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INTRODUCTION

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

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

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

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

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
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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 1st to July 2nd, 2012.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1250.120	Amendment
1250.135	Amendment
1250.140	Amendment
1250.150	Amendment
1250.155	Amendment
1250.160	Amendment
1250.165	Amendment
1250.180	New Section
1250.220	Amendment
- 4) Statutory Authority: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15]
- 5) A Complete Description of the Subjects and Issues Involved: Continuing education (CE) sponsors were expanded to include fees, application and renewal information, and course guidelines. A new Section is also being added to define who qualifies as a representative of the licensee at the final disposition of human remains at a cemetery and the fee for restoration of a lapsed license is increased from \$20 to \$50.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 FAX: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing funeral and embalming services will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skills in mortuary/funeral service science and/or embalming are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section

1250.110	Approved Programs of Mortuary Science
1250.120	Application for Internship
1250.130	Requirements for Internship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.165	Fees
1250.170	Requirements for a Preparation Room
1250.180	Representative of Licensee at Final Disposition at Cemetery Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; Part repealed and new Part adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238,

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NOTICE OF PROPOSED AMENDMENTS

effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 24 Ill. Reg. 550, effective December 31, 1999; amended at 27 Ill. Reg. 7791, effective April 21, 2003; amended at 28 Ill. Reg. 4911, effective March 3, 2004; amended at 29 Ill. Reg. 13999, effective August 30, 2005; amended at 36 Ill. Reg. _____, effective _____.

Section 1250.120 Application for Internship

- a) An applicant for a license as a funeral director and embalmer intern shall file an application on forms supplied by the Division. The application shall include:
 - 1) One of the following:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;
 - 3) Certification of acceptance, completed and signed by a licensed funeral director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his or her supervision; and
 - 4) ~~A complete work history since completion of an approved program as set forth in Section 1250.110; and 5)~~ The required fee set forth in Section

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1250.165 ~~of this Part.~~

- b) Upon receipt of the documents listed in subsection (a) and review of the application, the Division shall issue a funeral director and embalmer intern license or notify the applicant, in writing, of the reason for the denial of the application.
- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.
- d) All qualified applicants will be issued a funeral director and embalmer intern license.

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

Section 1250.135 Application for Licensure

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Division. The application shall include the following:
 - 1) Certification of completion of internship signed by the licensed funeral director and embalmer under whose supervision the internship was performed.
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.
 - 3) Verification of successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Division.
 - 4) ~~A complete work history since completion of an approved program as set forth in Section 1250.110. 5)~~ Applicants not having been issued Illinois funeral director and ~~or~~ embalmer intern licenses or who have been issued one that has been expired for more than 5 years shall submit the following:
 - A) Official transcripts showing proof of successful completion of at

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least 30 semester (45 quarter) hours of college credit, not including remedial courses, that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

- B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an equivalent associate's degree (i.e., applied science); or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
- 6) The fee specified in Section 1250.165.
- b) Upon receipt of the documents listed in subsection (a) and review of the application, the Division shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.
- e) ~~The Division shall not issue any new licenses as funeral directors or any new licenses for embalmers.~~

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

Section 1250.140 Examination

- a) The examination for a funeral director and embalmer license shall be the examination administered by the International Conference of Funeral Service Examining Boards, Inc. and shall cover:
- 1) Part I (Funeral Service Science):
 - A) Embalming
 - B) Restorative Art
 - C) Microbiology

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- D) Pathology
 - E) Chemistry
 - F) Anatomy
- 2) Part II (Funeral Service Arts):
- A) Sociology of Funeral Service
 - B) Psychology and Counseling
 - C) Funeral Directing and Professional Relationships
 - D) Business Law
 - E) Funeral Service Law
 - F) Funeral Merchandising
 - G) Accounting
- 3) The Division shall receive verification of the successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination. The passing score shall be the passing score established by the testing entity. Verification shall be received directly from the International Conference of Funeral Service Examining Boards, Inc.
- b) An examination fee shall be paid to the designated testing service for each examination or any part retaken.
 - c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

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

Section 1250.150 Reciprocity

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- a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Division together with:
- 1) One of the following:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
 - 2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;
 - 3) A certification by the state or territory of original and current licensure, stating:
 - A) The time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois; and;
 - 4) ~~A complete work history since completion of an approved program as set~~

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~~forth in Section 1250.110; and 5)~~ The fee set forth in Section 1250.165.

- b) The Division shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Division shall either issue a license by reciprocity to the applicant or notify him or her, in writing, of the reasons for the denial of the application.

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

Section 1250.155 Inactive Status

- a) Any licensed funeral director and embalmer or any licensed funeral director who notifies the Division in writing, on forms prescribed by the Division, may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the Division in writing of the desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1250.160 ~~of this Part~~.
- c) ~~Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of the Code~~
~~Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of the Code (Section 10-35 of the Code).~~

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

Section 1250.160 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the following:
- 1) The restoration fees specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165.

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- 2) Proof of completion of the required number of continuing education (CE) hours for one prerenewal period as specified in Section 1250.220 ~~of this Part~~. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of continuing education programs.
- 3) One of the following:
 - A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice or, if the profession is not licensed in the other jurisdiction, a statement from the licensee's employer;
 - B) An affidavit attesting to military service as provided in Sections 5-15 and 10-35 of the Code. If application is made within 2 years after discharge, and if all other provisions of Sections 5-15 and 10-35 of the Code are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
 - C) Evidence of other education or experience acceptable to the Division ~~of the licensee's fitness to have the license restored. The evidence shall be reviewed on a case by case basis by the Funeral Directors and Embalmers Licensing and Disciplinary Board (Board)~~.
- b) A licensee seeking restoration of a license that has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements, shall file an application on forms provided by the Division, together with the following:
 - 1) The restoration fees specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165.
 - 2) Any licensee restoring a license shall be required to submit proof of completion of the required number of CE hours for one prerenewal period as specified in Section 1250.220 ~~of this Part~~. Acceptable proof of

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completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.

- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 5-15 of the Code will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to ~~provide:~~ 1) Provide such information as may be necessary to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.; and/or
- ~~2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Division, an applicant shall have the license restored.~~
- e) Persons to whom a funeral director license and embalmer license were issued prior to June 1, 1991 shall be required to restore both licenses. Persons to whom a funeral director license was issued prior to June 1, 1991 will be allowed to restore that license.

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

Section 1250.165 Fees

The following fees shall be paid to the ~~Department~~Division and are not refundable:

- a) Application Fees
- 1) The fee for application for a license as a funeral director and embalmer is \$100. In addition, applicants for an examination shall be required to pay, either to the ~~Department~~Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled

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date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is \$200.
- 3) The application fee for a license as a funeral director and embalmer intern is \$50.

4) The application fee for a continuing education sponsor is \$500.

b) Renewal Fees

- 1) The fee for the renewal of a license as a funeral director and embalmer or a funeral director and embalmer intern shall be calculated at the rate of \$50 per year.
- 2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of \$25 per year.

3) The fee for the renewal of a continuing education sponsor shall be calculated at the rate of \$125 per year.

c) General Fees

- 1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees not to exceed \$260.
- 2) The fee for the restoration of a funeral director license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$130.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address

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changes on Division records when no duplicate license is issued.

- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20 plus any fee charge by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer interns in this State shall be the actual cost of producing the roster.

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

Section 1250.180 Representative of Licensee at Final Disposition at Cemetery Required Activities (Repealed)

- a) As used in Section 15-75(b)(36)(D) of the Code, "representative" means a person:
 - 1) employed or contracted by the licensed funeral director and embalmer or licensed funeral director who has been engaged to provide funeral or embalming services; or
 - 2) employed by the same funeral establishment that employs the licensed funeral director and embalmer or licensed funeral director who has been engaged to provide funeral or embalming services.
- b) "Representative" includes another licensed funeral director and embalmer, a licensed funeral director, a licensed funeral director and embalmer intern, or an unlicensed employee or contractor.
- c) "Representative" does not include a person employed or contracted by the cemetery at which final disposition is made, except when the funeral establishment and the cemetery have the same owners.

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

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Section 1250.220 Continuing Education

- a) Continuing Education Hour Requirements
- 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each prerenewal period. These 24 hours shall include a minimum of 9 hours related to the practice of funeral directing and a minimum of 9 hours related to the practice of embalming. No more than 6 hours may consist of insurance courses.
 - 2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prerenewal period. No more than 6 hours may consist of insurance courses.
 - 3) The Division shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 5) A licensee who has been actively licensed as a funeral director or embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.
 - 6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
 - 2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prerenewal period for:

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- A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;
 - B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;
 - C) Writing a chapter in a book pertaining to funeral directing or embalming; and
 - D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. The self-study courses shall meet the following requirements:
 - i) ~~Credit for each self-study course cannot exceed 6 hours. ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period. iii)~~ Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.
 - ~~iiiv)~~ Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.
- 3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitive presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.
- 4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another

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jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.

- 5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE hours. One quarter hour shall equal 6 CE hours.
 - 6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the CE program is held after the dinner or social function commences, no alcohol may be served. If the program involves one or more hours of education, credit may be issued in one-half hour increments.
 - 7) Credit will not be given for activities that are not included in [this](#) subsection (b).
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, pursuant to [Sections 5-15 and Section 10-35](#) of the Code, shall mean the following:
 - A) An accredited college or university;
 - B) Illinois Funeral Directors Association;
 - C) Funeral Directors Services Association of Greater Chicago;
 - D) Cook County Association of Funeral Home Owners, Inc.;
 - E) Illinois Selected Morticians Association;
 - F) National Funeral Directors Association;
 - G) Illinois Cemetery and Funeral Home Association;

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- H) Selected Independent Funeral Homes;
- I) An Illinois school of mortuary science;
- J) International Order of the Golden Rule;
- K) National Funeral Directors and Morticians Association; or
- L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Division to coordinate and present CE courses and programs in conjunction with this Section.

- 2) A continuing education sponsor ~~shall file a sponsor~~ application shall be filed with the Division to be approved as a continuing education sponsor. The application shall include that certifies the following:
 - A) A copy of the Certificate of Attendance, which shall contain the following information:
 - i) The CE sponsor registration number, name and address;
 - ii) Name and license number of the participant;
 - iii) Number of hours awarded; and
 - iv) The required fee set forth in Section 1250.165. That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;
 - B) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. The CE course must meet the following minimum requirements:

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- i) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented;
 - ii) Include a student evaluation of both instructor and the course;
 - iii) Specify the course objectives and content and the number of CE hours to be earned. The information shall be specified in all promotional materials; and
 - iv) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record and provide a certificate of completion at the end of the course or program. All records shall comply with the criteria as set forth in subsection (c)(2)(A),(e)(5); and
- C) CE sponsors shall be required to renew their license May 31 of odd numbered years. The first renewal shall be May 31, 2013. That, upon request by the Division, the sponsor will submit evidence necessary to establish compliance with this Section. The evidence shall be required when the Division has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.
- D) Six months following the adoption of these amendments, CE programs must be given by a sponsor who has been approved by the Division to provide continuing education. CE sponsors must submit an application and the required fee and meet the current requirements set forth in this Part and the Act within six months after adoption of these amendments in order to continue providing continuing education.
- E) If an approved CE sponsor does not renew the license at the time of renewal, the CE sponsor must reapply and submit the appropriate documents and pay the initial application fee.

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- 3) All courses and programs shall:
 - A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism whereby participants evaluate the overall quality and content of the program.
- 4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.
- 5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation that shall contain the following information:
 - A) The name and address of the sponsor;
 - B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of CE hours awarded in each program;
 - E) The date and place of the program; and

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- F) The signature of the sponsor.
- 6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor, by such means as mailing the certificate or summary of attendance.
- 7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) for not less than 5 years, except for the signature of the sponsor.
- 8) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.
- 9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Division shall thereafter refuse to accept for CE credit attendance at any of ~~that~~~~such~~ sponsor's CE activities until ~~such time as~~ the Division receives assurances of compliance with this Section.
- 10) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any continuing education program at any time.
- 11) The Division shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
- 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional evidence will be required in the context of the Division's random audit.
- 3) When there appears to be a lack of compliance with CE requirements, an

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applicant will be notified ~~and may be required to interview with the Board,~~ at which time the ~~Division~~Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Exemptions~~Waiver of CE Requirements~~

- 1) A licensee may be exempt from the continuing education requirements of this Section if one of the following situations occur. If an exemption is claimed, it is required that the renewal fee and any documentation needed to support the exemption be submitted for renewal of a license.
 - A) A licensee who is on full-time active duty in the military service of the United States, or is a licensee who is called to temporary active duty in the military service or Armed Forces of the United States for a period of time exceeding 120 consecutive days during the renewal period, when that activity restricts participation in a continuing education program.
 - B) A licensee who demonstrates to the satisfaction of the Division that meeting these requirements would work an undue hardship by reason of disability, illness or other clearly mitigating circumstances. The supporting documentation shall be in the form of a sworn statement by the licensee, a statement from a physician, or medical records that show the disability, illness or circumstance prevented the licensee's participation in the continuing education program during a substantial part of the renewal period. If the Division finds from the evidence that good cause has been shown for non-compliance, the Division shall waive enforcement, extend the time within which the licensee shall comply, or establish a particular program or schedule of continuing education, including home study, for the renewal period in which the undue hardship existed. In the cases of non-compliance by reason of advanced age or serious health conditions lasting a substantial part of the renewal period, enforcement shall not be waived for more than one renewal period. Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, the required renewal fee, a statement setting forth the facts concerning the non-compliance,

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~~and a request for waiver of the CE requirements on the basis of the facts. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted, that extreme hardship has been shown, the Division shall waive enforcement of CE requirements for that renewal period. 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested. 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of: A) Full-time service in the armed forces of the United States of America during a substantial part of such period; B) An incapacitating illness, documented by a currently licensed physician; C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).~~

- ~~2)4)~~ Any ~~licensee~~~~renewal applicant~~ who, prior to the expiration date of the license, submits a request for ~~an exemption under a waiver, pursuant to the provisions of~~ this Section shall be deemed to be in good standing until the Division's final decision on the ~~request~~~~application~~ has been made.
- ~~3)5)~~ Any ~~licensee~~~~applicant~~ who submits a request for ~~an exemption~~~~waiver~~ that is denied may then request his or her license be placed on inactive status. The ~~licensee~~~~applicant~~ shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section 1250.160 ~~of this Part~~.

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

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- 1) Heading of the Part: Illinois Public Accounting Act
- 2) Code Citation: 68 Ill. Adm. Code 1420
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1420.40	Amendment
1420.70	New Section
- 4) Statutory Authority: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Continuing Education (CE) Section of this Part in order to broaden the recognition of formal and informal CE. This expansion was considered necessary based upon the American Institute of Certified Public Accountants' (AICPA) and National Association of State Boards of Accountancy's (NASBA) proposed revisions to the Statement on Standards for Continuing Professional Education Programs that noted that most CPAs participate in learning activities that do not comply with all applicable CE requirements, for example, specialized industry programs offered through industry sponsors. The fee for restoration of a non-renewed license is also increased from \$20 to \$50.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing public accounting services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Public accounting skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1420

ILLINOIS PUBLIC ACCOUNTING ACT

Section

1420.10	Experience
1420.20	Application for Licensure as a Certified Public Accountant
1420.25	Application for Licensure as a Registered Certified Public Accountant
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.75	Peer Review
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at

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24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. 9853, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 16435, effective September 29, 2006; amended at 31 Ill. Reg. 3475, effective February 15, 2007; amended at 35 Ill. Reg. 1957, effective January 20, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 1420.40 Fees For the Administration of the Act

The following fees shall be paid to the Division for the functions performed by the Division under the Act and shall be non-refundable:

- a) The fee for application as a licensed certified public accountant is \$120;
- b) The fee for application as a registered certified public accountant is \$90;
- c) The fee for renewal of a license as a licensed certified public accountant is \$40 per year;
- d) The fee for renewal of a license as a registered certified public accountant is \$30 per year;
- e) The fee for a license as a firm engaged in public accounting is \$120;
- f) The fee for renewal of a license as a firm engaged in public accounting is \$40 per year;
- g) The fee for restoration of a license from inactive status is the current renewal fee;
- h) The fee for restoration of a license other than from inactive status is ~~\$50~~\$20 plus all lapsed renewal fees, not to exceed \$260;
- i) The fee for certification of a licensee's record is \$20;
- j) The fee for a duplicate or replacement license is \$20;
- k) The fee for a wall certificate is the cost of production;
- l) The fee for change of name or address on a licensee's record, other than during renewal, is \$20;

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- m) The processing fee for temporary registration to practice public accounting within Illinois is \$50 for one year;
- n) The fee for a roster of licensed and/or registered certified public accountants shall be the actual cost of producing such a roster. Actual roster cost shall equal (total number of licensees in list requested) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms);
- o) The fee for application to be a sponsor of approved continuing education courses shall be \$150. Publicly supported colleges, universities and governmental agencies located in Illinois are exempt from payment of fees for continuing education sponsor registration and renewal;
- p) The renewal fee for sponsors of CPE shall be \$150;
- q) Upon request, one copy of the Act and Rules will be provided free of charge. Additional copies may be obtained for one dollar per copy.

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

Section 1420.70 Continuing Professional Education

- a) Approved continuing professional education (CPE) course, ~~or~~ program or activity(~~CPE course~~), as used in this Part, shall mean a professional development activity~~course or program~~ that complies with subsection (d) of this Section. In addition, courses sponsored or approved by other states or other state CPA societies shall be considered approved.
- b) Recognized educational or professional sponsor (sponsor), as used in this Part, shall mean:
 - 1) The American Institute of Certified Public Accountants (AICPA);
 - 2) The Illinois CPA Society/Foundation (ICPAS/F);
 - 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees; or

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- 4) The National Association of State Boards of Accountancy (NASBA) and persons, firms, associations, corporations or other groups that are members of NASBA's National Registry of CPE Sponsors or Quality Assurance Service (QAS) Program.
- c) Any other Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group responsible for coordination and presentation of an approved CPE course or program that wishes to become a recognized sponsor shall comply with subsection (1).
- d) Professional development activities are formal and informal learning opportunities. An approved CPE course or program is an organized program of formal learning that contributecontributes directly to a certified public accountant's knowledge, ability or competence to perform his/her professional responsibilities. These activities may be verifiable or non-verifiable. Verifiable activities, as used in this Part, shall mean learning opportunities that comply with subsection (f). Non-verifiable activities, as used in this Part, shall mean learning opportunities that comply with subsection (h). duties as a public accountant. Those programs and courses will qualify if they meet the following minimum requirements:
- e) Selection of professional development activities should address the CPA's current and future work environment, current knowledge and skills level, and desired or needed additional competencies to meet future opportunities and/or professional responsibilities. Courses, programs or activities shall include as their subject matter one or more of the following fields of study:
- 1) AccountingThe course or program shall include as its subject matter one or more of the following:
 - 2) Accounting (Governmental)
 - 3) Administrative Practice
 - 4) Auditing
 - 5) Auditing (Governmental)
 - 6) Behaviorial Ethics

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- 7) Business Law
- 8) Business Management & Organization (including practice development)
- 9) Communications
- 10) Computer Science
- 11) Economics
- 12) Finance
- 13) Management Advisory Services
- 14) Marketing
- 15) Mathematics
- 16) Personal Development (e.g., principle-centered leadership, career planning, time management)
- 17) Personnel/HR
- 18) Production
- 19) Regulatory Ethics
- 20) Social Environment of Business
- 21) Specialized Knowledge and Applications
- 22) Statistics
- 23) Taxes
 - A) Accounting and auditing
 - B) Taxation

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- ~~C) Management services~~
- ~~D) Computer sciences~~
- ~~E) Mathematics, statistics, probability, and quantitative applications to organization~~
- ~~F) Economics~~
- ~~G) Finance~~
- ~~H) Business, securities and administrative law~~
- ~~I) Business management and employee benefits~~
- ~~J) Professional ethics for certified public accountants~~
- ~~K) Auditing public or private sector specialized industries~~
- ~~L) Administrative practice; e.g., engagement letters, fee structure and personnel management~~
- ~~M) Effective presentation techniques~~
- ~~N) Professional Writing~~
- ~~O) Decision Making~~
- ~~P) Practice development~~
- ~~Q) Ethics~~

f) Verifiable activities are learning opportunities that can be objectively confirmed by a program sponsor, including, but not limited to, attending, developing, teaching or presenting formal programs or courses. These activities will qualify if they meet the following minimum requirements:

1)2) All courses and programs shall be developed and presented by persons

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with education and/or experience in the subject matter of the program to ensure compliance with the standards stated ~~in this Section~~herein.

- ~~2)3)~~ All programs must include some mechanism ~~by which~~whereby the participants evaluate the over-all quality of the program.
- ~~3)4)~~ All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used, and the number of CPE hours that will be earned.
- ~~4)5)~~ An interactive self-study course or program is a program that uses interactive learning methodologies that simulate the classroom learning process by employing computer software, other technology or administrative systems that provide significant, ongoing, interactive feedback to the learner regarding his or her learning process.
~~Interactive~~For reporting periods ending on or after September 1, 1997,
~~interactive~~ self-study courses or programs shall qualify for full credit;
~~except as limited by the provisions of subsection (e)(4).~~
- ~~5)~~ A non-interactive self-study course or program is a program that does not employ interactive features. Examples include videos, books and audiotapes for which the participant must complete and submit an examination for grading without knowledge of which questions are answered incorrectly or why. Credit hours for non-interactive self-study courses or programs shall be allowed on the basis of one-half of the average completion time determined by the sponsor.
- 6) The sponsors of all courses and programs ~~shall~~will provide each participant with a certificate or other proof of attendance ~~that, which~~ must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The sponsors shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.

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- g) Acceptable evidence of completion of verifiable activities shall include the following:
- 1) For live group programs or live internet-based programs, other than in-firm courses or programs, a certificate or other verification supplied by the program sponsor.
 - 2) For self-study programs, a certificate supplied by the program sponsor after satisfactory completion of an examination.
 - 3) For instruction credit, a certificate or other verification supplied by the program sponsor.
 - 4) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.
 - 5) For a university or college non-credit course, a certificate of attendance issued by a representative of the university or college.
 - 6) For published articles, books or development/review of CPE programs:
 - A) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer or author or contributor;
 - B) a statement from the writer supporting the number of CPE hours claimed; and
 - C) the name and contact information of the independent reviewers or publisher.
- h) Non-verifiable activities are independent or informal learning activities that may not be independently confirmed by a recognized educational or professional sponsor. The following non-verifiable activities shall qualify for CPE credit:
- 1) Attendance at programs or courses coordinated and presented by a person, firm, association, corporation or group, other than a recognized educational or professional sponsor.

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- 2) Participation and work on technical committees of an international, national or state professional association or member organization.
 - 3) Professional reading of published materials that does not provide a certificate of completion or an assessment process.
 - 4) Consultation with outside experts or research in a subject area new to the licensee (e.g., how to report discontinued operations) or when regulations or standards have changed (e.g., accounting for leases). Credit may not be claimed for repeat consultations or research in the same subject area when regulations or standards have not changed significantly.
- i) Acceptable evidence for completion of non-verifiable activities shall include the following:
- 1) For programs or courses coordinated and presented by a person, firm, association, corporation or group, other than a recognized educational or professional sponsor, acceptable evidence may include a certificate of other verification supplied by the program sponsor. If a certificate or other verification is not available, acceptable evidence shall include copies of the course agenda, program materials, or other documents attributable to the learning activity.
 - 2) For activities listed in subsections (h)(2) through (h)(4), acceptable evidence shall include the following:
 - A) The nature of the activity (e.g., research topic or specific new competency acquired) and the source.
 - B) The dates on which the learning activity was undertaken.
 - C) The number of hours attributed to the learning activity.
 - D) Details of the relevance of the learning activity to the participant's current or future professional development.
 - E) Copies of consultation memorandums, minutes or other documents attributed to the learning activity.

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- ~~1)e)~~ Credit Hours – Each approved CPE course, ~~or program, or activity "hour"~~ shall ~~be measured by program length, with one include, as a minimum, 50 minute period minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall~~ equal ~~to~~ one CPE ~~course credit-hour~~. ~~One-half CPE credits (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.~~ Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.
- 1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 60 hours during any renewal period.
 - 2) CPE course credit will be allowed for actual authorship of published articles, ~~and~~ books ~~and development/review of CPE programs~~, provided the subject matter of ~~the~~ ~~such~~ article, ~~or~~ book ~~or development/review of CPE program~~ complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles, ~~or~~ books ~~or development/review of CPE programs~~ be given for more than 30 hours during any renewal period.
 - 3) A ~~non-interactive self-correspondence or individual~~ study course ~~or program~~ shall qualify if it meets all other requirements of ~~this Section~~ ~~these~~ rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. ~~Credit hours for a correspondence or individual study course, other than an interactive self-study course, shall be allowed on the basis of one-half of the average completion time determined by the sponsor.~~ In no case shall credit for ~~non-interactive self-study~~ ~~correspondence or individual~~ study courses ~~or programs~~, ~~other than an interactive self-study course~~, be given for more than 60 hours during any renewal period.

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- 4) In addition to the limitations stated in subsection ~~(j)(e)~~(3), not more than 80 hours during any renewal period may consist of a combination of interactive ~~and non-interactive~~ self-study ~~and correspondence or individual study~~ courses or programs.
 - 5) Not more than 10 hours shall be claimed for each of the non-verifiable activities listed in subsections (h)(2) through (h)(4) during any renewal period.
 - 6) In addition to the limitations stated in subsection (j)(5), not more than 60 hours during any renewal period may consist of a combination of all non-verifiable activities defined in subsection (h).
 - 7) In no case shall credit from personal development courses or programs be given for more than 24 hours during any renewal period.
 - 8) CPE course credit will be allowed for programs or courses taken toward the satisfaction of continuing education provisions in other states.
- ~~k) f)~~ Recognized educational or professional sponsors, as specified in subsection (b), shall be approved upon filing a sponsor application with the Division and payment of the required fee set forth in Section 1420.40 ~~of this Part~~. Such filing shall not prevent the Division from requiring additional information to ensure full and continued compliance with the statute and this Part. The Division will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.
- ~~l) g)~~ All other sponsors shall be approved upon application to the Division, payment of the required fee set forth in Section 1420.40 ~~of this Part~~ and submission to upon providing the Division of the following additional certification:
- 1) That all courses and programs offered by ~~thesuch~~ sponsor for CPE course credit will comply with this Section;
 - 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain ~~attendancesuch~~ records for not less than five years; and

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- 3) That, upon request by the Division, the sponsor will submit ~~such~~ evidence ~~as is~~ necessary to establish compliance with the requirements of this Section. ~~That~~~~Such~~ evidence will be requested when the Division has reason to believe that there is not full and continued compliance with the statute and this Part and that the information is necessary to ensure compliance.
- ~~m)h)~~ Upon failure of any sponsor to comply with the requirements of this Section, the Division shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.
- ~~n)j)~~ All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40 ~~of this Part~~.
- ~~o)j)~~ The Division shall periodically audit CPE course information submitted by applicants to verify ~~thesuch~~ information, and shall verify ~~thesuch~~ information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully complied with the requirements of the Act or this Part.
- ~~p)k)~~ Any approved sponsor's courses shall be disapproved if the sponsor fails or refuses to provide information to the Division for ascertaining compliance with this Part as specified in subsections ~~(k) and (l)(f) and (g)~~.
- ~~l)~~ **Continuing Education Earned in Other Jurisdictions**
- ~~1)~~ ~~If a renewal applicant will be earning or has earned CPE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, to have the program reviewed. The Committee shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (d) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted 90 days prior to the expiration date of the license.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 2) ~~If a licensee fails to submit an out of state CPE approval form within the required time, late approval may be obtained by submitting the application with the \$25 processing fee plus a \$10 per CPE hour late fee, not to exceed \$150. The Committee shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (d) of this Section.~~

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.400	Amendment
140.438	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This amendment allows practitioners and imaging centers participating in the Department's Breast Cancer Quality Screening and Treatment Initiative to be reimbursed for mammography services at the Medicare rate. The payments for these services are contingent upon reporting requirements established by the Department and defined in an agreement between the Department and the participating practitioners and imaging centers.
- 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 rulemakings pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.462	Amendment	35 Ill. Reg. 11126; July 15, 2011
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.1001	Amendment	36 Ill. Reg. 8081; June 1, 2012
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. 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].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded practitioners and imaging centers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was summarized: July 2011

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED 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

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- 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

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- 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)

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- 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

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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
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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

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140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
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140.484	Payment for Family Planning Services
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140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
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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

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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
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140.517	Correspondent Management of Funds
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140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
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140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
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140.572	Total Capital Rate
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140.575	Newly Constructed Facilities (Repealed)
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140.577	Capital Costs for Rented Facilities (Renumbered)
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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
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140.830	Appeals of Rate Determinations

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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

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- 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

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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

Section

140.1300	Definitions
140.1310	Recovery of Money
140.1320	Penalties
140.1330	Enforcement
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)

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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

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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.

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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

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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

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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;

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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;

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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

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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; amended at 36 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners

- a) This Section applies to physicians, dentists, Advanced Practice Nurses (APN) (see Section 140.435), optometrists, podiatrists and chiropractors.
 - 1) Practitioners are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payers.
 - 2) A practitioner may bill only for services he or she personally provides or which are provided under his or her direct supervision in his or her office by his or her staff. An APN, as described in Section 140.435, may bill only for the services personally provided by the individual APN.
 - 3) Payment will be made only in the practitioner's name or a Department approved alternate payee.
 - 4) Except as described otherwise in this Section, paymentsPayments will be made according to a schedule of statewide pricing screens established by the Department. Covered services provided by qualifying providers under

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the Maternal and Child Health Program will be reimbursed at enhanced rates as described in subsection (b) of this Section. The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. Except as described otherwise in this Section, the~~The~~ upper limit for services shall not exceed the lowest Medicare charge levels.

- b) Practitioners who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).
- c) A practitioner (radiologist) who enters into an arrangement with a mammography facility provider participating in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be entitled to receive payment pursuant to that arrangement for the practitioner's radiological mammography services at the effective Chicago Metropolitan Area Medicare Level established rate for those services.
- d)e) The Department will distribute (initially and upon revision of the amounts) to practitioners the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.
- e)d) Supplemental payments to universities for certain practitioner services

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- 1) Supplemental payments are available for services that are provided by practitioners who are employed by an Illinois public university and are services eligible under Titles XIX and XXI of the Social Security Act.
 - A) For dates of service on or after April 1, 2009, supplemental payment will be made on a quarterly basis as described in [this subsection](#) ~~(ed) of this Section~~.
 - B) Supplemental payments under this subsection ~~(ed)~~ are subject to federal approval.
 - C) Supplemental payments shall be funded through cooperative agreements between the Department and the State university.
- 2) Definitions
 - A) "Average Commercial Fee Schedule" means the average commercial fee schedule paid to the university for practitioner services, including patient share amounts, for each CPT code. This average shall be based on the participating university's payments from the five largest private insurance carriers for CPT services.
 - B) "Base Period Average Commercial Payment Ceiling" means the following computation:
 - i) Multiplying the Average Commercial Fee Schedule by the number of paid claims provided in the base period and paid to the university for clients eligible under Titles XIX and XXI of the Social Security Act.
 - ii) Summing the products for all procedure codes as described in subsection ~~(ed)~~(2)(B)(i) ~~of this Section~~.
 - C) "Base Period Medicare Equivalent Payment Ceiling" means the following computation:
 - i) Multiplying the Medicare allowed rate as reported in the April release of the Resources Based Relative Value Scale

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(RBRVS), by the number of paid claims provided in the based period and paid to the university for clients eligible under Title XIX or XXI of the Social Security Act.

- ii) Summing the products for all procedure codes as described in subsection ~~(ed)~~(2)(B)(i) of this Section.

- D) "Base Period Medicare Equivalent of the Average Commercial Rate" means the Base Period Average Commercial Payment Ceiling divided by the Base Period Medicare Equivalent Payment Ceiling.

- 3) The supplemental payments shall be determined as follows:
 - A) The Medicare Equivalent of the Average Commercial Rate for a practitioner service will be determined by multiplying the Base Period Medicare Equivalent of the Average Commercial Rate by the Medicare payment at the non-facility rate per CPT code for the current period.

 - B) The rates determined in subsection ~~(ed)~~(3)(A) ~~of this Section~~ are multiplied by the number of claims for the current period, as reported through the Medicaid Management Information System, to determine the current period supplemental payment ceiling.

 - C) The supplemental payment to the university shall equal the current period payment ceiling at the Medicare Equivalent of the Average Commercial Rate less all payments otherwise made by the Department for the same services for procedure codes rendered in the current period and paid to the university. These supplemental payments shall be based on all available payments and adjustments on file with the Department at the time the payment amount is determined.

- 4) Periodic Updates to the Base Period Medicare Equivalent of the Average Commercial Rate: The Department shall update this ratio at least every three years.

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

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Section 140.438 Diagnostic Imaging Services

- a) Payment for diagnostic and imaging services may be made to the following providers that are independent of both a physician's office and a hospital:
 - 1) Imaging Centers that are distinct entities operating primarily for the purpose of providing diagnostic imaging services.
 - 2) Mammography Screening Centers.
 - 3) Portable X-ray Facilities.
 - 4) Independent Diagnostic Testing Facilities (IDTFs) that are a fixed location, a mobile entity, or an individual non-physician practitioner.

- b) Participation Requirements
 - 1) To participate in the Illinois Medical Assistance program, an Imaging Center must, in addition to any other Department requirements, be licensed or certified:
 - A) for participation in the Medicare program; or
 - B) by the Joint Commission ~~on Accreditation of Health Care Organizations (JCAHO)~~; or
 - C) by a state public health department; or
 - D) by any government agency having jurisdiction over the services provided and/or the equipment being used.
 - 2) Portable X-ray Facilities shall be approved and certified for participation in the Medicare program.
 - 3) Mammography Screening Centers shall be certified by the Illinois ~~Emergency Management Agency~~ ~~Department of Nuclear Safety~~ or the certifying agency in the state where the center is located.

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- 4) Independent Diagnostic Testing Facilities shall be approved and certified for participation in the Medicare program.
- c) Reimbursement
- 1) Diagnostic and imaging services shall be reimbursed on a fee-for-service basis only.
 - 2) Reimbursement may include the technical services, the professional services or both the technical and professional services.
 - 3) Reimbursement shall be made for only those diagnostic or imaging services that have been ordered in writing by the referring practitioner as being essential to diagnosis and treatment. The practitioner must include the diagnosis or condition on the written request.
 - 4) Reimbursement shall be made only to providers who meet all applicable license, enrollment and reimbursement conditions of the Department.
 - 5) Reimbursement to IDTFs shall be made for only those diagnostic and imaging tests certified by Medicare.
 - 6) Except for mammograms, reimbursement shall not be made for routine screening x-rays.
 - 7) Reimbursement for a mammography facility provider that does not qualify under subsection (c)(8) of this Section shall be the lesser of charges or the Department's fee screen.
 - 8) For services rendered on or after May 1, 2012, a mammography facility provider that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate) for both technical services and professional services. To qualify for this Established Rate, a mammography facility provider shall:
 - A) Enter into a Supplemental Provider Agreement with the Department; and

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- B) Enter into an arrangement with each practitioner (radiologist) to provide the practitioner's share of the Established Rate to the practitioner; and
 - C) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the Practitioner provides to patients with other forms of insurance; and
 - D) Within 30 days after submitting the Supplemental Provider Agreement, submit a completed mammography capacity survey, using the Department's survey form; and
 - E) Submit facility-based mammography quality data using the Department's data collection forms; and
 - F) Provide the Department with access to patient and service data upon request; and
 - G) Assist the Department with the development and implementation of a plan to improve the quality of services.
- d) Record Requirements
- 1) In addition to the record requirements specified in Section 140.28, providers of diagnostic and imaging services must comply with the administrative rules of the Illinois Department of Public Health governing the maintenance of medical records (77 Ill. Adm. Code 450, Illinois Clinical Laboratories Code).
 - 2) The basic records that must be retained include:
 - A) Patient identification.
 - B) Medical records containing the dates of service and the name of the referring physician.
 - C) The referring practitioner's written orders.

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- D) Copies of reports to referring practitioners.
 - E) The report of the reading by the professional practitioner if both professional and technical components are billed.
 - F) The report of the reading by the professional practitioner that must be retained in the professional practitioner's office if only the professional component is billed by the practitioner.
 - G) Records that verify usual and customary charges to the general public.
- 3) Medical records for Medical Assistance program clients must be made available to the Department or its designated representative in the performance of audits or investigations.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3) Section Number: 324.70 Proposed Action:
New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: As the unique winner pool grows, it becomes increasingly more difficult to get a unique winner due to the growing interest in the large pools. Racetracks would rather payout 2 or 3 special days with \$1 million pools rather than a \$3 million payout on a single day. This proposed rulemaking is consistent with the mandatory distribution found in 11 Ill. Adm. Code 308, Pick (N) Pools.
- 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 rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

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312/814-5017

- 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 which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 324
PENTAFACTA

Section	
324.10	Pentafecta
324.20	Pool Distribution
324.30	Scratches
324.40	Dead Heats
324.50	Minimum Fields
324.60	Entries (Repealed)
324.70	Mandatory Distribution

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted by emergency rulemaking at 32 Ill. Reg. 7429, effective May 1, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. 10153, effective July 1, 2008; amended at 35 Ill. Reg. 13898, effective July 28, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 324.70 Mandatory Distribution

- a) A written request for permission to distribute the Pentafecta carryover on a specific performance may be submitted to the State Director of Mutuels. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- b) Should the Pentafecta carryover be designated for distribution on a specified date and performance in which there are no wagers whose combination finished in correct sequence as the first five betting interests, then the entire pool shall be distributed using the method described in Section 324.20(a).
- c) The Pentafecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

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- 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).
- 2) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- d) If, for any reason, the Pentafecta carryover must be held over to the corresponding Pentafecta of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The Pentafecta carryover plus accrued interest shall then be added to the net Pentafecta pool of the following meet on a date and performance designated by the State Director of Mutuels.
- e) With written approval of the Board, the organization licensee may contribute to the Pentafecta carryover a sum of money up to any designated cap.

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

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- 1) Heading of the Part: Alcohol and Drug Sample Collection and Testing
- 2) Code Citation: 50 Ill. Adm. Code 9140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
9140.5	New
9140.10	New
9140.20	New
9140.30	New
9140.40	New
9140.50	New
9140.60	New
9140.70	New
9140.80	New
- 4) Statutory Authority: Section 11 of the Workers' Compensation Act [820 ILCS 305/11]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 97-18, effective June 28, 2011, amended Section 11 of the Workers' Compensation Act to provide that an employee will not receive workers' compensation benefits if the employee's intoxication is the proximate cause of the employee's accidental injury or at the time the employee incurred the accidental injury, the employee was so intoxicated that the intoxication constituted a departure from the employment.

Public Act 97-18 also requires that any testing for drugs and alcohol be performed in accordance with rules to be adopted by the Commission. Section 11 mandates that these rules follow several specific guidelines, including compliance with regulations promulgated by the United States Department of Transportation; that samples are collected and tested in a manner reasonably calculated ensure sample reliability and to provide erroneous identification of test result, and that split testing procedures are utilized.

The proposed rules set forth the process for the collection of blood, urine, breath and saliva. These proposed rules include requirements for documentation, transportation and disposal of samples collected, as well as associated records. The proposed rules also set forth the qualifications for those collecting samples.
- 6) Any published studies or reports, along with sources of underlying data, that were used compose this rulemaking: None

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- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rules do not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601

Phone: 312/814-6559
kimberly.janas@illinois.gov
Fax: 312/814-3520

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments may have an impact on 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] who conduct drug or alcohol testing in relation to workers' compensation claims. These entities may submit comments in writing to the Secretary of the Commission 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 a

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small business, small municipality or not for profit corporation as part of any written comments they submit to the Secretary of the Commission.

- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules set forth specific documentation procedures for the testing of blood, urine, saliva and breath.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking not included in either of the two last regulatory agendas because it was not anticipated.

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

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TITLE 50: INSURANCE

CHAPTER VI: ILLINOIS WORKERS' COMPENSATION COMMISSION

PART 9140

ALCOHOL AND DRUG SAMPLE COLLECTION AND TESTING

Section

9140.5	Definitions
9140.10	Chain of Custody Form
9140.20	Collection of Blood
9140.30	Collection of Urine
9140.40	Review of Test Results of Blood and Urine Specimens
9140.50	Split Testing of Urine and Blood Specimens
9140.60	Collection and Testing of Breath and Saliva for Alcohol Testing
9140.70	Preservation of Specimens and Records
9140.80	Materials Incorporated by Reference

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305].

SOURCE: Adopted at 36 Ill. Reg. _____, effective _____.

Section 9140.5 Definitions

"Adulterated result" means a result that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

"Air Blank" means, in Evidential Breath Testing Devices using gas chromatography technology, a reading of the device's internal standard. In all other evidential breath testing devices, "air blank" means a reading of ambient air containing no alcohol.

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

"Alcohol Concentration" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test

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under this Part. Percentage by weight of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.

"Alcohol Confirmation Test" means a subsequent test using an Evidential Breath Test that provides quantitative data about alcohol concentration.

"Alcohol Screening Device" means a breath or saliva device, other than an Evidential Breath Test, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list for those devices.

"Alcohol Screening Test" means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

"Alcohol Testing Site" means a place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

"Aliquot" means a fractional part of a specimen used for testing.

"Breath Alcohol Technician" means a person who instructs and assists employees in the alcohol testing process, operates an Evidential Breath Testing device, and meets the qualifications set forth in Section 9140.60.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Chain of Custody Form" refers to the document set forth in Section 9140.10 that is used to ensure the integrity of urine and blood specimens and record testing results for the specimens.

"Collection Container" means a container into which the employee urinates to provide the urine specimen for testing.

"Collection Form" means the form required to document breath and saliva testing and includes the following information:

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The employee's name, address and telephone number;

The Designated Employer Representative's name, address and telephone number;

The name, address and telephone number of the Breath Alcohol Technician;

The name, address and telephone number of the Screening Test Technician;

The name of the testing device, the serial number or lot number, and expiration of the testing device;

The activation time;

The reading time;

The result of the Alcohol Screening Test;

The result of the Alcohol Confirmation Test, if applicable; and

A space for remarks by the Screening Test Technician or the Breath Alcohol Technician.

"Collector" means a person who meets the qualifications set forth in Section 9140.30 and collects a urine specimen from an employer or person and who meets the qualifications set forth in Section 9140.20 and collects a blood specimen from an employee.

"Designated Employer Representative" or "DER" means an employee authorized by the employer to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.

"Drugs" means cannabis as defined in the Cannabis Control Act [720 ILCS 550] or a controlled substance listed in the Illinois Controlled Substances Act [720 ILCS 570].

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"Employee" means any person subject to testing for alcohol, drugs or other intoxicating compounds.

"Employer" means a person or entity employing the person subject to testing for alcohol, drugs or other intoxicating compounds.

"Evidential Breath Testing Device" means a device approved by NHTSA for the evidential testing of breath at .08 alcohol concentration, placed on NHTSA's Conforming Products List for Evidential Breath Measurement Devices and identified on the Conforming Products List as conforming with the model specifications available from NHTSA's Traffic Safety Program.

"HHS" means the federal Department of Health and Human Services.

"Intoxicating Compound" means an intoxicating compound listed in the Use of Intoxicating Compounds Act [720 ILCS 690].

"Invalid Result" means the result reported by a laboratory for a urine specimen that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

"Laboratory" means any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs or a comparable accredited laboratory.

"Medical Review Officer" or "MRO" means a person who is responsible for performing the functions and the qualifications set forth in Section 9140.40.

"Negative Result" means the result reported by a laboratory to an MRO when a specimen contains no drugs, other intoxicating compounds, or less than .08 of alcohol concentration and the specimen is a valid specimen.

"Phlebotomist" means a person trained to collect blood from another individual through venipuncture.

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"Positive Result" means the result reported by a laboratory when a specimen contains a drug or intoxicating compound or alcohol concentration of .08 or greater.

"Primary Specimen" means the blood or urine specimen that is tested by a first laboratory to determine whether the employee has alcohol, drugs or intoxicating compounds in his or her system.

"Reconfirmed" means the result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

"Screening Test Technician" means a person who instructs and assists employees in the alcohol testing process, operates an Alcohol Screening Device, and meets the qualifications set forth in Section 9140.60.

"Shipping Container" means the container that is used for transporting and protecting urine or blood specimen bottles and associated documents from the collection site to the laboratory.

"Specimen Bottle" means the bottle that, after being sealed and labeled according to the required procedures, is used to hold the urine specimen during transportation to the laboratory.

"Split Specimen" means a part of the urine or blood specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory if requested to be tested following a positive test of the primary specimen or an adulterated or substituted test result.

"Split Specimen Collection" means a collection in which, for a urine specimen, the urine collected is divided into two separate specimen bottles or containers, the primary specimen and the split specimen and, for a blood specimen, two separate samples are collected, the primary specimen and the split specimen.

"Substituted Result" means a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

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"Verified Test" means a test result from a laboratory that has undergone review and final determination by the MRO.

Section 9140.10 Chain of Custody Form

All blood and urine specimens collected for testing shall be accompanied by a Chain of Custody Form, to be completed by the collector of a blood or urine specimen, the laboratory testing the blood or urine specimen or split specimen, and the MRO when applicable. A Chain of Custody Form shall include all of the following information:

- a) A section to be completed by the collector of the specimen, which includes all of the following information:
 - 1) The collector's name, address and phone number;
 - 2) The employee's name;
 - 3) The name of the employer;
 - 4) The name of the facility where the specimen was collected and its address and telephone number;
 - 5) The date and time that the specimen was collected;
 - 6) The date that the specimen was sent to a laboratory for testing;
 - 7) The name and address of the laboratory where the specimen will be sent for testing;
 - 8) For the collection of urine specimens, a section that indicates the temperature of urine specimens taken within 4 minutes after collection and any indication of the urine specimens unusual color, presence of foreign objects or material, or other signs of tampering;
 - 9) A statement for the collector to sign incorporating the following language: I certify that the specimen identified on this form is the specimen presented to me or collected by me and that it has been collected, labeled and sealed; and

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- 10) A place for remarks made by the collector of the specimen.
- b) A section documenting the transfer of the specimen for the purpose of maintaining control and accountability for the specimen. At a minimum, this section shall indicate:
 - 1) Dates the specimen has been transferred;
 - 2) Signature and name of the person releasing the specimen; and
 - 3) Signature and name of the person receiving the specimen.
- c) A section to be completed by the laboratory that indicates the following:
 - 1) An indication as to whether the specimen was received with intact specimen seals;
 - 2) The test results;
 - 3) A statement for the certifying scientist to sign incorporating the following language:

I certify that the specimen has been examined upon receipt, analyzed, and that the results set forth are for that specimen; and
 - 4) A place for the certifying scientist to print his or her name, the signature of the certifying scientist, and the date.
- d) A section to be completed by the MRO that includes the following:
 - 1) The name, address and telephone number of the MRO;
 - 2) The date the test results were received by the MRO;
 - 3) A statement for the MRO to sign incorporating the following language:

I have reviewed and verified the laboratory tests for the specimen identified by this form;

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- 4) The determination of the test results as verified by the MRO;
 - 5) The time and date that the employee requested testing of a split specimen; and
 - 6) A place for remarks made by the MRO.
- e) The Chain of Custody Form shall be comprised of the following copies for distribution:
- 1) Original laboratory copy (Copy 1), which shall be routed to the laboratory with the specimen.
 - 2) Second original laboratory copy (Copy 2), which shall be routed to the laboratory with the specimen; as a means of reporting the test result, the laboratory will forward this copy to the MRO.
 - 3) Split specimen copy (Copy 3), which must be prepared by the laboratory testing the primary specimen and accompany the split specimen to the second laboratory if split testing has been requested by the employee.
 - 4) MRO copy (Copy 4), which shall be routed directly to the MRO by the collector.
 - 5) Employee copy (Copy 5), which shall be given to the employee by the collector of the specimen.
 - 6) Collector copy (Copy 6), which shall be retained by the collector.
 - 7) DER copy (Copy 7), which shall be forwarded to the DER by the MRO.
- f) Retention of Chain of Custody Forms. The collector, laboratory, laboratory testing the split specimen, MRO and DER shall retain their copies of the Chain of Custody Forms for a minimum of two years.
- g) Transmission of Chain of Custody Forms. Chain of custody forms shall be transmitted in a confidential manner. Chain of Custody forms may be transmitted by fax, courier, mail or electronically.

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Section 9140.20 Collection of Blood

The following procedures shall be used to obtain a blood sample from an employee to determine alcohol concentration and the presence of drugs or intoxicating compounds:

- a) **Collector of a Blood Specimen.** All blood specimens shall be collected by a licensed physician, advanced practice nurse, registered nurse, licensed practical nurse, phlebotomist, or certified paramedic.
- b) **Collection Procedures.** A blood specimen shall be collected using the following procedure:
 - 1) The testing process shall start without undue delay. If the employee needs medical attention, this treatment shall not be delayed to collect a specimen.
 - 2) The collector shall explain the basic collection procedure to the employee.
 - 3) The blood specimen shall be collected using aseptic venipuncture technique.
 - 4) The venipuncture site shall be cleansed with an antiseptic substance that does not contain ethanol prior to collection.
 - 5) A sufficient amount of blood shall be collected to permit split testing.
 - 6) Blood specimens shall be collected in a container or tube containing an anticoagulant and a preservative of sodium fluoride.
 - 7) Immediately after collection, the collector shall rock the container or tube gently to mix the anticoagulant and preservative substance with the blood.
- c) **Collection Materials.** A blood specimen shall be collected in tubes or containers with a visible tamper-evident system or seals that adequately protect against sample contamination.
- d) **Completion of Collection Process.** To complete the collection process, the collector shall complete the following procedure:

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- 1) The collector shall place the specimen in a shipping container designed to minimize the possibility of damage during shipment and seal the shipping container as appropriate.
- 2) The collector shall complete all applicable portions of the Chain of Custody Form as specified in Section 9140.10.
- 3) The collector shall ensure that each specimen collected is shipped to a laboratory as quickly as possible, but no later than 24 hours after collection or during the next business day after collection.

Section 9140.30 Collection of Urine

The following procedures shall be used to obtain a urine sample from a subject to determine alcohol concentration and the presence of drugs or intoxicating compounds:

- a) Urine Collector
 - 1) Urine specimens shall be collected by any of the following: a collector meeting the training requirements of 49 CFR 40.33 (September 1, 2011), licensed physician, advanced practice nurse, registered nurse or licensed practical nurse.
 - 2) The following persons shall not serve as a collector:
 - A) the immediate supervisor of the employee being tested, unless no other collector is available;
 - B) or a person employed by a laboratory who could link the employee with a urine specimen, testing result or laboratory report.
- b) Collection Site. A collection site may be in a medical facility, a mobile facility, a dedicated collection facility, or any other location meeting the requirements of this Section. The collection site must have a source of water for washing hands that, if practicable, should be external to the closed room where urination occurs.
- c) Prevention of Sample Adulteration. Collectors shall make all attempts to do the following before each collection to deter tampering with specimens:

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- 1) Secure any water sources or otherwise make them unavailable to the employee providing the specimen;
 - 2) Ensure that the water in the toilet is blue or secure any movable toilet tank top;
 - 3) Ensure that no soap, disinfectants, cleaning agents or other possible adulterants are accessible to the employee at the collection site;
 - 4) Inspect the collection site to ensure that no foreign or unauthorized substances are present;
 - 5) Ensure that undetected access to the site is not possible; and
 - 6) Secure areas and items that appear suitable for concealing contaminants.
- d) Prevention of Sample Contamination. Collectors shall follow the following procedures to prevent contamination of the sample:
- 1) To avoid distraction that could compromise security, conduct only one collection for one employee at a time;
 - 2) To the greatest extent possible, keep an employee's collection container within view of both the collector and the employee between the time the employee has urinated and the time the specimen is sealed;
 - 3) Ensure that the collector is the only person in addition to the employee who handles the specimen before it is poured into the bottles and sealed with tamper-evident seals;
 - 4) Maintain personal control over each specimen throughout the collection process; and
 - 5) Minimize the number of persons handling the specimen.
- e) Collection Materials
- 1) Urine shall be collected in containers that:

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- A) are a single-use container, made of plastic, large enough to easily catch and hold at least 55 mL of urine voided from the body;
 - B) have graduated volume markings clearly noting levels of 45 mL and above;
 - C) have a temperature strip providing graduated temperature readings 32-38 degrees Celsius or 90-100 degrees Fahrenheit, that is affixed or can be affixed at a proper level on the outside of the collection container. Other methodologies are acceptable, provided that the temperature measurement is accurate and that there is no potential for contamination of the specimen; and
 - D) are individually wrapped in a sealed plastic bag or shrink wrapping or must have a peelable, sealed lid or other easily visible tamper-evident system.
- 2) Urine shall be placed in specimen bottles that:
- A) are large enough to hold at least 35 mL or, alternatively, they may be two distinct sizes of specimen bottles provided that the bottle designed to hold the primary specimen holds at least 35 mL of urine and the bottle designed to hold the split specimen holds at least 20 mL;
 - B) have screw-on or snap-on caps that prevent seepage of the urine from the bottles during shipment;
 - C) have markings clearly indicating the appropriate levels (30 mL for the primary specimen and 15 mL for the split specimen) of urine that must be poured into the bottles;
 - D) meet the following specifications:
 - i) are wrapped (with caps) together in a sealed plastic bag or shrink wrapping separate from the collection container; or
 - ii) are wrapped (with cap) individually in sealed plastic bags or shrink wrapping; or

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- iii) have peelable, sealed lid or other easily visible tamper-evident system; and
- E) if made of plastic, are leach resistant.
- 3) Specimen bottles shall be placed in a plastic bag that:
 - A) has two sealable compartments or pouches that are leak-resistant or a single bag that is large enough to hold two specimen bottles;
 - B) demonstrates that any tampering or attempts to open either compartment have occurred; and
 - C) contain enough absorbent material to absorb the entire contents of both specimen bottles.
- f) Collection Procedures. The collection of urine shall be performed in accordance with the following guidelines:
 - 1) When the employee enters the collection site, the testing process shall start without undue delay. If the employee needs medical attention, this treatment shall not be delayed to collect a specimen.
 - 2) The employee must provide identification to the collector before testing.
 - 3) The collector shall explain the basic collection procedure to the employee.
 - 4) If an employee normally voids through self-catheterization, the collector shall instruct the employee that he or she is required to provide a specimen in that manner.
 - 5) The collector shall instruct the employee to wash and dry his or her hands at this time and instruct the employee not to wash his or her hands again until after delivering the specimen to the collector.
 - 6) The employee may provide his or her urine specimen in a stall or otherwise partitioned enclosure that allows for individual privacy. The

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collector shall remain in the restroom or area, but outside the stall or partitioned enclosure.

- 7) The collector shall select, or allow the employee to select, an individually wrapped or sealed collection container from collection kit materials. Either the collector or the employee, with both the collector and the employee present, must unwrap or break the seal of the collection container. The collector shall not unwrap or break the seal on any specimen bottle at this time.
 - 8) The employee shall only take the collection container into the room used for urination.
 - 9) The collector shall collect a specimen of at least 45 mL.
- g) Steps Following Collection of Urine Specimen. The collector shall perform the following after the collection of the urine specimen:
- 1) The collector shall check the temperature of the specimen no later than four minutes after the employee has given the specimen to the collector by reading the temperature strip attached to the collection container and report this information on the Chain of Custody Form.
 - 2) The collector shall inspect the specimen for unusual color, presence of foreign objects or material, or other signs of tampering.
- h) Direct Observation Collection Procedure. The collector shall initiate a direct observation collection procedure if: the temperature of the urine is outside of the temperature range of 32-38 degrees Celsius or 90-100 degrees Fahrenheit; the collector determines that material appears to be brought to the collection site with the intent to alter the specimen; or it is apparent from this inspection that the employee has tampered with the specimen. The direct observation collection procedure shall be performed in accordance with the following guidelines:
- 1) The collector shall explain to the employee the reason for a directly observed collection.

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- 2) The observer shall be the same gender as the employee. The observer may be a different person from the collector and need not be a qualified collector.
 - 3) The observer must request the employee to raise his or her shirt, blouse, dress or skirt, as appropriate, above the waist and lower clothing and underpants to show the collector, by turning around, that the employee does not have a prosthetic device. After the collector has determined that the employee does not have such a device, the employee may return his or her clothing to its proper position for observed urination.
 - 4) The observer shall watch the employee urinate into the collection container.
 - 5) The observer shall watch the specimen as the employee takes it to the collector. If the observer is not the collector, the observer shall not take the collection container from the employee.
 - 6) If another person has acted as the observer, his or her name shall be recorded on the Chain of Custody Form.
- i) Preparation of Urine Specimen. The collector shall take the follow steps after collection in the presence of the employee:
- 1) Pour at least 30 mL of urine from the collection container into one specimen bottle, to be used for the primary specimen.
 - 2) Pour at least 15 mL of urine from the collection container into the second specimen bottle to be used for the split specimen.
 - 3) Place and secure the lids or caps on the bottles.
 - 4) Seal the bottles by placing the tamper-evident bottle seals over the bottle caps/lids and down the sides of the bottles.
 - 5) Write the date on the tamper-evident bottle seals.
 - 6) Discard any urine left over in the collection container after both specimen bottles have been appropriately filled and sealed.

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- 7) Allow the employee to initial the tamper-evident bottle seals for the purpose of certifying that the bottles contain the specimens provided.
- j) Completion of Collection Process. To complete the collection process, the collector shall follow the following procedure:
 - 1) The collector shall secure the pouches of the plastic bag containing the specimens in the presence of the employee.
 - 2) The collector shall place the sealed plastic bag in a shipping container designed to minimize the possibility of damage during shipment and seal the shipping container as appropriate.
 - 3) The collector shall complete all applicable portions of the Chain of Custody Form as specified in Section 9140.10.
 - 4) The collector shall ensure that each specimen collected is shipped to a laboratory as quickly as possible, but no later than 24 hours after collection or during the next business day after collection.

Section 9140.40 Review of Test Results of Blood and Urine Specimens

- a) Verification of Test Results by the MRO. Prior to the transmission of test results to the DER, all results shall be reviewed and verified by an MRO.
- b) Qualifications of the MRO. The MRO must meet the qualifications set forth in 49 CFR 40.121. The MRO shall not be employed by the laboratory performing testing pursuant to this Part. An employer or DER shall not serve as the MRO for his or her own employees.
- c) Positive, Adulterated or Substituted Results
 - 1) If an MRO receives a positive, adulterated or substituted result from a laboratory, the MRO shall contact the employee within 72 hours after receipt of the test result from the laboratory. The MRO shall allow the employee to provide any information the employee considers relevant to the positive, substituted or adulterated test result, including identification of currently or recently used prescription or nonprescription drugs and

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other relevant medical information. The MRO shall also inform the employee of his or her right to request testing of a split specimen pursuant to Section 9140.50.

- 2) If the MRO is unable to contact the employee with a positive, adulterated or substituted test result within 72 hours after receipt of the test results from the laboratory, the MRO shall contact the DER and request that the DER direct the employee to contact the MRO as soon as possible.
- d) Verification of Positive, Substituted or Adulterated Results. To verify a positive, adulterated, or substituted test result, the MRO shall complete all of the following procedures:
- 1) Receive and review the test results from the laboratory;
 - 2) Verify that the collector and the laboratory utilized proper collection techniques;
 - 3) Ensure that the test result accurately identifies the employee;
 - 4) Review any documentation provided by the employee regarding currently or recently used prescription or nonprescription drugs and other relevant medical information and whether this information could have produced a positive, substituted or adulterated result;
 - 5) Review the results of the testing of a split specimen if that testing has been requested;
 - 6) Notify the DER in writing of the verified positive, substituted or adulterated test result within seven days after receiving the test result from the laboratory;
 - 7) Complete all applicable portions of the Chain of Custody Form and forward this form to the DER;
 - 8) Within 24 hours after notification of the DER of a positive, adulterated or substituted test result, notify the laboratory that the positive, adulterated or substituted test result has been submitted to the DER.

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- e) Verification of Negative Results. To verify a negative test result, the MRO shall complete all of the following procedures:
- 1) Receive and review the test results from the laboratory;
 - 2) Verify that the collector and the laboratory utilized proper collection techniques;
 - 3) Ensure that the result accurately identifies the employee;
 - 4) Notify the DER of the negative test result within 5 days after the receipt of the test result from the laboratory;
 - 5) Complete all applicable portions of the Chain of Custody Form and forward this form to the DER;
 - 6) Within 24 hours after notification of the DER of a negative test result, notify the laboratory that the negative test result has been submitted to the DER.

Section 9140.50 Split Testing of Urine and Blood Specimens

- a) Request to Test a Split Specimen
- 1) When the MRO notifies the employee that the employee has a positive, substituted or adulterated result, the employee may request a test of the split specimen within 72 hours from the time of notification by the MRO. The request by the employee may be verbal or in writing.
 - 2) If the employee has not requested a test of the split specimen within 72 hours, the employee may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making a timely request.
 - 3) If the MRO concludes from the employee's information that there was a legitimate reason for the employee's failure to contact the MRO within 72 hours, the MRO must direct that the test of the split specimen take place.

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- 4) When an MRO has been requested by the employee or directed by the MRO, the MRO shall immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second laboratory. The laboratory shall forward a copy of the Chain of Custody Form to the second laboratory.
- b) **Cost of the Split Specimen Testing.** The employer shall ensure that the split specimen testing is conducted as required by this Section. The employer may seek payment or reimbursement of all or part of the cost of the split specimen from the employee. An employer shall not condition compliance with this Section on the employee's payment of split testing.
- c) **Procedural Requirements for the Laboratory Testing the Primary Specimen**
 - 1) The first laboratory at which the primary and split specimen arrive must check to see whether the split specimen is available for testing. If the split specimen is unavailable or appears insufficient, the laboratory must do the following:
 - A) Continue the testing process for the primary specimen. The laboratory shall report the results for the primary specimen without providing the MRO information regarding the unavailable split specimen.
 - B) Upon receiving a letter from the MRO instructing the laboratory to forward the split specimen to another laboratory for testing, report to the MRO that the split specimen is unavailable for testing. The laboratory shall provide as much information as possible about the cause of the unavailability.
 - 2) The laboratory testing the primary specimen is not authorized to open the split specimen under any circumstances.
 - 3) When the laboratory that tested the primary specimen receives written notice from the MRO to send the split specimen to another laboratory, it must forward both the split specimen in its original specimen bottle, with the seal intact, and a copy of the MRO's written request to the second laboratory.

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- 4) The laboratory that tested the primary specimen must not send to the second laboratory any information about the identity of the employee, excluding the initials of the employee on the specimen container or bottle.
- d) Procedural Requirements for the Laboratory Testing the Split Specimen
- 1) Testing of a Split Specimen When it is Tested to Reconfirm the Presence of Alcohol, Drugs or Other Intoxicating Compounds
 - A) The laboratory testing the split specimen must test the split specimen for the alcohol, drugs or other intoxicating compounds detected in the primary specimen.
 - B) If the test fails to reconfirm the presence of the alcohol, drugs or other intoxicating compounds that were reported positive in the primary specimen, the laboratory must conduct validity tests in an attempt to determine the reason for being unable to reconfirm the presence of alcohol, drugs or other intoxicating compounds
 - C) In addition, if the test fails to reconfirm the presence of the alcohol, drugs or other intoxicating compounds reported in the primary specimen, the laboratory may send the specimen or an aliquot of it for testing at another laboratory that has the capability to conduct another reconfirmation test.
 - 2) Testing of a Split Specimen When it is Tested to Reconfirm an Adulterated Test Result
 - A) The laboratory testing the split specimen must test the split specimen for the adulterant detected in the primary specimen, using the confirmatory test for the adulterant.
 - B) If the test fails to reconfirm the adulterant result reported in the primary specimen, the laboratory may send the specimen or an aliquot of it for testing at another laboratory that has the capability to conduct another reconfirmation test.

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- 3) Testing of a split specimen when it is tested to reconfirm a substituted test result. The laboratory testing the split specimen must test the split specimen using the confirmatory tests for creatinine and specific gravity.
- e) Reporting of Split Specimen Testing Results by Testing Laboratory. The laboratory responsible for testing the split specimen must report split specimen test results to the MRO immediately. The laboratory testing the split specimen shall not report results to or through the DER.

Section 9140.60 Collection and Testing of Breath and Saliva for Alcohol Testing

- a) Collectors for Alcohol Testing. A Screening Test Technician shall conduct only alcohol screening tests. Breath Alcohol Technicians may conduct alcohol screening and confirmation tests. The immediate supervisor of an employee may not act as the Screening Test Technician or Breath Alcohol Technician (in this Section, "the Technician") when that employee is tested, unless no other Technician is available. A Technician must meet the training requirements set forth in 49 CFR 40.213.
- b) Collection Site. The testing of breath and saliva may take place at a medical facility, a mobile facility, a dedicated collection facility, or any other location meeting the requirements of this Section. The collection site must provide visual and aural privacy to the employee being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. The collection site must have all needed personnel, materials, equipment and facilities to provide for the collection and analysis of breath or saliva samples and a suitable clean surface for writing.
- c) Collection by Law Enforcement Officers. Nothing in this Section shall preclude the collection and testing of breath or saliva by a law enforcement officer. Notwithstanding the procedures for the collection and testing of breath and saliva set forth in this Section, testing and collection performed by a law enforcement officer shall be considered acceptable procedure for the collection and testing of breath and alcohol. Any collection or testing of breath or saliva performed by a law enforcement officer shall be subject to any objection pursuant to the Illinois Rules of Evidence and statutory rules of evidence when applicable.
- d) Collection Form. Alcohol testing shall be documented using a collection form as defined in Section 9140.5.

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- e) Devices for Alcohol Testing. All devices used for the testing of breath and saliva for alcohol shall meet the following requirements:
- 1) Alcohol Screening Test Devices. Evidential Breath Testing Devices and Alcohol Screening Devices on the NHTSA conforming products lists for evidential and non-evidential devices are the only devices allowed to be used to conduct alcohol screening tests. An Alcohol Screening Device shall be used only for screening tests for alcohol and not for alcohol confirmation tests.
 - 2) Alcohol Confirmation Test Devices. An alcohol confirmation test shall be performed with an Evidential Breath Testing Device that:
 - A) is listed on the NHTSA Conforming Products Lists for Evidential Breath Testing Devices;
 - B) provides a printed triplicate result (or three consecutive identical copies of a result) of each breath test;
 - C) assigns a unique number to each completed test, which the Technician and the employee can read before each test and that is printed on each copy of the result;
 - D) prints, on each copy of the result, the manufacturer's name for the device, its serial number, and the time of the test;
 - E) distinguishes alcohol from acetone at the 0.08 alcohol concentration level;
 - F) tests an air blank; and
 - G) performs an external calibration check.
- f) Use and Care of Devices for Alcohol Testing
- 1) Evidential Breath Testing Devices. Users of an Evidential Breath Testing Device must:

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- A) follow the manufacturer's instructions, including performance of external calibration checks at the intervals the instructions specify.
 - B) in conducting external calibration checks, use only calibration devices appearing on NHTSA's Conforming Products List for Calibrating Units for Breath Alcohol Tests.
 - C) maintain records of the inspection, maintenance and calibration of Evidential Breath Testing Device for two years; and
 - D) ensure that inspection, maintenance and calibration of the Evidential Breath Testing Device are performed by its manufacturer or a maintenance representative certified either by the manufacturer or by a state health agency or other appropriate state agency. If an Evidential Breath Testing Device fails an external check of calibration, the Evidential Breath Testing Device must be taken out of service. The Evidential Breath Testing Device may not be used again for alcohol testing until it is repaired and passes an external calibration check.
- 2) Alcohol Screening Device.
- A) Users of an Alcohol Screening Device must:
 - i) follow the quality assurance plan instructions created by the manufacturer of the Alcohol Screening Device; and
 - ii) follow all device and care requirements for Evidential Breath Testing Devices.
 - B) An Alcohol Screening Device that does not pass the specified quality control checks or has passed its expiration date shall not be used.
- g) Alcohol Screening Test Procedures
- 1) Initial Procedures. The Breath Alcohol Technician or Screening Test Technician shall take the following steps to begin all alcohol screening tests, regardless of the type of testing device used:

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- A) The Technician shall ensure that, when the employee enters the alcohol testing site, the alcohol testing process begins without undue delay.
 - B) If the employee is also going to provide a urine or blood specimen, the Technician shall, to the greatest extent practicable, ensure that the alcohol test is completed before the urine or blood collection process begins.
 - C) If the employee needs medical attention, this treatment shall not be delayed to conduct an Alcohol Screening Test.
 - D) The employee shall provide the Technician with positive identification.
 - E) The Technician shall explain the testing procedure to the employee.
- 2) Evidential Breath Testing Device or Non-evidential Breath Alcohol Screening Device. For an alcohol screening test using an Evidential Breath Testing Device or non-evidential breath Alcohol Screening Device, the Technician shall execute the following procedure:
- A) Select, or allow the employee to select, an individually wrapped or sealed mouthpiece from the testing materials.
 - B) Open the individually wrapped or sealed mouthpiece in view of the employee and insert it into the device in accordance with the manufacturer's instructions.
 - C) Instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
 - D) Show the employee the displayed test result.
 - E) If the device is one that prints the test number, testing device name and serial number, time and result directly onto the collection

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form, the Technician shall ensure that the information has been printed correctly onto the collection form.

- F) If the device is one that prints the test number, testing device name and serial number, time and result, but on a separate printout rather than directly onto the collection form, the Technician shall affix the printout of the information to the collection form with tamper-evident tape or use a self-adhesive label that is tamper-evident.
 - G) If the device is one that does not print the test number, testing device name and serial number, time and result, or is a device not being used with a printer, the Technician shall record this information on the collection form.
- 3) Procedure for an Alcohol Screening Test using a Saliva Alcohol Screening Device or a Breath Tube Alcohol Screening Device. The Technician shall execute the following procedure when using the saliva Alcohol Screening Device:
- A) Check the expiration date on the device or on the package containing the device and show it to the employee. The device shall not be used after its expiration date.
 - B) Open an individually wrapped or sealed package containing the device in the presence of the employee.
 - C) Offer the employee the opportunity to use the device. If the employee uses it, the Technician shall instruct the employee to insert it into his or her mouth and use it in a manner described by the device's manufacturer.
 - D) If the employee chooses not to use the device, or in all cases in which a new test is necessary because the device did not activate, the Technician shall insert the device into the employee's mouth and gather saliva in the manner described by the device's manufacturer. The Technician shall wear single-use examination or similar gloves while doing so and change them following each test.

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- E) When the device is removed from the employee's mouth, the Technician shall follow the manufacturer's instructions regarding necessary next steps in ensuring that the device has activated.
 - F) If the Technician is unable to successfully follow these procedures, he or she shall discard the device and conduct a new test using a new device. The new device must be one that has been under the control of the Technician. The Technician shall note on the remarks section of the collection form the reason for the new test. The Technician shall offer the employee the choice of using the device or having the Technician use it unless the employee was responsible for the new test needing to be conducted.
 - G) If the Technician is unable to successfully follow the required procedures on the new test, he or she shall end the collection and include an explanation on the remarks section of the collection form. The Technician shall then direct the employee to take a new test immediately, using an Evidential Breath Testing Device for the screening test.
 - H) If the Technician is able to successfully follow the procedures, but the device does not activate, he or she shall discard the device and conduct a new test. In this case, the Technician shall place the device into the employee's mouth to collect saliva for the new test.
 - I) The Technician shall read the result displayed on the device no sooner than the device's manufacturer instructs. In all cases, the result displayed must be read within 15 minutes after the test. The Technician shall then show the device and its reading to the employee and enter the result on the collection form.
 - J) The Technician shall not re-use devices, swabs, gloves or other materials used in saliva testing.
- 4) Procedure for Breath Tube Alcohol Screening Device. The Technician shall execute the following procedure when using the breath tube Alcohol Screening Device:

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- A) Check the expiration date on the detector device and the electronic analyzer or on the package containing the device and the analyzer and show it to the employee. The Technician shall not use the device or the analyzer after its expiration date. The Technician shall not use an analyzer that is not specifically pre-calibrated for the device being used in the collection.
- B) Remove the device from the package and secure an inflation bag onto the appropriate end of the device, as directed by the manufacturer on the device's instructions.
- C) Break the tube's ampoule in the presence of the employee.
- D) Offer the employee the opportunity to use the device. If the employee chooses to use the device, instruct the employee to blow forcefully and steadily into the blowing end of device until the inflation bag fills with air.
- E) If the employee chooses not to hold the device, the Technician shall hold the device.
- F) When the employee completes the breath process, take the device from the employee, remove the inflation bag, and prepare the device to be read by the analyzer in accordance with the manufacturer's directions.
- G) If the Technician was unable to successfully complete these procedures, he or she shall discard the device and conduct a new test using a new one. The new device must be one that has been under the control of the Technician before the test. The Technician shall note on the remarks section of the collection form the reason for the new test.
- H) The Technician shall offer the employee the choice of holding the device or having the Technician hold it, unless the employee was responsible for the new test needing to be conducted.

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- I) If the Technician is unable to successfully follow the required procedures on the new test, he or she shall end the collection and put an explanation in the remarks section of the collection form.
 - J) The Technician shall then direct the employee to take a new test immediately, using another type of Alcohol Screening Device or an Evidential Breath Testing Device.
 - K) If the Technician was able to successfully follow the required procedures, and after having waited the required amount of time directed by the manufacturer for the detector device to incubate, the Technician shall place the device in the analyzer in accordance with the manufacturer's directions. The result must be read from the analyzer no earlier than the required incubation time of the device. In all cases, the result shall be read within 15 minutes after the test.
 - L) The Technician shall follow the manufacturer's instructions for determining the result of the test. He or she shall show the analyzer result to the employee and record it on the collection form.
 - M) The Technician shall never re-use detector devices or any gloves used in breath tube testing. The inflation bag must be voided of air following removal from a device. Inflation bags and electronic analyzers may be re-used but only in accordance with the manufacturer's directions.
- 5) Procedures Following an Alcohol Screening Test Result
- A) The Breath Alcohol Technician or the Screening Test Technician shall complete and sign the collection form.
 - B) If the test result is an alcohol concentration of less than 0.08, the Technician, must complete the collection form and transmit the result to the DER in a confidential manner.
 - C) If the test result is an alcohol concentration of 0.08 or higher, the Technician shall direct the employee to take an Alcohol Confirmation Test.

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- D) If the test result is any other result, the Technician shall note this result in the remarks section of the collection form.
- h) Alcohol Confirmation Test Procedures
- 1) Initial Procedures. Before starting the Alcohol Confirmation Test, the Breath Alcohol Technician shall execute the following procedure:
 - A) Ensure that the employee waits at least 15 minutes before taking an alcohol confirmation test, starting with the completion of the Alcohol Screening Test. After the waiting period has elapsed, the Breath Alcohol Technician shall begin the Alcohol Confirmation Test as soon as possible, but not more than 30 minutes after the completion of the Alcohol Screening Test.
 - B) The Breath Alcohol Technician shall observe the employee during the waiting period.
 - C) The employee shall be given the following instructions before beginning the waiting period:
 - i) Not to eat, drink, put anything, such as a cigarette or chewing gum, into his or her mouth, or belch;
 - ii) That the reason for the waiting period is to prevent inaccurate reading;
 - iii) That following the instructions concerning the waiting period is to the employee's benefit; and
 - iv) That the confirmation test will be conducted at the end of the waiting period, even if the instructions have not been followed.
 - D) If the Breath Alcohol Technician is aware that the employee has not followed the instructions, this should be noted in the remarks section of the collection form.

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- E) If the Breath Alcohol Technician did not conduct the Alcohol Screening Test for the employee, the Breath Alcohol Technician performing the Alcohol Confirmation Test shall require positive identification of the employee, explain the confirmation procedures, and use a new collection form. The Breath Alcohol Technician performing the Alcohol Confirmation Test must note on the remarks section of the collection form that a different Breath Alcohol Technician or Screening Test Technician conducted the Alcohol Screening Test.
 - F) Even if more than 30 minutes have passed since the screening test result was obtained, the Breath Alcohol Technician shall begin the Alcohol Confirmation Test, not another Alcohol Screening Test.
 - G) The Breath Alcohol Technician performing the Alcohol Confirmation Test shall note in the remarks section of the collection form the time that elapsed between the two events and, if the Alcohol Confirmation Test could not begin within 30 minutes after the screening test, the reason why.
- 2) Alcohol Confirmation Test Procedures. The Breath Alcohol Technician conducting the Alcohol Confirmation Test must execute the following procedures to complete the Alcohol Confirmation Test process:
- A) In the presence of the employee, conduct an air blank on the Evidential Breath Testing Device to be used for the Alcohol Confirmation Test before beginning the confirmation test and show the reading to the employee.
 - i) If the reading is 0.00, the test may proceed. If the reading is greater than 0.00, another air blank shall be conducted.
 - ii) If the reading on the second air blank is 0.00, the test may proceed. If the reading is greater than 0.00, the Breath Alcohol Technician must take the Evidential Breath Testing Device out of service. If the Evidential Breath Testing Device is taken out of service for an air blank reading greater than 0.00, the Evidential Breath Testing

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Device shall not be used until it is found to be within tolerance limits on an external check of calibration.

- B) Open a new individually wrapped or sealed mouthpiece in view of the employee and insert it into the device in accordance with the manufacturer's instructions.
 - C) The Breath Alcohol Technician and the employee shall both read the unique test number displayed on the Evidential Breath Testing Device.
 - D) Instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
 - E) Show the employee the result displayed on the Evidential Breath Testing Device.
 - F) Show the employee the result and unique test number that the Evidential Breath Testing Device prints out.
 - G) If the Evidential Breath Testing Device provides a separate printout of the result, attach the printout to the collection form with tamper-evident tape, or use a self-adhesive label that is tamper-evident.
- 3) Procedures Following an Alcohol Confirmation Test Result. After the Evidential Breath Testing Device has printed the result of an alcohol confirmation test, the Breath Alcohol Technician shall execute the following procedures:
- A) Indicate the alcohol reading from the Evidential Breath Testing Device on the collection form and sign the collection form.
 - B) If the test produces any other results, indicate these results in the remarks section of the collection form.
 - C) Immediately transmit the collection form with the reported result directly to the DER and the employee in a confidential manner.

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Section 9140.70 Preservation of Specimens and Records

- a) Laboratories testing a primary specimen of blood or urine that was reported with a verified positive, adulterated or substituted result must retain the primary specimen for a minimum of three years. The specimen shall be kept in secure, long-term, frozen storage in accordance with requirements set forth by HHS.
- b) Within the three-year period, the MRO, the employee, or the DER may request in writing that the laboratory retain a specimen for an additional period of time, not to exceed one additional year.
- c) If a laboratory has not sent the split specimen to another laboratory for testing, the laboratory must retain the split specimen for the same period of time as the primary specimen and under the same storage conditions.
- d) Laboratories testing the split specimen must preserve the split specimen in accordance with subsections (a) and (b).
- e) Laboratories must retain all records pertaining to the testing of each employee specimen for a minimum of two years. Within this two-year period, the MRO, the employee or the DER may request in writing that the laboratory retain the records for an additional period of time, not to exceed two additional years.
- f) The employer shall maintain all collection forms for breath and saliva testing for a minimum of three years. Within this three-year period, the employee may request in writing that the employer retain the records for an additional period of time, not to exceed one additional year.
- g) Laboratories testing a specimen of blood or urine that was reported with a verified negative result shall discard both the primary and the split specimen as soon as possible.

Section 9140.80 Materials Incorporated by Reference

Copies of the incorporated material are available from the Illinois Workers' Compensation Commission, 100 West Randolph, Suite 8-200, Chicago, Illinois 60601 or on the Commission's Internet website, <http://www.iwcc.il.gov/>.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
303.165	New Section
303.166	New Section
303.175	Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415], the Organ Donor Leave Act [5 ILCS 327], the Family Military Leave Act [820 ILCS 151] and the Civil Air Patrol Leave Act [820 ILCS 148]
- 5) Effective Date of Amendments: May 30, 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 Proposal Published in Illinois Register: 36 Ill. Reg. 3153; March 2, 2012
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: Addition of eligibility of child or grandparent to take FML, inserting reference to the Federal Family and Medical Leave Act along with the code listing, inserting a statute citation to reference the Family Military Leave Act, striking 'creditable service' from 303.165(j) and 303.166(j), as well as correcting minor capitalization and grammatical errors.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all agreed upon changes have been made.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Section 303.165 brings the agency into compliance with the Family Military Leave Act. Section 303.166 brings the agency into compliance with P.A. 95-763 by creating rules for Civil Air Patrol leave. Section 303.175 involves a change to allow Disaster Service Leave with Pay to a certified disaster service volunteer following the declaration of a disaster by proclamation of the Governor, pursuant to P.A. 97-345.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Mary Matheny
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/557-5404

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
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AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009; emergency amendment at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16801, effective November 24, 2009; emergency amendment at 34 Ill. Reg. 12985, effective August 20, 2010, for a

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maximum of 150 days; amended at 35 Ill. Reg. 1587, effective January 14, 2011; amended at 36 Ill. Reg. 8661, effective May 30, 2012.

SUBPART B: LEAVE OF ABSENCE

Section 303.165 Family Military Leave

- a) An employee who is the current spouse, civil union partner, parent, child or grandparent of a person called to military service lasting longer than 30 days with a state or the United States, pursuant to the order of the Governor or the President, who wishes to be absent from work in order to meet or fulfill responsibilities arising from the employee's role in his or her family or as head of the household, is eligible to request up to 30 days of unpaid Family Military Leave (FML) during the time the State or federal deployment orders are in effect.
- b) The leave shall be granted to an employee who has been employed for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- c) Any request for FML shall be in writing by the employee submitted not less than 14 calendar days in advance of the intended date the FML will commence if the leave will consist of 5 or more consecutive workdays. Employees requesting FML for less than 5 consecutive workdays shall give as much advance notice as is practicable. When able, the employee shall consult with the employer to schedule the leave so as not to unduly disrupt the operations of the employer.
- d) Except in cases of emergency, FML shall be taken in full day increments only. The employee will be required to document the reason for the emergency nature of the need for leave in writing within two days after the employee's return to work.
- e) The employee shall provide certification from the proper military authority to verify eligibility for the FML requested.
- f) An employee shall not be eligible to take FML unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, equivalent earned time, maternity/paternity leave, and any other time away from work with pay. Exceptions to this exhaustion requirement are sick leave,

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disability leave and unpaid leave under the Federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.).

g) Upon expiration of the FML, the employee is entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position. These restoration rights do not apply if the employer establishes that the restoration is denied due to conditions unrelated to the employee's exercise of rights under the Family Military Leave Act [820 ILCS 151].

h) An intermittent employee shall be nonscheduled for the duration of the required leave.

i) This leave will not extend to any type of appointment that is 6 months or less in duration.

j) Time utilized under the Family Military Leave Act is not deducted from an employee's continuous service, vacation accrual or seniority date.

(Source: Added at 36 Ill. Reg. 8661, effective May 30, 2012)

Section 303.166 Civil Air Patrol Leave

a) An employee is eligible to request up to 30 days of unpaid Civil Air Patrol Leave (CAPL) to perform a civil air patrol mission.

b) CAPL shall be granted to an employee who has been employed for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

c) Any request for CAPL shall be in writing by the employee and submitted not less than 14 calendar days in advance of the intended date the CAPL will commence if the leave will consist of 5 or more consecutive workdays. Employees requesting CAPL for less than 5 consecutive workdays shall give as much advance notice as is practicable. When able, the employee shall consult with the employer to schedule the leave so as not to unduly disrupt the operations of the employer.

d) The employee shall provide certification from the Civil Air Patrol authority to verify eligibility for the CAPL requested.

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- e) An employee eligible to take CAPL shall not be required to have exhausted all accrued vacation leave, personal leave, compensatory leave, equivalent earned time, maternity/paternity leave, sick leave, disability leave, and any other time away from work with pay.
- f) Upon expiration of the leave, the employee is entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position. These restoration rights do not apply if the employer establishes that the restoration is denied due to conditions unrelated to the employee's exercise of rights under the Civil Air Patrol Leave Act [820 ILCS 148].
- g) During any CAPL, an employee shall be allowed to continue his or her benefits at his or her own expense, unless previously negotiated with the employer.
- h) An intermittent employee shall be nonscheduled for the duration of the required leave.
- i) This leave will not extend to any type of appointment that is 6 months or less in duration.
- j) Time utilized under the Civil Air Patrol Leave Act is not deducted from an employee's continuous service, vacation accrual or seniority date.

(Source: Added at 36 Ill. Reg. 8661, effective May 30, 2012)

Section 303.175 Disaster Service Leave With Pay

- a) Any employee, except those in temporary, emergency or per diem status, who is a certified disaster service volunteer of the American Red Cross or volunteers for assignment to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305] or the Emergency Management Assistance Compact Act [45 ILCS 151] may be granted leave with pay for up to 20 working days in any 12-month period for disasters within the United States or its territories. The leave may be granted upon request of the American Red Cross or the Illinois Emergency Management Agency for employees to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency. Leaves under this

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Section are subject to approval of the employee's agency considering operating needs.

- b) Disasters must be either:
 - 1) *disasters designated at a Level III and above in the American National Red Cross Regulations and Procedures; or*
 - 2) *any disaster declared by proclamation of the Governor under Section 7 of the Illinois Emergency Management Agency Act [5 ILCS 335/2].*
- c) The American Red Cross and the Illinois Emergency Management Agency shall coordinate requests for services outside of Illinois through the Illinois State Emergency Operations Center.

(Source: Amended at 36 Ill. Reg. 8661, effective May 30, 2012)

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- 1) Heading of the Part: Cemetery Oversight Act
- 2) Code Citation: 68 Ill. Adm. Code 1249
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1249.10	New Section
1249.20	New Section
1249.30	New Section
1249.40	New Section
1249.50	New Section
1249.60	New Section
1249.70	New Section
1249.100	New Section
1249.110	New Section
1249.120	New Section
1249.130	New Section
1249.140	New Section
1249.150	New Section
1249.200	New Section
1249.210	New Section
1249.220	New Section
1249.300	New Section
1249.310	New Section
1249.320	New Section
1249.330	New Section
1249.340	New Section
1249.350	New Section
- 4) Statutory Authority: Implementing the Cemetery Oversight Act [225 ILCS 411/5-25(5)] and authorized by Section 2105-15 of the Civil Administration Code of Illinois [20 ILCS 2105/2105-15]
- 5) Effective Date of Rules: July 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No

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- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 15, 2011; 35 Ill. Reg. 11050
- 10) Has JCAR issued a Statement of Objection to this rulemaking: Yes, at 35 Ill. Reg. 17481, published October 28, 2011.
- 11) Differences between proposal and final version: The majority of the issues regarding equity and compliance were addressed directly by the General Assembly through passage of PA 97-679. As a result, numerous Sections of the proposed version of the rules have been removed in their entirety from this adopted version. These include Sections 1249.160, 1249.170, 1249.180, 1249.230, 1249.400, 1249.410, 1249.420, 1249.430, 1249.440, 1249.450, 1249.460 and 1249.470. Those Sections that are still numerically in this adopted version but have entirely new content include Sections 1249.130, 1249.150, 1249.160, 1249.170, 1249.230, 1249.300, 1249.310, 1249.320, 1249.430, 1249.440 and 1249.470.
- Also, Section 1249.20 Fees was drastically shortened owing to fee structure and alternative revenue source built into PA 97-679 and Section 1249.210 was changed from "Examination" to "Certification Program". Section 1249.340 is now "Receivership" and Section 1249.350 is now "Grants Under Cemetery Relief Fund". Many other minor changes were to clarify the intention of COA and the trailer bill. Major substantive changes also occurred in Sections 1249.100 "Application for Full Exempt Status" and 1249.110 "Application for Partial Exempt Status". These changes reflect the broadening of the scope of potential exempt and partial exempt authorities in PA 97-679 to address the concerns of smaller, less economically viable cemetery authorities.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this adopted rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Cemetery Oversight Act, created by PA 96-863 and significantly amended by PA 97-679, brought regulation of cemeteries under the authority of the Illinois Department of Financial and Professional Regulation. Public Act 97-679 caused changes to these rules to provide relief for very small cemeteries in their

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application of requirements for exemption, partial exemption or full licensure (1249.100, 1249.110), added financial and size considerations to the enforcement of maintenance care standards (1249.310) and eliminated indemnification costs. Other administrative and clean up changes were made in the amendment and rules to reflect the Care Fund Act, Crematory Act and the Cemetery Association Act repeal reversals. Included are major reductions in licensing and registration fees (1249.20) with primary source of funding now certified death certificate copy fees. The Department testing is being replaced (1249.20) with approved industry certification and testing and continuing education requirements have been reduced and simplified (1249.220). This adopted Part should continue to provide a safety net for consumers through the Act.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax#: 217/557-4451

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1249

CEMETERY OVERSIGHT ACT

SUBPART A: GENERAL PROVISIONS

Section

- 1249.10 Definitions
- 1249.20 Fees
- 1249.30 Renewal
- 1249.40 Inactive Status
- 1249.50 Restoration
- 1249.60 Cemetery Records and the Cemetery Oversight Database
- 1249.70 Granting Variances

SUBPART B: CEMETERY AUTHORITIES

Section

- 1249.100 Application for Full Exempt Status
- 1249.110 Application for Partial Exempt Status
- 1249.120 Application for Licensure as a Cemetery Authority Not Maintaining a Full or Partial Exemption
- 1249.130 Change in Status
- 1249.140 Change of Ownership
- 1249.150 Signage and Consumer Brochure

SUBPART C: CEMETERY MANAGERS AND
CUSTOMER SERVICE EMPLOYEES

Section

- 1249.200 Application
- 1249.210 Certification Programs
- 1249.220 Continuing Education

SUBPART D: ENFORCEMENT AND DISCIPLINARY PROCEEDINGS

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Section

- 1249.300 Mediation of Complaints against Cemetery Authorities Maintaining a Partial Exemption
- 1249.310 Violation Citations
- 1249.320 Opportunity to Cure Violation
- 1249.330 Professional Standards
- 1249.340 Receivership
- 1249.350 Grants under Cemetery Relief Fund

AUTHORITY: Implementing the Cemetery Oversight Act [225 ILCS 411] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 36 Ill. Reg. 8670, effective July 1, 2012.

SUBPART A: GENERAL PROVISIONS

Section 1249.10 Definitions

Terms not defined in this Section shall have the same meaning as in the Cemetery Oversight Act. The following definitions are applicable for purposes of this Part:

"Acre" means a United States survey acre of 43,560 square feet.

"Act" means the Cemetery Oversight Act [225 ILCS 411].

"Board" means the Cemetery Oversight Board.

"Burial index" means a set of burial records, kept alphabetically or chronologically, of sufficient detail to allow an informed person to uniquely locate the place of an interment on a cemetery's map or plat.

"Database" means the Cemetery Oversight Database under Section 20-6 of the Act.

"Confidential information" means information including a person's social security number, driver's license number, personal finance information, home or personal telephone number, home address, personal email addresses, and other information protected by law.

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"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Examination" means a review of the books, records, operations and affairs of the cemetery authority, including any subsidiary of or entity affiliated with the authority, conducted by a Division investigator.

"Renewal cycle" means the time period between either application or the last renewal, whichever is more recent, and the next renewal date under Section 1249.30, typically 2 years for licensees and 4 years for cemetery authorities maintaining a full or partial exemption.

"Renewal period" means the time during which the Division accepts renewal applications.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

Section 1249.20 Fees

- a) Section 10-55 of the Act sets out initial licensure and licensure renewal fees.
- b) General Fees
 - 1) The fee for restoration from inactive status is the current renewal fee. The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate/replacement license or a certificate issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

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- 3) The fee for a certification of a licensee's regulatory history for any purpose is \$20.
 - 4) The fee for a roster of licensees or cemetery workers shall be the actual cost of producing the roster.
 - 5) The fee for approval of a continuing education sponsor is \$100.
 - 6) The fee for renewal of approval as a continuing education sponsor is \$75.
- c) The investigation and mediation fee under Section 25-3 of the Act shall be \$150 per hour.
 - d) The Division may waive fees provided in the Act or in this Part in whole or in part based on hardship.
 - 1) A cemetery authority may apply for a reduction or waiver of any fee based on extreme financial hardship or risk of cemetery abandonment. To apply, the cemetery shall produce its most recent balance sheet, bank statement, and any other evidence that the Division requires that bears on the cemetery authority's financial status. A cemetery authority applying for a fee reduction or waiver must do so with the good faith belief that a fee reduction or waiver is necessary to avoid extreme financial hardship or cemetery abandonment.
 - 2) Cemetery Manager or Customer Service Employee
 - A) A cemetery manager or customer service employee may apply for a reduction or waiver of any fee based on extreme financial hardship or risk of abandoning his or her position at the cemetery. To apply, the applicant or licensee shall produce:
 - i) a signed statement from the cemetery authority stating that the cemetery authority is not able to pay the fee on behalf of the applicant or licensee;
 - ii) a signed statement by the applicant or licensee stating that a fee reduction or waiver is necessary to avoid extreme

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financial hardship or abandoning his or her position at the cemetery; and

- iii) any other evidence that the Division requires that bears on the applicant's or licensee's financial status.
- B) A cemetery manager or customer service employee applying for a fee reduction or waiver must do so with the good faith belief that a fee reduction is necessary to avoid extreme financial hardship or abandonment of his or her position at the cemetery.
- 3) A cemetery authority, cemetery manager or customer service employee tendering a bad faith or frivolous application for a fee reduction or waiver may be subject to disciplinary action for making a material misstatement in furnishing information to the Division under Section 25-10(a)(1) of the Act.
- e) The one-time transition fee required by Section 75-55(c) of the Act shall be submitted to the Division, along with the form supplied by the Division, no later than December 15, 2010. All cemetery authorities not maintaining a full exemption or partial exemption shall pay a one-time fee of \$20 to the Department plus an additional charge of \$1 per burial within the cemetery during the calendar year 2009. Invoices issued by the Division in 2010 shall be paid as indicated in the invoice.

Section 1249.30 Renewal

- a) Beginning with the August 2014 renewal, every cemetery authority, cemetery manager and customer service employee license issued under the Act shall expire on August 31 every 2 years. Beginning with the August 2016 renewal, every registration as a full exempt or partial exempt cemetery authority issued under the Act shall expire on August 31 every 4 years. The holder of a license or a registration with full exempt or partial exempt status may renew his or her license or registration during the month preceding the expiration date by paying the required fee set forth in the Act. Any cemetery authority seeking renewal of its full exempt or partial exempt status must also certify to the Division that it continues to qualify for its full exempt or partial exempt status in accordance with Section 5-20 of the Act.

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- b) It is the responsibility of each fully exempt cemetery authority, partially exempt cemetery authority, and licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or registration or to pay the renewal fee. Practicing on an expired license is unlicensed practice and subject to discipline under Section 25-10 of the Act.
- c) No cemetery authority shall, after the expiration of a cemetery manager or customer service employee license, permit the holder of the expired license to do any work requiring licensure.

Section 1249.40 Inactive Status

- a) Cemetery manager or customer service employee licensees who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.
- b) Licensees seeking restoration from inactive status shall do so in accordance with Sections 1249.20 and 1249.50.

Section 1249.50 Restoration

- a) Cemetery manager and customer service employee licensees seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the following:
 - 1) The restoration fees specified in Section 1249.20. When restoring a license from inactive status, a licensee is required to pay the current renewal fee set forth in the Act;
 - 2) Proof of completion of the required number of continuing education (CE) hours for one renewal cycle as specified in Section 1249.220. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of CE programs; and
 - 3) One of the following:

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- A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice or, if the profession is not licensed in the other jurisdiction, a statement from the licensee's employer;
 - B) Sworn statement that the license expired or was placed on inactive status while the licensee was engaged in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America and that the sworn statement is received by the Division within 2 years after the licensee's termination of service other than by dishonorable discharge;
 - C) Sworn statement that the license expired or was placed on inactive status while the licensee was training or being educated under the supervision of the United States prior to induction into the military service and that the sworn statement is received by the Division within 2 years after the licensee's completion of the training or education or termination of training or education other than by dishonorable discharge; or
 - D) Evidence of successful completion of a certification course as specified in the Act and Section 1249.210 or of other education or experience acceptable to the Division of the licensee's fitness to have the license restored.
- b) A licensee seeking restoration of a license that has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements, shall file an application on forms provided by the Division, together with the following:
- 1) The restoration fees specified in Section 1249.20. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in the Act; and
 - 2) Proof of completion of the required number of CE hours for one renewal

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cycle as specified in Section 10-30 of the Act and Section 1249.220. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of CE programs.

- c) Any person seeking restoration of a license within 2 years after discharge from military service other than by dishonorable discharge will be required to pay only the current renewal fee and will not be required to submit proof of meeting the CE requirements.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division because of lack of information, discrepancies, or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1249.60 Cemetery Records and the Cemetery Oversight Database

- a) Each cemetery authority not fully exempt under the Act shall answer all questions when prompted by the Database, including information regarding:
 - 1) The section, mausoleum or columbarium;
 - 2) The block, wall or room;
 - 3) The lot or row;
 - 4) The plot, grave, crypt or niche;
 - 5) The term of burial in years, if any;
 - 6) The level or depth in the grave, crypt or niche, if applicable; and
 - 7) The date of interment, inurnment or entombment, as the case may be.

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- b) A cemetery authority may only renumber or rename sections, blocks, lots, mausoleums, columbariums or any other sub-category of these areas in its internal recordkeeping system as long as the renumbering:
 - 1) Preserves any existing rights to interment, inurnment or entombment; and
 - 2) Does not affect the ability of the cemetery authority, Division or member of the public to locate remains or to find the location of interment, inurnment or entombment rights.
- c) When real-time access to the Database through an Internet connection becomes unavailable due to technical problems with the Database incurred by the database provider, the cemetery manager shall cause a record of the interment, entombment or inurnment to be entered into the Database via telephone by contacting the Database provider. Inability to access the database does not relieve the cemetery authority of the duty to report through other means as provided for by the Database provider or the Division.
- d) When a cemetery manager claims obtaining use of an Internet connection would be an undue hardship, the cemetery manager shall provide a written statement to the Secretary describing the reason for the hardship and requesting the use of an alternative mechanism to report interments, entombments or inurnments. The cemetery manager's written request shall be reviewed by the Secretary and the Secretary may approve or deny the request for an alternative mechanism. If any entries by the cemetery manager are required by the Act before the cemetery manager receives notice of the Secretary's decision regarding the request, the cemetery manager may cause the required record of the interment, entombment or inurnment to be entered into the Database via telephone by contacting the Database provider.
- e) Every required entry into the Database made before July 1, 2012 shall be accompanied by a fee paid to the Database provider as established by a written agreement between the Department and the Database provider. All required entries into the Database made on or after July 1, 2012 shall be at no cost to the cemetery authority, and all fees due the Database provider thereafter shall be paid by the Division.

Section 1249.70 Granting Variances

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The Secretary may grant variances from this Part in individual cases when he/she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

SUBPART B: CEMETERY AUTHORITIES

Section 1249.100 Application for Full Exempt Status

Applicants for full exemption from licensure as a cemetery authority shall submit, prior to January 1, 2013, a completed application, on forms provided by the Division and signed by the applicant, on which all questions have been answered, including:

- a) The cemetery's name, street and city address, and telephone number. If a cemetery does not have a telephone on the property, the cemetery authority shall provide the number of the telephone, located at another office of the cemetery authority or the cemetery must designate a phone number, for contact purposes, of someone who has authority over cemetery operations. If the cemetery authority does not receive mail at the street and city address of the cemetery, the cemetery authority shall provide an additional address where mail is or can be received;
- b) The cemetery owner's name, home address, and home telephone number or, if the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the name and contact information for each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock or other ownership interest;
- c) Whether the cemetery qualifies under the exemption defined in Section 5-20(a) of the Act as a family burying ground or religious burying ground, as a cemetery authority that has not engaged in an interment, inurnment or entombment of human remains within the last 10 years, or as a cemetery authority that is less than 3 acres;
- d) The size of the cemetery land in acres; and

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- e) Any other information that the Division requests.

Section 1249.110 Application for Partial Exempt Status

Applicants for partial exemption from licensure as a cemetery authority shall submit, prior to January 1, 2013:

- a) The applicable fee in Section 10-55 of the Act.
- b) A completed application, on forms provided by the Division and signed by the applicant, on which all questions have been answered, including:
 - 1) The cemetery's name, street and city address, and telephone number. If a cemetery does not have a telephone on the property, the cemetery authority shall provide the number of the telephone located at another office of the cemetery authority or the cemetery must designate a phone number, for contact purposes, of someone who has authority over cemetery operations. If the cemetery authority does not receive mail at the street and city address of the cemetery, the cemetery authority shall provide an additional address where mail is or can be received;
 - 2) The cemetery owner's name, home address, and home telephone number or, if the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the name and contact information for each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock or other ownership interest;
 - 3) Whether the cemetery qualifies under a partial exemption, as defined in Section 5-20(b) of the Act, as a public or religious cemetery or a cemetery authority that has engaged in 25 or fewer interments, inurnments or entombments of human remains for each of the preceding 2 calendar years. A religious society or association includes a not-for-profit entity formed for a religious purpose;
 - 4) The number of interments, inurnments and entombments at the cemetery for each of the two preceding calendar years; and
 - 5) Any other information that the Division requests.

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Section 1249.120 Application for Licensure as a Cemetery Authority Not Maintaining a Full or Partial Exemption

- a) Applicants for licensure as a cemetery authority not maintaining a full or partial exemption shall submit, prior to January 1, 2013:
 - 1) A completed application, on forms provided by the Division and signed by the applicant, on which all questions have been answered, including:
 - A) The cemetery's name, street and city address, and telephone number. If a cemetery does not have a telephone on the property, the cemetery authority shall provide the number of the telephone located at another office of the cemetery authority or the cemetery must designate a phone number, for contact purposes, of someone who has authority over cemetery operations. If the cemetery authority does not receive mail at the street and city address of the cemetery, the cemetery authority shall provide an additional address where mail is or can be received; and
 - B) The cemetery owner's name, home address, and home telephone number or, if the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the name and contact information for each principal, owner, member, officer and shareholder holding 25% or more of corporate stock or other ownership interest;
 - 2) The applicable fee in Section 10-55 of the Act;
 - 3) A statement of assets and liabilities of the cemetery authority and any associated trust funds on forms provided by the Division;
 - 4) Proof that the applicant and, if a corporation or limited liability company, each principal, owner, member, officer and shareholder holding 25% or more of corporate stock or other ownership interest, meet the qualifications provided for in Section 10-21(a) of the Act as a condition of licensure;
 - 5) Authorization to conduct a criminal background check;

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- 6) If a partnership, a copy of the partnership agreement or, if no agreement exists, a list of partners and each partner's ownership interests; if a corporation, a copy of the Articles of Incorporation and a Certificate of Good Standing issued by the Secretary of State within the previous 60 days; if a foreign corporation, a copy of the authorization to conduct business in Illinois; if a limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing issued by the Secretary of State within the previous 60 days; or, if another entity permitted by law, a copy of the relevant document creating the entity; and
 - 7) Any other information required by the Division.
- b) **Licensure Requirements for Multiple Locations.** When a cemetery authority is applying for licensure at more than one location, the cemetery authority shall submit an application and provide an application fee in accordance with Section 10-55 of the Act and subsection (a) of this Section for each location. If all requirements are met, each location shall be issued a separate license.

Section 1249.130 Change of Status

A cemetery authority that has been issued a license or has been approved for full exempt status or partial exempt status by the Division shall report to the Division, on forms provided by the Division, any change in status that causes the cemetery authority to no longer require licensure or to be disqualified from maintaining full exempt status or partial exempt status. The report shall be made by the cemetery authority within 90 days after the change in status. Upon request by the Division, the cemetery authority shall provide further information or documentation relating to legal status, ownership, operations, finances or other matters required to assist the Division in determining the appropriate status of the cemetery authority or the eligibility of the cemetery authority for any fee waiver or variance authorized under this Part. Pursuant to the determination made by the Division, the cemetery authority shall make the appropriate application to the Division in accordance with this Section and/or Section 1249.30, 1249.100, 1249.110 or 1249.120 within one year following the date of the change in status.

Section 1249.140 Change of Ownership

- a) At least 30 days prior to the effective date of a change in ownership of a cemetery authority subject to the Act, a new application shall be filed with the Division in accordance with Section 1249.100, 1249.110 or 1249.120.

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- b) Change of ownership is defined as, but not limited to:
 - 1) Whenever a person, partnership, corporation, limited liability company, government entity, or other legal entity comes to obtain 51% ownership of the cemetery authority after initial licensure or after application for full exempt or partial exempt status; or
 - 2) Change in the legal form under which the controlling entity is organized.

Section 1249.150 Signage and Consumer Brochure

- a) Every licensed cemetery authority and cemetery authority maintaining a partial exemption must conspicuously post the sign required by Section 20-30 of the Act and provided by the Division (contains the Division's consumer hotline number, information on how to file a complaint, and any other information the Division deems appropriate). The sign shall be posted in color in each office where the cemetery authority conducts business with consumers and in each office where the cemetery authority makes contact with the public. If transactions with consumers or contact with the public occurs in a residence or office that is used primarily for business unrelated to the death care industry, the sign must be in clear view of the cemetery consumer or member of the public when that individual is present. The sign will be available to download on the Division's website. If the cemetery authority does not maintain an office, then it is not required to post the sign.
- b) Every licensed cemetery authority and cemetery authority maintaining a partial exemption must make available for potential consumers and visitors of the cemetery the consumer brochure provided by the Division that contains the Division's consumer hotline number, information on how to file a complaint, and any other information the Division deems appropriate. The brochure will be available to download on the Division's website. If the cemetery authority does not maintain an office, then it is not required to have the brochure available.

SUBPART C: CEMETERY MANAGERS AND
CUSTOMER SERVICE EMPLOYEES**Section 1249.200 Application**

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An applicant for licensure as a cemetery manager or customer service employee under the Act shall file a completed application, on forms provided by the Division, with the applicable fee from Section 10-55 of the Act. The application shall include the following:

- a) Social Security Number and date of birth;
- b) Address of residence;
- c) Verification of successful completion of high school, the General Education Development (GED) tests, or possession of a High School Equivalency Diploma (HSED);
- d) Attestation that the applicant will, within one year after filing application, successfully complete a certification program approved by the Division;
- e) Authorization to conduct a criminal background check;
- f) Proof that the applicant meets the qualifications provided for in Section 10-21(b) of the Act as a condition of licensure;
- g) Name of cemetery authority employing the applicant, if any; and
- h) Any other information required by the Division.

Section 1249.210 Certification Programs

- a) A death care trade association meeting the qualifications established in Section 10-25 of the Act and intending to offer certification programs for cemetery manager and customer service employee applicants shall first obtain the approval of the Division by making application on forms provided by the Division. The application shall include:
 - 1) verification that the death care trade association has been in existence for more than 5 years;
 - 2) an outline of the program, materials to be used in instruction or as study guides, a bank of test questions to be used to formulate the examination, and the fee for the program; and

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- 3) the locations where the program will be offered and a description of each facility. A program provider shall only conduct the program in locations that are conducive to learning and that establish a controlled environment to promote the integrity of the examination. The Division may conduct an inspection of the facility during regular business hours.
- b) An approved program provider shall provide notice to the Division of any change in the information reported to the Division at time of application within 30 days after the change. The Division may withdraw its approval of the program in the event that any change results in non-compliance with the requirements of the Act or this Part.
- c) An approved program provider shall provide each applicant with a hard copy or digital copy of the materials to be used in instruction or as study guides, as submitted to the Division.
- d) The program provider shall provide to each applicant successfully passing the examination a certificate evidencing his or her successful completion of the program.
- e) The program provider shall submit a monthly report to the Division listing the names of persons certified that month and whether the certification is for cemetery manager or customer service employee.
- f) The program provider shall maintain for each applicant a record of the program undertaken, dates of attendance, and whether certification was issued to the applicant and, if so, the date of issuance. All records shall be maintained by the program provider for a period of 5 years and shall be made available to the applicant or to the Division upon request during regular business hours.
- g) No approved program provider shall advertise that it is endorsed, recommended or accredited by the Division. The program provider may indicate that it is approved by the Division to provide the certification program.

Section 1249.220 Continuing Education

- a) Pursuant to Section 10-30 of the Act, every cemetery manager shall complete 6 hours of continuing education (CE) during each renewal cycle, and every

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customer service employee shall complete 3 hours of CE during each renewal cycle.

- b) CE credit may be earned as follows:
- 1) Verified attendance at or participation in a program given by a sponsor as set forth in this Section.
 - 2) For a maximum of half of the required CE hours per renewal cycle:
 - A) Personal preparation of an educational presentation pertaining to cemetery management and/or the practice of providing customer service at a cemetery that is orally delivered before a recognized professional cemetery organization;
 - B) Writing of educational articles pertaining to cemetery management and/or the practice of providing customer service at a cemetery and having them published in recognized cemetery industry journals, trade publications, newsletters, or other publications upon approval by the Division;
 - C) Completion of self-study courses taken through an accredited college or university or an approved sponsor. Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee. Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit; and/or
 - D) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research.
 - 3) The CE hours used to satisfy the CE requirements for renewal of an applicable license held in another jurisdiction shall be applied to

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fulfillment of the CE requirements for renewal of the applicant's Illinois license, upon approval by the Division.

- 4) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.
 - 5) Credit will not be given for activities that are not included in this subsection (b).
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean any death care trade association, school, college or university, State agency or any other person, firm or association that has been approved and authorized by the Division to coordinate and present CE courses and programs in conjunction with this Section.
 - 2) A sponsor intending to offer CE courses and programs shall first obtain the approval of the Division by making application on forms provided by the Division and including the required fee under Section 1249.20. The application shall certify the following:
 - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
 - B) That the sponsor will be responsible for verifying attendance at each course or program and will provide a certificate of completion as set forth in this Section;
 - C) That, upon request by the Division, the sponsor will submit evidence necessary to establish compliance with this Section. The evidence shall be required when the Division has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance; and

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- D) The sponsor shall report the locations where the courses or programs will be offered and a description of each facility. A sponsor shall only conduct courses and programs in locations that are conducive to learning. The Division may conduct an inspection of the facility during regular business hours.
- 3) The approval of a sponsor by the Division shall be valid for a period of 4 years or until August 31, 2016, whichever comes first. Sponsor approvals issued after August 31, 2016 will expire every 4 years thereafter.
 - 4) All courses and programs shall:
 - A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of cemetery management and/or providing customer service at a cemetery. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;
 - B) Specify the course objectives, course content and teaching methods;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism through which participants evaluate the overall quality and content of the program.
 - 5) All programs given by sponsors should be open to all licensees and not be limited to the members of a single organization or group.
 - 6) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation that shall contain the following information:

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- A) The name and address of the sponsor;
 - B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of CE hours awarded in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 7) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor, by such means as mailing the certificate or summary of attendance.
 - 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) for not less than 5 years, except for the signature of the sponsor.
 - 9) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.
 - 10) If it is determined after a hearing before the Division that a sponsor has failed to comply with the foregoing requirements, the Division shall thereafter refuse to accept for CE credit attendance at any of the sponsor's CE activities until such time as the Division receives assurances of compliance with this Section.
 - 11) Notwithstanding any other provision of this Section, the Division may evaluate any sponsor of any CE program at any time.
 - 12) The Division shall maintain a list of all approved CE sponsors.
 - 13) No approved CE sponsor shall advertise that it is endorsed, recommended or accredited by the Division. The sponsor may indicate that it is approved by the Division to provide CE courses and programs.

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- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) The Division may conduct random audits to verify compliance with this Section.
- e) Waiver of CE Requirements
- 1) In cases of extreme hardship, a renewal applicant seeking renewal of a license without having fully complied with these CE requirements may file with the Division a request for waiver of the CE requirements with his or her renewal application, the required renewal fee, and a statement setting forth the facts concerning the non-compliance. If the Division finds from the evidence submitted that extreme hardship has been shown, the Division may waive enforcement of CE requirements for that renewal cycle.
 - 2) Extreme hardship shall be determined on an individual basis by the Division and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal cycle because of:
 - A) Full-time service in the Armed Forces of the United States during a substantial part of the renewal cycle;
 - B) An incapacitating illness, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).

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- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver pursuant to the provisions of this subsection (e) shall be deemed to be in good standing until the Division's final decision on the application has been made.
- 4) Any applicant who submits a request for waiver that is denied may then request his or her license be placed on inactive status. The applicant shall comply with the CE requirements prior to restoration of the license from inactive status in accordance with Section 1249.50 of this Part.

SUBPART D: ENFORCEMENT AND DISCIPLINARY PROCEEDINGS

Section 1249.300 Mediation of Complaints against Cemetery Authorities Maintaining a Partial Exemption

For the purpose of conducting mediation of a complaint pursuant to Section 25-3 of the Act, the Secretary may appoint a Division representative who shall act as the mediator according to accepted standards of alternative dispute resolution. The fee for the investigation and mediation specified in Section 1249.20 shall be paid for by the cemetery authority if the mediator determines that the complaint is not frivolous. The cost of investigation and mediation of complaints deemed frivolous by the Division shall be borne by the Division.

Section 1249.310 Violation Citations

- a) In lieu of the disciplinary procedures contained in Section 25-10 of the Act, the Division may dispose of any violation designated in this Section by issuing a citation to the subject within six months after the Division receives notice of the violation.
- b) The following are violations that may result in a fine through the citation process:
 - 1) Failure to notify the Division within 14 days after any change of address in accordance with Section 5-15 of the Act;
 - 2) Failure to maintain the cemetery in accordance with Section 20-5 of the Act. A cemetery authority maintaining a partial exemption may elect mediation under Section 1249.300 in place of accepting a citation for this violation;

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- 3) Failure to comply with the vehicle traffic control procedures under Section 20-8 of the Act;
 - 4) Failure to display a license in violation of Section 20-20 of the Act; or
 - 5) Failure of a licensee to respond to a written request within 10 days in violation of Section 25-10(a)(8) of the Act.
- c) Fines imposed under this Section shall not exceed \$500 per violation.

Section 1249.320 Opportunity to Cure Violation

- a) A cemetery authority accused of violating Section 20-5 of the Act shall have a reasonable opportunity to cure the violation. The cemetery authority shall have 10 business days from receipt of notice to cure the violation. The opportunity of a cemetery authority maintaining a partial exemption to file a written response to a complaint pursuant to Section 25-3(b)(2) of the Act shall include the opportunity to cure the violation as provided in this Section.
- b) If a cemetery authority cannot cure the violation in the time allotted by subsection (a), the cemetery authority may request a time extension in order to cure the violation. The request for an extension shall be made in writing to the Division and must be postmarked within the time allotted to cure in subsection (a). The request shall outline all reasons for the extension and an estimated date by which the cure will be accomplished. Acceptable reasons include, but are not limited to, delays caused by weather conditions, season or climate; equipment failures or acquisitions of materials or supplies being addressed by the authority in a timely manner; unexpected temporary absences of personnel; etc. The Division may approve or deny the extension. If the extension is denied, the cemetery authority must cure the violation within 10 days after the date of receipt of the Division's extension denial.

Section 1249.330 Professional Standards

- a) "Dishonorable, unethical or unprofessional conduct", as used in Section 25-10(a)(9) of the Act, is defined as follows:

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- 1) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Division shall consider whether the questioned activities:
 - A) Violate ethical standards of the profession, including the standards set by Section 10-23 of the Act and Section 1249.330;
 - B) Caused actual harm to any consumer or member of the public; or
 - C) Are reasonably likely to cause harm to any consumer or member of the public in the future.
 - 2) Dishonorable, unethical or unprofessional conduct includes, but is not limited to:
 - A) Disclosing financial or other confidential information regarding the deceased or the person providing for the burial;
 - B) Discrimination based on race, color, sex, sexual orientation, age, religion, national origin or other characteristics protected by applicable laws. A religious cemetery may restrict its services to those of the same religious faith;
 - C) Intentionally or recklessly not providing adequate protection in upholding the sanctity of handling and disposition of human remains;
 - D) Intentionally or recklessly misrepresenting any laws concerning burial or funeral regulations; and
 - E) Defrauding or deceiving the consumer by misrepresenting goods or services sold.
- b) "Professional incompetence", as used in Section 25-10(a)(5) of the Act, is defined as follows:
- 1) In determining what constitutes professional incompetence, the Division shall consider whether the questioned activities:

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- A) Violate standards of the profession or rules, regulations or laws governing the cemetery or profession;
 - B) Caused actual harm to any consumer or member of the public; or
 - C) Are reasonably likely to cause harm to any consumer or member of the public in the future.
- 2) Professional incompetence includes, but is not limited to:
- A) Negligent failure to keep accurate and complete records, including failure to include all prices of goods/services in the contract or failure to give a receipt for full or partial payment;
 - B) Negligently misrepresenting rules, regulations or laws governing the cemetery or profession; or
 - C) Negligently misrepresenting goods or services sold.

Section 1249.340 Receivership

- a) When a cemetery authority is suspended or revoked, an unlicensed person has conducted activities requiring cemetery authority licensure under the Act, or the cemetery authority is winding up the business for dissolution, the Division, through the Attorney General, may petition the circuit courts of this State for appointment of a receiver to operate the cemetery. The Director shall nominate a receiver who shall, upon approval by the Circuit Court and under the Director's direction, for the purpose of receivership, take possession of and title to the books, records and assets of the cemetery authority. The Director shall require of the receiver such security as he or she deems proper. The receiver may operate the cemetery until the Director determines that the business is dissolved or possession should be restored to a licensee and the Circuit Court terminates the receivership.
- b) In the case of dissolution, upon the order of a circuit court, the receiver may sell or compound any bad or doubtful debt and may sell the personal property of the cemetery on terms approved by the court. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the cemetery may have against the owners, operators, stockholders, directors, members, managers or officers arising out of their claims against the cemetery. Nothing shall prevent creditors from

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filing their claims in the liquidation proceeding.

- c) All expenses of the receivership, including reasonable receiver's and attorney's fees approved by the Director and the Circuit Court, and all expenses of any preliminary or other examinations into the condition of the cemetery or receivership incurred by the Division, and all expenses incident to the possession and control of any property or records of the cemetery incurred by the Division shall be paid out of the assets of the cemetery. The foregoing expenses shall be paid prior to and ahead of all claims.

Section 1249.350 Grants under Cemetery Relief Fund

Units of local government and not-for-profit organizations, including, but not limited to, not-for-profit cemetery authorities, may apply to the Division on forms provided by the Division for grants to clean up cemeteries that have been abandoned or neglected or that are otherwise in need of additional care.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2520.570	Amendment
2520.700	Amendment
2520.710	Amendment
2520.720	Amendment
2520.730	Amendment
2520.760	Amendment
2520.770	Amendment
2520.795	Amendment
2520.APPENDIX A	Amendment
2520.APPENDIX B	Repealed
2520.APPENDIX C	Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)]
- 5) Effective Date of Amendments: June 1, 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, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 17, 2012; 36 Ill. Reg. 2408
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: In Section 2520.700, Disability, after "long-lasting" added "impairment of". In Section 2520.760(e), replaced <http://www.state.il.us/dhr/Liaison/default.htm> with <http://www2.illinois.gov/dhr/pages/liaison.aspx>. In Section 2520.795(a)(2), replaced

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<http://lmi.ides.state.il.us/affaction/aamenu.htm> with <http://www.ides.illinois.gov/page.aspx?item=925>. In Appendix A, deleted the words "Summary of", "Summary", and changed "when this amendatory rulemaking is adopted" to "after June 1, 2012".

- 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 amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments clarify the Request for Review period when a notice of default is issued, make technical changes to clarify affirmative action obligations of State agencies, and update outdated references in the Department's affirmative action obligations for State agencies.
- 16) Information and questions regarding these adopted amendments shall be directed to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

(312) 814-6257 or (866) 740-3953 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section

2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section

2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section

2520.405	Verified Response to Charge
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)

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- 2520.470 Conciliation (Repealed)
- 2520.480 Complaint (Repealed)

SUBPART D: SETTLEMENTS

Section

- 2520.510 Settlement
- 2520.520 Non-Disclosure (Repealed)
- 2520.530 Dismissal for Refusal to Accept Settlement Offer (Repealed)
- 2520.540 Non-Compliance with Settlement Terms (Repealed)

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- 2520.550 Administrative Closure
- 2520.560 Dismissal
- 2520.570 Default

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- 2520.575 Contents of Request for Review
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AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17

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Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002; amended at 29 Ill. Reg. 804, effective December 28, 2004; amended at 30 Ill. Reg. 1343, effective January 13, 2006; amended at 30 Ill. Reg. 13403, effective July 31, 2006; amended at 30 Ill. Reg. 18715, effective November 20, 2006; amended at 31 Ill. Reg. 12319, effective August 8, 2007; amended at 31 Ill. Reg. 14815, effective October 19, 2007; amended at 32 Ill. Reg. 13482, effective August 1, 2008; amended at 33 Ill. Reg. 11311, effective July 20, 2009; amended at 33 Ill. Reg. 17086, effective December 4, 2009; amended at 34 Ill. Reg. 11413, effective July 20, 2010; amended at 36 Ill. Reg. 8699, effective June 1, 2012.

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section 2520.570 Default

Prior to the entry of a default against a respondent pursuant to ~~Section~~~~Sections~~ 7A-102(B), ~~or~~ 7A-102(C), ~~7B-102(B) or 7B-102(C)~~ of the Act and Section 2520.440(d) of this Part, the Department will afford that party written notice and a period of at least ~~15~~~~fifteen~~ days to show good cause in writing why default may not be appropriate ~~[775 ILCS 5/7A-102(B) and 5/7A-102(C)]~~. A Notice of Default shall be construed as a "report" pursuant to Section 7A-102(G) of the Act. For charges filed on or after January 1, 2008, if the Department issues a Notice of Default, the Department will notify the respondent that the respondent has 30 days from service of the Notice of Default to file a Request for Review with the Human Rights Commission.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES**Section 2520.700 Definitions**

For purposes of this Subpart, the following terms shall have the meanings indicated:

~~Act — the Illinois Human Rights Act [775 ILCS 5].~~

Affirmative Action Group — any of the groups listed in Section 2520.720 or

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2520.730 ~~of this Part.~~

Agency – any instrumentality or facility of the executive branch of State government, as specified in Section 2520.710 ~~of this Part.~~

Central Management Services or CMS – the Department of Central Management Services or any successor agency responsible for its functions.

Chief Executive Officer – the director or other chief executive or administrator of any agency other than the Department.

~~Department – the Department of Human Rights.~~

~~Director – the Director of the Department or a duly authorized designee.~~

Disability – as used in Section 2-105(Bb) of the Act and this Subpart, long-lasting impairment of physical, mental, hearing, cognition, ambulation, self care, independent living or other functions ~~a mental or physical condition (other than pregnancy), lasting six months or longer, that limits the amount or kind of work an individual can perform.~~

EEO – Equal Employment Opportunity.

EEO/AA – Equal Employment Opportunity/Affirmative Action.

EEO Job Categories – the following ~~eight~~ categories: officials/managers; professionals; paraprofessionals; technicians; office/clerical workers; protective services workers; skilled craft workers; and service/maintenance workers.

EEO Officer – the Equal Employment Opportunity Officer, whether full or part-time, appointed by a State agency pursuant to Section 2-105(B)(4) of the Act and Section 2520.780 of this Part.

Layoff – the placement of an employee in non-paid and non-working status without prejudice, either temporarily or for an indeterminate length of time. Layoff does not include, either temporarily or indeterminately, a means or form of discipline.

Minority – those groups, or members of a group, listed in Section 2520.720 or

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2520.730 ~~of this Part~~, other than women and disabled persons.

Numerical Goals – the number of members of an affirmative action group that have been determined to be available to an agency for employment in each of the EEO job categories.

Petitioning Group – a chartered not-for-profit organization that is recognized by the community it purports to represent that has as its purpose fostering the interests and well being of that community.

Plan – an affirmative action plan for employment as described in Section 2520.760.

Program Goals – a set of actions established to address affirmative action or EEO problems cited in the agency's plan.

Promotable – agency employees who, within the fiscal year, under standard employment practices, are able to move from one of the EEO job categories to another.

Reasonable Accommodation – as it relates to disabled employees and applicants, modification of the work site, work process and/or work schedule to enable a disabled person to perform the major functions of a specific job; however, such an accommodation cannot impose an undue hardship on the conduct of the business of the employer or labor organization.

Region – a group of adjacent counties. There are 11 regions within Illinois as identified in Appendix D ~~of this Part~~.

Trainable – agency employees who, within the fiscal year, are eligible for participation in established training programs that, when completed, would allow them to move from one of the EEO job categories to another.

Transferable – agency employees eligible for transfer within the fiscal year from one region to another.

Underutilized Category – a category in which the number of employed members of an affirmative action group for which numerical goals have been set does not reflect the availability of that group in the agency workforce in that EEO job

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category.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.710 Scope and Purpose

This Subpart implements the affirmative action provisions of the Act, which apply to *every State executive department, State agency, board, commission and instrumentality*. ~~(Ill. Rev. Stat. 1991, ch. 68, pars. 2-105(B) and 7-105)~~ [775 ILCS 5/2-105(B) and 7-105]. Agencies of the legislative and judicial branches and local government entities are excluded. This Subpart interprets the responsibilities imposed on covered agencies to practice EEO and affirmative action in employment. This Subpart also describes the methods by which the Department will monitor and assist agencies in complying with those obligations.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.720 Affirmative Action Groups

Section 2-105(B) of the Act requires agencies to keep records, analyze their workforces, and establish numerical and program goals for employment *"by race, national origin, sex and disability, and any other category which the Department may require by rule"*. ~~(Ill. Rev. Stat. 1991, ch. 68, par. 2-105(B))~~ [775 ILCS 5/2-105(B)]. State agency affirmative action efforts should focus upon the following groups: African Americans, women, Hispanics and Latinos, Native Americans, Asians, Native Hawaiians and Other Pacific Islanders, and disabled persons. The Department will apply the criteria of Section 2520.730 ~~of this Part~~ to identify ~~such~~ other groups to be added to this ~~the~~ list ~~above~~.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.730 Consideration of Additional Groups

- a) Criteria – In order for an affirmative action group to be recognized, a petitioning group must present to the Director the following criteria:
 - 1) the relationship between the proportion of an affirmative action group in the State population and the proportion of the affirmative action group in State employees, and whether that proportion is less than 4/5 of the availability of that group in each of the eight EEO categories;

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- 2) other authoritative statistical evidence, surveys and studies reflective of the discrimination experienced by the group, particularly, but not exclusively, as they relate to experience in Illinois;
 - 3) the frequency with which charges alleging ~~thesuch~~ discrimination, as compared to discrimination against other minorities, have been filed with the Department, its predecessors and other federal and local entities that investigate employment discrimination charges;
 - 4) whether employment discrimination is longstanding against the group in question and is without an adequate legal remedy ~~thatwhich~~ is under color of State law; and
 - 5) evidence of a continuing cycle of discrimination ~~thatwhich~~, without affirmative action, will continue.
- b) Consideration Process – If the Director determines that the criteria in subsection (a) ~~above~~ have been met and that a petitioning group has submitted a petition as specified in 2 Ill. Adm. Code 925.110 of the Department's Rules:
- 1) A Notice of Proposed Rulemaking will be published by the Department in the Illinois Register, and the Department will commence rulemaking within 90 days after submission of ~~such~~ a petition.
 - 2) The Department shall convene a hearing, if required, in accordance with Section ~~5-40(b)(5)5.01(b)(5)~~ of the Illinois Administrative Procedure Act (~~Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(b)(5)~~) [5 ILCS 100/5-40(b)(5)].
 - 3) If the rulemaking results in the addition of an affirmative action group, each agency shall develop numerical and program goals for that group.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.760 Plans

- a) Adoption and Maintenance – Every agency shall develop and adopt a plan conforming to the requirements of this Section, and shall review and update the plan at the beginning of each State fiscal year.

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- b) Filing and Approval – By September 1 of each year, every agency shall file with the Department a complete copy of its plan, including any amendments or additions made for that year. If an agency submits a written request for an extension before September 1, the Director may grant an extension of up to 30 days. The request for an extension should state the reason for the extension. The Department will review each agency's plan to determine if it complies with the requirements of this Section. The Department may confer with representatives of the agency and request further information to make this determination. The agency may make revisions to its plan as suggested by the Department to achieve compliance. Within 45 days after receipt of the plan, the Director shall provide to the agency's Chief Executive Officer either a statement indicating that the plan satisfies the requirements of this Section or a statement specifying any deficiencies and the measures necessary to achieve compliance. If, within 30 days thereafter, the agency fails to correct any deficiencies noted by the Director, the Director shall invoke the sanctions provided in Section 2520.797 ~~of this Part~~ for agency noncompliance.
- c) Modifications – After an agency's plan has been approved by the Director, an agency may modify its plan by filing, with the Department, a copy of the proposed modifications together with a written statement outlining the modifications and the reasons ~~for the modification therefor~~. The modifications shall be reviewed by the Department and approved or disapproved in the same manner as provided in subsection (b) ~~above~~.
- d) Contents – Every agency's plan shall include the items specified, and be organized as indicated, in Appendix A ~~of this Part~~.
- e) Guidelines and Assistance – The Department may promulgate and distribute to agencies manuals and guidelines for the preparation of plans. Agencies may also obtain technical assistance by ~~accessing or contacting~~ the Department's ~~website at~~ <http://www2.illinois.gov/dhr/pages/liaison.aspx> ~~Compliance Division~~.
- f) Public Disclosure – Upon request, a State agency shall make available for public inspection during normal business hours a copy of its current plan.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.770 Reporting and Record-Keeping

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- a) ~~Workforce Analysis~~Employment Profiles – As required by Section 2-105(B) of the Act, each agency shall maintain data reflecting the composition of its workforce in each region, by race, national origin as specified by the Department, sex and disability, EEO job categories, and any other category that the Department may require by rule. This information shall be collected from the agency's employees through the use of a form, developed by Central Management Services and approved by the Director, which shall be completed by each employee and applicant for employment at his/her option. Central Management Services shall compile this data and furnish quarterly reports to each agency and the Department depicting the workforce composition~~employment profile~~ of each agency under the Personnel Code [20 ILCS 415]. Other agencies, and agencies under the Code having non-Code employees, shall compile this data themselves and provide it to the Department.
- b) Position Vacancies – Each agency shall maintain a centralized record detailing all its current and anticipated job openings, and indicating for each opening the job title, EEO job category, pay grade or merit compensation level, and region. This information shall be supplied to the agency's EEO Officer, and to the Department upon request. Every agency shall also post conspicuously in its offices all vacancies in nonexempt positions that the agency intends to fill, if the vacant position is ~~underutilized~~where the proportion of incumbents in one or more affirmative action groups is significantly less than the proportion of those groups in the available local labor force. The posting shall also state that the agency is an Equal Opportunity Employer.
- c) Quarterly Reports – No later than 15 working days after ~~receipt of the CMS-DHR9 and CMS-DHR10 data information~~ at the end of each fiscal quarter, every agency shall file a report with the Department. If an agency submits a written request for an extension within 15 working days after the end of the fiscal quarter~~receipt of the CMS-DHR10 data information~~, the Director may grant an extension of up to 15 days. The report, forwarded with a cover letter signed by the EEO Officer and Chief Executive Officer, shall contain:
- 1) A current workforce analysis~~employment profile~~ of each of the agency's departments or divisions by EEO job category and affirmative action groups of the incumbents.
 - 2) A breakdown of all employment transactions for the previous quarter by EEO job category and the affirmative action groups of the employees

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affected.

- 3) A statement on the agency's progress in meeting its numerical and/or program goals. If a numerical or program goal is not attained, the agency should provide an explanation for the failure to meet the goal.
 - 4) A narrative describing all charges and complaints of employment discrimination filed or pending against the agency during the previous quarter. The narrative should identify the region out of which the charge or complaint was filed; the organization with whom it was filed; and the current status of the matter, including whether pending, withdrawn, settled or dismissed.
 - 5) A quarterly report describing hires of employees with disabilities and any known changes in employees' disability status.
- d) Federal Compliance Reports – Any agency that is the subject of an EEO compliance review by the federal government shall forward to the Department a copy of any and all reports within 5 working days after the agency's receipt of the report.
 - e) Orders and Settlements – Any agency that is a party to any proceedings, whether judicial or administrative, and whether federal or State, involving allegations of employment discrimination shall forward to the Department a copy of any order, decree, settlement agreement or award that decides or disposes of the proceedings within 15 days after the entry of the order, decree, settlement agreement or award.
 - f) Layoff Reports – Each agency shall prepare a layoff report outlining any intended layoff of incumbent employees, in accordance with the procedures established in Appendix C. The report shall be submitted to the agency's EEO Officer and the Department not less than 30 days prior to the expected date of the layoff, unless emergency conditions necessitate a delay of the report; however, the emergency conditions must be documented in the report. The report shall identify, by region, job title and affirmative action group, the employees to be affected by the layoff. The agency's EEO Officer shall review the report to determine if the layoff will have an adverse impact upon minorities, women or disabled persons. The EEO Officer shall submit a written adverse impact report to the Chief Executive Officer and to the Director of his/her findings and, if adverse impact is found, suggested alternatives to lessen or eliminate the impact. The Director of Central

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Management Services will not approve a layoff until the Director has indicated that the adverse impact report is correct.

- g) Reorganization Reports – Any proposed workforce reorganization that significantly changes lines of authority, wages or job duties and descriptions on an agency-wide basis, or throughout any bureau, division or unit of the agency, must be described in a reorganization report and submitted to the agency's EEO Officer at least 30 days prior to implementation. The agency's EEO Officer shall review the report to determine whether it will have an adverse impact upon minorities, women or disabled persons, and shall submit an adverse impact report, within 15 days after receipt of the reorganization report, to the agency's Chief Executive Officer and the Department. If the EEO Officer determines that an adverse impact is apparent, he/she shall include in the adverse impact report recommendations to lessen the impact.
- h) Hiring and Promotion Monitors – The Hiring Monitor (DHR-19) and the Promotion Monitor (DHR-20) established by the Department shall be completed by each agency and submitted as required to Central Management Services on all hires and promotions for all full-time permanent and part-time permanent employees, including trainees, provisional employees, and semi-automatic promotions pursuant to a collective bargaining agreement. On the applicable Monitor, the agency shall indicate the EEO job category and classifications of the position and whether it is an underutilized category. The Monitor shall also indicate the race, sex, whether disabled, and national origin of all persons considered for the position and of the candidate, and whether the candidate meets the affirmative action requirements for that category. If the candidate does not meet the affirmative action requirements for that category, a detailed explanation indicating the reasons for the selection must be completed by the selecting officer and attached to the Monitor. The agency EEO Officer, or designee, shall have access to the eligibility list and other pertinent documents, including, but not limited to, Rutan documentation. The EEO Officer or designee shall review and sign the Monitor, indicating concurrence or non-concurrence in the transaction. The EEO Officer or designee shall fully explain on the Monitor his/her reason for any non-concurrence. In all transactions, the agency Chief Executive Officer or designee shall sign and date the Monitor, indicating approval. Central Management Services shall not complete any hire or promotion transaction if the Monitor is not attached to the transaction, is not signed and dated by the EEO Officer or designee, is not approved and signed by the agency's Chief Executive Officer or designee, and is not signed and dated prior to the effective date of the

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candidate's hire or promotion.

- i) Exit Questionnaire – Each agency shall provide an exit questionnaire to employees at the time of their separation from employment, whether voluntary or involuntary. The questionnaire shall identify the employee by name and affirmative action group, job title and region, date of separation, and reasons for separation, and shall include space for the employee's comments. Completion of the questionnaire shall be at the employee's option. Completed questionnaires shall be forwarded immediately to the agency's EEO Officer.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

Section 2520.795 EEO/AA Performance Reviews

The Department shall conduct periodic performance reviews of all agencies. On a quarterly basis, the EEO/AA reports submitted by agencies will be reviewed and the results of the review shall be shared with the agency in question, indicating whether corrective action is needed. On an annual basis, the Department shall determine whether each agency is in compliance with the EEO and affirmative action obligations of the Act and this Subpart. In the course of such a review, the Department may request documentation and reports reflecting the agency's employment practices and profile, and may visit the agency's worksites and interview employees.

- a) EEO/AA Criteria – The Department shall judge the agency's concerted effort and progress to provide equal employment opportunity and affirmative action for minorities, women and disabled persons, using the following criteria:
 - 1) existence of an approved plan;
 - 2) demonstration of the implementation of the agency's goals within the timeframe cited in the agency's plan. In order to be found in compliance with numerical goals, the agency must show that its percentage of ~~an~~ agency's hires and promotions for minorities and females in underutilized categories ~~equals must equal~~ or ~~exceeds exceed~~ 80% of the ~~statewide~~-labor market availability rate of minorities and females in question based on Illinois Department of Employment Security Workforce Availability ~~Availability~~-Information at <http://www.ides.illinois.gov/page.aspx?item=925> or that the agency has made a concerted effort to reach those goals In determining whether an agency made a concerted

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~~effort, the Department will evaluate the agency's overall actions taken over the course of the fiscal year to reduce its underutilization when there have been opportunities to hire and/or promote in underutilized categories. When agency underutilization occurs in a geographic region with labor market availability rates less than 2 percent for a specific affirmative action group, the Department will consider the availability of this group in evaluating an agency's performance~~<http://lmi.ides.state.il.us/affaction/aamenu.htm>. ~~When agency underutilization is confined to one region of the State or one affirmative action group, the labor market availability rate of that region or affirmative action group will be considered. In determining whether an agency made a concerted effort, the Department will evaluate the agency's overall actions taken over the course of the fiscal year to reduce its underutilization when there have been opportunities to hire and/or promote in underutilized categories.~~ Compliance with program goals will be determined by an agency's documentation that those goals have either been achieved or a demonstration of a concerted effort to achieve those goals;

- 3) demonstration that the agency's EEO/AA policy has been disseminated throughout the agency;
- 4) documentation of the inclusion of EEO/AA principles and procedures in appropriate in-service training programs;
- 5) documentation of the inclusion of the agency's EEO Officer in the investigation and disposition of all internal and external discrimination grievances and complaints;
- 6) maintenance and timely submission of appropriate employment data and reports as required in this Subpart and by federal authorities;
- 7) in an agency with 1,000 or more employees, documentation of the appointment, with the Director's approval, of an EEO Officer;
- 8) in an agency with fewer than 1,000 employees, documentation of the designation of an EEO Officer who may serve as a full-time EEO Officer or be responsible for other duties within the agency beyond those of an EEO Officer; and

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- 9) documentation that the agency's EEO Officer has performed the duties and responsibilities outlined in the Act and this Subpart.
- b) EEO/AA Profile – The Department shall complete an annual EEO/AA profile summarizing the agency's satisfaction of the various EEO/AA criteria outlined in subsection (a) ~~of this Section~~. The profile shall be sent to the agency's Chief Executive Officer and the EEO/AA officer with a letter of findings signed by the Director, and shall find the agency in:
 - 1) Compliance: all EEO/AA criteria set forth in subsection (a) ~~of this Section~~ have been met by the agency; or
 - 2) Non-compliance: EEO/AA criteria as set forth in subsection (a) ~~of this Section~~ have not been met.
- c) Compliance Process
 - 1) If the Department finds the agency is in compliance, the Director shall send a letter of findings of compliance to the agency and attach the EEO/AA profile. The agency will not be required to take any further action.
 - 2) If the Department finds that an agency is in non-compliance in regards to subsection (a)(2) ~~of this Section~~ for the first year, in accordance with Section 7-105(H) of the Act, the Department will send a letter of findings of non-compliance to the agency and attach the EEO/AA profile. The Director will notify the agency and the Department of Central Management Services (CMS) that the agency must establish necessary training programs for preparation and promotion of the category of individuals affected by the failure, in cooperation with CMS.
 - 3) If the Department finds that an agency is in non-compliance in regards to subsection (a)(2) ~~of this Section~~ for the second consecutive year, in accordance with Section 7-105(H) of the Act, the Department will send a letter of findings of non-compliance to the agency and attach the EEO/AA profile. The Director will notify the agency and CMS that the agency must continue necessary training programs for preparation and promotion

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of the category of individuals affected by the failure, in cooperation with CMS.

- 4) If the Department finds that an agency is in non-compliance in regards to subsection (a)(2)-of this Section for the third consecutive year, in accordance with Section 7-105(H) of the Act, the Department will inform the agency that it must continue training. Further, the Director may request that the Chief Executive Officer of the agency in question meet with him/her to discuss the agency's EEO/AA performance. In addition, the Department shall direct that the agency furnish to the Department a monthly report due on the fifth working day of each month that must be signed by the Chief Executive Officer and EEO Officer.
 - A) The monthly report shall list each employment transaction for the month by job title, EEO job category, pay grade or merit compensation level, geographic region and affirmative action group of the employee affected. The report shall also indicate the number of people in each affirmative action group who applied and who were selected for each transaction.
 - B) After an agency has completed training for failure to meet numerical and program goals, the agency shall describe in its monthly reports the training instituted and indicate the numbers of each affirmative action group participating in the training.
- 5) If the Department finds an agency in non-compliance with subsection (a)(2)-of this Section for the third consecutive year, sanctions for non-compliance provided in Section 2520.797-of this Part will be invoked.
- 6) If the Department finds an agency in non-compliance with any other EEO/AA criteria other than subsection (a)(2)-of this Section:
 - A) The Director shall send a letter of findings of non-compliance to the agency, attach the EEO/AA profile report, and set forth recommendations for the agency to achieve compliance. The agency shall submit, within 30 days after receipt of the letter of findings of non-compliance, a corrective action plan incorporating the Director's recommendations, as well as other plans the agency develops to achieve compliance.

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- B) If the Department determines the corrective action plan is sufficient to bring the agency into compliance, the Department will notify the agency that it has 30 days to implement the plan.
- C) The Department will monitor and periodically evaluate the implementation of the agency's corrective action plan.
- D) If the Department determines that an agency's corrective action plan is not sufficient to bring the agency into compliance, the Department will notify the agency and request a plan with alternative measures to be submitted within 30 days after the agency's receipt of the Department's notice. If the alternative action plan is sufficient, the Department will proceed pursuant to subsections (b) and (c).
- E) If the agency fails to provide an alternative action plan that is sufficient to bring the agency into compliance, the Department will invoke the sanctions for non-compliance provided in Section 2520.797-~~of this Part~~.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

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Section 2520.APPENDIX A Contents of Affirmative Action Plans

Part I

- a)A. A completed Equal Employment Opportunity/Affirmative Action Certification Form;
- b)B. An agency EEO/AA policy statement signed by the Chief Executive Officer;
- c)C. An agency profile statement, describing the mission of the agency and its specific EEO/AA problems and needs;
- d)D. Identification of the agency's primary EEO Officer and his/her work location and telephone number;
- e)E. An organizational chart depicting the agency personnel at all levels responsible for implementing and monitoring the agency's affirmative action plan; and
- f)F. A description of the methods to be used in accomplishing both internal and external dissemination of the agency's affirmative action policy and plan.

Part II

- a)A. Workforce Transactions Report: an assessment of the agency's personnel transactions for the previous fiscal year, including, but not limited to, a breakdown of new hires, promotions, demotions, transfers and separations by affirmative action groups. ~~Internal Workforce Analysis: an assessment of the agency's personnel transactions for the previous fiscal year; an analysis of the distribution of present employees separated by code, non-code and combined workforce among the eight EEO job categories; and a breakdown of new hires, promotions, demotions, transfers, terminations, superior performance increases and salary comparisons by affirmative action group; and~~
- b)B. Workforce Analysis: an analysis, as of June 30 of the previous fiscal year, of the distribution of present employees by affirmative action group among the 8 EEO job categories in the 11 regions. ~~External Workforce Analysis: a determination of the number of minorities, women and disabled persons available to the workforce of the agency, calculated according to methodology determined to be appropriate by the Department.~~

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Part III

- Minorities:
- a) Availability Analysis for each Affirmative Action Group—Women and
- 1) Numerical goals must be determined when there are 10 or more employees in an EEO job category within a region where the labor market availability rate for a specific affirmative action group is greater than 2 percent. The following factors must be considered in determining availability for each affirmative action group in each of the EEO job categories in each region of the State:
- A) Those having requisite skills in the region; and
- B) Those promotable, trainable and transferable, as these terms are defined in Section 2520.700.
- 2) The availability of members of each affirmative action group is determined by using the following methodology:
- A) Each factor is assigned a value weight by the agency on a scale of 0 percent to 100 percent. The value weight indicates the applicability of each factor to the agency/facility in recruiting employees for that EEO job category. The sum of all value weights must be 100 percent, representing all persons available to work in a job category.
- B) Each value weight is multiplied by the percentage of the affirmative action group in each of the factors. The result is a weighted factor for each of the categories.
- C) The sum of the weighted factors is the availability percentage or ratio for that affirmative action group for that category for that region. This availability percentage or ratio is applied to the total number of positions in the agency's EEO job category to determine the numerical availability of the affirmative action group in each EEO job category.

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~~A. Goals and Timetables: Program goals must be developed in conjunction with the problems identified as the result of the agency's internal and external workforce analyses. Numerical goals must be developed utilizing methodology determined to be appropriate by the Department. Each numerical or program goal should include a brief description of the area of concern, objectives that delineate specific intentions, action items outlining steps to be taken to achieve the objectives, the individual responsible for carrying out the action item, the target date for completion, and the procedure for monitoring the progress toward meeting the goal.~~

~~b)B. Goals and Timetables: Agencies shall set numerical goals equal to the underutilization of affirmative action group members resulting from the process set forth in Part III(a)(2). No such goals shall be set when the labor force availability of an affirmative action group is less than 2 percent in the DHR region in which it occurs. Program goals must be developed in conjunction with the problems identified as the result of the agency's internal and external workforce analyses. Each numerical or program goal should include a brief description of the area of concern, objectives that delineate specific intentions, action items outlining steps to be taken to achieve the objectives, the individual responsible for carrying out the action item, the target date for completion, and the procedure for monitoring the progress toward meeting the goal.~~

~~Methodology for Women and Minorities:~~

- ~~1) Factors: Numerical goals must be determined for each affirmative action group by computing the availability of that group in each of the EEO job categories in the agency workforce considering the total number and the percentage of the affirmative action group:
 - ~~a) in the population of the State of Illinois;~~
 - ~~b) geographic region where the facility is located;~~
 - ~~c) in the total workforce in the geographic region;~~
 - ~~d) among those having requisite skills in the geographic region;~~
 - ~~e) having the requisite skills in State government;~~
 - ~~f) among those promotable in the geographic region;~~~~

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- ~~g) of those who are transferable within the geographic region;~~
 - ~~h) at institutions in the geographic region providing training in the requisite skills;~~
 - ~~i) among those in the geographic region the agency can train in the requisite skills. Agencies may consider other appropriate factors, if approved by the Director.~~
- ~~2) The availability of members of each affirmative action group is determined by using the following methodology:~~
- ~~a) Each factor is assigned a value weight by the agency on a scale of 1% to 100%. The value weight assigned must fall within the parameters found in Appendix B of this rulemaking. The value weight indicates the applicability of each factor to the agency/facility in recruiting employees for that EEO job category. The sum of all value weights must be 100%, representing all persons available to work in a job category.~~
 - ~~b) Each value weight is multiplied by the percentage of the affirmative action group in each of the factors. The result is a weighted factor for each of the categories.~~
 - ~~c) The sum of the weighted factors is the availability percentage or ratio for that affirmative action group for that category for the agency. This availability percentage or ratio is applied to the total number of positions in the agency's EEO job category to determine the numerical availability of the affirmative action group in each EEO job category.~~
 - ~~d) The agency must indicate the sources of all its statistics in computing the availability percentage or ratio, and the reasons for its weighting value.~~
- ~~C. Methodology for Disabled Persons:~~
- ~~1) Factors: A numerical goal must be determined on an agency wide basis,~~

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~~considering the proportion of people with work disabilities in the Illinois labor force, as reflected in the most recent decennial Census.~~

- 2) ~~Survey: After this subpart C has been adopted, employees shall be surveyed to determine the State's utilization of people with disabilities, as defined in Section 2520.700. Subsequently hired employees will be surveyed at the time of hire.~~
- 3) ~~Availability: Availability must be determined by using the following methodology:~~
 - a) ~~The total number of agency employees is multiplied by the percentage of employees with work disabilities in the Illinois labor force (as supplied by the Department);~~
 - b) ~~Central Management Services will supply the number of agency employees with disabilities by determining the number of employees who disclose such conditions on the latest "Illinois Department of Human Rights Survey for Disabled Employees" form (IL-442-0254);~~
 - c) ~~The number of employees in 2(b) is subtracted from the result of 2(a);~~
 - d) ~~If the result of 2(c) is a positive number, the agency must adopt that number as its goal for employing persons with disabilities. If the result of 2(c) is "0" or a negative number, the agency is considered to be at parity with the external labor force.~~
- D. ~~Monitoring Procedures: An outline of the procedures to be used by the agency to determine whether the objectives are met by the dates indicated.~~

Part IV

Discrimination Complaint Process: A description of the procedures established by the agency to address charges of employment discrimination. This Part should include a statement that employees will be advised of their rights to file charges of discrimination with the Department, the U.S. Equal Employment Opportunity Commission, or any other appropriate government agency.

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Part V

Affirmative Action for Disabled Persons

a) Methodology for Disabled Persons:

- 1) Factors: A numerical goal must be determined on an agency-wide basis, considering the proportion of people with disabilities in the Illinois labor force, as reflected in the most recent data provided by the U.S. Census Bureau American Community Survey.
- 2) Survey: Employees working after June 1, 2012 shall be surveyed to determine the State's utilization of people with disabilities, as defined in Section 2520.700. Subsequently hired employees shall be surveyed at the time of hire.
- 3) Availability: Availability must be determined by using the following methodology:
 - A) The total number of agency employees is multiplied by the percentage of employees with disabilities in the Illinois labor force (as supplied by the Department);
 - B) The agency will enter the number of employees identifying themselves as having disabilities through the disability survey process;
 - C) The number of employees in subsection (a)(3)(B) is subtracted from the result of subsection (a)(3)(A);
 - D) If the result of subsection (a)(3)(C) is a positive number, the agency must adopt that number as its goal for employing persons with disabilities. If the result of subsection (a)(3)(C) is "0" or a negative number, the agency is considered to be at parity with the external labor force; and
 - E) If there is underutilization, a numerical goal must be developed and should include a brief description of the area of

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concern, objectives that delineate specific intentions, action items outlining steps to be taken to achieve the objectives, the individual responsible for carrying out the action item, the target date for completion, and the procedure for monitoring progress toward meeting the goal.

~~b)A.~~ Recruitment Procedures: Identification of sources used to recruit applicants with disabilities when persons with disabilities are underutilized.

~~c)B.~~ Application Process Procedures

- 1) A review of employment criteria to assure they have no adverse impact on disabled persons;
- 2) Pre-employment inquiries – a statement regarding the inadmissibility of inquiries regarding an applicant's disability during the interview process;
- 3) Employment testing (for agencies conducting their own tests) – a statement that the tests do not have an adverse impact on disabled applicants and that reasonable accommodation will be provided in the administration of the tests, as required;
- 4) The prohibition of pre-employment medical examinations before an offer of employment;
- 5) The prohibition of pre-employment medical examinations after an offer of employment, unless ~~thesueh~~ examinations are job related and required of all applicants for that position.

~~d)C.~~ Reasonable Accommodation

- 1) Agency policy committing the agency to providing reasonable accommodations to disabled employees, signed by the Chief Executive Officer of the agency.
- 2) A description of the procedure to determine reasonable accommodation.

~~e)D.~~ Physical Accessibility for Employment:

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- 1) Of personnel offices;
- 2) Of the worksite;
- 3) For evacuation of disabled persons in emergency situations.

Part VI

Applicable EEO Laws: This Part should set forth the relevant text of any federal law that mandates the agency to adhere to additional EEO/AA requirements.

Part VII

This ~~Part~~ should have an appendix to the affirmative action plan that contains all supporting data, including the Hiring and Promotion Monitors and the exit questionnaire.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

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Section 2520.APPENDIX B Value Weight Assignment Chart (Repealed)**OCCUPATIONAL CATEGORY**

FACTORS	Off/Mgrs.	Prof.	Tech.	Pro. Serv.	Para. Prof.	Off. Clr.	Skl. Crafts.	Serv. Maints.
Population	1-3	1-3	1-5	1-5	1-5	1-5	1-5	1-10
Unemployed Workforce	1-3	1-3	2-10	15-35	2-10	2-10	1-5	15-35
Participation	5-15	1-15	5-15	15-35	5-15	5-15	2-10	20-40
Req. Skills in Immed. Area	15-30	15-30	15-30	5-15	10-25	5-15	20-40	2-10
Req. Skills in State Govt.	5-35	15-35	15-35	10-30	15-35	15-35	5-30	5-15
Promotable Persons	20-40	20-40	20-40	10-30	20-40	15-35	5-15	2-10
External Training Insts.	5-10	10-20	10-30	5-15	10-20	20-40	15-35	2-10
Internal Training	1-5	1-5	1-5	1-5	1-5	1-5	1-5	1-5
Transferable Persons	20-40	20-40	20-40	10-30	20-40	15-35	5-15	2-10

NOTE:

- ~~1. Value weights illustrated must equal 100%.~~
- ~~2. Remember that the value weight assignment depends on the mode of entry into job group.~~
- ~~3. Remember when zero occurs in a factor, the other factor value weights have to be readjusted.~~

(Source: Repealed at 36 Ill. Reg. 8699, effective June 1, 2012)

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Section 2520.APPENDIX C Contents of Layoff Reports

- a) When a State agency has at least 30 incumbents in the EEO job category within a particular region in which a layoff will take place and there are at least 5 members of a specific affirmative action group who are targeted for layoff, the completed projected layoff report shall contain the following:
 - 1) The Certification Sheet. The certification sheet confirms the accuracy of the layoff report. A completed certification sheet must indicate the name of the agency, agency Chief Executive Officer, agency EEO/AA Officer, and effective date of the projected layoff. The Chief Executive Officer and EEO/AA Officer must sign and date the certification sheet. The Department's assigned agency liaison will sign and date the certification sheet upon receipt.
 - 2) The Projected Layoff Summary Form. The projected layoff summary form provides statistical data on the agency layoff by race, sex and disability. A completed form must indicate the agency name, the analysis date, and the date and source of workforce data. The form shall include: total employees before layoff and the total number of projected layoffs, by region; the number of persons laid off, by race, sex and disability; and, if necessary, adverse impact on any affirmative action group member.
 - 3) The Projected Layoff Analysis Form. The projected layoff analysis form is used to calculate whether adverse impact exists for a specific affirmative action group subject to the layoff. A form must be completed for each affirmative action group member affected by the layoff, when necessary. A completed form must indicate the agency name, region and affirmative action group member. The form must indicate, by EEO job category, total employees and number of employees projected to be laid off. A comparison of the layoff rate of the affirmative action group in question with the layoff rate of the comparison group will indicate the impact ratio to determine adverse or no adverse impact.
 - 4) The Narrative
 - A) The narrative must contain, but is not limited to, the following information:

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- i) the State agency's reasons for selecting the targeted positions for layoff;
 - ii) any provisions of the Illinois Personnel Code, personnel rules, and/or collective bargaining agreement governing the layoff;
 - iii) if the layoff decisions were made by seniority date, an explanation of any exceptions and the reasons for the exceptions;
 - iv) any alternatives to laying off the affected employees that were available to and considered by the agency; and
 - v) a discussion of any significant impact the layoff would have on a specific affirmative action group.
- B) If the report is being submitted less than 30 days prior to the effective date of the layoff, the narrative must set forth the emergency situation necessitating the layoff.
- 5) The agency's layoff plan shall identify, by region, job title, and affirmative action groups, the employees to be affected by the layoff.
- 6) A summary workforce analysis (~~Form CMS-DHR9~~) for the region where the layoff will occur.
- b) When there are fewer than 30 incumbents in the EEO job category within a particular region in which a layoff will take place or there are fewer than 5 members of a specific affirmative action group who are targeted for layoff, the completed projected layoff report shall contain the following:
- 1) The Certification Sheet. The certification sheet confirms the accuracy of the layoff report. A completed certification sheet must indicate the name of the agency, agency Chief Executive Officer, agency EEO/AA Officer, and effective date of the projected layoff. The Chief Executive Officer and EEO/AA Officer must sign and date the certification sheet. The Department's assigned agency liaison will sign and date the certification sheet upon receipt.

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- 2) The Projected Layoff Summary Form. The projected layoff summary form provides statistical data of the agency layoff by race, sex and disability. A completed form must indicate the agency name, the analysis date, and the date and source of workforce data. The form shall include: total employees before layoff and the total number of projected layoffs, by region; the number of persons laid off by race, sex and disability; and, if necessary, adverse impact on any affirmative action group member.
- 3) The Narrative
 - A) The narrative must contain, but is not limited to, the following information:
 - i) the State agency's reasons for selecting the targeted positions for layoff;
 - ii) any provisions of the Illinois Personnel Code, personnel rules, and/or collective bargaining agreement governing the layoff;
 - iii) if the layoff decisions were made by seniority date, an explanation of any exceptions and the reasons they were made;
 - iv) any alternatives to laying off the affected employees that were available to and considered by the agency; and
 - v) a discussion of any significant impact the layoff would have on a specific affirmative action group.
 - B) If the report is being submitted less than 30 days prior to the effective date of the layoff, the narrative must set forth the emergency situation necessitating the layoff.
- 4) The agency's layoff plan shall identify, by region, job title, and affirmative action groups, the employees to be affected by the layoff.

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- | 5) A summary workforce analysis ~~(Form CMS-DHR9)~~ for the region where the layoff will occur.

(Source: Amended at 36 Ill. Reg. 8699, effective June 1, 2012)

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- 1) Heading of the Part: Housing Discrimination
- 2) Code Citation: 71 Ill. Adm. Code 2300
- 3) Section Number: 2300.10 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)]
- 5) Effective Date of Amendment: May 30, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the amendment 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 Proposal Published in *Illinois Register*: February 17, 2012; 36 Ill. Reg. 2440
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The amendment makes technical modifications to the definitions Section of the rules and regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

David T. Rothal
Staff Attorney

DEPARTMENT OF HUMAN RIGHTS

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Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or 866/740-3953 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTSPART 2300
HOUSING DISCRIMINATION

Section	
2300.10	Definitions
2300.30	Exemptions
2300.35	Housing for Older Persons
2300.40	Verified Response to Charge
2300.50	Dismissal for Refusal to Accept Settlement Offer
2300.70	Procedures
2300.80	Rental of Rooms in a Private Home
2300.90	Real Estate Transactions

AUTHORITY: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].

SOURCE: Adopted at 16 Ill. Reg. 8178, effective May 19, 1992; amended at 25 Ill. Reg. 2420, effective January 23, 2001; amended at 25 Ill. Reg. 9619, effective July 17, 2001; amended at 29 Ill. Reg. 13808, effective August 25, 2005; amended at 30 Ill. Reg. 1361, effective January 13, 2006; amended at 32 Ill. Reg. 13497, effective August 1, 2008; amended at 36 Ill. Reg. 8731, effective May 30, 2012.

Section 2300.10 Definitions

For purposes of this Part, the following terms shall have the meanings indicated:

"Act" – ~~shall mean~~ the Illinois Human Rights Act [775 ILCS 5].

~~Aid, abet, compel or coerce—includes threatening, intimidating or interfering with a real estate transaction or a person for pursuing any right protected under Article 3 of the Act. Such conduct must be: because of unlawful discrimination; because that person has aided or encouraged another person in the exercise or enjoyment of a right protected under Article 3; or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, disability, familial status, sexual orientation, military status or unfavorable discharge from the military of visitors or associates of any person.~~

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"Department" – ~~shall mean~~ the Illinois Department of Human Rights.

"Director" – ~~shall mean~~ the Director of the Department or a duly authorized designee.

"Housing facility or community" – ~~shall mean~~ any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing facility or community. Examples of a housing facility or community include, but are not limited to:

A condominium association;

A cooperative;

A property governed by a homeowners' or residents' association;

A municipally zoned area;

A leased property under common private ownership;

A mobile home park; and

A manufactured housing community.

(Source: Amended at 36 Ill. Reg. 8731, effective May 30, 2012)

OFFICE OF THE STATE FIRE MARSHAL

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- 1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
200.7	Amendment
200.10	Amendment
200.30	Amendment
200.55	Repealed
- 4) Statutory Authority: Implementing and authorized by the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
- 5) Effective Date of Adopted Rules: August 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any matter incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, and is available for public inspection at that location.
- 9) Notice of Proposed Amendments published in the Illinois Register: August 5, 2011; 35 Ill. Reg. 12867
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Changes made between the proposed and adopted versions: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this part? No
- 15) Summary and purpose of Amendments: This rulemaking updates certain standards used to regulate the liquefied petroleum gas industry. It eliminates the Section on converting

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anhydrous ammonia storage tanks to LPG storage because that language is now incorporated in the 2011 edition of NFPA 58, and NFPA 58 (2011) is a standard incorporated in this rulemaking. Even though NFPA 58 (2011) eliminated the requirement found in NFPA 58 (2008) that the pressure relief valve discharge on each aboveground container of LPG that contains more than 2000 gallons of water capacity be piped vertically upward to a point at least 7 ft. above the top of the container, this rulemaking retains that requirement.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kenneth Wood, P.E. EFO
Fire Protection Engineer
Director, Technical Services Division
Office of the State Fire Marshal
JRTC 100 W. Randolph, Suite 4-600
Chicago, IL 60601

Telephone: 312/814-2962
Facsimile: 312/814-3459

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUIFIED PETROLEUM GAS

Section

200.5	Introduction
200.7	Incorporations by Reference
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules for Installation of Gas Appliances and Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas at Gas Processing Plants
200.50	Installations Must Be in Compliance
200.55	Conversion of Anhydrous Ammonia Storage Tanks to LPG Storage <u>(Repealed)</u>
200.60	Submittal of Plans
200.70	Applications, Plans and Blueprints; Fencing Standards
200.80	Operation of Installation Prohibited Until Final Inspection and Approval
200.90	No Supplier Shall Service Any Installation Not In Compliance With Law
200.100	Personnel Must be Properly Trained
200.110	No Self Service Permitted
200.120	Interstate Commerce Commission or Department of Transportation Containers (Repealed)
200.160	Cylinder System Installations (Bottled Gas) (Repealed)
200.170	Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)
200.180	Location of Containers (Repealed)
200.190	Abandoned Tanks (Repealed)
200.200	Marking of Tank Trucks and Trailers (Repealed)
200.210	Lighting Requirements on Trucks and Trailers (Repealed)
200.230	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.240	When Tank Truck May Not Be Left Unattended (Repealed)
200.250	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.260	Parking In Congested Areas Prohibited (Repealed)
200.270	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.280	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.290	Semi-Trailers Loading and Unloading (Repealed)
200.300	Fire Extinguisher Requirements (Repealed)

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200.310	Excess Flow Valves Not To Be Tampered With (Repealed)
200.320	When Transportation and Sale Prohibited (Repealed)
200.330	Containers To Be Transported In Upright Position (Repealed)
200.340	Fireworks Prohibited
200.350	Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 23 Ill. Reg. 4227, effective April 1, 1999; amended at 25 Ill. Reg. 3655, effective March 1, 2001; amended at 26 Ill. Reg. 10814, effective July 1, 2002; amended at 30 Ill. Reg. 9325, effective May 2, 2006; amended at 32 Ill. Reg. 16850, effective October 1, 2008; amended at 36 Ill. Reg. 8735, effective August 1, 2012.

Section 200.7 Incorporations by Reference

- a) The following materials are incorporated by reference in this Part:
- 1) The American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005-4070.

API 2510	Design and Construction of LPG Installations (2001)
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 - 2) The National Fire Protection Association (NFPA); 1 Batterymarch Park, Quincy MA 02169-7471.

A) NFPA 54	National Fuel Gas Code (2009)
B) NFPA 58	Liquefied Petroleum Gas Code (2011)
C) NFPA 59	Utility LP-Gas Plant Code (2008)
D) NFPA 1192	Standard on Recreational Vehicles (2011)

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- b) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated in the text of this Part.

(Source: Amended at 36 Ill. Reg. 8735, effective August 1, 2012)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Requirements for the storage and handling of liquefied petroleum gases as contained in the ~~2011~~2008 Edition of NFPA 58 (Liquefied Petroleum Gas Code) are mandatory with the following additional requirements: The pressure relief valve discharge on each aboveground container of more than 2000 gal. water capacity shall be piped vertically upward to a point at least 7 ft. above the top of the container, and the discharge opening shall be unobstructed to the open air.-

(Source: Amended at 36 Ill. Reg. 8735, effective August 1, 2012)

Section 200.30 Rules for Installation of Gas Appliances and Gas Piping

Requirements for the installation of gas appliances and gas piping as published in the ~~2009~~2006 Edition of NFPA 54 (National Fuel Gas Code) are mandatory. Standards for fuel systems and equipment in recreational vehicles as published in the ~~2011~~2008 Edition of NFPA 1192 (Standard on Recreational Vehicles) are mandatory.

(Source: Amended at 36 Ill. Reg. 8735, effective August 1, 2012)

Section 200.55 Conversion of Anhydrous Ammonia Storage Tanks to LPG Storage

~~(Repealed)~~

~~Except for containers used in cargo tank vehicle service, ASME containers of 3,000 gallons water capacity or less used to store anhydrous ammonia shall not be converted to LP-Gas fuel service. For other size containers, when a container of approved construction and design has been used to contain anhydrous ammonia or any other product, the container shall be thoroughly purged of the other product before it is placed into service for LP-Gas and a tag attesting to the thorough purging of the container shall be placed near the fill valve of the container before LP-Gas is placed into the container.~~

(Source: Repealed at 36 Ill. Reg. 8735, effective August 1, 2012)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Number: 720.111 Adopted Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) Effective date of amendment: June 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. The specific purpose of this amendment is to update the version of various federal regulations incorporated by reference for the purpose of implementing various federal hazardous waste provisions. The amendments update the incorporations by reference through June 30, 2011.
- 8) Statement of availability: The adopted amendment, a copy of the Board's opinion and order adopted April 19, 2012 in docket R12-7, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: February 3, 2012; 36 Ill. Reg. 1219
- 10) Has JCAR issued a statement of objections to these rulemaking? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of April 19, 2012 in docket R12-7 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 5, 2012, in docket R12-7. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

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The differences are limited to minor changes and corrections made at the request of JCAR. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendment appeared in the February 3, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of April 19, 2012 in docket R12-7, as indicated in item 11 above. See the April 19, 2012 opinion and order in docket R12-7 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendment: The following briefly describes the subjects and issues involved in the docket R12-7 rulemaking of which the amendments to Part 720 are a single segment. Also affected are 35 Ill. Adm. Code 722 and 728, which are covered by separate notices in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of April 19, 2012, adopting amendments in docket R12-7, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

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R12-7	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2011 through June 30, 2011.
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The R12-7 docket amends rules in Parts 720, 722, and 728. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

June 13, 2011 (76 Fed. Reg. 34147)	<u>Revised Land Disposal Restrictions for Carbamate Wastes.</u> USEPA amended the land disposal restrictions (LDRs) applicable to carbamate wastes effective August 12, 2011. The amendments establish an alternative standard that allows the use of best demonstrated available technologies (BDAT) for treating carbamate wastes instead of applying the existing numerical concentration limits for contaminants. The amendments further removed carbamate regulated constituents from the table of the Universal Treatment Standards (UTS).
June 22, 2011 (76 Fed. Reg. 36363)	<u>Revised Hazardous Waste Manifest Printing Requirements.</u> USEPA amended the hazardous waste manifest printing requirements effective August 22, 2011. The amendments allow the use of red or other contrasting color ink for copy distribution notations on the manifest form.

Tables appear in the Board's opinion and order of April 19, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the April 19, 2012 opinion and order in docket R12-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this adopted amendment shall be adopted to: Please reference consolidated docket R12-7 and direct inquiries to the following person:

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

312-814-6924

Request copies of the Board's opinion and order of April 19, 2012 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender
720.104	Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.134	Non-Waste Determinations
720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142	Notification Requirement for Hazardous Secondary Materials

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720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;

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amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

"Accreditation Council for Graduate Medical Education: Glossary of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:

http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete," adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

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See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks," API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984.

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

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ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete," approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis," approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes," approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

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ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

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GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions," December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

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BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry," USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at:
www.epa.gov/waterscience/methods/16640514.pdf.

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at:
www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System," July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," October 1992, USEPA publication number EPA-454/R-92-019,

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NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

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Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar[®] Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-

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approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

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Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as amended~~Amended~~, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20, C(2005)141, and C(2008)156:

"Annex A: OECD Decision C(2001)107/FINAL, as amended~~Amended~~ by C(2004)20; C(2005)141; and

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C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions

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C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in

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November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross

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Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"
March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,
supplemented as necessary with GSA Standard Form 1109, rev 09/1998),
referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from
www.gsa.gov/forms/forms.htm.

- b) Code of Federal Regulations. Available from the Superintendent of Documents,
U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 ~~(2011)(2010)~~ (Transfer for Disposal and Manifests),
referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in ~~appendix~~Appendix B to 10 CFR 20 ~~(2011)(2010)~~
(Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110,
730.103, and 730.151.

Appendix G to 10 CFR 20 ~~(2011)(2010)~~ (Requirements for Transfers of
Low-Level Radioactive Waste Intended for Disposal at Licensed Land
Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code
726.440.

10 CFR 71 ~~(2011)(2010)~~ (Packaging and Transportation of Radioactive
Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 ~~(2011)(2010)~~ (Transportation of Licensed Material),
referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 ~~(2011)(2010)~~ (Procedure for the Notice of Discharge),
referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.2 ~~(2011)(2010)~~ (How Does This Part Provide for Electronic
Reporting?), referenced in Section 720.104.

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40 CFR 3.3 ~~(2011)(2010)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 ~~(2011)(2010)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 ~~(2011)(2010)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) ~~(2011)(2010)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 ~~(2011)(2010)~~ (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models," Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 ~~(2011)(2010)~~ (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 ~~(2011)(2010), as amended at 75 Fed. Reg. 54970 (September 9, 2010), 75 Fed. Reg. 55274 (September 10, 2010), 75 Fed. Reg. 55636 (September 13, 2010), 75 Fed. Reg. 69348 (November 12, 2010), 76 Fed. Reg. 2832 (January 18, 2011), 76 Fed. Reg. 3517 (January 20, 2011), 76 Fed. Reg. 10524 (February 25, 2011), 76 Fed. Reg. 15372 (March 21, 2011), 76 Fed. Reg. 15704 (March 21, 2011), 76 Fed. Reg. 18408 (April 4, 2011), and 76 Fed. Reg. 28662 (May 18, 2011)~~ (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 ~~(2011)(2010)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals

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Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Appendix A to 40 CFR 60 (~~2011~~)(~~2010~~), ~~as amended at 75 Fed. Reg. 55636 (September 13, 2010)~~ (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

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Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

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Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.

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Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.987 and 725.987.

40 CFR 61 ~~(2011)(2010), as amended at September 10, 2010 (75 Fed. Reg. 55274), September 13, 2010 (75 Fed. Reg. 55636), November 12, 2010 (75 Fed. Reg. 69348)~~ (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 ~~(2011)(2010)~~ (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61 ~~(2011)(2010)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 ~~(2011)(2010), as amended at July 20, 2010 (75 Fed. Reg. 41991), August 20, 2010 (75 Fed. Reg. 51570), September 9, 2010 (75 Fed. Reg. 54970), September 13, 2010 (75 Fed. Reg. 55636), November 3, 2010 (75 Fed. Reg. 67625), November 12, 2010 (75 Fed. Reg. 69348), November 30, 2010 (75 Fed. Reg. 73967), December 14, 2010 (75 Fed. Reg. 77760), December 17, 2010 (75 Fed. Reg. 78916), December 30, 2010 (75 Fed. Reg. 82269), January 18, 2011 (76 Fed. Reg. 2832), January 24, 2011 (76 Fed. Reg. 4156), February 17, 2011 (76 Fed. Reg. 9450), February 28, 2011 (76 Fed. Reg. 10761), March 14, 2011 (76 Fed.~~

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~~Reg. 13514), March 18, 2011 (76 Fed. Reg. 14807), March 21, 2011 (76 Fed. Reg. 15554), March 21, 2011 (76 Fed. Reg. 15608), April 1, 2011 (76 Fed. Reg. 18064), April 21, 2011 (76 Fed. Reg. 22566), May 18, 2011 (76 Fed. Reg. 28662)~~ (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart RR of 40 CFR 63 ~~(2011)(2010)~~ (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982, 724.984, 724.985, 725.983, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 ~~(2011)(2010)~~ (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 ~~(2011)(2010), as amended at 76 Fed. Reg. 28664 (May 18, 2011)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

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Appendix C to 40 CFR 63 ~~(2011)(2010)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 ~~(2011)(2010)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) ~~(2011)(2010)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 ~~(2011)(2010)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 ~~(2011)(2010)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 ~~(2011)(2010)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258 ~~(2011)(2010)~~, as amended at 75 Fed. Reg. 50932 (August 18, 2010), 75 Fed. Reg. 53220 (August 31, 2010) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 ~~(2011)(2010)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

Appendix I to 40 CFR 260 ~~(2011)(2010)~~ (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

40 CFR 261.151 ~~(2011)(2010)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 ~~(2011)(2010)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 ~~(2011)(2010)~~ (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

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40 CFR 262.54 ~~(2011)(2010)~~ (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 ~~(2011)(2010)~~ (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 ~~(2011)(2010)~~ (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 ~~(2011)(2010)~~ (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 ~~(2011)(2010)~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 ~~(2011)(2010)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 ~~(2011)(2010)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 ~~(2011)(2010)~~ (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 ~~(2011)(2010)~~ (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 ~~(2011)(2010)~~ (Political Jurisdictions in Which Compliance with §264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306 and 724.118.

Appendix I to 40 CFR 265 ~~(2011)(2010)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

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Appendix III to 40 CFR 265 ~~(2011)(2010)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 ~~(2011)(2010)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 ~~(2011)(2010)~~ (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 ~~(2011)(2010)~~ (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 ~~(2011)(2010)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 ~~(2011)(2010)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 ~~(2011)(2010)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

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40 CFR 761.3 ~~(2011)(2010)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 ~~(2011)(2010)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 ~~(2011)(2010)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 ~~(2011)(2010)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 ~~(2011)(2010), as amended at 76 Fed. Reg. 454 (January 5, 2011)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 ~~(2011)(2010), as amended at 76 Fed. Reg. 3308 (January 19, 2011)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 ~~(2011)(2010)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 ~~(2011)(2010), as amended at January 5, 2011 (76 Fed. Reg. 454), January 19, 2011 (76 Fed. Reg. 3308)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 ~~(2011)(2010)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 ~~(2011)(2010)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and

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Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 ~~(2011)(2010)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 ~~(2011)(2010)~~ (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 ~~(2011)(2010)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 ~~(2011)(2010)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and 725.987.

49 CFR 173.28 ~~(2011)(2010)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 ~~(2011)(2010)~~ (Class 1 – Definitions), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.54 ~~(2011)(2010)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.115 ~~(2011)(2010)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 ~~(2011)(2010)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

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49 CFR 175 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 ~~(2011)(2010), as amended at February 28, 2011 (76 Fed. Reg. 10771)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 ~~(2011)(2010)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 ~~(2011)(2010), as amended at January 19, 2011 (76 Fed. Reg. 3308)~~ (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended through January 3, 2007, referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended through January 3, 2007, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through January 3, 2007,

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referenced in 35 Ill. Adm. Code 726.301.

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

(Source: Amended at 36 Ill. Reg. 8740, effective June 4, 2012)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
722.121	Amendment
722.123	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective date of amendments: June 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted April 19, 2012 in docket R12-7, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: February 3, 2012, 36 Ill. Reg. 1252
- 10) Has JCAR issued a statement of objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of April 19, 2012 in docket R12-7 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 5, 2012, in docket R12-7. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor changes and corrections made at the request of JCAR. The changes are intended to have no substantive effect. The intent is to add

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clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the February 3, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of April 19, 2012 in docket R12-7, as indicated in item 11 above. See the April 19, 2012 opinion and order in docket R12-7 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendments: The amendments to Part 722 are a single segment of the docket R12-7 rulemaking that also affects 35 Ill. Adm. Code 720 and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R12-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of April 19, 2012, adopting amendments in docket R12-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 722 implement segments of the federal amendments of June 22, 2011. The amendments revise the hazardous waste manifest printing requirements to allow the use of contrasting-colored ink for copy distribution notations on the manifest form.

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Tables appear in the Board's opinion and order of April 19, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the April 19, 2012 opinion and order in docket R12-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendments shall be adopted to:
Please reference consolidated docket R12-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of April 19, 2012 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section	
722.110	Purpose, Scope, and Applicability
722.111	Hazardous Waste Determination
722.112	USEPA Identification Numbers
722.113	Electronic Reporting

SUBPART B: THE MANIFEST

Section	
722.120	General Requirements
722.121	Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
722.122	Number of Copies
722.123	Use of the Manifest
722.127	Waste Minimization Certification

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section	
722.130	Packaging
722.131	Labeling
722.132	Marking
722.133	Placarding
722.134	Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section	
722.140	Recordkeeping

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- 722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1,000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

- Section
722.150 Applicability
722.151 Definitions
722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping
722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

- Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

- Section
722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

- Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Notification and Consent
722.184 Movement Document
722.185 Contracts

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- 722.186 Provisions Relating to Recognized Traders
- 722.187 Reporting and Recordkeeping
- 722.189 OECD Waste Lists

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE
DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR
LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

- Section
 - 722.300 Definitions
 - 722.301 Applicability
 - 722.302 Opting into the Subpart K Requirements
 - 722.303 Notice of Election into the Subpart K Requirements
 - 722.304 Notice of Withdrawal from the Subpart K Requirements
 - 722.305 Summary of the Requirements of this Subpart K
 - 722.306 Container Standards in the Laboratory
 - 722.307 Personnel Training
 - 722.308 Removing Unwanted Material from the Laboratory
 - 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
 - 722.310 Hazardous Waste Determination in the Laboratory
 - 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
 - 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
 - 722.313 Laboratory Clean-Outs
 - 722.314 Laboratory Management Plan
 - 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
 - 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity
- 722.APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709,

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effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012.

SUBPART B: THE MANIFEST

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

- a) USEPA approval of manifest.
 - 1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section.
 - 2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

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- b) A registrant must submit an initial application to the USEPA Director of the Office of Resource Conservation and Recovery that contains the following information:
- 1) The name and mailing address of registrant;
 - 2) The name, telephone number, and email address of contact person;
 - 3) A brief description of registrant's government or business activity;
 - 4) The USEPA identification number of the registrant, if applicable;
 - 5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:
 - A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;
 - B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer

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systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and

- C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);
 - 6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;
 - 7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and
 - 8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- c) USEPA will review the application submitted under subsection (b) of this Section and either approve it or request additional information or modification before approving it.
 - d) Submission of document samples.

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- 1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section.
 - 2) The registrant must submit a description of the manifest samples as follows:
 - A) The paper type (i.e., manufacturer and grade of the manifest paper);
 - B) The paper weight of each copy;
 - C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and
 - D) The method of binding the copies.
 - 3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.
- e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section. It also must print the forms

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according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

- f) Paper manifests and continuation sheets must be printed according to the following specifications:
- 1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.
 - 2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.
 - 3) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.
 - 4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, ~~or~~ faxed, except that the marginal words indicating copy distribution must be printed with a distinct in red ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.
 - 5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.
 - 6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

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- A) Page 1 (top copy): "Designated facility to destination State (if required)."
 - B) Page 2: "Designated facility to generator State (if required)."
 - C) Page 3: "Designated facility to generator."
 - D) Page 4: "Designated facility's copy."
 - E) Page 5: "Transporter's copy."
 - F) Page 6 (bottom copy): "Generator's initial copy."
- 7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
- A) Manifest Form 8700-22.
 - i) The "Instructions for Generators" on Copy 6;
 - ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
 - iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
 - B) Manifest Form 8700-22A.
 - i) The "Instructions for Generators" on Copy 6;
 - ii) The "Instructions for Transporters" on Copy 5; and
 - iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

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- g) Use of approved manifests.
- 1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section. A registered source may be any of the following:
 - A) A state agency;
 - B) A commercial printer;
 - C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or
 - D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.
 - 2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.
- h) Manifest revisions.
- 1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies

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the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

- 2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.
- 3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) of this Section, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.
 - i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.
 - j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples

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approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.

- k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.
- l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.
- m) Effects of non-compliance.
 - 1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:
 - A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
 - B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.
 - 2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

(Source: Amended at 36 Ill. Reg. 8773, effective June 4, 2012)

Section 722.123 Use of the Manifest

- a) The generator shall do the following:

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- 1) Sign the manifest certification by hand;
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;
 - 3) Retain one copy, in accordance with Section 722.140(a); and
 - 4) Send one copy of the manifest to the Agency within two working days.
- b) The generator must give the transporter the remaining copies of the manifest.
- c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.
- d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:
- 1) The next non-rail transporter, if any;
 - 2) The designated receiving facility, if the waste is transported solely by rail;
or
 - 3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

- e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving

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facility.

- f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:
- 1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:
 - A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - B) Item 18c of the original manifest if the original manifest is used for the returned shipment;
 - 2) The generator must provide a copy of the manifest to the transporter;
 - 3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and
 - 4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers", for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

(Source: Amended at 36 Ill. Reg. 8773, effective June 4, 2012)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
728.TABLE T	Amendment
728.TABLE U	Amendment
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective date of amendments: June 4, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted April 19, 2012 in docket R12-7, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: February 3, 2012; 36 Ill. Reg. 1269
- 10) Has JCAR issued a statement of objections to this rulemaking? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of April 19, 2012 in docket R12-7 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated January 5, 2012, in docket R12-7. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor changes and corrections made at the request of JCAR. The changes are intended to have no substantive effect. The intent is to add

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clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the February 3, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of April 19, 2012 in docket R12-7, as indicated in item 11 above. See the April 19, 2012 opinion and order in docket R12-7 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: The amendments to Part 728 are a single segment of the docket R12-7 rulemaking that also affects 35 Ill. Adm. Code 720 and 722, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R12-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of April 19, 2012, adopting amendments in docket R12-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 728 implement segments of the federal amendments of June 13, 2011. The amendments revise the LDRs to allow the use of contrasting-colored ink for copy distribution notations on the manifest form.

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Tables appear in the Board's opinion and order of April 19, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the April 19, 2012 opinion and order in docket R12-7.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendments shall be adopted to:
Please reference consolidated docket R12-7 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312/814-6924

Request copies of the Board's opinion and order of April 19, 2012 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	
728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for Case-by-Case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND
ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.120	Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130	Waste-Specific Prohibitions: Wood Preserving Wastes
728.131	Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132	Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

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	Metals and Containing PCBs
728.133	Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134	Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135	Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136	Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137	Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HTMR
728.148	Universal Treatment Standards
728.149	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes
728.APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C	List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D	Wastes Excluded from Lab Packs
728.APPENDIX E	Organic Lab Packs (Repealed)
728.APPENDIX F	Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G	Federal Effective Dates
728.APPENDIX H	National Capacity LDR Variances for UIC Wastes

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728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by RCRA Waste Code
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

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17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012.

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Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code

Waste Description and Treatment or Regulatory Subcategory¹

Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
Common Name	CAS ² Number	Concentration ³ in mg/ℓ; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as "mg/ℓ TCLP"; or Technology Code ⁴

D001⁹

Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST
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D001⁹

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) – Greater than or equal to 10 percent total organic carbon.

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM
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D002⁹

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Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
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D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003⁹

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT
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D003⁹

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
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D003⁹

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Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT
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D003⁹

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
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D003⁹

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards ⁸
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D003⁹

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total) ⁷	57-12-5	—	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

D004⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

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Arsenic	7440-38-2	1.4 and meet Section 728.148 standards ⁸	5.0 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D005⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Barium	7440-39-3	1.2 and meet Section 728.148 standards ⁸	21 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D006⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards ⁸	0.11 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D006⁹

Cadmium-Containing Batteries Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
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D006⁹

Radioactively contaminated cadmium-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

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Cadmium	7440-43-9	NA	Macroencapsulation in accordance with Section 728.145
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D007⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards ⁸	0.60 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D008⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Lead	7439-92-1	0.69 and meet Section 728.148 standards ⁸	0.75 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D008⁹

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD
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D008⁹

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Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number

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EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D009⁹

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D009⁹

All D009 wastewaters.

Mercury	7439-97-6	0.15 and meet Section 728.148 standards ⁸	NA
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D009⁹

Elemental mercury contaminated with radioactive materials.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM
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D009⁹

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

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(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	IMERC
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D009⁹

Radioactively contaminated mercury-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	Macroencapsulation in accordance with Section 728.145
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D010⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D011⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D011⁹

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Radioactively contaminated silver-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Silver	7440-22-4	NA	Macroencapsulation in accordance with Section 728.145
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D012⁹

Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸

D013⁹

Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

α -BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards ⁸
β -BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards ⁸
δ -BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards ⁸

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γ-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards ⁸
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D014⁹

Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards ⁸
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D015⁹

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards ⁸
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D016⁹

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-D (2,4- dichlorophenoxyacetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards ⁸
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D017⁹

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Wastes that are TC for 2,4,5-TP (Silvex) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards ⁸
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D018⁹

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Benzene	71-43-2	0.14 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
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D019⁹

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D020⁹

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

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Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards ⁸	0.26 and meet Section 728.148 standards ⁸
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D021⁹

Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D022⁹

Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chloroform	67-66-3	0.046 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D023⁹

Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D024⁹

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Wastes that are TC for m-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D025⁹

Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D026⁹

Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards ⁸	11.2 and meet Section 728.148 standards ⁸
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D027⁹

Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

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p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D028⁹

Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D029⁹

Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D030⁹

Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards ⁸	140 and meet Section 728.148 standards ⁸
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D031⁹

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Wastes that are TC for heptachlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸

D032⁹

Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
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D033⁹

Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D034⁹

Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

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Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards ⁸	30 and meet Section 728.148 standards ⁸
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D035⁹

Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards ⁸	36 and meet Section 728.148 standards ⁸
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D036⁹

Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards ⁸	14 and meet Section 728.148 standards ⁸
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D037⁹

Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D038⁹

Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pyridine	110-86-1	0.014 and meet Section 728.148 standards ⁸	16 and meet Section 728.148 standards ⁸
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D039⁹

Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D040⁹

Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D041⁹

Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

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Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D042⁹

Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D043⁹

Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene,

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trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2
(sum of o-, m-, and p-cresol concentrations)			
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0

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Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST
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F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

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Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
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Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F010

Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F012

Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

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F019

Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

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2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST ¹¹	CMBST ¹¹
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025 – Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0

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Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 – Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Hexachlorodibenzofurans	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Pentachlorodibenzofurans	NA	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Tetrachlorodibenzofurans	NA	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F034

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F037

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Petroleum refinery primary oil/water/solids separation sludge – any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

F038

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α -BHC	319-84-6	0.00014	0.066
β -BHC	319-85-7	0.00014	0.066
δ -BHC	319-86-8	0.023	0.066
γ -BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
Diethyl phthalate	84-66-2	0.20	28
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propyl nitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-	35822-46-9	0.000035	0.0025
Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)			
1,2,3,4,6,7,8-	67562-39-4	0.000035	0.0025
Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)			
1,2,3,4,7,8,9-	55673-89-7	0.000035	0.0025
Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)			
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All	NA	0.000063	0.001
Hexachlorodibenzo-p-dioxins)			
HxCDFs (All	55684-94-1	0.000063	0.001
Hexachlorodibenzofurans)			
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.0025
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All	41903-57-5	0.000063	0.001
Tetrachlorodibenzo-p-dioxins)			
TCDFs (All	55722-27-5	0.000063	0.001
Tetrachlorodibenzofurans)			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K005

Wastewater treatment sludge from the production of chrome green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K007

Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590

K008

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K009

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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K010

Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K013

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
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K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST
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K027

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Centrifuge and distillation residues from toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST
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K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
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K037

Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10

K038

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastewater from the washing and stripping of phorate production.

Phorate	298-02-2	0.021	4.6
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K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST
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K040

Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6
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K041

Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K043

2,6-Dichlorophenol waste from the production of 2,4-D.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All	NA	0.000063	0.001
Hexachlorodibenzo-p-dioxins)			
HxCDFs (All	55684-94-1	0.000063	0.001
Hexachlorodibenzofurans)			
PeCDDs (All	36088-22-9	0.000063	0.001
Pentachlorodibenzo-p-dioxins)			
PeCDFs (All	30402-15-4	0.000035	0.001
Pentachlorodibenzofurans)			
TCDDs (All	41903-57-5	0.000063	0.001
Tetrachlorodibenzo-p-dioxins)			
TCDFs (All	55722-27-5	0.000063	0.001
Tetrachlorodibenzofurans)			

K044

Wastewater treatment sludges from the manufacturing and processing of explosives.

NA	NA	DEACT	DEACT
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K045

Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT
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K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K047

Pink or red water from TNT operations.

NA	NA	DEACT	DEACT
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K048

Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	NA	5.0 mg/ℓ TCLP
Barium	7440-39-3	NA	21 mg/ℓ TCLP
Beryllium	7440-41-7	NA	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	NA	5.7 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP
Thallium	7440-28-0	NA	0.20 mg/ℓ TCLP
Zinc	7440-66-6	NA	4.3 mg/ℓ TCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K069

Emission control dust or sludge from secondary lead smelting-Calcium sulfate (Low Lead)
Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K069

Emission control dust or sludge from secondary lead smelting-Non-Calcium sulfate (High Lead)
Subcategory.

NA	NA	NA	RLEAD
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
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K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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K073

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs	1336-36-3	0.10	10
(sum of all PCB isomers, or all Aroclors)			
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	26.1 mg/ℓ
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Cyanide (Total) ⁷	57-12-5	1.2	590
Cyanide (Amenable) ⁷	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
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K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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K099

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total) ⁷	57-12-5	1.2	590

K105

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP
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K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
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K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST
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K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	CARBN; or CMBST	CMBST
K115			
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
NA	NA	CARBN; or CMBST	CMBST

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST
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K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
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K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2- Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Toluene	108-88-3	0.080	10
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K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	98-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl ¹⁰	17804-35-2	0.056; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
Benzene	71-43-2	0.14	10
Carbaryl ¹⁰	63-25-21	0.006; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
Carbenzadim ¹⁰	10605-21-7	0.056; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
Carbofuran ¹⁰	1563-66-2	0.006; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
Carbosulfan ¹⁰	55285-14-8	0.028; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl ¹⁰	16752-77-5	0.028; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Triethylamine	121-44-8	0.081; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.5; <u>or CMBST</u>
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K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl ¹⁰	16752-77-5	0.028; <u>or CMBST, CHOXD, BIODG or CARBN</u>	0.14; <u>or CMBST</u>
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.5; <u>or CMBST</u>

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim ¹⁰	10605-21-7	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
Carbofuran ¹⁰	1563-66-2	0.006; <u>or CMBST, CHOXD, BIODG or CARBN</u>	0.14; <u>or CMBST</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbosulfan ¹⁰	55285-14-8	0.028; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.¹⁰

Benzene	71-43-2	0.14	10
Butylate ¹⁰	2008-41-5	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
EPTC (Eptam) ¹⁰	759-94-4	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
Molinate ¹⁰	2212-67-1	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
Pebulate ¹⁰	1114-71-2	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
Vernolate ¹⁰	1929-77-7	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15 ¹¹
Arsenic	7440-38-2	1.4	5.0 ¹¹
Carbon disulfide	75-15-0	3.8	4.8 ¹¹
Dithiocarbamates (total) ¹⁰	137-30-4	0.028; <u>or CMBST, CHOXD, BIODG or CARBN</u>	28; <u>or CMBST</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	0.75 ¹¹
Nickel	7440-02-0	3.98	11 ¹¹
Selenium	7782-49-2	0.82	5.7 ¹¹

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K171

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/l TCLP
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

Wastewater treatment sludge from the production of ethylene dichloride or vinyl chloride monomer.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2,3,4,6,7,8- Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,6,7,8- Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,7,8,9- Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
1,2,3,4,6,7,8,9- Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
1,2,3,4,6,7,8,9- Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
All pentachlorodibenzo-p- dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Arsenic	7440-36-0	1.4	5.0 mg/ℓ TCLP

K175

Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury ¹²	7439-97-6	NA	0.025 mg/ℓ TCLP
pH ¹²		NA	pH ≤ 6.0

K175

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

All K175 wastewaters.

Mercury	7439-97-6	0.15	NA
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K176

Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP

K177

Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K178

Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.

1,2,3,4,6,7,8- Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,6,7,8- Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
1,2,3,4,7,8,9- Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP

K181

Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in Section 721.132(c) which are equal to or greater than the corresponding Section 721.132(c) levels, as determined on a calendar-year basis.

Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
4-Chloroaniline	106-47-8	0.46	16
p-Cresidine	120-71-8	0.010	0.66
2,4-Dimethylaniline (2,4-xylylidine)	95-68-1	0.010	0.66

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
1,3-Phenylenediamine	108-45-2	0.010	0.66

P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent.

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P002

1-Acetyl-2-thiourea. 1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P003

Acrolein.

Acrolein	107-02-8	0.29	CMBST
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P004

Aldrin.

Aldrin	309-00-2	0.021	0.066
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P005

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Allyl alcohol.

Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P006

Aluminum phosphide.

Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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P007

5-Aminomethyl-3-isoxazolol.

5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P008

4-Aminopyridine.

4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P009

Ammonium picrate.

Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P010

Arsenic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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P011

Arsenic pentoxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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P012

Arsenic trioxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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P013

Barium cyanide.

Barium	7440-39-3	NA	21 mg/ℓ TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P014

Thiophenol (Benzene thiol).

Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P015

Beryllium dust.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016			
Dichloromethyl ether (Bis(chloromethyl)ether).			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017			
Bromoacetone.			
Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018			
Brucine.			
Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb).			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Calcium cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P022

Carbon disulfide.

Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide; alternate ⁶ standard for nonwastewaters only	75-15-0	NA	4.8 mg/ℓ TCLP

P023

Chloroacetaldehyde.

Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P024

p-Chloroaniline.

p-Chloroaniline	106-47-8	0.46	16
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P026

1-(o-Chlorophenyl)thiourea.

1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P027

3-Chloropropionitrile.

3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P028

Benzyl chloride.

Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P029

Copper cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P030

Cyanides (soluble salts and complexes).

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P031

Cyanogen.

Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P033

Cyanogen chloride.

Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
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P034

2-Cyclohexyl-4,6-dinitrophenol.

2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P036

Dichlorophenylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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P037

Dieldrin.

Dieldrin	60-57-1	0.017	0.13
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P038

Diethylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
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P039

Disulfoton.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Disulfoton	298-04-4	0.017	6.2
P040			
O,O-Diethyl-O-pyrazinyl-phosphorothioate.			
O,O-Diethyl-O-pyrazinylphosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041			
Diethyl-p-nitrophenyl phosphate.			
Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042			
Epinephrine.			
Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043			
Diisopropylfluorophosphate (DFP).			
Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044			
Dimethoate.			
Dimethoate	60-51-5	CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P045

Thiofanox.

Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P046

 α,α -Dimethylphenethylamine.

α,α -Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P047

4,6-Dinitro-o-cresol.

4,6-Dinitro-o-cresol	543-52-1	0.28	160
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P047

4,6-Dinitro-o-cresol salts.

NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P048

2,4-Dinitrophenol.

2,4-Dinitrophenol	51-28-5	0.12	160
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P049

Dithiobiuret.

Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P050

Endosulfan.

Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13

P051

Endrin.

Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13

P054

Aziridine.

Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P056

Fluorine.

Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P057

Fluoroacetamide.

Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P058

Fluoroacetic acid, sodium salt.

Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P059

Heptachlor.

Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

P060

Isodrin.

Isodrin	465-73-6	0.021	0.066
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P062

Hexaethyl tetraphosphate.

Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P063

Hydrogen cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P064

Isocyanic acid, ethyl ester.

Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC
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P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC
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P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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P065

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
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P065

All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA
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P066

Methomyl.

Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P067

2-Methyl-aziridine.

2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P068

Methyl hydrazine.

Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST
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P069

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2-Methylacetonitrile.

2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P070

Aldicarb.

Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P071

Methyl parathion.

Methyl parathion	298-00-0	0.014	4.6
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P072

1-Naphthyl-2-thiourea.

1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P073

Nickel carbonyl.

Nickel	7440-02-0	3.98	11 mg/l TCLP
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P074

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nickel cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

P075

Nicotine and salts.

Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P076

Nitric oxide.

Nitric oxide	10102-43-9	ADGAS	ADGAS
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P077

p-Nitroaniline.

p-Nitroaniline	100-01-6	0.028	28
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P078

Nitrogen dioxide.

Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
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P081

Nitroglycerin.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
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P082

N-Nitrosodimethylamine.

N-Nitrosodimethylamine	62-75-9	0.40	2.3
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P084

N-Nitrosomethylvinylamine.

N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P085

Octamethylpyrophosphoramidate.

Octamethylpyrophosphoramidate	152-16-9	CARBN; or CMBST	CMBST
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P087

Osmium tetroxide.

Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
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P088

Endothall.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089			
Parathion.			
Parathion	56-38-2	0.014	4.6
P092			
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.			
Mercury	7439-97-6	NA	IMERC; or RMERC
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P092

All P092 (phenyl mercuric acetate) wastewaters.

Mercury	7439-97-6	0.15	NA
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P093

Phenylthiourea.

Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P094

Phorate.

Phorate	298-02-2	0.021	4.6
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P095

Phosgene.

Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P096

Phosphine.

Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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P097

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Famphur.

Famphur	52-85-7	0.017	15
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P098

Potassium cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P099

Potassium silver cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP

P101

Ethyl cyanide (Propanenitrile).

Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
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P102

Propargyl alcohol.

Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P103

Selenourea.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
P104			
Silver cyanide.			
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
P105			
Sodium azide.			
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106			
Sodium cyanide.			
Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
P108			
Strychnine and salts.			
Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109			
Tetraethyldithiopyrophosphate.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110			
Tetraethyl lead.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
P111			
Tetraethylpyrophosphate.			
Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112			
Tetranitromethane.			
Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113			
Thallic oxide.			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114			
Thallium selenite.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
P115			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Thallium (I) sulfate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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P116

Thiosemicarbazide.

Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P118

Trichloromethanethiol.

Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P119

Ammonium vanadate.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
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P120

Vanadium pentoxide.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
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P121

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Zinc cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P122

Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10 percent.

Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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P123

Toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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P127

Carbofuran.¹⁰

Carbofuran	1563-66-2	<u>0.006; or CMBST, CHOXD, BIODG or CARBN</u>	<u>0.14; or CMBST</u>
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P128

Mexacarbate.¹⁰

Mexacarbate	315-18-4	<u>0.056; or CMBST, CHOXD, BIODG or CARBN</u>	<u>1.4; or CMBST</u>
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P185

Tirpate.¹⁰

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Tirpate	26419-73-8	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	0.28; <u>or CMBST</u>
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P188

Physostigmine salicylate.¹⁰

Physostigmine salicylate	57-64-7	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P189

Carbosulfan.¹⁰

Carbosulfan	55285-14-8	0.028; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P190

Metolcarb.¹⁰

Metolcarb	1129-41-5	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P191

Dimetilan.¹⁰

Dimetilan	644-64-4	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P192

Isolan.¹⁰

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Isolan	119-38-0	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
P194			
Oxamyl. ¹⁰			
Oxamyl	23135-22-0	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	0.28; <u>or CMBST</u>
P196			
Manganese dimethyldithiocarbamates (total). ¹⁰			
Dithiocarbamates (total)	NA	0.028; <u>or CMBST, CHOXD, BIODG or CARBN</u>	28; <u>or CMBST</u>
P197			
Formparanate. ¹⁰			
Formparanate	17702-57-7	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
P198			
Formetanate hydrochloride. ¹⁰			
Formetanate hydrochloride	23422-53-9	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
P199			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methiocarb.¹⁰

Methiocarb	2032-65-7	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P201

Promecarb.¹⁰

Promecarb	2631-37-0	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P202

m-Cumenyl methylcarbamate.¹⁰

m-Cumenyl methylcarbamate	64-00-6	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P203

Aldicarb sulfone.¹⁰

Aldicarb sulfone	1646-88-4	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	0.28; <u>or CMBST</u>
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P204

Physostigmine.¹⁰

Physostigmine	57-47-6	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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P205

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ziram.¹⁰

Dithiocarbamates (total)	NA	<u>0.028; or CMBST, CHOXD, BIODG or CARBN</u>	<u>28; or CMBST</u>
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U001

Acetaldehyde.

Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U002

Acetone.

Acetone	67-64-1	0.28	160
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U003

Acetonitrile.

Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA	38

U004

Acetophenone.

Acetophenone	98-86-2	0.010	9.7
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U005

2-Acetylaminofluorene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2-Acetylaminofluorene	53-96-3	0.059	140
U006			
Acetyl chloride.			
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007			
Acrylamide.			
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008			
Acrylic acid.			
Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009			
Acrylonitrile.			
Acrylonitrile	107-13-1	0.24	84
U010			
Mitomycin C.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011			
Amitrole.			
Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012			
Aniline.			
Aniline	62-53-3	0.81	14
U014			
Auramine.			
Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015			
Azaserine.			
Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U016

Benz(c)acridine.

Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U017

Benzal chloride.

Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U018

Benz(a)anthracene.

Benz(a)anthracene	56-55-3	0.059	3.4
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U019

Benzene.

Benzene	71-43-2	0.14	10
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U020

Benzenesulfonyl chloride.

Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U021

Benzidine.

Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U022

Benzo(a)pyrene.

Benzo(a)pyrene	50-32-8	0.061	3.4
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U023

Benzotrichloride.

Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U024

bis(2-Chloroethoxy)methane.

bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
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U025

bis(2-Chloroethyl)ether.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
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U026

Chlornaphazine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U027

bis(2-Chloroisopropyl)ether.

bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
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U028

bis(2-Ethylhexyl)phthalate.

bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
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U029

Methyl bromide (Bromomethane).

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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U030

4-Bromophenyl phenyl ether.

4-Bromophenyl phenyl ether	101-55-3	0.055	15
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U031

n-Butyl alcohol.

n-Butyl alcohol	71-36-3	5.6	2.6
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U032

Calcium chromate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
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U033

Carbon oxyfluoride.

Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U034

Trichloroacetaldehyde (Chloral).

Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U035

Chlorambucil.

Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U036

Chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
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U037

Chlorobenzene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chlorobenzene	108-90-7	0.057	6.0
U038			
Chlorobenzilate.			
Chlorobenzilate	510-15-6	0.10	CMBST
U039			
p-Chloro-m-cresol.			
p-Chloro-m-cresol	59-50-7	0.018	14
U041			
Epichlorohydrin (1-Chloro-2,3-epoxypropane).			
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042			
2-Chloroethyl vinyl ether.			
2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043			
Vinyl chloride.			
Vinyl chloride	75-01-4	0.27	6.0
U044			
Chloroform.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloroform	67-66-3	0.046	6.0
U045			
Chloromethane (Methyl chloride).			
Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046			
Chloromethyl methyl ether.			
Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047			
2-Chloronaphthalene.			
2-Chloronaphthalene	91-58-7	0.055	5.6
U048			
2-Chlorophenol.			
2-Chlorophenol	95-57-8	0.044	5.7
U049			
4-Chloro-o-toluidine hydrochloride.			
4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U050

Chrysene.

Chrysene	218-01-9	0.059	3.4
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U051

Creosote.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U052

Cresols (Cresylic acid).

o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2

U053

Crotonaldehyde.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055			
Cumene.			
Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056			
Cyclohexane.			
Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057			
Cyclohexanone.			
Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate ⁶ standard for nonwastewaters only	108-94-1	NA	0.75 mg/ℓ TCLP
U058			
Cyclophosphamide.			
Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U059

Daunomycin.

Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U060

DDD.

o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087

U061

DDT.

o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087

U062

Diallate.

Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U063

Dibenz(a,h)anthracene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064			
Dibenz(a,i)pyrene.			
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066			
1,2-Dibromo-3-chloropropane.			
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067			
Ethylene dibromide (1,2-Dibromoethane).			
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068			
Dibromomethane.			
Dibromomethane	74-95-3	0.11	15
U069			
Di-n-butyl phthalate.			
Di-n-butyl phthalate	84-74-2	0.057	28
U070			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

o-Dichlorobenzene.

o-Dichlorobenzene	95-50-1	0.088	6.0
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U071

m-Dichlorobenzene.

m-Dichlorobenzene	541-73-1	0.036	6.0
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U072

p-Dichlorobenzene.

p-Dichlorobenzene	106-46-7	0.090	6.0
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U073

3,3'-Dichlorobenzidine.

3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U074

1,4-Dichloro-2-butene.

cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U075

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dichlorodifluoromethane.

Dichlorodifluoromethane	75-71-8	0.23	7.2
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U076

1,1-Dichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
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U077

1,2-Dichloroethane.

1,2-Dichloroethane	107-06-2	0.21	6.0
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U078

1,1-Dichloroethylene.

1,1-Dichloroethylene	75-35-4	0.025	6.0
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U079

1,2-Dichloroethylene.

trans-1,2-Dichloroethylene	156-60-5	0.054	30
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U080

Methylene chloride.

Methylene chloride	75-09-2	0.089	30
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U081

2,4-Dichlorophenol.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,4-Dichlorophenol	120-83-2	0.044	14
U082			
2,6-Dichlorophenol.			
2,6-Dichlorophenol	87-65-0	0.044	14
U083			
1,2-Dichloropropane.			
1,2-Dichloropropane	78-87-5	0.85	18
U084			
1,3-Dichloropropylene.			
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
U085			
1,2:3,4-Diepoxybutane.			
1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086			
N,N'-Diethylhydrazine.			
N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

O,O-Diethyl-S-methyldithiophosphate.

O,O-Diethyl-S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
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U088

Diethyl phthalate.

Diethyl phthalate	84-66-2	0.20	28
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U089

Diethyl stilbestrol.

Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U090

Dihydrosafrole.

Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U091

3,3'-Dimethoxybenzidine.

3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U092

Dimethylamine.

Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U093

p-Dimethylaminoazobenzene.

p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
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U094

7,12-Dimethylbenz(a)anthracene.

7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U095

3,3'-Dimethylbenzidine.

3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U096

 α , α -Dimethyl benzyl hydroperoxide.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

α , α -Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U097

Dimethylcarbamoyl chloride.

Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U098

1,1-Dimethylhydrazine.

1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U099

1,2-Dimethylhydrazine.

1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U101

2,4-Dimethylphenol.

2,4-Dimethylphenol	105-67-9	0.036	14
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U102

Dimethyl phthalate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dimethyl phthalate	131-11-3	0.047	28
U103			
Dimethyl sulfate.			
Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105			
2,4-Dinitrotoluene.			
2,4-Dinitrotoluene	121-14-2	0.32	140
U106			
2,6-Dinitrotoluene.			
2,6-Dinitrotoluene	606-20-2	0.55	28
U107			
Di-n-octyl phthalate.			
Di-n-octyl phthalate	117-84-0	0.017	28
U108			
1,4-Dioxane.			
1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate ⁶ standard for nonwastewaters only	123-91-1	12.0	170

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U109

1,2-Diphenylhydrazine.

1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate ⁶ standard for wastewaters only	122-66-7	0.087	NA

U110

Dipropylamine.

Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U111

Di-n-propylnitrosamine.

Di-n-propylnitrosamine	621-64-7	0.40	14
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U112

Ethyl acetate.

Ethyl acetate	141-78-6	0.34	33
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U113

Ethyl acrylate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114			
Ethylenebisdithiocarbamic acid salts and esters.			
Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115			
Ethylene oxide.			
Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate ⁶ standard for wastewaters only	75-21-8	0.12	NA
U116			
Ethylene thiourea.			
Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117			
Ethyl ether.			
Ethyl ether	60-29-7	0.12	160

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U118

Ethyl methacrylate.

Ethyl methacrylate	97-63-2	0.14	160
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U119

Ethyl methane sulfonate.

Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U120

Fluoranthene.

Fluoranthene	206-44-0	0.068	3.4
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U121

Trichloromonofluoromethane.

Trichloromonofluoromethane	75-69-4	0.020	30
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U122

Formaldehyde.

Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U123

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Formic acid.

Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U124

Furan.

Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U125

Furfural.

Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U126

Glycidylaldehyde.

Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U127

Hexachlorobenzene.

Hexachlorobenzene	118-74-1	0.055	10
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U128

Hexachlorobutadiene.

Hexachlorobutadiene	87-68-3	0.055	5.6
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U129

Lindane.

α -BHC	319-84-6	0.00014	0.066
β -BHC	319-85-7	0.00014	0.066
δ -BHC	319-86-8	0.023	0.066
γ -BHC (Lindane)	58-89-9	0.0017	0.066

U130

Hexachlorocyclopentadiene.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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U131

Hexachloroethane.

Hexachloroethane	67-72-1	0.055	30
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U132

Hexachlorophene.

Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U133

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hydrazine.

Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U134

Hydrogen fluoride.

Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
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U135

Hydrogen sulfide.

Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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U136

Cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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U137

Indeno(1,2,3-cd)pyrene.

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
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U138

Iodomethane.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Iodomethane	74-88-4	0.19	65
U140			
Isobutyl alcohol.			
Isobutyl alcohol	78-83-1	5.6	170
U141			
Isosafrole.			
Isosafrole	120-58-1	0.081	2.6
U142			
Kepone.			
Kepone	143-50-8	0.0011	0.13
U143			
Lasiocarpine.			
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144			
Lead acetate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U145			
Lead phosphate.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
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U146

Lead subacetate.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
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U147

Maleic anhydride.

Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U148

Maleic hydrazide.

Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U149

Malononitrile.

Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U150

Melphalan.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151			
U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
U151			
U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.			
Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP
U151			
U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.			
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
U151			
All U151 (mercury) wastewater.			
Mercury	7439-97-6	0.15	NA
U151			
Elemental Mercury Contaminated with Radioactive Materials.			
Mercury	7439-97-6	NA	AMLGM
U152			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methacrylonitrile.

Methacrylonitrile	126-98-7	0.24	84
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U153

Methanethiol.

Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U154

Methanol.

Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate ⁶ set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/ℓ TCLP

U155

Methapyrilene.

Methapyrilene	91-80-5	0.081	1.5
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U156

Methyl chlorocarbonate.

Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U157

3-Methylcholanthrene.

3-Methylcholanthrene	56-49-5	0.0055	15
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U158

4,4'-Methylene bis(2-chloroaniline).

4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
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U159

Methyl ethyl ketone.

Methyl ethyl ketone	78-93-3	0.28	36
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U160

Methyl ethyl ketone peroxide.

Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U161

Methyl isobutyl ketone.

Methyl isobutyl ketone	108-10-1	0.14	33
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U162

Methyl methacrylate.

Methyl methacrylate	80-62-6	0.14	160
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U163

N-Methyl-N'-nitro-N-nitrosoguanidine.

N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U164

Methylthiouracil.

Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U165

Naphthalene.

Naphthalene	91-20-3	0.059	5.6
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U166

1,4-Naphthoquinone.

1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U167

1-Naphthylamine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U168

2-Naphthylamine.

2-Naphthylamine	91-59-8	0.52	CMBST
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U169

Nitrobenzene.

Nitrobenzene	98-95-3	0.068	14
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U170

p-Nitrophenol.

p-Nitrophenol	100-02-7	0.12	29
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U171

2-Nitropropane.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U172

N-Nitrosodi-n-butylamine.

N-Nitrosodi-n-butylamine	924-16-3	0.40	17
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U173

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

N-Nitrosodiethanolamine.

N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U174

N-Nitrosodiethylamine.

N-Nitrosodiethylamine	55-18-5	0.40	28
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U176

N-Nitroso-N-ethylurea.

N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U177

N-Nitroso-N-methylurea.

N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U178

N-Nitroso-N-methylurethane.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U179

N-Nitrosopiperidine.

N-Nitrosopiperidine	100-75-4	0.013	35
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U180

N-Nitrosopyrrolidine.

N-Nitrosopyrrolidine	930-55-2	0.013	35
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U181

5-Nitro-o-toluidine.

5-Nitro-o-toluidine	99-55-8	0.32	28
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U182

Paraldehyde.

Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U183

Pentachlorobenzene.

Pentachlorobenzene	608-93-5	0.055	10
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U184

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Pentachloroethane.

Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate ⁶ standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0

U185

Pentachloronitrobenzene.

Pentachloronitrobenzene	82-68-8	0.055	4.8
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U186

1,3-Pentadiene.

1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U187

Phenacetin.

Phenacetin	62-44-2	0.081	16
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U188

Phenol.

Phenol	108-95-2	0.039	6.2
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U189

POLLUTION CONTROL BOARD

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Phosphorus sulfide.

Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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U190

Phthalic anhydride.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
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U191

2-Picoline.

2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U192

Pronamide.

Pronamide	23950-58-5	0.093	1.5
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U193

1,3-Propane sultone.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U194

n-Propylamine.

n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U196

Pyridine.

Pyridine	110-86-1	0.014	16
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U197

p-Benzoquinone.

p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U200

Reserpine.

Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U201

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Resorcinol.			
Resorcinol.	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203			
Safrole.			
Safrole	94-59-7	0.081	22
U204			
Selenium dioxide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U205			
Selenium sulfide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U206			
Streptozotocin.			
Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207			
1,2,4,5-Tetrachlorobenzene.			

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1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208			
1,1,1,2-Tetrachloroethane.			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209			
1,1,2,2-Tetrachloroethane.			
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210			
Tetrachloroethylene.			
Tetrachloroethylene	127-18-4	0.056	6.0
U211			
Carbon tetrachloride.			
Carbon tetrachloride	56-23-5	0.057	6.0
U213			
Tetrahydrofuran.			
Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214			
Thallium (I) acetate.			

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NOTICE OF ADOPTED AMENDMENTS

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U215

Thallium (I) carbonate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U216

Thallium (I) chloride.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U217

Thallium (I) nitrate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U218

Thioacetamide.

Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U219

Thiourea.

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NOTICE OF ADOPTED AMENDMENTS

Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220			
Toluene.			
Toluene	108-88-3	0.080	10
U221			
Toluenediamine.			
Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222			
o-Toluidine hydrochloride.			
o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223			
Toluene diisocyanate.			
Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225			
Bromoform (Tribromomethane).			
Bromoform (Tribromomethane)	75-25-2	0.63	15

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U226

1,1,1-Trichloroethane.

1,1,1-Trichloroethane	71-55-6	0.054	6.0
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U227

1,1,2-Trichloroethane.

1,1,2-Trichloroethane	79-00-5	0.054	6.0
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U228

Trichloroethylene.

Trichloroethylene	79-01-6	0.054	6.0
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U234

1,3,5-Trinitrobenzene.

1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U235

tris-(2,3-Dibromopropyl)-phosphate.

tris-(2,3-Dibromopropyl)- phosphate	126-72-7	0.11	0.10
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U236

Trypan Blue.

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Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237			
Uracil mustard.			
Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238			
Urethane (Ethyl carbamate).			
Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239			
Xylenes.			
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
U240			
2,4-D (2,4-Dichlorophenoxyacetic acid).			
2,4-D (2,4- Dichlorophenoxyacetic acid)	94-75-7	0.72	10

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2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243			
Hexachloropropylene.			
Hexachloropropylene	1888-71-7	0.035	30
U244			
Thiram.			
Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246			
Cyanogen bromide.			
Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247			
Methoxychlor.			
Methoxychlor	72-43-5	0.25	0.18
U248			
Warfarin, & salts, when present at concentrations of 0.3 percent or less.			

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Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249			
Zinc phosphide, Zn_3P_2 , when present at concentrations of 10 percent or less.			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271			
Benomyl. ¹⁰			
Benomyl	17804-35-2	0.056; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
U278			
Bendiocarb. ¹⁰			
Bendiocarb	22781-23-3	0.056; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
U279			
Carbaryl. ¹⁰			
Carbaryl	63-25-2	0.006; <u>or CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
U280			
Barban. ¹⁰			

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Barban	101-27-9	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
U328			
o-Toluidine.			
o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U353			
p-Toluidine.			
p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359			
2-Ethoxyethanol.			
2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364			

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Bendiocarb phenol.¹⁰

Bendiocarb phenol	22961-82-6	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U367

Carbofuran phenol.¹⁰

Carbofuran phenol	1563-38-8	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U372

Carbendazim.¹⁰

Carbendazim	10605-21-7	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U373

Propham.¹⁰

Propham	122-42-9	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U387

Prosulfocarb.¹⁰

Prosulfocarb	52888-80-9	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U389

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| Triallate.¹⁰

Triallate	2303-17-5	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U394

A2213.¹⁰

A2213	30558-43-1	0.042; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U395

Diethylene glycol, dicarbamate.¹⁰

Diethylene glycol, dicarbamate	5952-26-1	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U404

| Triethylamine.¹⁰

Triethylamine	101-44-8	0.081; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.5; <u>or CMBST</u>
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U409

| Thiophanate-methyl.¹⁰

Thiophanate-methyl	23564-05-8	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U410

Thiodicarb.¹⁰

Thiodicarb	59669-26-0	0.019; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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U411

Propoxur.¹⁰

Propoxur	114-26-1	0.056; <u>or CMBST, CHOXD, BIODG or CARBN</u>	1.4; <u>or CMBST</u>
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Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/ℓ and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards." "fb" inserted between waste codes denotes "followed by," so that the first-listed treatment is followed by the second-listed treatment. A semicolon (;) separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or based on combustion

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- in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
 - 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
 - 8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)
 - 9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
 - 10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.
 - 11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725.
 - 12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in

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accordance with Table F of this Part, unless the waste is placed in either of the following types of facilities:

- a) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or
- b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at $\text{pH} \leq 6.0$.

| BOARD NOTE: Derived from table to 40 CFR 268.40 ~~(2011)~~(2010).

NA means not applicable.

(Source: Amended at 36 Ill. Reg. 8790, effective June 4, 2012)

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Section 728.TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS ¹ No.	Wastewater Standard Concentration ² (in mg/ℓ)	Nonwastewater Standard Concentration ³ (in mg/kg unless noted as "mg/ℓ TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone⁶	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Barban⁶	101-27-9	0.056	1.4
Bendiocarb⁶	22781-23-3	0.056	1.4
Benomy⁶	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8

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Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate⁶	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl⁶	63-25-2	0.006	0.14
Carbenzadim⁶	10605-21-7	0.056	1.4
Carbofuran⁶	1563-66-2	0.006	0.14
Carbofuran phenol ⁶	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan⁶	55285-14-8	0.028	1.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30

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Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate⁶	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28

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p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)⁶	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC⁶	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Formetanate hydrochloride ⁶	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8- Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8- Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9- Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p- dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb ⁶	2032-65-7	0.056	1.4
Methomyl ⁶	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36

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Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb⁶	1129-41-5	0.056	1.4
Mexacarbate⁶	315-18-4	0.056	1.4
Molinate⁶	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9- Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9- Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005
Oxamyl⁶	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors) ⁸	1336-36-3	0.10	10
Pebulate⁶	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p- dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001

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Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine⁶	57-47-6	0.056	1.4
Physostigmine salicylate⁶	57-64-7	0.056	1.4
Promecarb⁶	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham⁶	122-42-9	0.056	1.4
Propoxur⁶	114-26-1	0.056	1.4
Presulfocarb⁶	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All	41903-57-5	0.000063	0.001
Tetrachlorodibenzo-p- dioxins)			
TCDFs (All	55722-27-5	0.000063	0.001
Tetrachlorodibenzofurans)			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb⁶	59669-26-0	0.019	1.4
Thiophanate-methyl⁶	23564-05-8	0.056	1.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate⁶	2303-17-5	0.042	1.4
Tribromomethane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine⁶	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernolate⁶	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁴	57-12-5	1.2	590
Cyanides (Amenable) ⁴	57-12-5	0.86	30
Fluoride ⁵	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium ⁷	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium ⁵	7440-62-2	4.3	1.6 mg/l TCLP
Zinc ⁵	7440-66-6	2.61	4.3 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ¹ CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- ² Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.
- ³ Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- ⁴ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/ SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- ⁵ These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).
- ⁶ This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which USEPA has removed and marked "reserved."~~already expired by its own terms.~~ This statement maintains structural consistency with the corresponding federal regulations.
- ⁷ This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.
- ⁸ This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (2011)~~(2010)~~.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 36 Ill. Reg. 8790, effective June 4, 2012)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Board Meetings
- 2) Code Citation: 11 Ill. Adm. Code 206
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
206.10	Amend
206.40	New
206.50	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: June 1, 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 2481; February 17, 2012
- 10) Has JCAR issued a Statement of Objections 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 letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The proposed amendments to Section 206.40 establish guidelines for public participation of interested parties including the submission of documents and addressing the Board. The proposed amendment to Section 206.50 describes the guidelines for Board members participating in meetings telephonically. The proposed amendment to Section 206.10 applies to petitioners and a deadline for the submission of documents.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 206
BOARD MEETINGS

Section	
206.10	Request for Board Action
206.20	Board Meeting Agenda
206.30	Annual Notice of Monthly Meetings
206.40	Public Participation
206.50	Board Members

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 10331, effective September 25, 1981; codified at 5 Ill. Reg. 10878; amended at 18 Ill. Reg. 7407, effective April 29, 1994; amended at 36 Ill. Reg. 8963, effective June 1, 2012.

Section 206.10 Request for Board Action

- a) All persons who seek Board action shall submit a request or application to the Board in writing no later than ~~that fifteen (15)~~ calendar days before the date of the Board meeting at which the request or application is to be heard. To allow for distribution to the Board members and staff, copies of any additional materials must be submitted to the staff at least 7 calendar days prior to the meeting. Materials received after the deadline will not be accepted unless late submission is approved by the Executive Director.
- b) This ~~Part rule~~ shall not apply to requests for hearings under ~~Part 204 (11 Ill. Adm. Code 204)~~ or to applications for the conduct of race meetings conducted pursuant to ~~Part 205 (11 Ill. Adm. Code 205)~~.

(Source: Amended at 36 Ill. Reg. 8963, effective June 1, 2012)

[Section 206.40 Public Participation](#)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Interested parties may submit written materials on any agenda matter in advance of the Board meeting. To allow for distribution to the Board members and staff, copies of all material must be submitted to the staff at least 7 calendar days prior to the meeting. Materials received after the deadline will not be accepted unless late submission is approved by the Executive Director.
- b) Interested parties wishing to speak at a Board meeting on a specific agenda matter shall notify Board staff at least 7 calendar days prior to the meeting of their name, address and subject matter. Persons shall have the right to speak before the Board during the specific time specified within the agenda's order of business. Each speaker shall limit his/her discussion to his/her subject and shall keep his/her presentation to five minutes or less, unless extended by the Chairman.

(Source: Amended at 36 Ill. Reg. 8963, effective June 1, 2012)

Section 206.50 Board Members

If a quorum of Board members is physically present at an open meeting, a majority of the Board may allow a Board member to attend the meeting telephonically if the member cannot otherwise attend because of personal illness or disability, employment obligations, other business of the Board, or a family or other emergency. In these instances, the Board member who wishes to attend telephonically will notify the Executive Director before the meeting, unless advance notice is impractical.

(Source: Added at 36 Ill. Reg. 8963, effective June 1, 2012)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.60	Amend
603.75	Amend
603.160	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: June 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 36 Ill. Reg. 3162; March 2, 2012
- 10) Has JCAR issued a Statement of Objections 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 letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
603.60	Amendment	36 Ill. Reg. 5954; April 20, 2012
- 15) Summary and purpose of rulemaking: This proposed rulemaking updates the Board's medication rules to accurately reflect the most current version of the RCI's Uniform Classification Guidelines for Foreign Substances.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

ILLINOIS RACING BOARD

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 603, effective June 1, 2012; amended at 36 Ill. Reg. 8967, effective June 1, 2012.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrilaramine, isoxsuprine and ketoprofen.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma.
- A) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:

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- A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrillamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.

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- 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
 - 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - Metronidazole
 - Neomycin sulfate

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Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecyclenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) Anti-Ulcers

Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board

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shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~August 2011 version ~~3.002-01~~; this incorporation includes no later amendments or editions).

- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
- 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
 - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended at 36 Ill. Reg. 8967, effective June 1, 2012)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
- 1) Each time the laboratory reports benzoyllecgonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoyllecgonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington

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KY 40511; ~~December~~August 2011 version ~~3.002-01~~; this incorporation includes no later amendments or editions).

- b) Dimethyl Sulfoxide (DMSO):
The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

(Source: Amended at 36 Ill. Reg. 8967, effective June 1, 2012)

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board

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shall consider all relevant factors including, but not limited to those specified in this Part.

- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~December~~[August](#) 2011 version ~~3.002-01~~; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

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- 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 36 Ill. Reg. 8967, effective June 1, 2012)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Carnival and Amusement Rides Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
6000.10	Amendment
6000.350	New
- 4) Statutory Authority: 430 ILCS 85
- 5) Effective Date of Amendments: June 1, 2012
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will expire at the end of 150 days or when permanent rules are adopted, whichever comes first.
- 7) Date Filed with the Index Department: June 1, 2012
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department's Springfield office and is available for public inspection.
- 9) Reason for Emergency: The Department has recently been made aware of zip line operations throughout the State. At the current time, there aren't any specific guidelines or standards, such as ASTM or ANSI, to govern specific items related to zip lines. As the carnival season is currently underway and will continue throughout the summer and fall months, implementing specific inspection standards for zip line operations immediately is vital for public safety.
- 10) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to provide specific safety standards and guidelines for zip lines operating in the State of Illinois.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 13) Information and questions regarding this emergency amendment shall be directed to:

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Ryan Culton
Illinois Department of Labor
900 S. Spring Street
Springfield, Illinois 62704

217/558-7194
217/782-0596 (fax)

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: DEPARTMENT OF LABORPART 6000
CARNIVAL AND AMUSEMENT RIDES SAFETY ACT

Section

6000.10 Definitions

EMERGENCY

6000.15 Incorporated and Referenced Materials

6000.20 Exemptions

6000.25 Qualifications of Inspectors

6000.30 Inspections

6000.40 Application for a Permit to Operate

6000.50 Permit, Inspection and Associated Fees

6000.60 Revocation of Permit to Operate (Repealed)

6000.65 Suspension of Permit to Operate

6000.70 Amusement Ride and Amusement Attraction Design and Construction

6000.80 Insurance

6000.85 Requirements for Liability Insurance, Bond or Deposit of Security

6000.90 Penalties

6000.100 Appeals of Permit Denials

6000.110 Assembly and Disassembly

6000.120 Operator Requirements

6000.130 Operator Authority Regarding Passenger Safety

6000.140 Signal Systems

6000.150 Daily Inspection and Test

6000.160 Reports

6000.170 Maintenance

6000.180 Stop Operation Order

6000.190 Fire Prevention and Protection

6000.200 Internal Combustion Engines

6000.210 Means of Access and Egress

6000.220 Electrical Equipment – Amusement Rides and Amusement Attractions

6000.230 Hydraulic Systems

6000.240 Air Compressors and Equipment

6000.250 Wire Rope

6000.260 Chain

6000.270 Inflatable Amusement Attractions

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6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302	Outdoor and Indoor Concession Go-Karts
6000.305	Racing Go-Karts
6000.308	Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides (Repealed)
6000.320	Dry Type Slides
6000.330	Trams
6000.340	Bungee Jumping

[6000.350](#) [Zip Lines](#)

[EMERGENCY](#)

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

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 34 Ill. Reg. 763, effective December 29, 2009; emergency amendment at 34 Ill. Reg. 13646, effective September 10, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 195, effective December 20, 2010; emergency amendment at 36 Ill. Reg. 8979, effective June 1, 2012, for a maximum of 150 days.

Section 6000.10 Definitions

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In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" or "ATV" means any vehicle designed and manufactured for off-road use.

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick NJ 08858.

"Annual Inspection" is the official inspection of an amusement ride or amusement attraction performed by the Director or the Director's designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York NY 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus OH 43228-0518.

"ASTM" means ASTM International, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959.

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

["Carabiners" means shaped metal or alloy device used to connect sections of jump rigging, equipment or safety gear.](#)

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides. (Section 2-2(5) of the Act)

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"Carnival Worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

"Certified Arborist" means an individual who holds a valid arborist certificate from the International Society of Arboriculture or comparable authority in another state.

"Coaster – Intermediate" means any coaster that is more than 25 feet but less than 50 feet in height at the highest point of the track above grade.

"Coaster – Large" means any coaster that is 50 feet or more at the highest point of the track above grade.

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use for up to 15 mph.

"Department" means Illinois Department of Labor. (Section 2-2(2) of the Act)

"Director" means the Director of the Illinois Department of Labor or the Director's designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20 feet or more upon which people slide or are conveyed.

"Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.

"Employee", for purposes of this Part, means an individual who is performing services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement

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attractions are operated. (Section 2-2(6) of the Act)

"Inflatable Amusement Attraction" means a device consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape. This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

"In-line Riding" means one person in front of the other.

"Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.

"Kiddie Rides" are those amusement rides or amusement attractions that are designed for 75 pounds or less per passenger.

["Licensed Professional Engineer" means an individual who holds a valid license as a licensed professional engineer from the Illinois Department of Financial and Professional Regulation or comparable authority in another state.](#)

["Licensed Structural Engineer" means an individual who holds a valid license as a licensed structural engineer from the Illinois Department of Financial and Professional Regulation or comparable authority in another state.](#)

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those amusement rides or amusement attractions that are designed for more than 75 pounds per passenger unit. The term includes any

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coaster that is 25 feet or less at the highest point of the track above grade.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy MA 02269.

"Operating System" means the system of processing a patron through the zip line route used on a particular site. This includes registration, preparation, getting to the landing point, methods of attachment, the rigging and lowering system and the landing recovery method.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2(7) of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement rides or amusement attractions.

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or amusement attraction is issued.

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"Permit" means a permit issued annually by the Department allowing an amusement ride or amusement attraction unit to be operated in the State of Illinois.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the amusement ride or amusement attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means *any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides.* (Section 2-2(4) of the Act)

"Volunteer" means *a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging. An individual shall not be considered a volunteer if the individual is*

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otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer. (Section 2-2(9) of the Act)

"Zip line" means a system consisting of a pulley or trolley that is suspended on a cable mounted on an incline allowing a rider to travel from the departure point to an arrival point by holding onto or attaching to the pulley.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 8979, effective June 1, 2012, for a maximum of 150 days)

Section 6000.350 Zip Lines**EMERGENCY**

a) In addition to the definitions in Section 6000.10, the following shall apply:

"Operation, Maintenance, Inspection and Training Manual" or "Manual" means a document containing the procedures and forms for the operation of the zip line activity and equipment on the site.

b) This Section shall govern all zip lines in operation on the effective date of this Section and zip lines in operation after the effective date of this Section. However, the Director may grant a permit to an operator of a zip line that is in operation on the effective date of this Section that does not meet all the standards set forth in this Section if the operator is able to clearly demonstrate that the applicable safety requirements throughout this Part are substantially satisfied so as to ensure the safety of the public.

c) This Section specifies the site, site approval, design, testing of equipment, management of the operation, operating procedures, emergency provisions and procedures for zip lines from any mechanical operated platforms that carry jumpers to the top of the structure. All zip lines shall meet the manufacturer's standards and specifications.

d) Site and Operating Approval

1) Site Plan and Equipment Design and Construction

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- A) All mobile and fixed operations of zip line operating systems shall be designed and sealed by a licensed professional engineer and a licensed structural engineer. The report shall contain site plans, safety zones, drawings and specifications of equipment, platform, rigging system and safety equipment. The report shall be submitted to the Department prior to construction and shall be maintained on-site wherever the zip line is operating.
- B) An engineering evaluation shall be conducted annually and each time a major component is modified.
- C) The Department shall maintain the confidentiality of the engineer's report as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(1)(g)].

e) General Compliance Criteria1) Equipment

- A) Zip lines shall have no exposed wires/strands within reach of the users that may result in injury.
- B) When a portion of the zip line or landing area is not visible from the zip departure point, a departure procedure shall be utilized to ensure a clear unobstructed run.
- C) There shall be adequate clear space above, below and around the zip line to ensure the user will not strike or contact any obstruction, object or person.
- D) Rescue ropes, equipment appropriate to applicable rescue loads, and rescue plans and personnel trained to retrieve a participant from anywhere within zip line spans shall be present during use.
- E) Carabiners and snap-hooks shall comply with the gate strength and other applicable requirements of ANSI/ASSE Z359.1 (2007) for the manufacturer's estimated life cycle of the product.

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Carabiners and snap-hooks shall be auto-closing and auto-locking and require at least two deliberate consecutive actions to open.

F) Items carried by users, including hair and clothing, that may cause entanglement in safety equipment or component parts shall be secured in a proper fashion.

G) Pulleys and trolleys shall be of the double wheel type construction per the design specification to eliminate derailing during operation.

2) Zip Line Arrival Point, Protection & Braking

A) Zip line courses shall have appropriate safety devices such as impact absorbing materials, ground cover, load limiters, landing mats or nets installed as necessary at the zip line arrival point. These safety devices shall be included in the engineered drawings.

B) One or more of the following methods shall be included in the operating system of the zip line course:

i) Impact absorbent ground cover, impact absorber/load limiter, landing mats, nets, water landings or other protective methods installed in arrival areas to reduce injury potential.

ii) Passive braking systems shall not require any action by the user and shall always be in effect through gravity, engineered or mechanical means.

iii) Active breaking systems with use of a mechanical breaking system and patron training prior to use.

C) Parked vehicles shall not be allowed as tie-off points for the termination of zip lines for anchors.

D) If an operator wants to use a tree as an anchor point for the termination of a zip line or to secure the takeoff platform of a zip

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line, the tree or trees shall be inspected and approved by a certified arborist to ensure good health and stability of the trees.

3) Zip Line Takeoff Platform

A) Takeoff platforms shall be designed to prevent the participant from striking any portion of the platform or lower obstacle during the takeoff.

B) Angles of inclination of the landing ramps shall not constitute a tripping hazard for the user.

C) Where necessary, impact absorbing material shall be utilized to prevent injury.

f) Site Operating Manual and Documentation

1) Each site shall have an operating manual for the safe operation of zip line activities on that site. The manual and all amendments shall be on site and shall be freely available to staff and governing bodies.

2) The manual shall include the procedures to be used to meet the requirements of this Part.

3) The manual shall include, but not be limited to, the following:

A) A site plan;

B) A description of operating systems and equipment;

C) Job procedures, including training, for each task in the operating system;

D) Job descriptions;

E) Sample of staff qualifications;

F) Staff selection procedures;

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- G) Maintenance standards and procedures;
 - H) Testing procedures and recording;
 - I) Criteria for the periodic replacement of rigging;
 - J) Criteria for the regular planned inspections of ropes, webbings and bindings;
 - K) Emergency plan and procedures;
 - L) Reporting of injuries, damage and incidents;
 - M) Requirements for maintaining logs, including:
 - i) Site;
 - ii) Equipment and rigging;
 - iii) Personnel;
 - N) Records to be kept;
 - O) Requirements for analysis of records;
 - P) Inspection procedures, standards and follow-up actions; and
 - Q) Examples of forms to be used.
- g) Emergency Provisions and Procedures
- 1) Each site shall have an emergency plan.
 - 2) A medium first aid kit and blankets shall be on site.
 - 3) Emergency lighting shall be provided at sites that operate between ½ hour prior to sunset and ½ hour after sunrise. The emergency lighting system shall illuminate the takeoff platform, the zip line, zip line course and the

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY AMENDMENT

arrival point for patrons. The emergency lighting system shall have its own power source.

4) In inclement weather, including but not limited to lightning, rain, hail, snow or high winds, operations shall cease and patrons shall not be allowed to ride the zip line or be on or near the platforms or termination points of the ride.

h) The Department's approval shall specifically not be used in any advertisement, brochures, commercials, TV or radio show, newspaper, or in any other public manner.

(Source: Added by emergency rulemaking at 36 Ill. Reg. 8979, effective June 1, 2012, for a maximum of 150 days)

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 30, 2012 through June 4, 2012 and have been scheduled for review by the Committee at its July 10, 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>
7/12/12	<u>Central Management Services</u> , Extensions of Jurisdiction (80 Ill. Adm. Code 305)	4/13/12 36 Ill. Reg. 5652	7/10/12
7/18/12	<u>Department of Public Health</u> , Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)	2/3/12 36 Ill. Reg. 1442	7/10/12
7/18/12	<u>Secretary of State</u> , The Illinois State Lottery Talking Book and Braille Service (TBBS) (Repealer) (23 Ill. Adm. Code 3025)	4/13/12 36 Ill. Reg. 5761	7/10/12
7/18/12	<u>Secretary of State</u> , The Illinois Library System Act (23 Ill. Adm. Code 3030)	3/30/12 36 Ill. Reg. 4688	7/10/12
7/18/12	<u>Secretary of State</u> , Illinois State Library Grant Programs (35 Ill. Adm. Code 3035)	4/13/12 36 Ill. Reg. 5770	7/10/12

DEPARTMENT OF CORRECTIONS

JULY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Records of Committed Persons, 20 Ill. Adm. Code 107
- 1) Rulemaking:
- A) Description: This amendment is necessary to update sentencing requirements and computations to comply with statutory amendments.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 851
- 1) Rulemaking:
- A) Description: This amendment is necessary to bring DOC FOIA rulemaking into compliance with current FOIA legislation.

DEPARTMENT OF CORRECTIONS

JULY 2012 REGULATORY AGENDA

- B) Statutory Authority: 5 ILCS 100/5-15 and 140/1.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- c) Part(s) (Heading and Code Citation): Medical and Dental Examinations and Treatment, 20 Ill. Adm. Code 415
- 1) Rulemaking:
- A) Description: This amendment is necessary to comply with PA 97-0323.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 2013.

DEPARTMENT OF CORRECTIONS

JULY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- d) Part(s) (Heading and Code Citation): Impact Incarceration Program, 20 Ill. Adm. Code 460
- 1) Rulemaking:
- A) Description: This amendment is necessary to remove the requirement for Impact Incarceration Program graduates to serve a period of electronic monitoring as a condition of mandatory supervised release.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 5-8-1.1.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator

DEPARTMENT OF CORRECTIONS

JULY 2012 REGULATORY AGENDA

Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Searches for Contraband, 20 Ill. Adm. Code 501

1) Rulemaking:

A) Description: This amendment is necessary to implement the Director's position that only persons of the same gender as the offender may perform or observe strip searches of offenders and to clarify that canine searches can not be performed on humans.

B) Statutory Authority: 720 ILCS 5/7-1, 7-3, 7-9, and 31A-1.1; 725 ILCS 5/103-1 et seq.; and 730 ILCS 5/3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1, 3-8-7, 3-8-8, and 3-10-8.

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before January 1, 2013.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507

DEPARTMENT OF CORRECTIONS

JULY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None.
- f) Part(s) (Heading and Code Citation): Rights and Privileges, 20 Ill. Adm. Code 525
- 1) Rulemaking:
- A) Description: This amendment is necessary to expand the areas to which offenders shall be allowed to make collect telephone calls.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.

PROPERTY TAX APPEAL BOARD

JULY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.
- 1) Rulemaking:
- A) Description: The Property Tax Appeal Board anticipates amending the following rules:
- Section 1910.20(b) – Update address of the Des Plaines office.
- Section 1910.50 – Provide that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer as required by section 16-183 of the Property Tax Code (35 ILCS 200/16-183).
- Section 1910.55(b) – Provide that a settlement stipulation agreed to by all interested parties shall be accepted by the Property Tax Appeal Board provided it is fair and reasonable.
- Section 1910.60(d) & (e) – Eliminate the requirement of filing a resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene.
- Section 1910.75 – Update to reflect requirements of the Freedom of Information Act (5 ILCS 140/).
- Section 1910.90(l) – Provide that decisions may be sent to all parties by electronic means.
- B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Fall 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None

PROPERTY TAX APPEAL BOARD

JULY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Louis G. Apostol
Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield, IL 62706
Telephone: 217.785.4456 or 847.294.4399
Fax: 217.785.4425
Email: louis.apostol@illinois.gov

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

- 1) Register citation and other pertinent information: Notice of Public Information; 36 Ill. Reg. 8451, June 1, 2012
- 2) Explanation: The Department of Healthcare and Family Services attempted to publish two Notices of Public Information in successive issues of the *Illinois Register* (May 25, 2012 and June 1, 2012) concerning pending reductions in reimbursement rates for various medical assistance programs and services. Instead of publishing two separate Notices, however, the Secretary of State inadvertently published the May 25 Notice twice. The Notice that should have appeared at the citation above appears in this issue of the *Illinois Register* at 36 Ill. Reg. 9004. A related Notice of Public Hearing also appears in this issue at 36 Ill. Reg. 9003.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC HEARING

- 1) Statutory Authority: 5 ILCS 100/5-70(c)
- 2) Summary of Hearing: The Illinois Department of Healthcare and Family Services will hold a public hearing regarding proposed changes to methods and standards for setting payment methodologies for hospital and nursing facility services under the Illinois Medical Assistance program. The hearing will be limited to discussion of proposed rate cuts to hospitals and nursing facilities as detailed in Senate Bill 2840. This hearing is being held to supplement the Notice of Public Information that was published at 36 Ill. Reg. 8057; May 25, 2012. Additionally, the Department will present the proposed changes and allow interested parties an opportunity to provide written or oral comments during the hearing.
- 3) Date, Time and Location of Public Hearing:

Tuesday, June 19, 2012
3:30 PM to 4:30 PM
Prescott E. Bloom Building, Large Conference Room - 1st Floor
201 South Grand Avenue East
Springfield, Illinois
- 4) Other Pertinent Information: Senate Bill 2840 can be viewed at the Illinois General Assembly's Site at the following link: <http://ilga.gov>. In addition, a chart of the proposed changes and their budgetary impact can be found on the HFS website at the following link: <http://www2.illinois.gov/hfs/agency/Pages/Budget.aspx>.
- 5) Name and address of Agency Contact Person: Any interested party may direct comments, data, views, or arguments concerning these proposed changes. All comments not provided at the hearing must be made in writing by June 19, 2012, and should be addressed to:

Greg Wilson
Department of Healthcare and Family Services
Bureau of Program and Reimbursement Analysis
201 South Grand Avenue E., 2nd Floor
Springfield IL 62794
Email address: hfs.bpra@illinois.gov

This notice is being provided in accordance with federal requirements provided at 42 CFR 447.205.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for hospital services in the Illinois Register: 5 ILCS 100/5-70(c)

2. Summary of information:

The Illinois Department of Healthcare and Family Services (HFS) wishes to provide public notice regarding proposed changes to methods and standards for setting payment methodologies for certain Medical Assistance program services. The proposed changes can be reviewed in Senate Bill 2840, which is assessable on the Illinois General Assembly's Site: <http://ilga.gov>.

In addition, a chart of the proposed changes and their budgetary impact can be found on the HFS website at the following link:

<http://www2.illinois.gov/hfs/agency/Pages/Budget.aspx>

3. Name and address of person to contact concerning this information:

Any interested party may direct comments, data, views, or arguments concerning these proposed changes. All comments must be made in writing and received by the Department no later than June 30th, 2012, and should be addressed to:

Greg Wilson
Illinois Department of Healthcare and Family Services
Bureau of Program and Reimbursement Analysis
201 South Grand Ave E. 2nd Fl
Springfield, Illinois 62794
E-mail address: hfs.bpra@illinois.gov

This notice is being provided in accordance with federal requirements provided at 42 *CFR* 447.205.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 24 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.

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REGULATORY AGENDA

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