7724
12 - 159	4/17/2012 .....	7725
12 - 160	4/17/2012 .....	7726
12 - 161	4/17/2012 .....	7727
12 - 162	4/20/2012 .....	7728
12 - 163	4/20/2012 .....	7729
12 - 164	4/23/2012 .....	7730
12 - 165	4/24/2012 .....	7730
12 - 166	4/24/2012 .....	7731
12 - 167	4/24/2012 .....	7732
12 - 168	4/24/2012 .....	7734
12 - 169	4/24/2012 .....	7735
12 - 170	4/25/2012 .....	7736
12 - 172	4/27/2012 .....	7737
12 - 173	4/27/2012 .....	7738
12 - 174	4/30/2012 .....	7738

12 - 175	5/1/2012 .....	7740
12 - 176	5/1/2012 .....	7741
12 - 177	5/2/2012 .....	7742
12 - 178	5/2/2012 .....	7743
12 - 179	5/3/2012 .....	7744

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