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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
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2012 to January 2, 2013.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations
- 2) Code Citation: 83 Ill. Adm. Code 469
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
469.10	New Section
469.20	New Section
469.30	New Section
469.40	New Section
469.50	New Section
469.60	New Section
469.70	New Section
469.80	New Section
469.90	New Section
469.100	New Section
469.110	New Section
469.120	New Section
469.130	New Section
- 4) Statutory Authority: Implementing Section 16-128A and authorized by Sections 16-128A and 10-101 of the Public Utilities Act [220 ILCS 5/128A and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: On October 26, 2011, the Illinois General Assembly voted to override the gubernatorial veto of Senate Bill 1652, which resulted in the passage of PA 97-0616. PA 97-0616 became effective on the same day. Among the statutory changes stemming from PA 97-0616 was the addition of Section 16-128A(d) to the Public Utilities Act. This new subsection required the development of rules applicable to vendors that install electric vehicle ("EV") charging stations. On August 28, 2012, however, the Governor signed House Bill 5071, which became PA 97-1128. PA 97-1128 became effective on the same day. PA 97-1128 significantly expanded the scope of the rulemaking required under the original Section 16-128A(d). The expanded proposed rules are applicable to "persons or entities that install, maintain, or repair" EV charging stations and include thirteen requisites set forth in the statute. Among other issues, the proposed rules cover the application and certification process, compliance requirements, and the establishment of fees. By the language of the proposed rules, regulated entities will have to comply with the requirements by January 1, 2014.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed rules replace any emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0212, with:

Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations that are not otherwise jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting
- C) Types of professional skills necessary for compliance: Managerial skills and electrician skills.

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NOTICE OF PROPOSED RULES

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

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

## PART 469

CERTIFICATION FOR THE INSTALLATION, MAINTENANCE OR REPAIR OF  
ELECTRIC VEHICLE CHARGING STATIONS

## Section

469.10	Definitions
469.20	Applicability
469.30	Application Procedures
469.40	Required Application Information
469.50	Certification Requirements
469.60	Certifications Conditioned Upon Compliance
469.70	Annual Recertification and Reporting
469.80	Complaint Procedures
469.90	Commission Oversight
469.100	Maintenance of Records
469.110	Fees
469.120	Obligations of Electric Utilities, IMRs and Retail Customers
469.130	Initial Compliance Date

AUTHORITY: Implementing Section 16-128A and authorized by Sections 16-128A and 10-101 of the Public Utilities Act [220 ILCS 5/16-128A and 10-101].

SOURCE: Adopted at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 469.10 Definitions**

Terms defined in Section 16-128A of the Public Utilities Act [220 ILCS 5/16-128A] shall have the same meaning for purposes of this Part as they have under Section 16-128A of the Public Utilities Act, unless further defined in this Part. The following terms, when used in this Part, shall have the meaning ascribed to them in this Section.

"Act" means the Public Utilities Act [220 ILCS 5].

"Applicant" means a person or entity that files an application with the Illinois Commerce Commission (Commission) requesting certification pursuant to

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

Section 16-128A of the Act to install, maintain or repair electric vehicle charging stations.

"Certificate holder" or "Commission-certified IMR" means a person or entity that has received certification pursuant to this Part.

"Commercial purposes" means use by any person of an electric vehicle charging station not located on his or her own premises.

"Directly supervised" means that there is a qualified person on-site available for consultation and review of the installation, maintenance or repair work of electric vehicle charging stations performed by apprentices.

"DOL certification of satisfactory completion" means that person has received a nationally recognized and portable Certificate of Completion from a United States Department of Labor (DOL) registered apprenticeship program.

"DOL-registered electrician apprenticeship program" means an electrician apprenticeship training program that is certified by the DOL.

"Electric utility" means a *corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within Illinois, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity; or a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.* [220 ILCS 5/3-105 and 16-102]

"Electric vehicle" means a *battery-powered electric vehicle operated solely by electricity or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.* [20 ILCS 627/10]

"Electric vehicle charging station" means *any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle.* [220 ILCS 5/16-128A(d)]

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## NOTICE OF PROPOSED RULES

"Entity" means an organization, institution or being that has its own existence for legal or tax purposes and is involved in the business of installing, maintaining or repairing electric vehicle charging stations.

"IMR" or "IMRs" means electric vehicle charging station installers, maintainers or repairers.

"Install", "installing" or "installation" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Maintain", "maintaining" or "maintenance" means the major activities and actions required to keep in an appropriate, safe condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"NEC" means the National Electrical Code adopted by the National Fire Protection Association, Inc., of 1 Batterymarch Park, Quincy, MA 02169 (NFPA 70E), effective August 25, 2010.

"Qualified person" means a person who performs installation, maintenance or repair of electric vehicle charging stations and who has completed an apprenticeship as a journeyman electrician from a United States Department of Labor Registered Electrician Apprenticeship and Training Program and received a certification of satisfactory completion.

"Repair" or "repairing" means the major activities and actions required to restore to a safe, sound condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Retail customer" means

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*a single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or that is served by a municipal system or electric cooperative; or*

*an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]. For purposes of this Part, a "retail customer" includes that retail customer's employees, officers, and agents. [220 ILCS 5/16-128A(d)]*

*"Self-installer" means an individual who leases or purchases an electric vehicle charging station for his or her own personal use and installs an electric vehicle charging station on his or her own premises without the assistance of any other person. [220 ILCS 5/16-128A(d)]*

**Section 469.20 Applicability**

After January 1, 2014, with the exception of a self-installer, all persons or entities that install, maintain or repair electric vehicle charging stations in the State of Illinois shall be certified by the Commission under this Part prior to installing, maintaining or repairing electric vehicle charging stations in the State of Illinois.

**Section 469.30 Application Procedures**

- a) The applicant shall file its application for certification under this Part and provide all information required by this Part.
- b) Contents of documents filed by applicants shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200).
- c) Applications for certification shall be submitted with the applicable fee payment.
- d) Applications for certification under this Part shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).

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**Section 469.40 Required Application Information**

Applications for certification under this Part shall contain the following information:

- a) The applicant's name (including d/b/a, if any), street address, telephone number, facsimile number, website and e-mail address. The applicant shall provide the business name as that name appears on its Illinois Secretary of State's registration, if applicable. The applicant shall provide assumed business names if and only if those names are registered with the Illinois Secretary of State. This information shall be kept current and any change shall be filed with the Chief Clerk of the Commission within 15 days after the change occurs.
- b) Contact information including names, addresses, telephone numbers, facsimile numbers and e-mail addresses for persons or entities responsible for issues related to processing the application.
- c) Applicant's Federal Employer Identification Number (FEIN) or Taxpayer Identification Number (TIN), as applicable.
- d) A certification that the applicant will comply with informational and reporting requirements established under this Part.
- e) A statement that the applicant agrees to accept service by electronic means as provided for in Section 200.1050 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.1050).
- f) An organizational chart demonstrating the applicant's corporate structure, including all affiliated companies, if applicable.
- g) An exhibit (with any confidential personal information such as a Social Security number redacted) containing an internal corporate organizational chart indicating the position and name of the qualified persons who will perform or directly supervise installations, maintenance and repair of electric vehicle charging stations to satisfy the requirements of this Part.
- h) Copies of the DOL certification of satisfactory completion of a DOL-registered electrician apprenticeship program for each person whose qualifications are used to satisfy the requirements of this Part.

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## NOTICE OF PROPOSED RULES

**Section 469.50 Certification Requirements**

An applicant shall be certified if its application satisfies the following requirements.

- a) The applicant certifies that it will remain in compliance with all applicable laws and regulations and Commission rules and orders including, but not limited to, the requirements of Sections 16-128(a) and 16-128A of the Act and of this Part.
- b) The applicant certifies that it will ensure that its employees, agents or contractors that install, maintain or repair electric vehicle charging stations, or the employees, agents or contractors of any entity, agent or contractor with which it has contracted to perform those functions within the State of Illinois, shall:
  - 1) Comply with applicable building and electrical codes, including those contained in the NEC;
  - 2) Comply with the electric vehicle charging station manufacturer's installation, maintenance and repair instructions;
  - 3) Install only electric vehicle charging stations that meet the standards UL2202 - Electric Vehicle (EV) Charging System Equipment, UL2231-1 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: General Requirements, UL2231-2 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: Particular Requirements for Protection Devices for Use in Charging System and UL2594 - Electric Vehicle Supply Equipment, developed by the Underwriters Laboratory, 333 Pfingsten Road, Northbrook IL 60062;
  - 4) Ensure that all IMR obligations required under this Part and Sections 16-128(a) and 16-128A of the Act are met prior to the placing into, or returning into, use any electric vehicle charging station that the certificate holder installed, maintained or repaired; and
  - 5) Submit notifications to the servicing electric utility in accordance with the requirements specified in the applicable tariffs of the servicing electric utility, Section 16-128A of the Act, and this Part.

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- c) The applicant certifies that it will comply with applicable municipal licensing and bonding requirements to do business in the State of Illinois.
- d) The applicant certifies that every installation, maintenance and repair of an electric vehicle charging station will be performed only by:
  - 1) qualified persons; or
  - 2) persons enrolled in a DOL-registered electrician apprenticeship program who are directly supervised by a qualified person.
- e) The applicant certifies that it is licensed to do business in the State of Illinois.

**Section 469.60 Certifications Conditioned Upon Compliance**

Each certification issued to an applicant is conditioned upon compliance with the provisions of this Part and Sections 16-128(a) and 16-128A of the Act. Violation of this Part or the Act make the IMR subject to penalties, including certificate suspension, revocation, fines or a combination of sanctions.

**Section 469.70 Annual Recertification and Reporting**

- a) A certificate holder shall recertify annually to remain in good standing with the Commission. Recertification involves submitting a Recertification Report that includes the information required by subsection (c) of this Section and, for any late reports, any applicable late fees.
- b) By April 1 of each year, each certificate holder shall submit a Recertification Report identified with the name of the certificate holder as it appears in the most recent Commission order granting certification under this Part. The report shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).
- c) The Recertification Report shall contain the following information:
  - 1) A statement certifying that the certificate holder continues to maintain the required qualifications for the service authority granted in its certificate;

## ILLINOIS COMMERCE COMMISSION

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- 2) A list of all persons who installed, maintained or repaired vehicle charging stations on behalf of the certificate holder during the previous calendar year and the date the certificate holder first provided each person's qualifications;
  - 3) A current list of qualified persons and the date the certificate holder provided supporting documentation of qualification for each person. For persons for whom the certificate holder had not previously provided documentation of qualification, the certificate holder shall provide for each person a copy of each DOL certificate of satisfactory completion;
  - 4) A statement confirming the certificate holder's continuing compliance with all requirements set forth in this Part and Sections 16-128(a) and 16-128A of the Act; and
  - 5) The number of electric vehicle charging stations, classified by customer class and charging capacity, that the certificate holder installed during the prior calendar year in each electric utility's service area.
- d) The report shall not contain customer identifying information.
  - e) All reports shall provide the name, telephone number, email address and mailing address of at least one person designated by the certificate holder to address questions pertaining to the report.
  - f) A certificate holder that does not submit a Recertification Report within 30 days after the April 1 annual recertification date is subject to late fees as specified in Section 460.110.

**Section 469.80 Complaint Procedures**

Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160, 200.170 and 83 Ill. Adm. Code 280.170. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

**Section 469.90 Commission Oversight**

- a) Upon complaint or on the Commission's own motion, the Commission may investigate any and all activities subject to this Part or Sections 16-128(a) and 16-

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128A of the Act, including violations of this Part or of Sections 16-128(a) and 16-128A of the Act.

- b) If, after notice and hearing, the Commission determines that an IMR is installing, maintaining or repairing electric vehicle charging station facilities without Commission certification, the Commission shall issue penalties for noncompliance.

**Section 469.100 Maintenance of Records**

The certificate holder shall agree to adopt and follow rules and procedures ensuring that documentation regarding installing, maintaining and repairing electric vehicle charging stations are retained for a period of not less than three calendar years after the calendar year in which they were created. These records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis.

**Section 469.110 Fees**

- a) The following fees shall apply:
- |   |          |
|---|----------|
| 1) Application for certification                                | \$50     |
| 2) Late filing annual Recertification Report<br>(minimum \$100) | \$10/day |
| 3) Returned check fee   | \$25     |
- b) Application and recertification fees are nonrefundable.
- c) All fees under this Part shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/IMR Certification". Each payment shall be accompanied by documentation identifying what fee is being paid, the IMR's name, address and Federal Employer Identification Number (FEIN)/Taxpayer Identification Number (TIN).

**Section 469.120 Obligations of Electric Utilities, IMRs and Retail Customers**

- a) Electric Utilities

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- 1) Each electric utility shall file a tariff or tariffs with the Commission setting forth the documentation that each IMR involved with the installation of an electric vehicle charging station in the electric utility's service territory must provide to an electric utility. The electric utility's tariffs shall require the following information from IMRs:
  - A) The name and contact information of the certificate holder;
  - B) The name and address of the retail customer on whose behalf the electric vehicle charging station is installed;
  - C) The location of each electric vehicle charging station that the IMR plans to install;
  - D) The intended date of the installation and number of charging stations planned for installation;
  - E) The actual completion date of the installation and number of charging stations actually installed;
  - F) The name of the qualified persons who performed the installation;
  - G) The load and technical specifications of the charging stations; and
  - H) Whether the charging station is for personal or commercial use.
- 2) The electric utility's tariffs shall require the following information from each retail customer who owns, uses, operates or maintains an electric vehicle charging station:
  - A) The location of the electric vehicle charging station;
  - B) The name, address and electric utility account number of the retail customer who owns, uses, operates or maintains the electric vehicle charging station;
  - C) The completion date of the installation of the electric vehicle charging station; and

## ILLINOIS COMMERCE COMMISSION

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- D) A certification that the electric vehicle charging station was installed by the retail customer as a self-installer, or evidence that the electric vehicle charging station was installed by a Commission-certified IMR.
- 3) Each electric utility shall ensure that documentation regarding installations of electric vehicle charging stations are retained for a period of not less than three calendar years after the calendar year in which they were created.
- 4) Each electric utility shall ensure that documentation regarding conversion of self-installed installations of electric vehicle charging stations to commercial use are retained for a period of not less than three calendar years after the calendar year in which they were created.
- b) Electric Vehicle Charging Station Installers, Maintainers and Repairers
- 1) IMRs shall submit to the servicing electric utility the information specified in subsection (a)(1) and all information required by the servicing electric utility's tariff or tariffs.
- 2) Prior to installation, the IMR shall provide notice in writing to the servicing electric utility of its plans to install an electric vehicle charging station.
- 3) Within 30 days after the installation date, the IMR shall provide notice that the installation has been completed.
- c) Retail Customers
- 1) Within 30 days after the installation date, retail customers shall submit to the servicing electric utility the information specified in subsection (a)(2) and all information required by the servicing electric utility's tariff or tariffs.
- 2) If a retail customer self-installs an electric vehicle charging station and elects to convert the electric vehicle charging station from personal use to commercial purposes, then the retail customer shall take the following actions:

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- A) Have a Commission-certified IMR inspect the electric vehicle charging station to evaluate the adequacy and safety of the electric vehicle charging station and provide the results of the inspection to the servicing electric utility; and
- B) Provide notice to the servicing electric utility at least 30 days in advance of the customer's plans to use the electric vehicle charging station for commercial purposes.

**Section 469.130 Initial Compliance Date**

The initial date for compliance with this Part is January 1, 2014.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
307.2201	Amendment
307.3301	Amendment
307.4000	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R13-7 rulemaking of which the amendments to Part 307 are a single segment. Also affected is 35 Ill. Adm. Code 310, which is covered by a separate notice in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of November 1, 2012, proposing amendments in docket R13-7, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment 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:

R13-7	Federal wastewater pretreatment amendments that occurred during the period January 1, 2012 through June 30, 2012.
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The R13-7 docket amends Parts 307 and 310. The amendments to the various Parts are interrelated. The following table briefly summarizes the federal action in the update period:

May 18, 2012 (77 Fed. Reg. 29758)	USEPA modified the testing procedures approved for sampling and analysis in programs established under the CWA.
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Specifically, the amendments to Part 307 implement segments of the federal amendments of May 18, 2012. The amendments update the analytical methods approved for use demonstrating compliance with the wastewater pretreatment regulations. The Board has

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-7 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 November 1, 2012 opinion and order in docket R13-7.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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 IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. The Illinois wastewater pretreatment regulations in Part 307 incorporate by reference several of the federal categorical pretreatment standards. The current amendments incorporate federal revisions and update various federal standards to the latest version available.
- 10) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 11) Are there any other amendments pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-7 and be addressed to:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

Phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-7:

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

Phone: 312/814-6924  
E-mail: [mccambridge@illinois.gov](mailto:mccambridge@illinois.gov)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

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## NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: June 2012

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.1509 Condensed Milk
- 307.1510 Dry Milk
- 307.1511 Condensed Whey
- 307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section

- 307.1601 Corn Wet Milling
- 307.1602 Corn Dry Milling
- 307.1603 Normal Wheat Flour Milling
- 307.1604 Bulgur Wheat Flour Milling
- 307.1605 Normal Rice Milling
- 307.1606 Parboiled Rice Milling
- 307.1607 Animal Feed
- 307.1608 Hot Cereal
- 307.1609 Ready-to-Eat Cereal
- 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section

- 307.1700 General Provisions
- 307.1701 Apple Juice
- 307.1702 Apple Products
- 307.1703 Citrus Products
- 307.1704 Frozen Potato Products
- 307.1705 Dehydrated Potato Products
- 307.1706 Canned and Preserved Fruits
- 307.1707 Canned and Preserved Vegetables
- 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section

- 307.1801 Farm-Raised Catfish
- 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 307.1901 Beet Sugar Processing
- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section

- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section

- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section

- 307.2201 General
- 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

## Section

307.2400	General Provisions
307.2401	Rayon Fibers
307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

## Section

307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

## SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting

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307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

## SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

## SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

## SUBPART U: IRON AND STEEL MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

## SUBPART V: NONFERROUS METALS MANUFACTURING

## Section

307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

## SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating

## SUBPART Y: FERROALLOY MANUFACTURING

Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

## SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides

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## NOTICE OF PROPOSED AMENDMENTS

307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

## SUBPART BA: GLASS MANUFACTURING

Section	
307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

## SUBPART BB: ASBESTOS MANUFACTURING

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

## SUBPART BC: RUBBER MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

## SUBPART BD: TIMBER PRODUCTS PROCESSING

## Section

307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving – Water Borne or Nonpressure
307.3907	Wood Preserving – Steam
307.3908	Wood Preserving – Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

## SUBPART BE: PULP, PAPER, AND PAPERBOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

## Section

307.4101	Builder's Paper and Roofing Felt (Repealed)
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## SUBPART BG: MEAT PRODUCTS

## Section

307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse

## POLLUTION CONTROL BOARD

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307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

## SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

## SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

## SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section	
307.5200	General Provisions
307.5201	Tank Trucks and Intermodal Tank Containers Transporting Chemical and

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- Petroleum Cargos
- 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos
- 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
- 307.5204 Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

- Section
- 307.5301 Asphalt Emulsion
- 307.5302 Asphalt Concrete
- 307.5303 Asphalt Roofing
- 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

- Section
- 307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

- Section
- 307.5500 General Provisions
- 307.5501 RCRA Subtitle C Hazardous Waste Landfill
- 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

- Section
- 307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

- Section
- 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.6500 General Provisions
- 307.6501 Organic Pesticide Chemicals Manufacturing
- 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
- 307.6503 Pesticide Chemicals Formulating and Packaging
- 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section

- 307.6801 Carbon Black Furnace Process
- 307.6802 Carbon Black Thermal Process
- 307.6803 Carbon Black Channel Process
- 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section

- 307.7100 General Provisions
- 307.7101 Cadmium
- 307.7102 Calcium
- 307.7103 Lead
- 307.7104 Leclanche
- 307.7105 Lithium
- 307.7106 Magnesium
- 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

- 307.7300 General Provisions
- 307.7301 Contact Cooling and Heating Water
- 307.7302 Cleaning Water
- 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

- 307.7400 General Provisions
- 307.7401 Aluminum Casting

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307.7402 Copper Casting  
307.7403 Ferrous Casting  
307.7404 Zinc Casting

## SUBPART CN: COIL COATING

Section  
307.7500 General Provisions  
307.7501 Steel Basis Material  
307.7502 Galvanized Basis Material  
307.7503 Aluminum Basis Material  
307.7504 Canmaking

## SUBPART CO: PORCELAIN ENAMELING

Section  
307.7600 General Provisions  
307.7601 Steel Basis Material  
307.7602 Cast Iron Basis Material  
307.7603 Aluminum Basis Material  
307.7604 Copper Basis Material

## SUBPART CP: ALUMINUM FORMING

Section  
307.7700 General Provisions  
307.7701 Rolling With Neat Oils  
307.7702 Rolling With Emulsions  
307.7703 Extrusion  
307.7704 Forging  
307.7705 Drawing With Neat Oils  
307.7706 Drawing With Emulsions or Soaps

## SUBPART CQ: COPPER FORMING

Section  
307.7800 General Provisions  
307.7801 Copper Forming  
307.7802 Beryllium Copper Forming

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## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

## Section

307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## Section

307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

## 307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended

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in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

**Section 307.2201 General**

- a) **Applicability.** This Section applies to manure, litter, or process wastewater discharges resulting from concentrated animal feeding operations (CAFOs). Manufacturing or agricultural activities that may be subject to this Section are generally reported under one or more of the following SIC codes, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:

- 1) SIC Code 0211 (Beef Cattle Feedlots);<sub>2</sub>
- 2) SIC Code 0213 (Hogs);<sub>2</sub>
- 3) SIC Code 0214 (Sheep and Goats);<sub>2</sub>
- 4) SIC Code 0241 (Dairy Farms);<sub>2</sub>
- 5) SIC Code 0251 (Broiler, Fryer, and Roaster Chickens);<sub>2</sub>
- 6) SIC Code 0252 (Chicken Eggs);<sub>2</sub>
- 7) SIC Code 0253 (Turkeys and Turkey Eggs);<sub>2</sub>
- 8) SIC Code 0254 (Poultry Hatcheries);<sub>2</sub>

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- 9) SIC Code 0259 (Poultry and Eggs, Not Elsewhere Classified); or
- 10) SIC Code 0272 (Horses and Other Equines).
- b) General definitions. The Board incorporates by reference 40 CFR 412.2 (2011) ~~(2003)~~. This incorporation includes no later amendments or editions.
- c) General pretreatment standards. The Board incorporates by reference 40 CFR 412.3 (2011)~~(2003)~~. This incorporation includes no later amendments or editions.
- d) A facility is determined a Definition of concentrated animal feeding operation (CAFO) according to the definitions and requirements of. ~~The Board incorporates by reference~~ 40 CFR 122.23(b) and (c), incorporated by reference in 35 Ill. Adm. Code 310.107(2003) ~~This incorporation includes no later amendments or editions.~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART X: STEAM ELECTRIC POWER GENERATING

**Section 307.3301 Steam Electric Power Generating**

- a) Applicability. This Section applies to discharges resulting from operation of a generating unit by an establishment engaged primarily in the generation of electricity for distribution and sale that results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with ~~with a~~ thermal cycle employing the steam water system as the thermodynamic medium.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 423.11 (2012)~~(2003)~~. This incorporation includes no later amendments or editions.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 423.16 (2012)~~(2003)~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the

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discharge of any contaminant to a POTW in violation of such standards.

- d) New sources.
- 1) The Board incorporates by reference 40 CFR 423.17 ~~(2012)(2003)~~. This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BE: PULP, PAPER AND PAPERBOARD

**Section 307.4000 General Provisions**

- a) Applicability. This Subpart BE applies to any pulp, paper, or paperboard mill that introduces or may introduce process wastewater pollutants into a publicly owned treatment works (POTW).
- b) General definitions. The Board incorporates by reference 40 CFR 430.01 ~~(2012)(2007)~~. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 430.02 ~~(2012)(2007)~~. This incorporation includes no later amendments or editions.
- d) Best management practices. The Board incorporates by reference 40 CFR 430.03 ~~(2012)(2007)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u> 310.107 310.602	<u>Proposed Action:</u> Amendment Amendment
---	---
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 307 and 310 are a single segment of the docket R13-7 rulemaking that also affects 35 Ill. Adm. Code 307, 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 R13-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of November 1, 2012, proposing amendments in docket R13-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 310 implement segments of the federal amendments of May 18, 2012. The amendments update the analytical methods approved for use demonstrating compliance with the wastewater pretreatment regulations. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-7 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 November 1, 2012 opinion and order in docket R13-7.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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 IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. The Illinois wastewater pretreatment regulations include incorporations by reference of several federal statutes and regulations. Section 310.107 is the centralized location of all incorporations for the purposes of 35 Ill. Adm. Code 307 and 310, except that this Section does not include the federal categorical standards, which are scattered throughout 35 Ill. Adm. Code 307. The current amendments incorporate federal revisions and update various federal standards to the latest version available.
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-7 and be addressed to:

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

Phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-7:

Michael J. McCambridge  
Staff Attorney

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Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

phone: 312/814-6924  
email: [mccambridge@illinois.gov](mailto:mccambridge@illinois.gov)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's website: <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]

14) Regulatory Agenda on which this rulemaking was summarized: June 2012

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 310  
PRETREATMENT PROGRAMS

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310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.106	Electronic Reporting
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source
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SUBPART B: PRETREATMENT STANDARDS

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310.210	Local Limits Developed by POTW
310.211	Status of Local Limits
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310.221	Source Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution Prohibited as a Substitute for Treatment
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SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions

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310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program
310.340	Application for Removal Credits Authorization
310.341	Agency Review
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310.350	Continuation of Authorization
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## SUBPART D: PRETREATMENT PERMITS

Section	
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310.410	Application
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310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

## SUBPART E: POTW PRETREATMENT PROGRAMS

Section

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310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.511	Receiving Electronic Documents
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
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## SUBPART F: REPORTING REQUIREMENTS

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310.601	Definition of Control Authority (Repealed)
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTWs
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

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- 310.636 Annual Certification by Non-Significant Categorical Users  
310.637 Receiving Electronic Documents

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

- Section  
310.701 Definition of Requester  
310.702 Purpose and Scope  
310.703 Criteria  
310.704 Fundamentally Different Factors  
310.705 Factors that are Not Fundamentally Different  
310.706 More Stringent State Law  
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310.712 Contents of FDF Request  
310.713 Deficient Requests  
310.714 Public Notice  
310.721 Agency Review of FDF Requests  
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## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

- Section  
310.801 Net/Gross Calculation

## SUBPART I: UPSETS

- Section  
310.901 Definition  
310.902 Effect of an Upset  
310.903 Conditions Necessary for an Upset  
310.904 Burden of Proof  
310.905 Reviewability of Claims of Upset  
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## SUBPART J: BYPASS

- Section  
310.910 Definitions  
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

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- 310.912 Notice  
310.913 Prohibition of Bypass

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

- Section  
310.920 General  
310.921 Substantial Modifications Defined  
310.922 Approval Procedures for Substantial Modifications  
310.923 Approval Procedures for Non-Substantial Modifications  
310.924 Incorporation of Modifications into the Permit

## SUBPART L: FEDERAL PROJECT XL AGREEMENTS

- Section  
310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

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**Section 310.107 Incorporations by Reference**

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number EPA-830-B-94-001~~EPA-830/Z-94-001~~), available from National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>~~NCEPI, 11029 Kenwood Rd., Bldg. 5, Cincinnati, OH 45242; fax (513) 891-6685~~, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994), ~~and the USEPA, Office of Water has made it available on the Internet: [www.epa.gov/npdes/pubs/owm0111.pdf](http://www.epa.gov/npdes/pubs/owm0111.pdf)~~.

~~The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978), referenced in Section 310.320.~~

Standard Industrial Classification Manual (1987) (document no. PB87-100012) (referred to as "1987 SIC Manual"), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9, 1997)) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.

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- b) The following provisions of the Code of Federal Regulations are incorporated by reference [for the purposes of this Part and 35 Ill. Adm. Code 307:](#)

40 CFR 2.302 [\(2012\)\(2007\)](#) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2 [\(2012\)\(2007\)](#) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3 [\(2012\)\(2007\)](#) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10 [\(2012\)\(2007\)](#) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000 [\(2012\)\(2007\)](#) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25 [\(2012\)\(2007\)](#) (Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D to 40 CFR 122 [\(2012\)\(2007\)](#) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

[40 CFR 122.23\(b\) and \(c\) \(2012\) \(Concentrated Animal Feeding Operations\), referenced in 35 Ill. Adm. Code 307.2201.](#)

40 CFR 136 [\(2012\)\(2007\)](#) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 [and 307.6500](#) and Sections 310.605, 310.610, and 310.611.

40 CFR 403 [\(2012\)\(2007\)](#) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

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40 CFR [403.12\(b\) \(2012\)](#)~~403.12 (2007)~~ (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

[40 CFR 403.15 \(2012\) \(Net/Gross Calculation\)](#), referenced in Section [310.801](#).

Appendix D to 40 CFR 403 [\(2012\)](#)~~(2007)~~ (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 [\(2012\)](#)~~(2007)~~ (Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503 [\(2012\)](#)~~(2007)~~ (Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 [\(2010\)](#)~~(2007)~~), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. [\(2012\)](#)~~(2007)~~), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) [\(2010\)](#)~~(2007)~~), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) [\(2010\)](#)~~(2007)~~), referenced in Section 310.110.

[Section 307\(b\), \(c\), and \(d\) of the federal Clean Water Act \(33 USC 1317\(b\), \(c\), and \(d\) \(2010\)\)](#), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 [\(2012\)](#)~~(2007)~~), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) [\(2010\)](#)~~(2007)~~), referenced in Section 310.633.

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Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) (2010)(2007)), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 (2010)(2007)), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) (2010)(2007), referenced in Section 310.510.

- d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located all of the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: REPORTING REQUIREMENTS

**Section 310.602 Baseline Report**

Within the time limits specified in subsection (h) of this Section, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW must submit to the Control Authority a report that contains the information listed in subsections (a) through (g) of this Section. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, must submit to the Control Authority a report that contains the information listed in subsections (a) through (e) of this Section. Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b) (1977), the industrial user must not be required to submit this information again. New sources must also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources must give estimates of the information requested in subsections (d) and (e) of this Section.

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- a) Identifying information. The industrial user must submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user must submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user must submit a brief description of the nature, average rate of production, and standard industrial classification (SIC Code) of the operations carried out by such industrial user, as determined using the Standard Industrial Classification Manual, incorporated by reference in Section ~~310.107(a)~~[310.110\(a\)](#). This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;
- d) Flow measurement. The industrial user must submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - 1) Regulated process streams; and
  - 2) Other streams as necessary to allow use of the combined waste stream formula of Section 310.233. (See subsection (e)(4) of this Section.);
- e) Measurement of pollutants.
  - 1) The industrial user must identify the pretreatment standards applicable to each regulated process.
  - 2) In addition, the industrial user must submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations. In cases where the categorical standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable categorical standards to determine compliance with the categorical standard.

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- 3) The user must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
  - 4) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data must be submitted to the Control Authority.
  - 5) Analytical methods. Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), incorporated by reference in Section 310.107(c), sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Agency, including procedures suggested by the POTW or other parties.
  - 6) The Control Authority may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - 7) The baseline report must indicate the time, date, and place of sampling, and methods of analysis, and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and

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M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements;

- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule must not be later than the compliance date established for the applicable pretreatment standard.
- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) of this Section must pertain to the modified limits.
  - 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) of this Section must be submitted by the user to the Control Authority within 60 days after the modified limit is approved.
- h) Deadlines for baseline reports.
- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40 CFR 403.12(b).
  - 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:
    - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.

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- B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard must submit the baseline report within 90 days before beginning discharge.
- C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A) of this Section, are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) ~~(2012)(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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April 13, 2012  
(77 Fed. Reg. 22229)

USEPA made a limited number of corrections and clarifications to two diverse hazardous waste requirements. The provisions affected relate to the standards for (1) recyclable materials used in a manner that constitutes disposal; and (2) the hazardous waste listing for K107 waste (column bottoms from production of 1,1-dimethylhydrazine from carboxylic acid hydrazides).

May 18, 2012  
(77 Fed. Reg. 29758)

USEPA approved new and revised methods for use in demonstrating compliance with Clean Water Act (33 U.S.C. Sections 1251 et seq.). USEPA has codified the CWA listing of approved analytical methods in 40 CFR 136. The USEPA amendments included revision of an incorporation by reference of one method in the body of the hazardous waste regulations.

Specifically, the amendments to Part 720 implement segments of the federal amendments of May 18, 2012. The amendments incorporate the federal analytical methods updates. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-5 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 November 1, 2012 opinion and order in docket R13-5.

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 IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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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 proposed rulemaking contain incorporations by reference? Yes. The amendments update and revise a number of incorporations by reference. Section 720.111 is the centralized location of all incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The amendments incorporate the federal analytical methods updates into the Illinois rules. As a routine matter, the Board has included updates to federal regulations and statutes incorporated by reference to the latest version available.
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State Mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 11) Are there any other amendments pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-5 and be addressed to:

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

Phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-5:

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

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Phone: 312/814-6924

E-mail: [mccambridge@illinois.gov](mailto:mccambridge@illinois.gov)

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: June 2012

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: HAZARDOUS WASTE OPERATING 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; amended in R13-5 at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## 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](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," 4<sup>th</sup> 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 47<sup>th</sup> 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](http://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/](http://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; ~~Nonpolar~~~~Non-polar~~ Material) by Extraction and Gravimetry," [Revision A, February 1999](#), USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, [or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735](#), 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/water/scitech/methods/cwa/methods\\_index.cfm](http://www.epa.gov/water/scitech/methods/cwa/methods_index.cfm). [Revision A is also from the USEPA, National Service Center for Environmental Publications \(NSCEP\) website at www.epa.gov/nscep/index.html.](http://www.epa.gov/nscep/index.html)

"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](http://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](http://www.census.gov/naics/2007/naicod07.htm).

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

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: 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](http://www.epa.gov/scram001/guidance/guide/scrng.wpd).

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

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

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

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

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

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

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

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

Method 0050 (December 1996) (Isokinetic HCl/Cl<sub>2</sub> 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/Cl<sub>2</sub> Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

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

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

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

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

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

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

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

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

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

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

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

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

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.

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

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

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

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

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

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

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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 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](http://www.oecd.org/dataoecd/57/1/42262259.pdf). The OECD and the Basel Convention consider the OECD Guidance

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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 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), "CO<sub>2</sub> 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.

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

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

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

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

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

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

"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:

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[www.epa.gov/scram001/guidance/guide/scrng.wpd](http://www.epa.gov/scram001/guidance/guide/scrng.wpd).

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

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

USGSA. Available from the United States Government Services Administration:

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

BOARD NOTE: Available on-line for download in various formats from [www.gsa.gov/forms/forms.htm](http://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 ~~(2012)(2011)~~ (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 ~~(2012)(2011)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 ~~(2012)(2011)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 ~~(2012)(2011)~~ (Procedure for the Notice of Discharge),

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referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.2 ~~(2012)(2011)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 720.104.

40 CFR 3.3 ~~(2012)(2011)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 ~~(2012)(2011)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 ~~(2012)(2011)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) ~~(2012)(2011)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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 ~~(2012)(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 ~~(2012)(2011)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

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Appendix A to 40 CFR 60 ~~(2012)~~(2011) (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.

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

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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.

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

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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.

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

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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 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the

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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 ~~(2012)~~(2014) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 ~~(2012)~~(2014) (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 ~~(2012)~~(2014) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) ~~(2012)~~(2014), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 ~~(2012)~~(2014) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 ~~(2012)~~(2014) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 ~~(2012)~~(2014) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258 ~~(2012)~~(2014) (Criteria for Municipal Solid Waste Landfills),

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referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 ~~(2012)(2011)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

Appendix I to 40 CFR 260 ~~(2012)(2011)~~ (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

40 CFR 261.151 ~~(2012)(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 ~~(2012)(2011)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 ~~(2012)(2011)~~ (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 ~~(2012)(2011)~~ (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 ~~(2012)(2011)~~ (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 ~~(2012)(2011)~~ (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 ~~(2012)(2011)~~ (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 ~~(2012)(2011)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

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Appendix IV to 40 CFR 264 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 ~~(2012)(2011)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 ~~(2012)(2011)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 ~~(2012)(2011)~~ (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 ~~(2012)(2011)~~ (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.

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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 ~~(2012)(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 ~~(2012)(2011)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 ~~(2012)(2011)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 ~~(2012)(2011)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 ~~(2012)(2011)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 ~~(2012)(2011)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 ~~(2012)(2011)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2011) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2011), as amended at 77 Fed Reg. 37962 (June 25, 2012) (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) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

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49 CFR 171.8 (2011), [as amended at 77 Fed Reg. 37962 \(June 25, 2012\)](#) (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) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

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

49 CFR 172 (2011), [as amended at 76 Fed Reg. 81396 \(Dec. 28, 2011\); 76 Fed Reg. 82163 \(Dec. 30, 2012\); 77 Fed Reg. 37962 \(June 25, 2012\)](#) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

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

Subpart F of 49 CFR 172 (2011) (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 (2011), [as amended at 76 Fed. Reg. 81396 \(Dec. 28, 2011\); 76 Fed Reg. 82163 \(Dec. 30, 2012\); 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (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) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

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

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

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

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

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

49 CFR 174 (2011), [as amended at 76 Fed. Reg. 81396 \(Dec. 28, 2011\); 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2011), [as amended at 76 Fed. Reg. 82163 \(Dec. 30, 2012\)](#) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2011), [as amended at 76 Fed. Reg. 82163 \(Dec. 30, 2012\)](#) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2011), [as amended at 76 Fed. Reg. 75470 \(Dec. 2, 2011\)](#) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 (2011) (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), [as amended at 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (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), [as amended at 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (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.

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## c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014) ~~(2011), 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)) ~~(2011), 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)) ~~(2011), as amended through January 3, 2007~~, referenced in 35 Ill. Adm. Code 726.301.

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

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
721.132	Amendment
721.APPENDIX A	Amendment
721.APPENDIX I, TABLE A	Amendment
721.APPENDIX I, TABLE B	Amendment
721.APPENDIX I, TABLE C	Amendment
721.APPENDIX I, TABLE D	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 721 are a single segment of the docket R13-5 rulemaking that also affects 35 Ill. Adm. Code 720 and 726, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R13-5 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 1, 2012, proposing amendments in docket R13-5, which opinion and order is available from the address below.

Specifically, the amendments to Part 721 implement segments of the federal amendments of April 13, 2012. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-5 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 November 1, 2012 opinion and order in docket R13-5.

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 IAPA, it is

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The amendments update and revise a number of incorporations by reference in 35 Ill. Adm. Code 720.111 that are used for the purposes of Part 721.
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-5 and be addressed to:

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

phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-5:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board

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100 W. Randolph Street, Ste. 11-500  
Chicago, IL 60601

phone: 312/814-6924  
email: [mccambridge@illinois.gov](mailto:mccambridge@illinois.gov)

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]

14) Regulatory Agenda on which this rulemaking was summarized: June 2012

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

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

PART 721  
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE  
CHARACTERISTICS OF HAZARDOUS WASTE  
AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

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## Section

721.130	General
721.131	Hazardous Wastes from Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.135	Wood Preserving Wastes

## SUBPART E: EXCLUSIONS AND EXEMPTIONS

## Section

721.138	Exclusion of Comparable Fuel and Syngas Fuel
721.139	Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling
721.140	Conditional Exclusion for Used, Intact CRTs Exported for Recycling
721.141	Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT  
OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

## Section

721.240	Applicability
721.241	Definitions of Terms as Used in This Subpart
721.242	Cost Estimate
721.243	Financial Assurance Condition
721.247	Liability Requirements
721.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
721.249	Use of State-Required Mechanisms
721.250	State Assumption of Responsibility
721.251	Wording of the Instruments
721.APPENDIX A	Representative Sampling Methods
721.APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) ( <u>Repealed</u> )
721.APPENDIX C	Chemical Analysis Test Methods ( <u>Repealed</u> )
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents

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721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-

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16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART D: LISTS OF HAZARDOUS WASTE

**Section 721.132 Hazardous Waste from Specific Sources**

- a) The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
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Wood Preservation Process Wastes:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
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Inorganic Pigments Production Wastes:

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K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

## Organic Chemicals Production Wastes:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R, T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)

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K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R, T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)

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K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C, T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I, T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)

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K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R, T)
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) the sludges are disposed of in a RCRA Subtitle C (42 USC 6921-6939e) or non-hazardous landfill licensed	(T)

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or permitted by a state or the federal government; (2) the sludges are not otherwise placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.).

K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

Inorganic Chemicals Production Wastes:

K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)

K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)

K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)

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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).   | (E) |
| K177 | Slag from the production of antimony oxide that is speculatively accumulated or disposed of, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).   | (T) |
| K178 | Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.   | (T) |
| 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 subsection (c) of this Section that are equal to or greater than the corresponding subsection (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are managed in one of the following ways: | (T) |

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- 1) They are disposed of in a municipal solid waste landfill unit that is subject to the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402;
- 2) They are disposed of in a hazardous waste landfill unit that is subject to either 35 Ill. Adm. Code 724.401 or 725.401;
- 3) They are disposed of in other municipal solid waste landfill units that meet the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402, 35 Ill. Adm. Code 724.401, or 35 Ill. Adm. Code 725.401; or
- 4) They are treated in a combustion unit that is permitted under 415 ILCS 5/39(d), or an onsite combustion unit that is permitted under 415 ILCS 5/39.5.

For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1) of this Section. Subsection (d) of this Section describes the process for demonstrating that a facility's nonwastewaters are not K181 waste. This listing does not apply to wastes that are otherwise identified as hazardous under Sections 721.121 through 721.124 and 721.131 through 721.133 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met, as set forth in subsection (c) of this Section.

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## Pesticides Production Wastes:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)

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K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C, T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C, T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives Production Wastes:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining Wastes:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)

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K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)

Iron and Steel Production Wastes:

K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C, T)

Primary Aluminum Production Wastes:

K088	Spent potliners from primary aluminum reduction.	(T)
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Secondary Lead Production Wastes:

K069	Emission control dust/sludge from secondary lead smelting.	(T)
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BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

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K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals Production Wastes:

K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation Wastes:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dyes, soaps and stabilizers containing chromium and lead. (T)

Coke Production Wastes:

K060 Ammonia still lime sludge from coking operations. (T)

K087 Decanter tank tar sludge from coking operations. (T)

K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations). (T)

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- |      |   |     |
|------|---|-----|
| K142 | Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.  | (T) |
| K143 | Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.   | (T) |
| K144 | Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.   | (T) |
| K145 | Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.  | (T) |
| K147 | Tar storage tank residues from coal tar refining.   | (T) |
| K148 | Residues from coal tar distillation, including, but not limited to, still bottoms.  | (T) |
| K149 | Distillation bottoms from the production of $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)                           | (T) |
| K150 | Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. | (T) |
| K151 | Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.         | (T) |

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- b) Listing-specific definition: For the purposes of the K181 hazardous waste listing in subsection (a) of this Section, "dyes or pigments production" includes manufacture of the following product classes: dyes, pigments, and FDA-certified colors that are in the azo, triarylmethane, perylene, and anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes or pigments, are not included in the K181 listing.
- c) K181 listing levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 hazardous waste listing in subsection (a) of this Section, unless the conditions in the K181 hazardous waste listing are met:

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

- d) Procedures for demonstrating that dyes or pigments nonwastewaters are not K181 waste. The procedures described in subsections (d)(1) through (d)(3) and (d)(5) of this Section establish when nonwastewaters from the production of dyes or pigments would not be hazardous. (These procedures apply to wastes that are not disposed of in landfill units or treated in combustion units, as specified in subsection (a) of this Section). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a) of this Section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 waste listing description, the generator must maintain documentation as described in subsection (d)(4) of this Section.
- 1) Determination based on no K181 waste constituents. A generator that has knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data or information about raw materials used,

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production processes used, and reaction and degradation products formed) that its waste contains none of the K181 waste constituents (see subsection (c) of this Section) can use its knowledge to determine that its waste is not K181 waste. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

- 2) Determination for generated quantities of 1,000 tonnes (1,000 metric tons) per year or less for wastes that contain K181 waste constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is 1,000 tonnes or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (c) of this Section. To make this determination, the generator must fulfill the following conditions:
  - A) Each year, the generator must document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 tonnes;
  - B) The generator must track the actual quantity of nonwastewaters generated from January 1 through December 31 of each calendar year. If, at any time within the year, the actual waste quantity exceeds 1,000 tonnes, the generator must comply with the requirements of subsection (d)(3) of this Section for the remainder of that calendar year;
  - C) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year; and
  - D) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations were made:
    - i) The quantity of dyes or pigments nonwastewaters generated;
    - ii) The relevant process information used; and

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- iii) The calculations performed to determine annual total mass loadings for each K181 waste constituent in the nonwastewaters during the year.
- 3) Determination for generated quantities greater than 1,000 tonnes per year for wastes that contain K181 constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is greater than 1,000 tonnes, the generator must perform each of the following steps in order to make a determination that its waste is not K181 waste:
- A) The generator must determine which K181 waste constituents (see subsection (c) of this Section) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed);
  - B) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge of the wastes or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge of the wastes, the generator must comply with the procedures for using knowledge of the wastes described in subsection (d)(2) of this Section and keep the records described in subsection (d)(2)(D) of this Section. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described in subsection (d)(3)(C) of this Section;
  - C) The generator must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 waste constituents reasonably expected to be present in the wastes. At a minimum, the plan must include the following elements:
    - i) A discussion of the number of samples needed to characterize the wastes fully;
    - ii) The planned sample collection method to obtain representative waste samples;

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- iii) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and
  - iv) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods;
- D) The generator must collect and analyze samples in accordance with the waste sampling and analysis plan, and the plan must fulfill the following requirements:
- i) The sampling and analysis must be unbiased, precise, and representative of the wastes; and
  - ii) The analytical measurements must be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (c) of this Section;
- E) The generator must record the analytical results;
- F) The generator must record the waste quantity represented by the sampling and analysis results;
- G) The generator must calculate constituent-specific mass loadings (product of concentrations and waste quantity);
- H) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year;
- I) The generator must determine whether the mass of any of the K181 waste constituents listed in subsection (c) of this Section generated between January 1 and December 31 of any calendar year is below the K181 waste listing levels;
- J) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

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- i) The sampling and analysis plan;
  - ii) The sampling and analysis results (including quality assurance or quality control data);
  - iii) The quantity of dyes or pigments nonwastewaters generated; and
  - iv) The calculations performed to determine annual mass loadings; and
- K) The generator must conduct non-hazardous waste determinations annually to verify that the wastes remain non-hazardous.
- i) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are non-hazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.
  - ii) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.
  - iii) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a non-hazardous determination. If testing is reinstated, the generator must retain a description of the process change.
- 4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 waste listing description in subsection (a) of this Section, the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or which meets the landfill design standards set out in the listing description or that the waste was treated in combustion units, as specified in the listing description in subsection (a) of this Section.

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- 5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code 722.134 during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 721.** APPENDIX **Appendix A Representative Sampling Methods**

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM D 140-70 (Standard Practice for Sampling Bituminous Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Crushed or powdered material: ASTM D 346-75 (Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil or rock-like material: ASTM D 420-69 (Guide to Site Characterization for Engineering, Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil-like material: ASTM D 1452-65 (Standard Practice for Soil Investigation and Sampling by Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Fly ash-like material: ASTM D 2234-76 (Standard Practice for Collection of a Gross Sample of Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)."

Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler."

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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| **Section 721.**[APPENDIX](#)**Appendix I Wastes Excluded by  
Administrative Action**

| **Section 721.**[TABLE](#)**Table A Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and  
260.22 from Non-Specific Sources**

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Facility Address

Waste Description

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(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 721. APPENDIXAppendix I Wastes Excluded by Administrative Action**

**Section 721. TABLETable B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources**

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.
Conversion Systems, Inc. Horsham, Pennsylvania (Sterling, Illinois operations)	Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox <sup>®</sup> treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois.  CSI must implement a testing program for each site that meets the following conditions:  1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of methods in "Test Methods for Evaluating Solid

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Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used without substitution. As applicable, the EPA-530/SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B.

A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox<sup>®</sup> treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD.

B. Addition of new Super Detox<sup>®</sup> treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting

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pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox<sup>®</sup> treatment facility consistently meets the delisting levels specified in condition 3 below.

- C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.
2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to

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condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony – 0.06; arsenic – 0.50; barium – 7.6; beryllium – 0.010; cadmium – 0.050; chromium – 0.33; lead – 0.15; mercury – 0.009; nickel – 1; selenium – 0.16; silver – 0.30; thallium – 0.020; vanadium – 2; and zinc – 70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.
4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.
5. Data submittals: At least one month prior to operation of a new Super Detox<sup>®</sup> treatment facility, CSI must notify the Agency in writing when the Super Detox<sup>®</sup> treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data

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submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 721.**[APPENDIX](#)**Appendix I Wastes Excluded by  
Administrative Action**

**Section 721.**[TABLE](#)**Table C Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and  
260.22 from Commercial Chemical Products, Off-Specifications Species, Container  
Residues, and Soil Residues Thereof**

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Facility Address

Waste Description

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(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS**Section 721.**~~APPENDIX~~**Appendix I Wastes Excluded by Administrative Action****Section 721.**~~TABLE~~**Table D Wastes by the Board by Adjusted Standard**

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

- |                   |  |
|-------------------|--|
| <u>AS 91-1</u>    | <u>Petition of Keystone Steel &amp; Wire Co. for Hazardous Waste Delisting, AS 91-1 (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized electric arc furnace dust (K061 waste).)</u>  |
| <del>AS91-1</del> | <del>Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992, and modified at 133 PCB 189, April 23, 1992. (Treated K061 waste)</del>  |
| <u>AS 91-3</u>    | <u>Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 91-3 (Feb. 4, 1993 and Mar. 11, 1993). (Chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)</u> |
| <del>AS91-3</del> | <del>Petition of Peoria Disposal Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, February 6 and March 11, 1993. (Treated F006 waste)</del>   |
| <u>AS 93-7</u>    | <u>Petition of Keystone Steel &amp; Wire Company for an Adjusted Standard from 35 Ill. Am. Code 721.132, AS 93-7 (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor (K062 waste).)</u>  |
| <del>AS93-7</del> | <del>Petition of Keystone Steel &amp; Wire Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, February 17, 1994, as modified March 17, 1994. (Treated K062 waste)</del>   |
| <u>AS 94-10</u>   | <u>Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995). (Sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes).)</u>   |

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~~AS94-10~~      ~~Petition of Envirote Corporation for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, December 14, 1994, as modified on February 16, 1995. (Treated F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes)~~

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code Citation: 35 Ill. Adm. Code 726
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
726.120	Amendment
726.APPENDIX A	Amendment
726.APPENDIX B	Amendment
726.APPENDIX C	Amendment
726.APPENDIX D	Amendment
726.APPENDIX E	Amendment
726.APPENDIX F	Amendment
726.APPENDIX G	Amendment
726.APPENDIX H	Amendment
726.APPENDIX I	Amendment
726.APPENDIX K	Amendment
726.APPENDIX L	Amendment
726.APPENDIX M	Amendment
726.TABLE A	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 726 are a single segment of the docket R13-5 rulemaking that also affects 35 Ill. Adm. Code 720 and 721, 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 R13-5 rulemaking in this issue of the Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 1, 2012, proposing amendments in docket R13-5, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 implement segments of the federal amendments of April 13, 2012. The amendments clarified the one-time notification requirement for recyclable materials that are used in a manner the constitutes disposal. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

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Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-5 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 November 1, 2012 opinion and order in docket R13-5.

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 IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed amendments replace emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The amendments update and revise a number of incorporations by reference in 35 Ill. Adm. Code 720.111 that are used for the purposes of Part 721.
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 11) Are there any other amendments pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-5 and be addressed to:

John T. Therriault, Assistant Clerk

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

Phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-5:

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

Phone: 312/814-6924

E-mail: [mccambridge@illinois.gov](mailto:mccambridge@illinois.gov)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Aanalysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney,

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certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

- 14) Regulatory Agenda on which this rulemaking was summarized: June 2012

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

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

## PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND  
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

## SUBPART A: GENERAL

Section  
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A  
MANNER CONSTITUTING DISPOSAL

Section  
726.120 Applicability  
726.121 Standards Applicable to Generators and Transporters of Materials Used in a  
Manner that Constitutes Disposal  
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials  
that Are To Be Used in a manner that Constitutes Disposal  
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that  
Constitutes Disposal

## SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section  
726.130 Applicability (Repealed)  
726.131 Prohibitions (Repealed)  
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)  
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)  
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)  
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)  
726.136 Conditional exemption for spent materials and by-products exhibiting a  
characteristic of hazardous waste (Repealed)

## SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

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Section	
726.140	Applicability (Repealed)
726.141	Prohibitions (Repealed)
726.142	Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR  
PRECIOUS METAL RECOVERY

Section	
726.170	Applicability and Requirements

## SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section	
726.180	Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
AND INDUSTRIAL FURNACES

Section	
726.200	Applicability
726.201	Management Prior to Burning
726.202	Permit Standards for Burners
726.203	Interim Status Standards for Burners
726.204	Standards to Control Organic Emissions
726.205	Standards to Control PM
726.206	Standards to Control Metals Emissions
726.207	Standards to Control HCl and Chlorine Gas Emissions
726.208	Small Quantity On-Site Burner Exemption
726.209	Low Risk Waste Exemption
726.210	Waiver of DRE Trial Burn for Boilers
726.211	Standards for Direct Transfer
726.212	Regulation of Residues
726.219	Extensions of Time

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## SUBPART M: MILITARY MUNITIONS

## Section

726.300	Applicability
726.301	Definitions
726.302	Definition of Solid Waste
726.303	Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304	Standards Applicable to Emergency Responses
726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
726.306	Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE  
STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

## Section

726.310	Definitions
726.320	Storage and Treatment Conditional Exemption
726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360	Applicability of Closure Requirements to Storage Units
726.405	Transportation and Disposal Conditional Exemption
726.410	Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420	Treatment Standards for Eligible Waste
726.425	Applicability of the Manifest and Transportation Condition
726.430	Effectiveness of a Transportation and Disposal Exemption
726.435	Disposal of Exempted Waste
726.440	Containers Used for Disposal of Exempted Waste
726.445	Notification
726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455	Loss of a Transportation and Disposal Conditional Exemption and Required Action

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726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption
726.APPENDIX A	Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
726.APPENDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
726.APPENDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.APPENDIX D	Reference Air Concentrations
726.APPENDIX E	Risk-Specific Doses
726.APPENDIX F	Stack Plume Rise
726.APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
726.APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.APPENDIX I	Methods Manual for Compliance with BIF Regulations
726.APPENDIX J	Guideline on Air Quality Models (Repealed)
726.APPENDIX K	Lead-Bearing Materials that May be Processed in Exempt Lead Smelters
726.APPENDIX L	Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.APPENDIX M	Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units
726.TABLE A	Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in

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R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: RECYCLABLE MATERIALS USED IN A  
MANNER CONSTITUTING DISPOSAL**Section 726.120 Applicability**

- a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:
  - 1) Without mixing with any other substances; or
  - 2) After mixing or combination with any other substances. These materials will be referred to throughout this Subpart C as "materials used in a manner that constitutes disposal."
- b) A product produced for the general public's use that is used in a manner that constitutes disposal and which contains recyclable material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that it contains, [and the recycler complies with 35 Ill. Adm. Code 728.107\(b\)\(6\)](#).
- c) Anti-skid and deicing uses of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b) of this Section, and such uses of these materials remain subject to regulation.
- d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:

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- 1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or
- 2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 726. [APPENDIX](#) Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals**

## I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

## Values for Urban Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	60.	10000.	18.	60.	600.	60.
6	68.	11000.	20.	68.	680.	68.
8	76.	13000.	23.	76.	760.	76.
10	86.	14000.	26.	86.	860.	86.
12	96.	17000.	30.	96.	960.	96.
14	110.	18000.	34.	110.	1100.	110.
16	130.	21000.	36.	130.	1300.	130.
18	140.	24000.	43.	140.	1400.	140.
20	160.	27000.	46.	160.	1600.	160.
22	180.	30000.	54.	180.	1800.	180.
24	200.	34000.	60.	200.	2000.	200.
26	230.	39000.	68.	230.	2300.	230.
28	260.	43000.	78.	260.	2600.	260.
30	300.	50000.	90.	300.	3000.	300.
35	400.	66000.	110.	400.	4000.	400.
40	460.	78000.	140.	460.	4600.	460.
45	600.	100000.	180.	600.	6000.	600.
50	780.	130000.	230.	780.	7800.	780.
55	960.	170000.	300.	960.	9600.	960.
60	1200.	200000.	360.	1200.	12000.	1200.
65	1500.	250000.	430.	1500.	15000.	1500.
70	1700.	280000.	500.	1700.	17000.	1700.
75	1900.	320000.	580.	1900.	19000.	1900.
80	2200.	360000.	640.	2200.	22000.	2200.
85	2500.	400000.	760.	2500.	25000.	2500.
90	2800.	460000.	820.	2800.	28000.	2800.
95	3200.	540000.	960.	3200.	32000.	3200.

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100	3600.	600000.	1100.	3600.	36000.	3600.
105	4000.	680000.	1200.	4000.	40000.	4000.
110	4600.	780000.	1400.	4600.	46000.	4600.
115	5400.	860000.	1600.	5400.	54000.	5400.
120	6000.	1000000.	1800.	6000.	60000.	6000.

## I-B

## Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

## Values for Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	31.	5200.	9.4	31.	310.	31.
6	36.	6000.	11.	36.	360.	36.
8	40.	6800.	12.	40.	400.	40.
10	46.	7800.	14.	46.	460.	46.
12	58.	9600.	17.	58.	580.	58.
14	68.	11000.	21.	68.	680.	68.
16	86.	14000.	26.	86.	860.	86.
18	110.	18000.	32.	110.	1100.	110.
20	130.	22000.	40.	130.	1300.	130.
22	170.	28000.	50.	170.	1700.	170.
24	220.	36000.	64.	220.	2200.	220.
26	280.	46000.	82.	280.	2800.	280.
28	350.	58000.	100.	350.	3500.	350.
30	430.	76000.	130.	430.	4300.	430.
35	720.	120000.	210.	720.	7200.	720.
40	1100.	180000.	320.	1100.	11000.	1100.
45	1500.	250000.	460.	1500.	15000.	1500.
50	2000.	330000.	600.	2000.	20000.	2000.
55	2600.	440000.	780.	2600.	26000.	2600.
60	3400.	580000.	1000.	3400.	34000.	3400.
65	4600.	760000.	1400.	4600.	46000.	4600.
70	5400.	900000.	1600.	5400.	54000.	5400.
75	6400.	1100000.	1900.	6400.	64000.	6400.
80	7600.	1300000.	2300.	7600.	76000.	7600.

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85	9400.	1500000.	2800.	9400.	94000.	9400.
90	11000.	1800000.	3300.	11000.	110000.	11000.
95	13000.	2200000.	3900.	13000.	130000.	13000.
100	15000.	2600000.	4600.	15000.	150000.	15000.
105	18000.	3000000.	5400.	18000.	180000.	18000.
110	22000.	3600000.	6600.	22000.	220000.	22000.
115	26000.	4400000.	7800.	26000.	260000.	26000.
120	31000.	5000000.	9200.	31000.	310000.	31000.

## I-C

## Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

## Values for Urban and Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	14.	2400.	4.3	14.	140.	14.
6	21.	3500.	6.2	21.	210.	21.
8	30.	5000.	9.2	30.	300.	30.
10	43.	7600.	13.	43.	430.	43.
12	54.	9000.	17.	54.	540.	54.
14	68.	11000.	20.	68.	680.	68.
16	78.	13000.	24.	78.	780.	78.
18	86.	14000.	26.	86.	860.	86.
20	96.	16000.	29.	96.	960.	96.
22	100.	18000.	32.	100.	1000.	100.
24	120.	19000.	35.	120.	1200.	120.
26	130.	22000.	36.	130.	1300.	130.
28	140.	24000.	43.	140.	1400.	140.
30	160.	27000.	46.	160.	1600.	160.
35	200.	33000.	58.	200.	2000.	200.
40	240.	40000.	72.	240.	2400.	240.
45	300.	50000.	90.	300.	3000.	300.
50	360.	60000.	110.	360.	3600.	360.
55	460.	76000.	140.	460.	4600.	460.
60	580.	94000.	170.	580.	5800.	580.
65	680.	110000.	210.	680.	6800.	680.

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70	780.	130000.	240.	780.	7800.	780.
75	860.	140000.	260.	860.	8600.	860.
80	960.	160000.	290.	960.	9600.	960.
85	1100.	180000.	330.	1100.	11000.	1100.
90	1200.	200000.	360.	1200.	12000.	1200.
95	1400.	230000.	400.	1400.	14000.	1400.
100	1500.	260000.	460.	1500.	15000.	1500.
105	1700.	280000.	500.	1700.	17000.	1700.
110	1900.	320000.	580.	1900.	19000.	1900.
115	2100.	360000.	640.	2100.	21000.	2100.
120	2400.	400000.	720.	2400.	24000.	2400.

## I-D

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain

TESH (m)	Values for use in urban areas				Values for use in rural areas			
	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.46	1.1	0.17	0.82	0.24	0.58	0.086	0.43
6	0.54	1.3	0.19	0.94	0.28	0.66	0.10	0.50
8	0.60	1.4	0.22	1.1	0.32	0.76	0.11	0.56
10	0.68	1.6	0.24	1.2	0.36	0.86	0.13	0.64
12	0.76	1.8	0.27	1.4	0.43	1.1	0.16	0.78
14	0.86	2.1	0.31	1.5	0.54	1.3	0.20	0.96
16	0.96	2.3	0.35	1.7	0.68	1.6	0.24	1.2
18	1.1	2.6	0.40	2.0	0.82	2.0	0.30	1.5
20	1.2	3.0	0.44	2.2	1.0	2.5	0.37	1.9
22	1.4	3.4	0.50	2.5	1.3	3.2	0.48	2.4
24	1.6	3.9	0.58	2.8	1.7	4.0	0.60	3.0
26	1.8	4.3	0.64	3.2	2.1	5.0	0.76	3.9
28	2.0	4.8	0.72	3.6	2.7	6.4	0.98	5.0
30	2.3	5.4	0.82	4.0	3.5	8.2	1.2	6.2
35	3.0	6.8	1.0	5.4	5.4	13.	1.9	9.6
40	3.6	9.0	1.3	6.8	8.2	20.	3.0	15.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

45	4.6	11.	1.7	8.6	11.	28.	4.2	21.
50	6.0	14.	2.2	11.	15.	37.	5.4	28.
55	7.6	18.	2.7	14.	20.	50.	7.2	36.
60	9.4	22.	3.4	17.	27.	64.	9.6	48.
65	11.	28.	4.2	21.	36.	86.	13.	64.
70	13.	31.	4.6	24.	43.	100.	15.	76.
75	15.	36.	5.4	27.	50.	120.	18.	90.
80	17.	40.	6.0	30.	60.	140.	22.	110.
85	19.	46.	6.8	34.	72.	170.	26.	130.
90	22.	50.	7.8	39.	86.	200.	30.	150.
95	25.	58.	9.0	44.	100.	240.	36.	180.
100	28.	68.	10.	50.	120.	290.	43.	220.
105	32.	76.	11.	56.	140.	340.	50.	260.
110	36.	86.	13.	64.	170.	400.	60.	300.
115	40.	96.	15.	72.	200.	480.	72.	360.
120	46.	110.	17.	82.	240.	580.	86.	430.

## I-E

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic  
Metals for Facilities in Complex Terrain

## Values for Use in Urban and Rural Areas

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.11	0.26	0.040	0.20
6	0.16	0.39	0.058	0.29
8	0.24	0.58	0.086	0.43
10	0.35	0.82	0.13	0.62
12	0.43	1.0	0.15	0.76
14	0.50	1.3	0.19	0.94
16	0.60	1.4	0.22	1.1
18	0.68	1.6	0.24	1.2
20	0.76	1.8	0.27	1.3
22	0.82	1.9	0.30	1.5
24	0.90	2.1	0.33	1.6
26	1.0	2.4	0.36	1.8
28	1.1	2.7	0.40	2.0
30	1.2	3.0	0.44	2.2

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35	1.5	3.7	0.54	2.7
40	1.9	4.6	0.68	3.4
45	2.4	5.4	0.84	4.2
50	2.9	6.8	1.0	5.0
55	3.5	8.4	1.3	6.4
60	4.3	10.	1.5	7.8
65	5.4	13.	1.9	9.6
70	6.0	14.	2.2	11.
75	6.8	16.	2.4	12.
80	7.6	18.	2.7	13.
85	8.2	20.	3.0	15.
90	9.4	23.	3.4	17.
95	10.	25.	4.0	19.
100	12.	28.	4.3	21.
105	13.	32.	4.8	24.
110	15.	35.	5.4	27.
115	17.	40.	6.0	30.
120	19.	44.	6.4	33.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 726. APPENDIX Appendix B Tier I Feed Rate Screening Limits for Total Chlorine**

TESH (m)	Noncomplex Terrain Urban (g/hr)	Noncomplex Terrain Rural (g/hr)	Complex Terrain (g/hr)
4	82.	42.	19.
6	91.	48.	28.
8	100.	53.	41.
10	120.	62.	58.
12	130.	77.	72.
14	150.	91.	91.
16	170.	120.	110.
18	190.	140.	120.
20	210.	180.	130.
22	240.	230.	140.
24	270.	290.	160.
26	310.	370.	170.
28	350.	470.	190.
30	390.	580.	210.
35	530.	960.	260.
40	620.	1400.	330.
45	820.	2000.	400.
50	1100.	2600.	480.
55	1300.	3500.	620.
60	1600.	4600.	770.
65	2000.	6200.	910.
70	2300.	7200.	1100.
75	2500.	8600.	1200.
80	2900.	10000.	1300.
85	3300.	12000.	1400.
90	3700.	14000.	1600.
95	4200.	17000.	1800.
100	4800.	21000.	2000.
105	5300.	24000.	2300.
110	6200.	29000.	2500.
115	7200.	35000.	2800.
120	8200.	41000.	3200.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. [APPENDIX Appendix C](#) Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride**

TESH (m)	Noncomplex Terrain Urban areas		Noncomplex Terrain Rural areas		Complex Terrain Urban and rural areas	
	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine gas (g/hr)	HCl (g/hr)
4	82.	1400.	42.	730.	19.	330.
6	91.	1600.	48.	830.	28.	490.
8	100.	1800.	53.	920.	41.	710.
10	120.	2000.	62.	1100.	58.	1000.
12	130.	2300.	77.	1300.	72.	1300.
14	150.	2600.	91.	1600.	91.	1600.
16	170.	2900.	120.	2000.	110.	1800.
18	190.	3300.	140.	2500.	120.	2000.
20	210.	3700.	180.	3100.	130.	2300.
22	240.	4200.	230.	3900.	140.	2400.
24	270.	4800.	290.	5000.	160.	2800.
26	310.	5400.	370.	6500.	170.	3000.
28	350.	6000.	470.	8100.	190.	3400.
30	390.	6900.	580.	10000.	210.	3700.
35	530.	9200.	960.	17000.	260.	4600.
40	620.	11000.	1400.	25000.	330.	5700.
45	820.	14000.	2000.	35000.	400.	7000.
50	1100.	18000.	2600.	46000.	480.	8400.
55	1300.	23000.	3500.	61000.	620.	11000.
60	1600.	29000.	4600.	81000.	770.	13000.
65	2000.	34000.	6200.	110000.	910.	16000.
70	2300.	39000.	7200.	130000.	1100.	18000.
75	2500.	45000.	8600.	150000.	1200.	20000.
80	2900.	50000.	10000.	180000.	1300.	23000.
85	3300.	58000.	12000.	220000.	1400.	25000.
90	3700.	66000.	14000.	250000.	1600.	29000.
95	4200.	74000.	17000.	300000.	1800.	32000.
100	4800.	84000.	21000.	360000.	2000.	35000.
105	5300.	92000.	24000.	430000.	2300.	39000.
110	6200.	110000.	29000.	510000.	2500.	45000.
115	7200.	130000.	35000.	610000.	2800.	50000.

POLLUTION CONTROL BOARD

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120            8200.            140000.            41000.            720000.            3200.            56000.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726.**[APPENDIX](#)**Appendix D Reference Air Concentrations**

BOARD NOTE: The RAC for other Appendix H to 35 Ill. Adm. Code 721 constituents not listed below or in Appendix E is 0.1  $\mu\text{g}/\text{m}^3$ .

Constituent	CAS No.	RAC ( $\mu\text{g}/\text{m}^3$ )
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9

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## NOTICE OF PROPOSED AMENDMENTS

Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidylaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	7
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09
Maleic Anhydride	108-31-6	100
Mercury	7439-97-6	0.3
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chlorocarbonate	79-22-1	1000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
M-Phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30

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Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 726.**[APPENDIX Appendix E](#) **Risk-Specific Doses**

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 ( $1 \times 10^{-5}$ ).

Constituent	CAS No.	Unit risk ( $m^3 \mu g$ )	RSD ( $\mu g/m^3$ )
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15
Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl)ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)-phthalate	117-81-7	0.00000024	42.
1,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
DDT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
1,2-Dibromo-3-chloro- propane	96-12-8	0.0063	0.0016
1,2-Dibromoethane	106-93-4	0.00022	0.045
1,1-Dichloroethane	75-34-3	0.000026	0.38
1,2-Dichloroethane	107-06-2	0.000026	0.38
1,1-Dichloroethylene	75-35-4	0.00005	0.20
1,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071
Dimethylnitrosamine	62-75-9	0.014	0.00071
2,4-Dinitrotoluene	121-14-2	0.000088	0.11

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1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachlorocyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclohexane	319-85-7	0.00053	0.019
Gamma-hexachlorocyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclohexane, Technical		0.00051	0.020
Hexachlorodibenzo-p-dioxin (1,2 Mixture)		1.3	0.0000077
Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2- chloroaniline	101-14-4	0.000047	0.21
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butylamine	924-16-3	0.0016	0.0063
N-Nitroso-n-methylurea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitrobenzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033
2,3,7,8-Tetrachloro-dibenzo-p- dioxin	1746-01-6	45.	0.00000022

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1,1,2,2-Tetrachloroethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.0000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000057	1.8
Toxaphene	8001-35-2	0.00032	0.031
Vinyl Chloride	75-01-4	0.0000071	1.4

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. APPENDIX Appendix F Stack Plume Rise**

Estimated Plume Rise (in Meters)  
Based on Stack Exit Flow Rate and Gas Temperature

Flow rate (m <sup>3</sup> /sec)	Exhaust Temperature (K°)										
	<325	325-349	350-399	400-449	450-499	500-599	600-699	700-799	800-999	1000-1499	>1499
<0.5	0	0	0	0	0	0	0	0	0	0	0
0.5 - 0.9	0	0	0	0	0	0	0	0	1	1	1
1.0 - 1.9	0	0	0	0	1	1	2	3	3	3	4
2.0 - 2.9	0	0	1	3	4	4	6	6	7	8	9
3.0 - 3.9	0	1	2	5	6	7	9	10	11	12	13
4.0 - 4.9	1	2	4	6	8	10	12	13	14	15	17
5.0 - 7.4	2	3	5	8	10	12	14	16	17	19	21
7.5 - 9.9	3	5	8	12	15	17	20	22	22	23	24
10.0 - 12.4	4	6	10	15	19	21	23	24	25	26	27
12.5 - 14.9	4	7	12	18	22	23	25	26	27	28	29
15.0 - 19.9	5	8	13	20	23	24	26	27	28	29	31
20.0 - 24.9	6	10	17	23	25	27	29	30	31	32	34
25.0 - 29.9	7	12	20	25	27	29	31	32	33	35	36
30.0 - 34.9	8	14	22	26	29	31	33	35	36	37	39
35.0 - 39.9	9	16	23	28	30	32	35	36	37	39	41
40.0 - 49.9	10	17	24	29	32	34	36	38	39	41	42
50.0 - 59.9	12	21	26	31	34	36	39	41	42	44	46
60.0 - 69.9	14	22	27	33	36	39	42	43	45	47	49
70.0 - 79.9	16	23	29	35	38	41	44	46	47	49	51
80.0 - 89.9	17	25	30	36	40	42	46	48	49	51	54
90.0 - 99.9	19	26	31	38	42	44	48	50	51	53	56
100.0 - 119.9	21	26	32	39	43	46	49	52	53	55	58
120.0 - 139.9	22	28	35	42	46	49	52	55	56	59	61

## POLLUTION CONTROL BOARD

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140.0 - 159.9	23	30	36	44	48	51	55	58	59	62	65
160.0 - 179.9	25	31	38	46	50	54	58	60	62	65	67
180.0 - 199.9	26	32	40	48	52	56	60	63	65	67	70
>199.9	26	33	41	49	54	58	62	65	67	69	73

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. APPENDIX Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues**

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is  $2 \times 10^{-6}$  mg/kg (0.000002 mg/kg or 0.002 µg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

## Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

## Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.07.5
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.0000001
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002

## POLLUTION CONTROL BOARD

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Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.0000001
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.0000001
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1

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Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003
Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. APPENDIX Appendix H Potential PICs for Determination of Exclusion of Waste-Derived Residues**

## Volatiles

Benzene  
 Toluene  
 Carbon tetrachloride  
 Chloroform  
 Methylene chloride  
 Trichloroethylene  
 Tetrachloroethylene  
 1,1,1-Trichloroethane  
 Chlorobenzene  
 cis-1,4-Dichloro-2-butene  
 Bromochloromethane  
 Bromodichloromethane  
 Bromoform  
 Bromomethane  
 Methylene bromide  
 Methyl ethyl ketone

## Semivolatiles

Bis(2-ethylhexyl)phthalate  
 Naphthalene  
 Phenol  
 Diethyl phthalate  
 Butyl benzyl phthalate  
 2,4-Dimethylphenol  
 o-Dichlorobenzene  
 m-Dichlorobenzene  
 p-Dichlorobenzene  
 Hexachlorobenzene  
 2,4,6-Trichlorophenol  
 Fluoranthene  
 o-Nitrophenol  
 1,2,4-Trichlorobenzene  
 o-Chlorophenol  
 Pentachlorophenol  
 Pyrene  
 Dimethyl phthalate  
 Mononitrobenzene  
 2,6-Toluene diisocyanate  
 Polychlorinated dibenzo-p-dioxins<sup>1</sup>  
 Polychlorinated dibenzo-furans<sup>1</sup>

<sup>1</sup> Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.).

BOARD NOTE: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726.APPENDIXAppendix I Methods Manual for Compliance with BIF Regulations**

The document entitled, "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, is available as appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b). It is also available through NTIS, as described in the incorporation by reference.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. APPENDIX Appendix K Lead-Bearing Materials that May be Processed in Exempt Lead Smelters**

- a) Exempt lead-bearing materials when generated or originally produced by lead-associated industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g., manufacturing of lead oxide or other lead compounds).

Acid dump/fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing (e.g., coveralls, aprons, shoes, hats, gloves)

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasive

Stacking boards

Waste shipping containers (e.g., cartons, bags, drums, cardboard)

Paper hand towels

Wiping rags and sponges

Contaminated pallets

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries (e.g., K069 and D008 wastes)

Spent grinds, posts and separators

Spend batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Cheesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

- b) Exempt lead-bearing materials when generated or originally produced by any industry.

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. ~~APPENDIX~~Appendix L Nickel or Chromium-Bearing Materials that May be Processed in Exempt Nickel-Chromium Recovery Furnaces**

- a) Exempt nickel or chromium-bearing materials when generated by manufacturers or users of nickel, chromium, or iron.
- Baghouse bags
  - Raney nickel catalyst
  - Floor sweepings
  - Air filters
  - Electroplating bath filters
  - Wastewater filter media
  - Wood Pallets
  - Disposable clothing (coveralls, aprons, hats, and gloves)
  - Laboratory samples and spent chemicals
  - Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes
  - Respirator cartridge filters
  - Paper hand towels
- b) Exempt nickel or chromium-bearing materials when generated by any industry.
- Electroplating wastewater treatment sludges (F006)
  - Nickel or chromium-containing solutions
  - Nickel or chromium-containing catalysts

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POLLUTION CONTROL BOARD

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Nickel-cadmium and nickel-iron batteries

Filter cake from wet scrubber system water treatment plants in the specialty steel industry

Filter cake from nickel-chromium alloy pickling operations

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. ~~APPENDIX~~Appendix M Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units**

The following materials are exempt mercury-bearing materials containing less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, when generated by manufacturers or users of mercury or mercury products:

Activated carbon

Decomposer graphite

Wood

Paper

Protective clothing

Sweepings

Respiratory cartridge filters

Cleanup articles

Plastic bags and other contaminated containers

Laboratory and process control samples

K106 and other wastewater treatment plant sludge and filter cake

Mercury cell sump and tank sludge

Mercury cell process solids

Recoverable levels of mercury contained in soil

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 726. ~~TABLE~~Table A Exempt Quantities for Small Quantity Burner Exemption**

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 to 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code Citation: 35 Ill. Adm. Code 106
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
106.100	Amended
106.900	New
106.902	New
106.904	New
106.906	New
106.908	New
106.910	New
106.912	New
106.914	New
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2, and 27]
- 5) Effective Date of Rulemaking: November 5, 2012
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 106.904.
- 8) A copy of the the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: July 13, 2012; 36 Ill. Reg. 9924
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final version: In proceeding from first notice to final adoption, the Board has not substantively amended its proposal for Part 106.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The history of this rulemaking is described in detail in the Board's October 20, 2012 opinion and order adopting these rules. See In the Matter Of: Procedural Rules for Authorizations Under P.A. 97-220 For Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R12-11 (Oct 20, 2012). The procedural rules are adopted in response to P.A. 97-220, signed and effective July 28, 2011. P.A. 97-220 amended the Environmental Protection Act to specify that the Board rather than the Illinois Environmental Protection Agency (IEPA) may authorize certain exceptions to the provisions of Section 21(q) of the Environmental Protection Act (Act) [415 ILCS 5/21].

One type of Board authorization would allow any person to apply landscape waste and composted landscape waste to a rate greater than "agronomic rates" of not more than 20 tons per acre per year. Under another type, farmers who operate a composting facility may be authorized to use landscape waste compost to operate the compost facility on more than two percent of the property's total acreages. Without such Board authorizations, these activities are prohibited, and subject to enforcement.

The rules set out information requirements for applicants for such authorizations, and establishes the procedural framework for hearing (if requested) and Board decisions. These new rules are similar to those for adjusted standards under Section 28.1 of the Act [415 ILCS 5/28.1], and the other specific determinations required to be made by the Act or rule governed by Part 106.

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

Kathleen Crowley  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

312/814-6929  
crowlek@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket

POLLUTION CONTROL BOARD

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number R12-11 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 106

PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

- 106.100      Applicability
- 106.102      Severability
- 106.104      Definitions

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE,  
AND SULFUR DIOXIDE DEMONSTRATIONS

Section

- 106.200      General
- 106.202      Petition Requirements
- 106.204      Additional Petition Requirements in Sulfur Dioxide Demonstrations
- 106.206      Notice
- 106.208      Recommendation and Response
- 106.210      Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section

- 106.300      General
- 106.302      Initiation of Proceeding
- 106.304      Petition Content Requirements
- 106.306      Response and Reply
- 106.308      Hearing
- 106.310      Burden of Proof

SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT  
PERMIT PROGRAM (CAAPP) PERMITS

Section

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NOTICE OF ADOPTED AMENDMENTS

- 106.400 General
- 106.402 Definitions
- 106.404 Initiation of Proceedings
- 106.406 Petition Content Requirements
- 106.408 Response and Reply
- 106.410 Hearing
- 106.412 Burden of Proof
- 106.414 Opinion and Order
- 106.416 USEPA Review of Proposed Determination

SUBPART E: MAXIMUM ACHIEVABLE CONTROL  
TECHNOLOGY DETERMINATIONS

- Section
- 106.500 General
- 106.502 Definitions
- 106.504 Initiation of Proceedings
- 106.506 Petition Content Requirements
- 106.508 Response and Reply
- 106.510 Hearing
- 106.512 Burden of Proof
- 106.514 Board Action

SUBPART F: CULPABILITY DETERMINATIONS FOR PARTICULATE MATTER  
LESS THAN OR EQUAL TO 10 MICRONS (PM-10)

- Section
- 106.600 General
- 106.602 Initiation of Proceedings
- 106.604 Petition Content Requirements
- 106.606 Response and Reply
- 106.608 Hearing
- 106.610 Burden of Proof

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL  
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

- Section
- 106.700 Purpose

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

106.702	Applicability
106.704	Termination Under Section 52.3-4(b) or (b-5) of the Act
106.706	Who May Initiate, Parties
106.707	Notice, Statement of Deficiency, Answer
106.708	Service
106.710	Notice of Hearing
106.712	Deficient Performance
106.714	Board Decision
106.716	Burden of Proof
106.718	Motions, Responses
106.720	Intervention
106.722	Continuances
106.724	Discovery, Admissions
106.726	Subpoenas
106.728	Settlement Procedure
106.730	Authority of Hearing Officer, Board Members, and Board Assistants
106.732	Order and Conduct of Hearing
106.734	Evidentiary Matters
106.736	Post-Hearing Procedures
106.738	Motion After Entry of Final Order
106.740	Relief from Final Orders

SUBPART H: AUTHORIZATIONS UNDER THE REGULATION  
OF PHOSPHORUS IN DETERGENTS ACT

Section	
106.800	General
106.802	Definitions
106.804	Initiation of Proceeding
106.806	Petition Content Requirements
106.808	Response and Reply
106.810	Hearing
106.812	Burden of Proof

SUBPART I: AUTHORIZATIONS FOR CERTAIN LANDSCAPE WASTE AND  
COMPOST APPLICATIONS AND ON-FARM COMPOSTING FACILITIES

<u>Section</u>	
<u>106.900</u>	<u>General</u>
<u>106.902</u>	<u>Initiation of Proceeding</u>

## POLLUTION CONTROL BOARD

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<a href="#">106.904</a>	<a href="#">Petition Content Requirements</a>
<a href="#">106.906</a>	<a href="#">Petition Notice Requirements</a>
<a href="#">106.908</a>	<a href="#">Proof of Petition Notice Requirements</a>
<a href="#">106.910</a>	<a href="#">Response and Reply</a>
<a href="#">106.912</a>	<a href="#">Hearing</a>
<a href="#">106.914</a>	<a href="#">Burden of Proof</a>

SUBPART J: TEMPORARY LANDFILL BAN WAIVERS UNDER  
THE ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT

## Section

106.1000	General
106.1002	Definitions
106.1004	Initiation of Proceeding
106.1006	Petition Content Requirements
106.1008	Response and Reply
106.1010	Burden of Proof
106.1012	Board Decision

## 106.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing and authorized by Sections 5, 14.2(c), 21(q), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3 of the Environmental Protection Act (the Act) [415 ILCS 5/5, 14.2(c), 21(q), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3], Section 5 of the Regulation of Phosphorus in Detergents Act [415 ILCS 92/5] and Section 95 of the Electronic Products Recycling and Reuse Act [415 ILCS 150/95].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended in R93-30 at 18 Ill. Reg. 11579, effective July 11, 1994; amended in R99-9 at 23 Ill. Reg. 2697, effective February 16, 1999; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 550, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8817, effective June 8, 2005; amended in R10-19 at 34 Ill. Reg. 11486, effective July 23, 2010; amended in R12-21 at 36 Ill. Reg. 9236, effective June 17, 2012; amended in R12-11 at 36 Ill. Reg. 16582, effective November 5, 2012.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART A: GENERAL PROVISIONS

**Section 106.100 Applicability**

- a) This Part applies to adjudicatory proceedings pursuant to specific rules or statutory provisions. Specifically, the Part applies to heated effluent, artificial cooling lake and sulfur dioxide demonstrations, water well setback exception procedures, revocation and reopening of CAAPP permits, maximum achievable control technology determinations, culpability determinations for particulate matter less than or equal to 10 microns, the involuntary termination of environmental management system agreements, authorization of use of cleaning agents under the Regulation of Phosphorus in Detergents Act [415 ILCS 92], **and** temporary landfill ban waivers under the Electronic Products Recycling and Reuse Act [415 ILCS 150], **and authorizations for certain landscape waste and compost applications and on-farm composting facilities.**
- b) This Part must be read in conjunction with 35 Ill. Adm. Code 101, which contains procedures generally applicable to all of the Board's adjudicatory proceedings. In the event of a conflict between the requirements of 35 Ill. Adm. Code 101 and those of this Part, the provisions of this Part apply.

(Source: Amended at 36 Ill. Reg. 16582, effective November 5, 2012)

**SUBPART I: AUTHORIZATIONS FOR CERTAIN LANDSCAPE WASTE AND COMPOST APPLICATIONS AND ON-FARM COMPOSTING FACILITIES****Section 106.900 General**

- a) **Applicability. This Subpart applies to any person who files a petition for Board authorization concerning an individual site to:**
- 1) **apply landscape waste or composted landscape waste at a rate greater than the agronomic rates of 20 tons per acre per year, pursuant to Section 21(q) and (q)(2) of the Act; or**
  - 2) **operate an on-farm composting facility constituting more than 2% of the property's total acreage, pursuant to Section 21(q)(3) of the Act.**

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- b) Demonstration. Any person who files a petition for Board authorization under this Subpart must demonstrate that the site's soil characteristics or crop needs require a higher rate. [415 ILCS 5/21(q) and (q)(3)(A)]
- c) Parties. The person filing the petition for authorization must be named the petitioner and the Agency must be named the respondent.
- d) Filing and Service. The filing and service requirements of 35 Ill. Adm. Code 101.Subpart C will apply to the proceedings under this Subpart.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.902 Initiation of Proceeding**

The petitioner must file the petition for authorization with the Clerk of the Board and must serve one copy upon the Agency.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.904 Petition Content Requirements**

The petition must contain the following information:

- a) A written statement, signed by the petitioner or an authorized representative, concerning the property for which authorization is sought, outlining a description of the specific percentage of the property or the specific application rate sought and the duration of, the reasons for, and the basis for the authorization sought, consistent with the burden of proof stated in Section 106.914;
- b) The nature of the petitioner's operations;
- c) Any other applicable information that may be required by Section 21(q) of the Act, including but not limited to a map of the location where land application or composting would take place; a description of the uses of the surrounding areas; the method for nutrient calculations; the soil sampling analysis for samples taken within one year prior to the filing of the petition in accordance with the sampling protocols of subsections (e) and (f); the intended crop or planting; a description of any additives to the landscape waste; the method for incorporating the landscape waste or compost into the soil; the maximum time between acceptance of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

landscape waste or compost and its incorporation into soil; the weather conditions under which incorporation will occur; the method of minimizing stormwater/snowmelt runoff; a screening plan to ensure materials accepted do not contain materials other than landscape waste; a contingency plan that describes methods for dealing with emergency situations and methods for the removal of material that is not landscape waste from incoming loads; and the method of preventing nuisance conditions such as vectors, odors, litter or dust.

- d) For demonstrations under Section 106.914(a), a plan, including soil testing, in accordance with subsections (e) and (f) and no less than once every five years, to show when application of landscape waste or composted landscape waste at rates greater than an agronomic rate of 20 tons per acre per year will be, or will continue to be, beneficial to the site's soil characteristics or crop needs. Such a plan must specify any soil parameters to be analyzed, such as soil organic content and nutrients and any limits on them.
- e) Soil samples collected that will represent the entire landscape waste or composted landscape waste application site.
- 1) Soil Plow Zone – one soil sample shall be collected per 8 acres of application site area to a depth of 12 inches. Each soil sample taken shall be a homogeneous mixture composed of at least 10 subsamples randomly collected within the 8 acre area.
  - 2) Soil Profiles – one soil core sample per 8 acres of land application site shall be obtained to a depth of 5 feet using a soil tube or soil auger type implement. Soil cores shall be divided into 5 one foot subsamples and each subsample shall be analyzed separately.
  - 3) Soil sample collection pursuant to subsections (a) and (b) may be modified by the Board upon request by the petitioner after considering the application rate of the landscape waste or composted landscape waste and the continuity of soil types of the application site.
- f) Soil analysis performed in accordance with the following references, unless equivalent results can be obtained by other methods. The petitioner shall demonstrate that equivalent results are obtainable based on the nature of the test methodology, the nature of the parameter and the level of statistical accuracy.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Physical Testing Methods  
Methods of Soil Analysis – Part 1, Physical and Mineralogical Properties (1986), Soil Science Society of America (SSSA) and American Society of Agronomy, Inc. (ASA), 5585 Guilford Road, Madison, Wisconsin 53711.
- 2) Chemical Testing Methods  
Methods of Soil Analysis – Part 3, Chemical Methods (1996), Soil Science Society of America (SSSA) and American Society of Agronomy, Inc. (ASA), 5585 Guilford Road, Madison, Wisconsin 53711.
- 3) For the purposes of this Subpart I, the Board incorporates by reference the soil test methods listed in subsections (f)(1) and (f)(2). This incorporation includes no later amendments or editions.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.906 Petition Notice Requirements**

- a) The petitioner shall submit to the Board proof that, within 14 days after the filing of the petition, it has published notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected by the petitioner's activity that is the subject of the Section 21(q) petition.
- b) The title of the notice must be in the following form: "Notice of Petition For Authorization Under 415 ILCS 5/21(q) by (petitioner's name) before the Illinois Pollution Control Board". The notice must contain the name and address of the petitioner and the statement that the petitioner has filed with the Board an authorization petition under Section 21(q). The notice must also provide the date upon which the petition was filed, the Board docket number, the proposed authorization, a general description of the petitioner's activity that is the subject of the authorization proceeding and the location of the petitioner's activity. This information must be presented so as to be understood in accordance with the context of this Section's requirements. The concluding portion of the notice must read as follows: "Any person may cause a public hearing to be held in the above-described authorization proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Suite 11-500, Chicago, Illinois 60601."

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.908 Proof of Petition Notice Requirements**

Within 30 days after the filing of the petition, the petitioner must file a certificate of publication, issued by the publisher of the authorization petition notice certifying the publication of that notice. The certificate must be issued in accordance with Section 1 of the Notice by Publication Act [715 ILCS 5/1].

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.910 Response and Reply**

- a) Within 45 days after the filing of a petition, the Agency may file a response to any petition in which it has not joined as co-petitioner. The response must include the comments concerning potential Board action on the petition.
- b) The petitioner may file a reply within 14 days after the service of any Agency response.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.912 Hearing**

- a) Any person can request that a public hearing be held in an authorization proceeding. The requests must be filed not later than 21 days after the date of the publication of the petition notice in accordance with Section 106.906. Requests for hearing should make reference to the Board docket number assigned to the proceeding. A copy of each timely hearing request will be mailed to the petitioner and Agency by the Clerk of the Board. Participation by the public at the hearing must be in accordance with 35 Ill. Adm. Code 101.110 and 101.628. The Board may also, in its discretion, hold a public hearing when it determines a public hearing is advisable.
- b) When all parties and participants who have requested a hearing pursuant to this Subpart have withdrawn their requests for a hearing, the hearing will not be held unless the Board, in its discretion, deems it advisable.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- c) The hearing officer will set a time and place for the hearing. The hearing officer will make an attempt to consult with the petitioner and the Agency prior to the scheduling of a hearing. Hearings are to be held in the county likely to be affected by the petitioner's activity that is the subject of the proposed authorization proceeding.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

**Section 106.914 Burden of Proof**

The burden of proof is on the petitioner. A petitioner may seek authorization, for an individual site, to:

- a) Apply landscape waste or composted landscape waste at rates greater than "agronomic rates" of not more than 20 tons per acre per year. An owner or operator seeking to apply landscape waste or composted landscape waste in accordance with Section 21(q)(2) of the Act at rates greater than agronomic rates must demonstrate to the Board that the site's soil characteristics or crop needs require a higher rate as specified in the petition. [415 ILCS 5/21(q)]
- b) Increase in total acreage of on-farm composting facility. A farm owner or operator seeking to apply landscape waste or landscape waste compost in accordance with Section 21(q)(3)(A) of the Act at a composting facility on which the composting material is utilized and who proposes to do so on more than 2% of the property's total acreage on which the composting material is utilized by the farmer, must demonstrate to the Board that the site's soil characteristics or crop needs require a higher rate as specified in the petition.

(Source: Added at 36 Ill. Reg. 16582, effective November 5, 2012)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 6, 2012 through November 13, 2012 and have been scheduled for review by the Committee at its December 11, 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>
12/21/12	<u>Department of Agriculture</u> , General Operations of the State Fairs and Fairgrounds (8 Ill. Adm. Code 270)	8/17/12 36 Ill. Reg. 12940	12/11/12
12/21/12	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	9/14/12 36 Ill. Reg. 14032	12/11/12

## CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF RETRACTION REGARDING CAMPAIGN CONTRIBUTION

1. Name of Contributor: Mr. Mark Anderson, part owner of Shive-Hattery, Inc.
2. Date Notice Appeared in Register: September 21, 2012, 36 Ill. Reg. 14459.
3. Summary of Action Taken by the Agency: The Chief Procurement Officer for the Capital Development Board (CPO-CDB) retracts the Notice of Campaign Contribution Violation of Procurement Code published in the *Illinois Register* on September 21, 2012, 36 Ill. Reg. 14459. The CPO-CDB submitted a notice for publication to the *Illinois Register* indicating that a contribution of \$250.00 by Mark Anderson, an affiliated person of the business entity, Shive-Hattery, Inc., to Brady for Senate, Inc. on June 30, 2009 was in violation of Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37]. The CPO-CDB notified Mr. Anderson and Brady for Senate, Inc. of the contribution, reviewed responsive material provided by Mr. Anderson and Brady for Senate, Inc., and has determined that the contribution was not in violation of Section 50-37 of the Procurement Code because Mr. Brady was not a declared candidate for the office of Governor at the time the contribution was made. Accordingly, the CPO-CDB has determined that Brady for Senate, Inc. is not required to submit payment to the State in the amount of the contribution. Mr. Anderson and Brady for Senate, Inc. have been notified of the CPO-CDB's determination and of the notice of retraction.

## 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 wishes to provide public notice regarding proposed changes to payments as they apply to 89 Ill. Adm. Code 148.440 through 148.456. The annual amount of each payment for which a hospital qualifies shall be made in twelve installments on or before the 7<sup>th</sup> State business day of the month.

This change will provide the Department with the flexibility necessary to address hospital cash flow issues without adversely affecting fund balances. This proposal is not projected to incur any new State costs.

3. Name and address of person to contact concerning this information:

Bureau of Program and Reimbursement Analysis  
Division of Medical Programs  
Healthcare and Family Services  
201 South Grand Avenue East  
Springfield, IL 62763-0001

E-mail address: [bpra@illinois.gov](mailto:bpra@illinois.gov)

Interested persons may review these proposed changes on the Internet at <http://www2.illinois.gov/hfs/PublicInvolvement/>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This Notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

## PROCLAMATIONS

**2012-336****School Psychology Awareness Week**

WHEREAS, all children and youth learn best when they are healthy, supported and receive an education that meets their individualized needs; and,

WHEREAS, schools can more effectively ensure that all students are ready and able to learn when they meet the needs of the whole child; and,

WHEREAS, children's mental health is directly linked to their learning and development, and the learning environment provides an optimal context to promote good mental health; and,

WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and supporting culturally diverse student populations; and,

WHEREAS, school psychology has over 60 years of well established, widely recognized, and highly effective practice, including being one of three substantive areas of psychological practice specified by the American Psychological Association; and,

WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports that lower barriers to learning, enabling teachers to teach and students to learn; and,

WHEREAS, school psychologists help children discover and nurture their individual strengths and across both personal and academic endeavors; and,

WHEREAS, school psychologists facilitate collaboration to help parents and educators to identify and reduce risk factors, promote protective factors, create safe, caring schools, and access community resources; and,

WHEREAS, school psychologists are trained to assess student and school-based barriers to learning, utilize data-based decision-making, implement research-driven prevention and intervention strategies, and evaluate outcomes and improve accountability; and,

WHEREAS, citizens of the State of Illinois should recognize the vital role that school psychologists play in the personal and academic development of our children; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 12-16, 2012 as **SCHOOL PSYCHOLOGY AWARENESS WEEK** in Illinois.

## PROCLAMATIONS

Issued by the Governor October 9, 2012

Filed by the Secretary of State November 13, 2012

**2012-337****Earth Science Week**

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and,

WHEREAS, the earth sciences provide a basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and,

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and,

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and,

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and,

WHEREAS, Earth Science Week, observed annually during the second full week of October, is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all levels throughout the Land of Lincoln to undertake lessons and activities with their students directed toward the study of earth science; and,

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois, and across the country, particularly in the sciences. This year's theme, "Discovering Careers in the Earth Sciences" effectively captures the need for greater interest in science and math among our nation's children; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 14-20, 2012 as **EARTH SCIENCE WEEK** in Illinois.

Issued by the Governor October 9, 2012

Filed by the Secretary of State November 13, 2012

**2012-338**

## PROCLAMATIONS

**Drive Safer Sunday**

WHEREAS, motor vehicle travel is the primary means of transportation in the United States; and,

WHEREAS, more than 33,000 people are killed each year in accidents on American highways and roads, including more than 900 killed in 2010 and 2011 on Illinois streets and roads; and,

WHEREAS, the Sunday after Thanksgiving is the busiest highway travel day of the year, and,

WHEREAS, combined, more than 2,700 vehicle accidents were reported during the 2010 and 2011 Thanksgiving weekend; 8 individuals were killed and more than 800 injured in crashes in 2011 and 15 individuals were killed and more than 700 injured in crashes in 2010; and,

WHEREAS, according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year; and,

WHEREAS, all people of the United States should understand the life-saving importance of wearing a seat belt and of motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and,

WHEREAS, since 2003, the organization "Road Safe America" has been dedicated to education and awareness regarding roadway safety, and encourages truck and passenger car drivers to operate their vehicle safely in order to save lives on American roads and highways; and,

WHEREAS, Steve and Susan Owings founded Road Safe America after their son Cullum, who was killed the Sunday after Thanksgiving in 2002 when his car was crushed from behind by a speeding vehicle on a Virginia highway; and,

WHEREAS, it is the responsibility of every driver to operate in a safe manner in order to reduce deaths and injuries that result from motor vehicle accidents; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 25, 2012, the Sunday after Thanksgiving, as **DRIVE SAFER SUNDAY** in Illinois, and do hereby encourage all motorists to drive more safely and to use the Sunday after Thanksgiving as an opportunity to educate themselves about roadway safety.

Issued by the Governor October 10, 2012

Filed by the Secretary of State November 13, 2012

## PROCLAMATIONS

**Lights on After School Day**

WHEREAS, the citizens of the State of Illinois stand firmly committed to quality afterschool programs and opportunities; and,

WHEREAS, afterschool programs provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills; and,

WHEREAS, afterschool programs also support working families by ensuring their children are safe and productive after the regular school day ends; and,

WHEREAS, afterschool programs benefit everyone because they build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults; engage families, schools and community partners in advancing the welfare of our children; and,

WHEREAS, the State of Illinois has provided significant leadership in the area of community involvement in the education and well-being of our youth which is grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and,

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and unfortunately, 15.1 million children have no place to go after school; and,

WHEREAS, of the school-age children in Illinois, approximately 26 percent are unsupervised after school; and,

WHEREAS, afterschool programs strengthen our communities by providing students a safe and healthy environment for them to learn while helping working parents; and,

WHEREAS, the State of Illinois is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy; and,

WHEREAS, Lights On Afterschool is a national celebration of afterschool programs that will be held this year on October 18; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 18, 2012, as **LIGHTS ON AFTERSCHOOL DAY** in Illinois, in recognition of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor October 11, 2012

## PROCLAMATIONS

Filed by the Secretary of State November 13, 2012

**2012-340**  
**Diversity and Inclusion Day**

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and,

WHEREAS, the success of a company in the 21<sup>st</sup> century is dependent in part on its ability to maintain a workforce that mirrors the diverse community it serves; and,

WHEREAS, the Ninth Annual Changing Color of Leadership Conference and Bridge Awards Dinner, hosted by Chicago United, which is of special interest to Chicago-based businesses, will be held on Wednesday, November 16, 2012; and

WHEREAS, the conference and dinner will provide chief executive officers, corporate executives and minority business owners the opportunity to network and engage in meaningful dialogue regarding diversity and inclusion in the workforce and business partnerships; and

WHEREAS, the Ninth Annual Changing Color of Leadership Conference and Bridge Awards Dinner assists in advancing the ongoing efforts to promote diversity and inclusion at all levels to enhance the region's economy; and

WHEREAS, through its many programs and products, Chicago United will bring together business, civic, and not-for-profit leaders to bridge the gap between race and business; and,

WHEREAS, our success as a state depends on our ability to create conditions that strengthen Illinois employers; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 16, 2012 as **DIVERSITY AND INCLUSION DAY** in Illinois.

Issued by the Governor October 11, 2012

Filed by the Secretary of State November 13, 2012

**2012-341**  
**Marine Week**

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 237 years; and,

## PROCLAMATIONS

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict, from the Revolutionary War in the 18<sup>th</sup> century, to the War on Terrorism today; and,

WHEREAS, Marines are trained to always be faithful to "God, Country, and Corps," to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and,

WHEREAS, thanks to that training, the Marine Corps is one of the most elite and capable fighting forces in the world; and the devotion of Marines to duty has helped keep us and our country safe and free; and,

WHEREAS, for those reasons, Marines have rightfully earned a reputation for courage and military efficiency. They have a rich tradition of excellence, and this year they celebrate 237 years of commitment and dedication to service; and,

WHEREAS, Marine Week was established to recognize the contributions of local Marine heroes, their families, and the cities from which they came, while also showcasing the rich history and traditions of the Marine Corps; and,

WHEREAS, during Marine Week, to be observed this year from November 5-11 which includes the anniversary of the formation of the Marine on November 10, Marines undertake a variety of activities to raise awareness of the Marine Corps and their role in our communities and in protecting and preserving our Nation and its citizens; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 5-11, 2012 as **MARINE WEEK** in Illinois, in recognition of the Marine Corps, and to thank the loyal Marines of our state who have served and sacrificed to protect our liberty and freedom.

Issued by the Governor October 17, 2012

Filed by the Secretary of State November 13, 2012

**2012-342****National Rural Health Day**

WHEREAS, rural communities in Illinois and throughout the United States are wonderful places to live and work – they are places where people know each other, listen to/respect each other and work together to benefit the community; and

WHEREAS, a healthy rural and agricultural citizenry is vital to the overall economic health of the state; and

## PROCLAMATIONS

WHEREAS, more than 2 million Illinois residents live in rural areas; and

WHEREAS, on average 14 percent of total employment in rural communities is attributed to the health sector; and,

WHEREAS, meeting the unique health care needs of those citizens is constantly evolving, as rural communities face accessibility issues, a lack of health care providers, an aging population suffering from a greater number of chronic conditions, and larger percentages of un- and underinsured citizens; and

WHEREAS, rural hospitals work to address the health care disparities in addition to being sources of innovation and resourcefulness that reach beyond geographical boundaries to deliver quality care and serve as primary economic engines of their communities, with every dollar spent generating about \$2.20 for the local economy; and

WHEREAS, the Illinois Department of Public Health Office of Rural Health plays a distinct and critical role by leading efforts to address the unique healthcare needs of our rural citizens.

WHEREAS, Illinois is committed to recognizing the unique health care needs and opportunities that exist in communities and addressing those needs; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim November 15, 2012, to be **NATIONAL RURAL HEALTH DAY** in Illinois and encourage citizens to honor our rural communities as wonderful places to live and work.

Issued by the Governor October 17, 2012

Filed by the Secretary of State November 13, 2012

**2012-343****National Service Recognition Day**

WHEREAS, more than 84,000 people of all ages and backgrounds are serving in more than 2,600 national and local nonprofits, schools, faith-based organizations, and other groups across Illinois; and

WHEREAS, National Service Members serve their communities by improving education, protecting public safety, improving health care, safeguarding the environment, providing disaster relief and promoting civic engagement; and

## PROCLAMATIONS

WHEREAS, more than 2,600 AmeriCorps Members serving in Illinois will take their pledge today and promise to carry this commitment to service throughout their lives; and

WHEREAS, over 17,000 Senior Corps Members are currently contributing their time and talents through the Foster Grandparent, Senior Companion, and Retired and Senior Volunteer Program (RSVP) programs; and

WHEREAS, the Learn and Serve America program provides grants to schools, colleges, and nonprofits to engage more than 64,000 Illinois students in community service, civic learning and community service each year; and

WHEREAS, the Serve Illinois Commission is charged with enhancing and supporting community volunteerism in all its forms and in the administration of the AmeriCorps\*State program in Illinois,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim October 18, 2012 as **NATIONAL SERVICE RECOGNITION DAY** in the State of Illinois, and congratulate Illinois' AmeriCorps and the National Service family of programs, both past and present, on their service in strengthening communities through volunteerism in the State of Illinois.

Issued by the Governor October 18, 2012

Filed by the Secretary of State November 13, 2012

**2012-344****United Nations Day**

WHEREAS, the United Nations was founded in 1945, and the anniversary of its founding is observed each year on October 24; and

WHEREAS, October 24<sup>th</sup>, 2012 marks the 67<sup>th</sup> anniversary of the United Nations which was founded in 1945; and

WHEREAS, one of the principal mandates of the United Nations – "To achieve international cooperation in solving problems of an economic, social, cultural, or humanitarian character" remains as valid today as when those words were written into the Charter more than a half century ago; and

WHEREAS, the United Nations has declared 2012 as the International Year of Cooperatives; and

## PROCLAMATIONS

WHEREAS, in the spirit of this theme the Illinois Department of Human Rights in cooperation with the United Nations Association of the United States of America (UNA-USA) – Greater Chicago Chapter, has collaborated with the Consuls General in Chicago to emphasize the topic of "Human Cooperation"; and

WHEREAS, on United Nations Day, we join our friends around the world in reflecting on our shared interests and renewing our commitment to human rights, equal opportunity; accountability, and prosperity for all peoples;

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, financial institutions, elected officials, state agencies, and others must be combined to promote and preserve integration, fair housing, and equal opportunity.

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24, 2012 as **UNITED NATIONS DAY** in Illinois. I urge all Illinois to embrace diversity, recognize the importance of equal opportunity, and to observe United Nations Day with appropriate ceremonies and activities.

Issued by the Governor October 19, 2012

Filed by the Secretary of State November 13, 2012

**2012-345****Marseilles Middle East Conflict Memorial Day**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, it is our duty to ensure the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve everything we can give them; and,

WHEREAS, on June 19, 2004, a memorial wall was dedicated in honor of service members killed during worldwide conflicts since 1979; and,

WHEREAS, the Marseille Middle East Conflict Wall is a project funded and maintained by the Illinois Motorcycle Freedom Run; and,

## PROCLAMATIONS

WHEREAS, the Marseilles Middle East Conflict Wall is the first of its kind to honor our fallen by name while a conflict is still ongoing; and,

WHEREAS, the Marseilles Middle East Conflict Wall lists over 7,000 names of service members from across the United States who have been killed in action, including all of the fallen from Illinois; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 11, 2012 as **MARSEILLES MIDDLE EAST CONFLICT MEMORIAL DAY** in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor October 25, 2012

Filed by the Secretary of State November 13, 2012

**2012-346****Radiologic Technology Week and International Day of Radiology**

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, medical imaging exams have revolutionized medicine and are directly linked to greater life expectancy for Americans, declines in cancer and hospital mortality rates, and are most often safer and less expensive than the invasive procedures they replace; and,

WHEREAS, medical imaging scans reduce the number of invasive surgeries, unnecessary hospital admissions and lengths of hospital stays and help lower health care costs for Americans; and,

WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of disease share a commitment to creating a safe and more compassionate environment for the people of this state; and,

WHEREAS, professionals in the radiologic sciences continually maintain their high standards of professionalism through education, lifelong learning, credentialing and personal commitment; and,

WHEREAS, The New England Journal of Medicine has named medical imaging one of the top

## PROCLAMATIONS

10 medical advances of the last 1,000 years; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 4-10, 2012 as **RADIOLOGIC TECHNOLOGY WEEK** and November 8, 2012, as **INTERNATIONAL DAY OF RADIOLOGY** in Illinois, and encourage all citizens to recognize the importance of radiologic technology to the health industry in this state, and across the country and honor its contributions with appropriate programs, ceremonies, and activities.

Issued by the Governor October 26, 2012

Filed by the Secretary of State November 13, 2012

**2012-347**

**Capt. Herbert Johnson**

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but have the courage to act calmly and professionally in otherwise terrifying situations; and,

WHEREAS, on the evening of November 2, 2012 one of these brave souls, Capt. Herbert Johnson of the Chicago Fire Department, was suddenly taken from us; and,

WHEREAS, we will always remember that throughout his more than 32- year career as a proud member and officer of the Chicago Fire Department, Capt. Herbert Johnson courageously volunteered to walk into fires as everyone else ran out; and,

WHEREAS, although Capt. Herbert Johnson is no longer with us we will not forget the countless lives that were impacted by his public service, including those individuals he assisted in the last hours of his life; and,

WHEREAS, Capt. Herbert Johnson was not simply a public servant, but dedicated first responder who was known by many for his deep commitment to helping people and saving lives, characteristics that would earn him the Illinois' Firefighting Medal of Honor for acts in 2006 that included pulling a man from a burning building, ultimately saving his life; and,

WHEREAS, in addition to his Chicago service, Capt. Herbert Johnson organized events to assist with 9/11 relief efforts, attended church fundraisers, and coached local youth sports teams; and,

## PROCLAMATIONS

WHEREAS, we remember Capt. Herbert Johnson's dedication to the South Side, the entire city of Chicago and the State of Illinois through his activities with his church, school and even leadership with the St. Cajetan Men's Club; and,

WHEREAS, Capt. Herbert Johnson was 54, and leaves behind a wife, Susan, and three children: CPL Thomas, Laurie and Michael. Not only did he serve the citizens of Chicago and of this great state, but was a hero in his role as a husband and a father; and,

WHEREAS, on Thursday, November 8, 2012, a funeral will be held in Chicago, Illinois, for Capt. Herbert Johnson; and,

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on November 6, 2012 until sunset on November 8, 2012 in honor and remembrance of Capt. Herbert Johnson whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 5, 2012

Filed by the Secretary of State November 13, 2012

**2012-348****Adoption Awareness Month**

WHEREAS, thanks to thousands of adoptive parents across the state, 17,639 children have found permanent loving homes over the last decade, including 1,697 children in the last year alone; and,

WHEREAS, all children need and deserve the love, nurturing, and sense of security that can only come from being a part of a loving, permanent family; and,

WHEREAS, adoption provides a unique joy and a special opportunity for individuals, whether or not they are already parents, married, in a civil union, single or divorced, to open their hearts and their homes for the rest of their lives to children; and,

WHEREAS, the Illinois Department of Children and Family Services and its nonprofit partners strive to reunify children with their birth families; but when that simply is not possible, they are equally committed to ensuring every child has the safe, loving family they deserve and need to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system: reducing the number of children in temporary foster care from 52,000 to 15,000; establishing a Bill of Rights for both birth parents and adoptive parents; and

## PROCLAMATIONS

strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents and children; and,

WHEREAS, Illinois has recently established an Adoption Support Line to provide professional assistance to adoptive families and enacted legislation to protect and maintain the critical ties between siblings whether destined for adoption or reunification with their birth parents; and,

WHEREAS, all of the progress in recent years would not have been possible without champions like State Representative Sara Feigenholtz, an adoptee herself, and State Representative Naomi Jakobsson, an adoptive parent, as well as child advocates including: Child Care Association of Illinois; Illinois Foster and Adoptive Parent Association; Illinois Adoption Advisory Council; Illinois Statewide Youth Advisory Board; Chicago Bar Association; Loyola Child Law Clinic of Loyola University; and many child welfare agencies, adoptive parent groups and individuals across the state; and,

WHEREAS, together we are committed to improving the child welfare system even further, including reducing the length of time children remain in temporary foster care, where Illinois ranks 47<sup>th</sup> in the nation according to the U.S. Department of Health and Human Services; and,

WHEREAS, currently, there are 2,040 children awaiting adoption across the state across all ages, backgrounds and needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2012 as **ADOPTION AWARENESS MONTH** in Illinois, and do hereby encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children, and encourage others to consider joining them in making a life-changing difference to children.

Issued by the Governor November 7, 2012

Filed by the Secretary of State November 13, 2012

**2012-349****College Application Month**

WHEREAS, Illinois policymakers and education institutions have adopted a goal of increasing the proportion of Illinois adults with a high-quality postsecondary credential to 60% by 2025; and,

WHEREAS, labor economists have projected that, by 2018, more than 60% of all jobs in Illinois will require some education or training beyond high school, while about 43% of Illinois adults currently have a postsecondary credential; and,

## PROCLAMATIONS

WHEREAS, greater levels of education correlate with higher earnings, lower unemployment rates, and better health, and children from low-income families have a greater chance of rising to the middle class if either the parent or the child has an opportunity to secure a postsecondary degree; and,

WHEREAS, many students, particularly first-generation students who do not have an immediate family member who attended college, can feel overwhelmed by the process of applying for college; and,

WHEREAS, for those students, not having someone who can help them navigate the college application process can be enough to prevent them from pursuing a postsecondary education, thereby reducing the students' chances of later employment and financial independence; and,

WHEREAS, providing hands-on help with college exploration and applications can ensure that all seniors have the opportunity to take the first big step towards continuing their education following high school; and,

WHEREAS, the Illinois Student Assistance Commission and high schools around the state are collaborating to host week-long campaigns as part of the College Changes Everything college access movement, with events and activities to encourage earlier college applications from students who might otherwise apply late in the school year or not apply at all, and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 29 – November 30, 2012 as **COLLEGE APPLICATION MONTH** in Illinois, and call upon all Illinoisans to support the students in their communities as they work to achieve their educational goals.

Issued by the Governor November 7, 2012

Filed by the Secretary of State November 13, 2012

**2012-350****National Homeless Youth Awareness Month and National Runaway Prevention Month**

WHEREAS, the future well-being of our nation is dependent on the value we place on our young people; therefore, we must ensure that they are never left without a place to stay, food to eat, access to education and a path toward self-sufficiency; and,

WHEREAS, nationally, between 1.6 and 2.8 million youth run away in a one-year period; and,

## PROCLAMATIONS

WHEREAS, nearly 25,000 unaccompanied homeless youth through the age of 21 years live in Illinois communities; and

WHEREAS, out of 47,816 homeless students in Illinois' schools this year, over 5,865 were identified as unaccompanied youth; and,

WHEREAS, there are various causes of youth homelessness spanning many cultural and socioeconomic backgrounds, including youth who run away, are thrown away, or are forced to leave due to reasons including, physical, sexual, and/or emotional abuse, domestic violence or substance abuse in the home, rejection by parents or guardian due to sexual orientation or gender identity, teenage pregnancy, separation due to a parent or guardian's incarceration, institutionalization, or long term family homelessness, and discharge to homelessness from the child welfare or juvenile justice systems; and,

WHEREAS, without intervention, these youth are at high risk of victimization, hospitalization, HIV infection, dropping out of school, teen pregnancy, incarceration, adult homelessness, system dependency and premature death; and,

WHEREAS, 33% of runaway youth are actively recruited for the purposes of sexual exploitation and other forms of human trafficking; and,

WHEREAS, awareness of the tragedy of youth homelessness and its causes must be heightened so that greater support for effective programs and resources that help youth achieve safety and stability involving families, schools, community organizations, faith-based institutions, businesses and law enforcement agencies becomes a priority in Illinois; and,

WHEREAS, November is nationally recognized as Homeless Youth Awareness Month; and,

WHEREAS, November is also nationally recognized as Runaway Prevention Month; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November as **NATIONAL HOMELESS YOUTH AWARENESS MONTH** and **NATIONAL RUNAWAY PREVENTION MONTH** in Illinois, and encourage all residents to take action in the fight against homelessness in our state and educate their communities about the particularly devastating consequences of youth homelessness.

Issued by the Governor November 8, 2012

Filed by the Secretary of State November 13, 2012

**2012-351**

**A Prairie Home Companion Day**

## PROCLAMATIONS

WHEREAS, in 1974, a Saturday night version of "A Prairie Home Companion" debuted in front of a live audience and featured musicians, musical numbers and comedic skits in an old-style variety show format; and,

WHEREAS, "A Prairie Home Companion" has become a major outlet for musical acts from the blues, gospel, bluegrass and country music genres, among others; and,

WHEREAS, "A Prairie Home Companion" features a number of regular comedic skits, including "Guy Noir, Private Eye," "The News from Lake Wobegon," as well as parodied show sponsors. It also hosts a variety of special guests; and,

WHEREAS, "A Prairie Home Companion" was adapted for the big screen in a 2006 movie starring a long list of top-billed actors, as well as Keillor himself; and,

WHEREAS, today, "A Prairie Home Companion" is heard by more than 4 million listeners each week both in the United States and abroad, including on America One and the Armed Forces networks in Europe and the Far East; and,

WHEREAS, "A Prairie Home Companion" has been broadcasting out of the Fitzgerald Theater, originally the World Theater, in St. Paul, Minnesota for over three decades; and,

WHEREAS, Garrison Keillor will take "A Prairie Home Companion" on the road to Chicago to broadcast live at the Auditorium Theater of Roosevelt University on November 10th; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 10, 2012 as **A PRAIRIE HOME COMPANION DAY**, in recognition of the show's contributions to entertainment through both the written and spoken word.

Issued by the Governor November 8, 2012

Filed by the Secretary of State November 13, 2012

**2012-352****Prematurity Awareness Month and World Prematurity Day**

WHEREAS, from birth to one year, prematurity is the leading cause of death among infants in the United States; those that do survive are susceptible to lifelong disabilities such as chronic lung disease, blindness, and cerebral palsy; and

WHEREAS, prematurity costs families and communities billions of dollars every year in care and treatment; and

## PROCLAMATIONS

WHEREAS, about 522,000 babies are born prematurely in the United States every year, with 15 million born worldwide annually; and

WHEREAS, in the last year alone, there were more than 21,000 premature babies born in the State of Illinois, which is roughly 1 in 8 births; and,

WHEREAS, a greater percentage of babies are born early in the U.S. than in 130 other countries worldwide; and

WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research to find the causes and by aiding local programs that provide assistance to families with babies that are born prematurely and working with state officials to find policy solutions; and

WHEREAS, this November, the March of Dimes is working with partner organizations and parent groups around the globe to call attention to the problem of premature birth and to offer hope to families affected by it; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2012 as **PREMATURITY AWARENESS MONTH** and November 17, 2012, as **WORLD PREMATURITY DAY** in Illinois, in support of the worthy efforts by the March of Dimes to prevent and raise awareness about this problem that plagues so many babies, families and communities and to urge all Illinoisans to learn more about the fight against premature birth at [www.marchofdimes.com/prematurity](http://www.marchofdimes.com/prematurity).

Issued by the Governor November 8, 2012

Filed by the Secretary of State November 13, 2012

**ILLINOIS ADMINISTRATIVE CODE**  
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