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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.].

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

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Riverboat Gambling

2) **Code Citation:** 86 Ill. Adm. Code 3000

3) **Section Numbers:** Proposed Action:
   - 3000.100   Amendment
   - 3000.660   Amendment
   - 3000.661   Amendment
   - 3000.670   Amendment

4) **Statutory Authority:** Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5(c)(2), (3), and (6) of this Act [230 ILCS 10/5(c)(2), (3), and (6)]

5) **A Complete Description of the Subjects and Issues Involved:** The proposed rulemaking will allow licensed owners and suppliers to remotely access electronic gaming devices for purposes of program and system upgrades, equipment maintenance and corporate information retrieval. Remote access has become possible because of advancements in technology and is now the industry standard. In gaming jurisdictions where it has been implemented, remote access has brought about cost and labor efficiencies, as well as quicker problem resolution.

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

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

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11) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand a State mandate under 30 ILCS 805.
12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the Illinois Register to:

Michael Fries  
Chief Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601  
312/814-4700  
Fax No. 312/814-7253  
mfries@revenue.state.il.us

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking will require the Board to implement minimum internal controls standards pertaining to remote communications between electronic information systems and electronic gaming devices through a data link.

C) Types of professional skills necessary for compliance: Implementation of the proposed rulemaking will require professional expertise in information processing and computer electronics. The Board currently has staff members who possess the necessary technical skills.

14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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ILLINOIS GAMING BOARD

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AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

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

"Act": The Riverboat Gambling Act [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other
NOTICE OF PROPOSED AMENDMENTS

than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or
more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier's cage of a Riverboat Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.
"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of $100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension,
ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Remote Access": Communication with an electronic information system from a remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations
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Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.
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"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.
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(Source: Amended at 32 Ill. Reg. ______, effective _____________)

SUBPART F: CONDUCT OF GAMING

Section 3000.660 Minimum Standards for Electronic Gaming Devices

a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts Wagered, which must not be less than 80% nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

b) Electronic Gaming Devices shall, at a minimum:

1) Be controlled by a microprocessor or the equivalent;

2) Be compatible to on-line data monitoring;

3) Contain an EPROM or Non-Alterable Storage Media that has been approved by the Administrator subsequent to a review of the EPROM or Non-Alterable Storage Media by an independent laboratory designated by the Administrator;

4) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM and for all non-alterable storage media program storage that has an effect on the game's integrity; if using Non-Alterable Storage Media, provide a security device or protocol approved by the Administrator to guarantee program inaccessibility by other than by an approved method and personnel and only in the presence of a Gaming Board agent;

5) Be able to continue a Game with no data loss after a power failure;

6) Have previous and current Game data recall;

7) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game
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outcome, the amount Wagered, or upon the style or method of play;

8) Clearly display applicable rules of play and the payout schedule;

9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;

10) Have a complete set of nonvolatile meters including amounts wagered, amounts awarded, amounts redeemed, total Vouchers issued, total quantity of Vouchers issued and United States currency, Vouchers, and Tokens dropped;

11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes;

12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage; and

13) If interfaced with a Voucher System, meet the minimum requirements for a Voucher System as set forth in this Part.

c) When an Electronic Gaming Device is unable to drop sufficient Tokens or issue a Voucher in a sufficient amount for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:

1) The location of the Electronic Gaming Device;

2) The date;

3) The time of day;

4) The Electronic Gaming Device number;

5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;
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6) The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and

7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.

d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:

1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;

2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;

3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;

4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:

A) The amount shown on the progressive meter is paid to a player as a jackpot;

B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and
C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;

5) A holder of an Owner's license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.

e) The Administrator may approve, for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:

1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.

2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.

3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.

4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.

5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.

6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.
f) The use of remote access is prohibited unless the Administrator has approved internal controls that specifically address remote access procedures.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 3000.661 Minimum Standards for Voucher Systems

A Voucher System shall, at a minimum:

a) Perform the following minimum functions to control access to the System:

1) Generate daily monitoring logs of user access, security incidents and unusual transactions, and immediately notify or cause to immediately notify the Board and the MIS Department pursuant to the Owner licensee’s approved Internal Controls of critical security incidents and unusual transactions;

2) Assign rights and privileges to each user, including:

   A) allowance for the secure administration of user accounts to provide an adequate separation of duties; and

   B) adequate password parameters, such as lockout, minimum length, and expiration interval;

3) Use appropriate access protocols to restrict unauthorized users from viewing, changing or deleting critical files and directories;

4) Utilize encryption or password protection or equivalent security for files and directories containing critical or sensitive data. If encryption is not used, users shall be restricted from viewing the contents of such files and directories, which at a minimum shall provide for:

   A) the effective segregation of duties and responsibilities with regard to the system in the MIS Department; and

   B) the automatic monitoring and recording by the system of access by any person to such files and directories;
b) Perform the following minimum functions to control system operations:

1) Validate the identity of those devices from which a transmission is received;
2) Ensure that all data sent through a transmission is completely and accurately received; and
3) Detect the presence of corrupt, or instances of lost, data and, as necessary, reject the transmission;

c) Perform the following minimum functions to control the integrity of data:

1) Generate or cause to be generated a validation number for each Voucher, either utilizing a unique algorithm, or by such other method approved by the Administrator and the certification laboratory, which method shall prevent the ability to predict the composition of any other validation number generated by the system;
2) Validate the data type and format of all inputs to critical fields and reject any corrupt data;
3) Provide for the automatic and independent recordation of critical data upon issuance of a Voucher and redemption; and
4) Provide for verification of the information contained on a Voucher presented for redemption and for the record of unredeemed Vouchers to a source that separately records and maintains transaction data, or such other compensating procedure as approved by the Administrator and the certification laboratory, which procedure shall independently verify the accuracy of the validation number and value prior to redeeming the Voucher;

d) Perform the following minimum functions to address business continuity:

1) Utilize data redundancy techniques that ensure system data preservation;
2) Utilize environmental controls, such as uninterruptible power supplies, and fireproof and waterproof materials to protect critical data from natural disaster; and

3) Immediately notify or cause to immediately notify the Board pursuant to the Owner licensee’s approved Internal Controls and MIS of any malfunction that threatens the integrity of the Voucher System;

e) Insure that the Voucher System is not capable of issuing or validating a duplicate Voucher on demand;

f) Insure that if the validation information cannot be sent to the Voucher System, an alternate method of payment is provided:

1) By the Voucher System possessing unique features to identify duplicate Vouchers and prevent fraud by redeeming an unexpired and/or unvalidated Voucher that was previously issued by the EGD; or

2) Pursuant to the Owner licensee’s approved Internal Controls;

g) Insure that once the validation information is stored in the database, the data may not be altered in any way;

h) Insure that any device that holds Voucher information in its memory shall not allow removal of the information unless it has first transferred that information to the database or other secured components of the Voucher System;

i) Insure that only designated Vouchers can be issued and redeemed;

j) Insure that each Voucher System is designed and is operated so as to prevent the use of counterfeit Vouchers, previously redeemed Vouchers, incomplete Vouchers if the validation information is missing, expired Vouchers, or Vouchers issued at other Riverboat Gaming Operations and by other holders of an Owner's license;

k) Insure that remote access is prohibited unless the Administrator has approved internal controls that specifically address remote access procedures;
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l) Insure that all Voucher transactions are retained for the prior three years, either on-line or in a media approved by the Administrator and capable of being restored to the Voucher System upon request; and

m) Insure that Electronic Credits from a Voucher that are not evenly divisible by the minimum wager amount of an Electronic Gaming Device, including the accumulation of fractional amounts from multiple vouchers, are issued to the patron in a Voucher for the full value of the fractional Electronic Credit.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 3000.670  Computer Monitoring Requirements of Electronic Gaming Devices

a) The holder of an Owner's License must have a computer connected to all Electronic Gaming Devices in the Riverboat to record and monitor the activities of such devices. No Electronic Gaming Device shall be operated unless it is on-line and communicating to a Computer Monitoring System approved by the Administrator. Such Computer Monitoring System shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Administrator.

b) The Computer Monitor System permitted by subsection (a) of this Section shall be designed and operated to automatically perform and report functions relating to Electronic Gaming Device meters, and other exceptional functions and reports in the Riverboat as follows:

1) Record the number and total value of United States currency, Tokens or Vouchers placed in the Electronic Gaming Device for the purpose of activating play;

2) Record the number and total value of Tokens deposited in the drop bucket of the Electronic Gaming Device;

3) Record the number and total value of Tokens automatically paid by the Electronic Gaming Device as the result of a jackpot;

4) Record the number and total value of Tokens to be paid manually as the result of a jackpot;
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5) Record the number and total value of Vouchers issued by the Electronic Gaming Device;

6) Record the number and total value of Vouchers and currency received by the Electronic Gaming Device;

7) Have an on-line computer alert, alarm monitoring capability to insure direct scrutiny of any device malfunction, any type of tampering, and any open door to the Electronic Gaming Device, drop area or Voucher Printer. In addition, any person opening the Electronic Gaming Device or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry;

8) Be capable of logging in and reporting any revenue transactions not directly monitored by Token meter, such as Tokens placed in the Electronic Gaming Device as a result of a fill, and any Tokens removed from the Electronic Gaming Device in the form of a credit; and

9) Identify any Electronic Gaming Device taken off-line or placed on-line of the computer monitor system, including date, time, and Electronic Gaming Device identification number.

c) The holder of an Owner's License shall store, in machine-readable format, all information required by subsection (b) for the period of five years. The holder of an Owner's License shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the Administrator.

d) In addition to the requirements of subsection (c), the owner licensee shall store, in machine-readable format and by date, time and type of occurrence, all exceptions or events that result in an Electronic Gaming Device malfunction or tilt for a period of 21 days.

e) The secured office facilities for the sole accessibility of Board personnel provided in accordance with Section 3000.810 of these rules shall house a dedicated computer monitoring line which provides computer accessibility to Board personnel to review, monitor and record data identical to that specified in this Section.
f) The use of remote access is prohibited unless the Administrator has approved internal controls that specifically address remote access procedures.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
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1) **Heading of the Part:** Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting

2) **Code Citation:** 17 Ill. Adm. Code 530

3) **Section Numbers: Proposed Action:**
   - 530.70 Amendment
   - 530.80 Amendment
   - 530.85 Amendment
   - 530.110 Amendment

4) **Statutory Authority:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being amended to: Update addresses for the Department's website; update hunting dates, times and site-specific information; increase the maximum fees concessionaires can charge; add permit options; and clarify permits concessionaires can sell.

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

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objective:** This rulemaking does not affect units of local government.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

    Jack Price, Legal Counsel
DEPARTMENT OF NATURAL RESOURCES

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis: Not Applicable

A) Types of small businesses, small municipalities and not for profit corporations affected:

B) Reporting, bookkeeping or other procedures required for compliance:

C) Types of professional skills necessary for compliance:

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page:
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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail
and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled
Permit Hunting Sites
530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit
Hunting Sites
530.85 Youth Pheasant Hunting Permit Requirements
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95 Youth Pheasant Hunting Regulations
530.100 Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit
at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail,
and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or
-Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites
(Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13,
2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1,
2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective
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Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. For Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact the DNR. Applications for reservations will be accepted on the first Monday of August until 24 hours before the last hunt date. Methods for making reservations are available on the Department's Website at: http://dnr.state.il.us, by email at: dnr.pheasant@illinois.gov pheasant@dnrmail.state.il.us or by writing to the Department's Division of Parks
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and Recreation-Pheasant at the address cited in subsection (c). Only applications for reservations submitted by Illinois residents will be accepted during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).

b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DNR operated sites the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. Methods for changing hunting reservations and transferring permits will be provided on the Department's Website at: http://dnr.state.il.us, by email at: dnr.pheasant@illinois.gov or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation – Pheasant
One Natural Resources Way
Springfield IL  62702-1271

d) Reservations for pheasant hunting will be issued by the Department for the Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Lee County Conservation Area (Green River), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerrell State Park.

e) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come-first served basis. Sites where the conveyance will be available as well as dates of operation shall be provided on the Department's Controlled Pheasant Hunting Website and/or publicly announced.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
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Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

a) Hunting Seasons:

1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25.

   - Chain O'Lakes State Park
   - Des Plaines Conservation Area
   - Eldon Hazlet State Park (Carlyle Lake)
   - Horseshoe Lake State Park – Madison County
   - Iroquois County Conservation Area
   - Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit
   - Johnson-Sauk Trail State Park
   - Kankakee River State Park
   - Moraine View State Park
   - Ramsey Lake State Park
   - Sand Ridge State Forest
   - Silver Springs State Park
   - Wayne Fitzgerrell State Park (Rend Lake)

2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's
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controlled pheasant hunting season.

Chain O'Lakes State Park

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled
Unit

Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerrell State Park (Rend Lake)

3) The controlled hunting season on the Lee County Conservation Area
(Green River) is November 2, 3, 9, 10, 16, 17, 24, 30, 5, 11, 12, 19, 25,
26 and December 1, 8, 14, 15, 16, 17, 18.

4) Controlled pheasant hunting seasons are listed below; exceptions are in
parentheses; with written authorization from the Director, captive-reared
game bird hunting may be scheduled during the season authorized by
statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Des Plaines Conservation Area (closed during the November 3-day
firearm deer season) and Moraine View State Park – the
Wednesday before the first Saturday of November through the
ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerrell State Park – the
Wednesday following the first Saturday of November through the
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ninth Sunday following

Horseshoe Lake State Park – Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Iroquois County Conservation Area and Chain O'Lakes State Park (closed during the November 3-day firearm deer season) – the Wednesday before the first Saturday in November through the seventh Sunday following

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed New Year's Day), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

b) Hunting hours are listed below, exceptions in parentheses. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Check-In Times</th>
<th>Hunting Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chain O'Lakes State Park</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)</td>
</tr>
<tr>
<td>Des Plaines Conservation Area</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Park Name</th>
<th>Time Period</th>
<th>Thanksgiving Day Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eldon Hazlet State Park (Carlyle Lake)</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Horseshoe Lake State Park (Madison County)</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Iroquois County Conservation Area</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day — 9:00 a.m.-1:00 p.m.)</td>
</tr>
<tr>
<td>Johnson-Sauk Trail State Park</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day — 9:00 a.m.-1:00 p.m.)</td>
</tr>
<tr>
<td>Kankakee River State Park</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day — 9:00 a.m.-1:00 p.m.)</td>
</tr>
<tr>
<td>Lee County Conservation Area (Green River State Wildlife Area)</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Moraine View State Park</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Ramsey Lake State Park</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Sand Ridge State Forest</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day — 9:00 a.m.-1:00 p.m.)</td>
</tr>
<tr>
<td>Silver Springs State Park</td>
<td>8:00-8:30 a.m.</td>
<td>9:00 a.m.-4:00 p.m.</td>
</tr>
<tr>
<td>Wayne Fitzgerrell State Park (Rend Lake)</td>
<td>7:00-8:00 a.m.</td>
<td>9:00 a.m.-4:00 p.m. (Thanksgiving Day — 9:00 a.m.-1:00 p.m.)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon at the following sites:

- Des Plaines Conservation Area
- Eldon Hazlet State Park
- Iroquois County Conservation Area
- Jim Edgar Panther Creek State Fish and Wildlife Area
- Johnson-Sauk Trail State Park
- Lee County Conservation Area (Green River)
- Kankakee River State Park
- Moraine View State Park
- Sand Ridge State Forest
- Wayne Fitzgerrell State Park

d) Hunting licenses, daily usage stamps and fees:

1) During the controlled pheasant hunting season, hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

2) At the Lee County Conservation Area (Green River) and the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.
DEPARTMENT OF NATURAL RESOURCES

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3) At the Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerrell State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Friday between Christmas Day and New Year's Day hunters under 16 are not required to obtain a stamp.

4) Fees of not more than $23 for a 2 pheasant hunting permit, $32 for a 3 pheasant hunting permit or $39 for a 4 pheasant hunting permit must be paid to the public/private partnership area concessionaire at the following sites. In the event of a weather anomaly, such as drought, the listed fees may be increased.

- Chain O'Lakes State Park — not more than $22 per hunting permit
- Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park — not more than $20 for a 2 pheasant hunting permit, $28 for a 3 pheasant hunting permit, and $35 for a 4 pheasant hunting permit
- Ramsey Lake State Park
- Silver Springs State Park — not more than $22 for a 2 pheasant hunting permit, $28 for a 3 pheasant hunting permit, and $36 for a 4-pheasant hunting permit

e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.

f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.

g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5
DEPARTMENT OF NATURAL RESOURCES

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lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerrell State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.

h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits - On the following areas, hunters may obtain one permit each day; a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses; with written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation sponsored hunts:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines Conservation Area

Eldon Hazlet State Park

Lee County Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving and 4 rabbits per hunter)
DEPARTMENT OF NATURAL RESOURCES

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Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerrell State Park

k) Tagging of birds.
   During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 530.85 Youth Pheasant Hunting Permit Requirements

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. Applications for reservations will be accepted on the first Monday of August until 24 hours before the hunt date. Methods for making reservations are available on the Department's Website at: http://dnr.state.il.us, by email at: dnr.pheasant@illinois.gov pheasant@dnrmail.state.il.us or by writing to the Department's Division of Parks and Recreation. Only applications for reservations submitted by Illinois residents will be accepted during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).

b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) Methods for transferring permits will be provided on the Department's Website at: http://dnr.state.il.us, by email at: dnr.pheasant@illinois.gov pheasant@dnrmail.state.il.us or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation – Youth Pheasant Hunt
One Natural Resources Way
Springfield IL 62702-1271

d) Reservations for the Illinois Youth Pheasant Hunt permits will be issued for Chain O'Lakes State Park, Clinton Lake State Recreation Area, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Moraine View State Park,
NOTICE OF PROPOSED AMENDMENTS

Wayne Fitzgerrell (Rend Lake) State Park, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area-Controlled Unit.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 530.110  Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

a) General Site Regulations

1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.

2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.

3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

1) Statewide regulations apply at the following sites:

   Anderson Lake Conservation Area (1)
   Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
   Argyle Lake State Park (closed during firearm deer season) (1)
DEPARTMENT OF NATURAL RESOURCES

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Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)
DEPARTMENT OF NATURAL RESOURCES

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Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (1)

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer seasons) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)
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Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West and North Subunits only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)
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Rend Lake Project Lands and Waters

Sahara Woods State Fish and Wildlife Area (1)

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1) (2)

Washington County Conservation Area (1)

Weinberg-King State Park (1)
DEPARTMENT OF NATURAL RESOURCES

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Weinberg-King State Park (Cecil White Unit)
Weinberg-King State Park (Scripps Unit) (1)
Weinberg-King State Park (Spunky Bottoms Unit) (1)
Wildcat Hollow State Forest
Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)
Wolf Creek State Park (open only January 16-22)

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)
Clinton Lake State Recreation Area (4:00 p.m. daily closing)
Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)
Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)
Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit
Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)
Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (rabbit hunting only open Monday following the close of the controlled pheasant hunting season through the next following January 22)
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Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting season; hunting hours are 8 a.m. to 4 p.m. only)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only on posted waterfowl rest areas)

3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one
permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Birkbeck Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Coffeen Lake State Fish and Wildlife Area – Upland Management Area Cranfill Unit (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; each permit authorizes the holder to bring 2 hunting partners)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area – Nachusa Prairie Sand Farm
DEPARTMENT OF NATURAL RESOURCES

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(each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open only November 1, 5, 6, 8, 12, 19, 23, 7, 8, 10, 14, 21, 24 and December 3, 4, 6, 10, 11, 13, 17, 18, 205, 6, 8, 12, 13, 15, 19, 20, 22; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; rabbit hunting only after the close of pheasant and quail season; each permit authorizes holder to bring 3 hunting partners)

Little Rock Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)
DEPARTMENT OF NATURAL RESOURCES

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Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Milks Grove Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November 1, 5, 8, 12, 15, 26, 3, 7, 10, 14, 21, 24; December 3, 10, 13, 20, 278, 12, 15, 19, 22, 26; and January 3, 7, 9, 15, 12; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – Denmark Unit (open only November 2, 5, 8, 12, 15, 26, 3, 7, 10, 14, 21, 25; December 3, 10, 13, 20, 278, 12, 15, 19, 22, 26; and January 4, 7, 10, 14, 9, 12; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open only November 1, 5, 8, 12, 15, 26, 3, 7, 10, 14, 21, 24; December 3, 10, 13, 20, 278, 12, 15, 19, 22, 26; and January 3, 7, 10, 14, 9, 12; each permit authorizes the holder to bring 2 hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)
Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

    Chain O'Lakes State Park (open Wednesday through Friday following permit pheasant season) (1)
DEPARTMENT OF NATURAL RESOURCES

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Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (no quail or rabbit hunting; controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the northern zone season) (1)

Silver Springs State Park (dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays) (1)

c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 32 Ill. Reg. ______, effective _____________.)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Revocation Procedures for Conservation Offenses

2) **Code Citation:** 17 Ill. Adm. Code 2530

3) **Section Numbers:**

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<th>Proposed Action</th>
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<td>2530.240</td>
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4) **Statutory Authority:** Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545]

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being amended to: modify language pertaining to points to incorporate changes within the Wildlife Code, modify language pertaining to computation of the suspension period, modify procedures to provide that suspension will be imposed on a quarterly basis, add a new Section to explain how privileges are reinstated, and add a new Section containing information on suspension of operating privileges.

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

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No
DEPARTMENT OF NATURAL RESOURCES

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11) **Statement of Statewide Policy Objective:** This rulemaking does not affect units of local government.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

   Jack Price, Legal Counsel  
   Department of Natural Resources  
   One Natural Resources Way  
   Springfield IL 62702-1271  
   217/782-1809

13) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profit corporations affected:** None

   B) **Reporting, bookkeeping or other procedures required for compliance:** None

   C) **Types of professional skills necessary for compliance:** None

14) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not plan to amend this Part when the Agenda was filed.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530
REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section
2530.10 Applicability
2530.20 Definitions
2530.30 Filing
2530.40 Documents
2530.50 Computation of Time
2530.60 Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section
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AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].


SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.240 Points

a) Unless otherwise specified in subsection (b), points shall be assessed by classification of offense as follows:

1) For a petty offense – 3 points
2) For a Class C Misdemeanor – 6 points
3) For a Class B Misdemeanor – 9 points
4) For a Class A Misdemeanor – 12 points
5) For a Class 4 Felony – 24 points
6) For a Class 3 Felony or Higher – 60 points

b) Points for the following violations shall be assessed as follows:
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1) For any violation committed during a period of suspension – 60 points

2) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.

3) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.

4) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the offense.

5) For any person found guilty of Section 2.33(cc) of the Wildlife Code [520 ILCS 5/2.33(cc)] – 13 points.

6) For any person found guilty of Section 2.38 of the Wildlife Code [520 ILCS 5/2.38] – 13 points.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points.

a) For Type I offenses, any person who, within an 18 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all commercial/business licenses, permits and stamps relevant to that group of activity revoked, and the person's privilege to engage in those activities shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent
suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.

1) Example: An individual operates as a commercial game bird breeder and a migratory waterfowl hunting area, and is found guilty of violations relating to his/her commercial game bird breeding operation, resulting in points sufficient to result in revocation/suspension. A revocation shall only be imposed upon both the individual's game bird breeding license and his/her migratory waterfowl hunting area permit, and the person's privilege to obtain any Type I license under the Wildlife Code is suspended for the appropriate period of time a suspension shall be imposed only upon the activities requiring that license. All other businesses (in this instance, migratory waterfowl hunting area) may continue to operate.

2) Example: Found guilty of no taxidermy license, possession of untagged specimens and failure to keep proper records (two Class B Misdemeanor and 2 Petty Offenses Misdemeanors, normally 9 points each) as a result of a single incident. No revocation/suspension imposed, 11 points assessed (9+1+1).

3) Example: Found guilty of same violations as in subsection (a)(1) above (two Class B Misdemeanor and 2 Petty Offenses Misdemeanors), but on different dates. Revocation/suspension shall be imposed, as full 15 points apply (9+3+3).

4) Example: Found guilty of buying timber without a license and failure to pay harvest fees (both Class A Misdemeanors, 12 points each). Revocation/suspension imposed, regardless of whether findings are the result of a single incident or separate occurrences, 24 points applied.

b) For Type II offenses: Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to 515 ILCS 5-20-45(f) shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in
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accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.

1) Example: Found guilty of hunting by use of lights from a vehicle and unlawful possession of freshly killed white-tailed deer during closed season (Class A Misdemeanor) and taking an over limit of quail (petty offense) – hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked – Type II privileges authorized under Group A suspended for 15 months from date of notice.

2) Example: Found guilty of a Class B Misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code – no revocation or suspension as there is no 13 point accumulation in any one group.

3) Example: Person in subsection (b)(1)(a) completes 15 month suspension; two months later (less than 36 months from first violation) the person again hunts by use of lights from a vehicle and commits unlawful possession of freshly killed white-tailed deer during closed season, for which person is found guilty – appropriate licenses and stamps revoked and person suspended for 27 months (15+12).

4) Example: Found guilty of two Class B Misdemeanors (normally 9 points each) under the Wildlife Code for violations arising out of a single incident – due to Single Incident Rule, reduced points are assessed (9+3) and no suspension is imposed.

5) Example: Person in subsection (b)(1)(a) is found guilty of a violation under the Wildlife Code that occurred during the time that the person's privileges were suspended – 60 additional points assessed and a second suspension is imposed, to run consecutively after the first suspension (75 months total).

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 2530.270 Procedures
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a) All circuit clerks shall report the disposition of Natural Resources cases to the Office of Law Enforcement, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271.

b) Points shall be assessed to the individual by the Department once reports of disposition are received from the circuit clerk.

c) Whenever sufficient points have been accumulated for suspension as set out in Section 2530.260, the suspension shall be imposed by the Department on a quarterly basis as follows:

1) For any dispositions received during the first quarter of the calendar year (January-March), suspensions shall begin on April 30.

2) For any dispositions received during the second quarter of the calendar year (April-June), suspensions shall begin on July 30.

3) For dispositions received during the third quarter of the calendar year (July-September), suspensions shall begin on October 30.

4) For dispositions received during the fourth quarter of the calendar year (October-December), suspensions shall begin on January 30.

d) Any person suspended under subsection (c) who accumulates sufficient points for suspensions as set out in Section 2530.260 shall be notified, by mail, that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules of the type and group in which the points were accumulated are immediately revoked, and the notice shall further inform the person how many points have been assessed and for how long his/her privileges have been suspended.

e) For Type I (commercial/business type) suspensions, the notice shall also include instructions that no new business may be taken in, effective immediately with the suspension, and that existing business must cease within 30 days after the effective date of the suspension. Proof that all existing business has ceased may be in the form of written correspondence to all current clients notifying them of the suspension and their alternatives.
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Notice shall be mailed to the last known address of the person through the U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. Revocation and suspension shall be effective 4 days after notice is deposited in a U.S. mailbox.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

SUBPART E: REINSTATEMENT OF PRIVILEGES

Section 2530.600 Reinstatement Procedures

Any person whose privileges have been suspended pursuant to Subpart B of this Part (Summary Revocation/Suspension) may have his/her privileges reinstated in one of the following manners:

a) through successful completion of the period of suspension;

b) as a final determination of a hearing conducted as a result of the person's timely appeal of his/her suspension; or

c) through a written order issued by the Department in accordance with Subpart C of this Part, as outlined in this subsection:

1) Any person who returns to court to change his/her plea on charges after a period of suspension has been imposed must file, within 34 days after the court action, a petition with the Department accompanied by a $50 filing fee to request that his/her privileges be reinstated. The Department shall set a hearing date pursuant to the provisions of Subpart C: Hearings of Contested Cases. The burden of proof to justify reinstatement shall be upon the applicant. During the hearing, consideration shall be given to the factors listed in Section 2530.420(f).

2) The mere fact that certain charges were reopened and modified to a lesser class of offense, or reopened and dismissed, shall not be grounds for modification of point totals or automatic reinstatement of privileges.

3) Once a person's privileges have been reinstated, the Department shall process that information within a reasonable time frame, but in no event shall the processing take longer than a period of 10 working days.
DEPARTMENT OF NATURAL RESOURCES

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(Source: Added at 32 Ill. Reg. _____, effective ____________)

SUBPART F: STATUTORILY MANDATED SUSPENSIONS

Section 2530.700 Suspension of Operating Privileges

a) Pursuant to the Illinois Snowmobile Registration and Safety Act [625 ILCS 40] and the Illinois Boat Registration and Safety Act [625 ILCS 45], the Department is mandated to suspend operating privileges for certain violations. This includes violations of, but may not be limited to:

   625 ILCS 40/5-7; Operating a Snowmobile While Under the Influence
   625 ILCS 45/5-2; Reckless Operation of a Watercraft
   625 ILCS 45/6-1a-1; Leaving the Scene of a Watercraft Accident
   625 ILCS 45/5-16; Operating a Watercraft While Under the Influence
   625 ILCS 45/5-22; Failure to Yield to an Emergency Watercraft

b) Whenever suspensions under this Section are imposed by the Department, they shall be implemented in accordance with, and to the maximum extent allowed by, law.

(Source: Added at 32 Ill. Reg. _____, effective ____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Cancellation, Revocation or Suspension of Licenses or Permits

2) **Code Citation:** 92 Ill. Adm. Code 1040

3) **Section Numbers:** Proposed Action:
   - 1040.1 New Section
   - 1040.10 Amendment
   - 1040.20 Amendment
   - 1040.25 Amendment
   - 1040.28 Amendment
   - 1040.29 Amendment
   - 1040.30 Amendment
   - 1040.31 Amendment
   - 1040.32 Amendment
   - 1040.33 Amendment
   - 1040.34 Amendment
   - 1040.35 Amendment
   - 1040.36 Amendment
   - 1040.37 Amendment
   - 1040.38 Amendment
   - 1040.40 Amendment
   - 1040.41 Amendment
   - 1040.42 Amendment
   - 1040.43 Amendment
   - 1040.46 Amendment
   - 1040.48 Repeal
   - 1040.50 Amendment
   - 1040.52 Amendment
   - 1040.55 Amendment
   - 1040.60 Amendment
   - 1040.65 Amendment
   - 1040.66 Amendment
   - 1040.70 Amendment
   - 1040.80 Amendment
   - 1040.100 Amendment
   - 1040.101 Amendment
   - 1040.102 Amendment
   - 1040.105 Amendment
   - 1040.107 Amendment
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1040.108 Amendment
1040.109 Amendment
1040.110 Amendment
1040.111 Amendment
1040.115 Amendment

4) Statutory Authority: 625 ILCS 5/6-521

5) A Complete Description of the Subjects and Issues Involved: This rulemaking, pursuant to an agreement with JCAR, combines all the definitions from Part 1040 into a new Section 1040.1. Also, this rulemaking repeals Section 1040.48 in accordance with the enactment of PA 94-848 (HB 4314), effective January 1, 2008, which rescinds the imposing of a driver's license suspension for non-compliance with federal safe air requirements relating to motor vehicles. In addition, the addition of Section 1040.116 is implementing Public Act 95-627, which authorizes the Secretary of State to suspend the drivers license of any person who, during an administrative hearing conducted by the Secretary of State commits perjury, submits fraudulent, falsified or materially altered documents, or submits documents of another as his own. The rulemaking also includes non-technical and grammatical changes.

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

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, http://www.cyberdriveillinois.com/ as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:
NOTICE OF PROPOSED AMENDMENTS

Arlene J. Pulley
Administrative Rules Coordinator
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

13) Initial Regulatory Flexibility Analysis:
   A) Types of small businesses, small municipalities and not for profit corporations affected: None
   B) Reporting, bookkeeping or other procedures required for compliance: None
   C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section
1040.1 Definitions
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.28 Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29 Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years
1040.30 Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Suspension or Revocation for Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42 Suspension or Revocation for Fleeing and Eluding
1040.43 Suspension or Revocation for Illegal Transportation
1040.46 Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48 Vehicle Emission Suspensions (Repealed)
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1040.50 Occupational Driving Permit
1040.52 Driver Remedial Education Course
1040.55 Suspension or Revocation for Driver's License Classification Violations
1040.60 Release of Information Regarding a Disposition of Court Supervision
1040.65 Offenses Occurring on Military Bases
1040.66 Invalidation of a Restricted Driving Permit
1040.70 Problem Driver Pointer System
1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Handicapped Identification Card
1040.100 Rescissions
1040.101 Reinstatement Fees
1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105 Suspension for Five or More Tollway Violations and/or Evasions
1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110 Bribery
1040.111 Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115 Suspension for Theft of Motor Fuel
1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SECRETARY OF STATE

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effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988;
amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective
7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at
13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective
Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990;
Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27,
1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782,
Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994;
amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558,
effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at
21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26,
1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438,
effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at
22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11,
2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150
days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096,
effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective
Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective
February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency
amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days;
emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002;
amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441,
effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005;
Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007;
amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective
11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007;
amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 32 Ill. Reg. ______,
effective ____________.

Section 1040.1 Definitions
Unless otherwise noted, the following definitions shall apply to this Part.

"Alcohol Related Suspension" – a suspension in accordance with Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8 of the Illinois Vehicle Code.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Applicant" – a person applying for an Illinois driver's license or permit.

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to Section 3-616 of the Illinois Vehicle Code or an individual issued a parking decal or device pursuant to Section 11-1301.2 of the Illinois Vehicle Code or an individual issued a disabled veteran's license plate pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for five or more automated traffic law violations.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other
NOTICE OF PROPOSED AMENDMENTS

individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of commercial motor vehicle as defined in Section 1-111.6 of the Illinois Vehicle Code.

"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].
"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction – CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge.
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is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code.

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code.

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Sections 6-107(c) and 6-108.1 of the Illinois Vehicle Code.

"Department" – the Department of Driver Services within the Office of the Secretary of State.
"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

"Department of Vehicle Services" – Department of Vehicle Services within the Office of the Secretary of State.

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in Section 1-159.1 of the Illinois Vehicle Code or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required by Section 6-106(b) of the Illinois Vehicle Code and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet
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effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges (see Section 6-306.6 of the Illinois Vehicle Code).

"False Information" – any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license, permit or identification card [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other
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information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code that falsifies the content of the application.


"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability
"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is
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of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of Section 6-105 or 6-107.1 of the Illinois Vehicle Code.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in Section 6-206.1 of the Illinois Vehicle Code.

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to Section 11-501.1(d) of the Illinois Vehicle Code.

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code.
"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code.

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code.

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.
"Office" means the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to Section 6-306.5 of the Illinois Vehicle Code.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is
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maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Reckless Driving"—driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee"—the fee required by Section 6-118(b) of the Illinois Vehicle Code to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request"—the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

"Rescind"—to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Driving Permit" or "RDP"—a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

"Restriction"—the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Returned Check"—a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].
"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code.

"Schedule A-3" – a schedule of liabilities.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in Section 6-208.1 of the Illinois Vehicle Code.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with Section 6-204(d) of the Illinois Vehicle Code.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].
"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of the Illinois Vehicle Code, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].
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"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalided, denied, canceled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Added at 32 Ill. Reg. _____, effective ____________)

Section 1040.10 Court to Forward Licenses and Reports of Convictions

a) The Secretary of State, in order to fully utilize conviction reports filed with the Office by the courts of this State and other States, shall promulgate a point system as a standard in determining whether to suspend or revoke driving privileges and to determine the period of suspension or revocation. The point system may take into consideration:

1) the severity of the offense and conviction;
2) the total number of offenses and convictions of a driver;
3) the penalty imposed by the court;
4) the recommendations, if any, of the court; and
5) prior suspensions or revocations.
b) The Point System shall act as a standard for the Secretary of State in determining the fitness or unfitness of any person to safely operate any motor vehicle in a manner conducive to the public safety and welfare, and in determining whether such person has due respect for traffic laws and the safety of other persons upon the highway.

cb) The Point System is outlined in Section 1040.20. The Point System shall be filed as a Rule and shall be subject to the Driver License Compact.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.20 Illinois Offense Table

a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (Type Action) and used as a source of information. In the absence of statutory amendment, this Section shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out in subsections (c) and (d) herein.

1) Classification for convictions of traffic offenses:

Type Action 68: Record history item only
Type Action 82: Conviction
Type Action 83: Immediate action (no points assigned)
Type Action 85: Conviction (no points assigned)
Type Action 87: Conviction (points assigned)
Type Action 89: Withdrawal (no points assigned)
Type Action 93: Immediate action bond forfeiture (no points assigned)
Type Action 94: Immediate action conviction (no points assigned)
Type Action 95: Bond forfeiture (no points assigned)
Type Action 96: Conviction (no points assigned)
Type Action 97: Bond forfeiture (points assigned − moving violation)
Type Action 99: Conviction (points assigned − moving violation)

2) Description of Offense: The code used to describe the offense is
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composed of the Chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/Ch. 111-100], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5/1-1], the Cannabis Control Act [720 ILCS 550/1], the Illinois Controlled Substances Act [720 ILCS 570/100], the Liquor Control Act of 1934 [235 ILCS 5/Art. VI-16(a)], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law will be as follows:

0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
1 – Illinois Vehicle Code
2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit shall be a "2"
6 – The Illinois Driver Licensing Law
7 – Chicago Municipal Ordinance
8 – Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).
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4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions, which in turn determines the length and/or type of such action.

A) A thorough review of literature relating to the general concept of point systems utilized by other states.

B) A specific review of point systems and ranges of point assignments utilized by other states.

C) An exhaustive and detailed review of the current Illinois point system.

D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as Type Action type action -93- bond Bond forfeiture immediate action; or Type Action type action -94- conviction immediate action.

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
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<tr>
<td>3-707(c-1)</td>
<td>707301</td>
<td>3 707 C1</td>
<td>Convicted of driving without liability insurance</td>
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<td>4-102</td>
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<tr>
<td>4-103</td>
<td>103000</td>
<td>Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/Ch. 4, Art. I4-100]</td>
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<tr>
<td>4-103.1</td>
<td>103100</td>
<td>Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/Ch. 4, Art. I4-100]</td>
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<tr>
<td>6-101</td>
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<tr>
<td>6-104(a)</td>
<td>104001</td>
<td>Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<td>6-104(b)</td>
<td>104002</td>
<td>Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<td>6-104(c)</td>
<td>104003</td>
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<tr>
<td>6-104(d)</td>
<td>104004</td>
<td>Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<td>6-104(e)</td>
<td>104005</td>
<td>Violation of religious bus driver endorsement (a serious traffic violation if committed in a</td>
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<table>
<thead>
<tr>
<th>Code</th>
<th>Violation Description</th>
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<td>Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)</td>
</tr>
<tr>
<td>6-105 105000  6 105 00</td>
<td>Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)</td>
</tr>
<tr>
<td>6-107.1(a) 107110  6 107.1A</td>
<td>Violation of instruction permit</td>
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<td>6-107.1(b) 107120  6 107.1B</td>
<td>Violation of curfew law (prior to 1-1-08)</td>
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<tr>
<td>6-107.1(b) 107102  6 107.1B</td>
<td>Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)</td>
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<tr>
<td>6-110(a) 110000  6 110 00</td>
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<tr>
<td>6-110(a-1) 110101  6 110 A-1</td>
<td>Violation of nighttime driving restrictions (effective 1-1-08)</td>
</tr>
<tr>
<td>6-113(e) 113501  # 113 E1</td>
<td>Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)</td>
</tr>
<tr>
<td>6-113(e) 113502  # 113 E2</td>
<td>Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)</td>
</tr>
<tr>
<td>6-205(a)3 205103  # 205 A3</td>
<td>Any felony under the laws of any state or federal government in the</td>
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<td>6-205(a)5</td>
<td>205105</td>
<td>Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle.</td>
</tr>
<tr>
<td>6-205(b)1</td>
<td>205201</td>
<td>Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Vehicle Code.</td>
</tr>
<tr>
<td>6-205(b)2</td>
<td>205202</td>
<td>When any other law of this State requires either the revocation or suspension of such license or permit.</td>
</tr>
<tr>
<td>6-206.2(a)</td>
<td>206201</td>
<td>Operating a vehicle without interlock device when one is required.</td>
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<tr>
<td>6-206.2(a-5)</td>
<td>206215</td>
<td>Allowing an unauthorized person to blow into an interlock device.</td>
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<tr>
<td>6-210(1)</td>
<td>210001</td>
<td>Driving during the period of suspension/revocation.</td>
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<tr>
<td>6-210(2)</td>
<td>210002</td>
<td>Driving during the period of suspension/revocation.</td>
</tr>
<tr>
<td>6-301(1)</td>
<td>301001</td>
<td>To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit.</td>
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<td>6-301(2)</td>
<td>301002</td>
<td># 301 02</td>
<td>To lend his license or permit to any other person or knowingly allow the use thereof by another</td>
</tr>
<tr>
<td>6-301(3)</td>
<td>301003</td>
<td># 301 03</td>
<td>To display or represent as his own any license or permit issued to another</td>
</tr>
<tr>
<td>6-301(4)</td>
<td>301004</td>
<td># 301 04</td>
<td>To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that has been suspended, revoked or cancelled</td>
</tr>
<tr>
<td>6-301(5)</td>
<td>301005</td>
<td># 301 05</td>
<td>To allow any unlawful use of a license or permit issued to him</td>
</tr>
<tr>
<td>6-301(6)</td>
<td>301006</td>
<td># 301 06</td>
<td>To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person</td>
</tr>
<tr>
<td>6-301.1(b)1</td>
<td>301121</td>
<td># 301121</td>
<td>Possess fictitious altered driver's license or permit</td>
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<tr>
<td>6-301.1(b)2</td>
<td>301122</td>
<td># 301122</td>
<td>Possess/display altered fictitious driver's license or permit</td>
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<tr>
<td>6-301.1(b)3</td>
<td>301123</td>
<td># 301123</td>
<td>Possess fictitious altered driver's license or permit</td>
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<tr>
<td>6-301.1(b)4</td>
<td>301124</td>
<td># 301124</td>
<td>Possess fictitious altered driver's license or permit</td>
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<tr>
<td>6-301.1(b)5</td>
<td>301125</td>
<td># 301125</td>
<td>Possess fictitious altered driver's</td>
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<tr>
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<tr>
<td>6-301.1(b)6</td>
<td>301126</td>
<td>Possess fictitious altered driver's license or permit</td>
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<tr>
<td>6-301.1(b)7</td>
<td>301127</td>
<td>Issue fictitious driver's license or permit</td>
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<tr>
<td>6-301.1(b)8</td>
<td>301128</td>
<td>Alter/attempt to alter driver's license or permit</td>
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<tr>
<td>6-301.1(b)9</td>
<td>301129</td>
<td>Provide ID for obtaining fictitious driver's license or permit</td>
<td></td>
</tr>
<tr>
<td>6-301.1(b)10</td>
<td>301120</td>
<td>To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier</td>
<td></td>
</tr>
<tr>
<td>6-301.1(b)11</td>
<td>011211</td>
<td>To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked</td>
<td></td>
</tr>
<tr>
<td>6-301.2(b)1</td>
<td>301221</td>
<td>Possess fraudulent driver's license or permit</td>
<td></td>
</tr>
<tr>
<td>6-301.2(b)2</td>
<td>301222</td>
<td>Possess/display fraudulent driver's license or permit</td>
<td></td>
</tr>
<tr>
<td>6-301.2(b)3</td>
<td>301223</td>
<td>Possess fraudulent driver's license or permit</td>
<td></td>
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<td>Section</td>
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<td>Description</td>
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<tr>
<td>6-301.2(b)4</td>
<td>301224</td>
<td># 301224</td>
<td>Possess fraudulent driver's license or permit</td>
</tr>
<tr>
<td>6-301.2(b)5</td>
<td>301225</td>
<td># 301225</td>
<td>Possess fraudulent driver's license or permit</td>
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<tr>
<td>6-301.2(b)6</td>
<td>301226</td>
<td># 301226</td>
<td>Possess fraudulent driver's license or permit</td>
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<tr>
<td>6-301.2(b)7</td>
<td>301227</td>
<td># 301227</td>
<td>Possess driver's license making implement</td>
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<tr>
<td>6-301.2(b)8</td>
<td>301228</td>
<td># 301228</td>
<td>Possess stolen driver's license making implement</td>
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<tr>
<td>6-301.2(b)9</td>
<td>301229</td>
<td># 301229</td>
<td>Duplicate/sell fraudulent driver's license or permit</td>
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<tr>
<td>6-301.2(b)10</td>
<td>301220</td>
<td># 301220</td>
<td>Advertise or distribute fraudulent driver's license or permit</td>
</tr>
<tr>
<td>6-301.2(b)11</td>
<td>012211</td>
<td># 3012211</td>
<td>To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section</td>
</tr>
<tr>
<td>6-301.2(b)12</td>
<td>012212</td>
<td># 3012212</td>
<td>To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked</td>
</tr>
<tr>
<td>6-301.2(b-1)</td>
<td>301201</td>
<td># 3012b-1</td>
<td>Possess, use, or allow to be used any material to obtain information from</td>
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the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State (P.A. 94-930, eff. 6-26-06)

6-302(a)1 302101 # 302101 Present false information in an application. For driver's license/permit

6-302(a)2 302102 # 302102 Accept false information/ID in an application for driver's license/permit

6-302(a)3 302103 # 302103 Make false affidavit swear or affirm falsely

6-303(a)1 303101 # 303 A1 Driving during a suspension or revocation

6-303(a)2 303102 # 303 A2 Driving during a revocation or suspension

6-303(d) 303400 # 303 D0 Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance

6-303(d)2 303402 # 303 D2 Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance

6-303(d)3 303403 # 303 D3 Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road
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and Section 9-3 of the Criminal Code or similar provisions of a local ordinance

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<td>6-303(d)4</td>
<td>303404</td>
<td>Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or similar provisions of a local ordinance</td>
</tr>
<tr>
<td>6-303(d)5</td>
<td>303405</td>
<td>Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or a similar provision of a local ordinance</td>
</tr>
<tr>
<td>6-507(a)2</td>
<td>507102</td>
<td>Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL) (P.A. 94-307, eff. 10-1-05)</td>
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<tr>
<td>6-507(a)3</td>
<td>507103</td>
<td>Driving without the proper commercial driver's license classification or endorsements (P.A. 94-307, eff. 10-1-05)</td>
</tr>
<tr>
<td>6-507(b)</td>
<td>507200</td>
<td>No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an &quot;out-of-service&quot; order</td>
</tr>
<tr>
<td>6-507(b)1</td>
<td>507201</td>
<td>No person may drive a commercial</td>
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<tbody>
<tr>
<td>6-507(b)2 507202 # 507 B2</td>
<td>No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-507(b)3 507203 # 507 B3</td>
<td>No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-101 008000 8000</td>
<td>Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire</td>
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<tr>
<td>11-204 020400 # 0204 00</td>
<td>Fleeing or attempting to elude a peace officer</td>
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<tr>
<td>11-204.1 020401 # 0204 01</td>
<td>Aggravated fleeing or eluding a peace officer</td>
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<tr>
<td>11-401 040100 # 0401 00</td>
<td>Leaving scene or failure to report an accident involving death or personal injury</td>
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<tr>
<td>11-402(b) 040202 # 0402 02</td>
<td>Leaving the scene of an accident involving damage to a vehicle in excess of $1000</td>
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<tr>
<td>11-406(a) 040610 # 0406 A0</td>
<td>Failure to make report of vehicle accident</td>
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11-406(b) 040620 # 0406 B0  Failure to make report of school bus accident

11-501(a)1 050111 # 0501 A1  Driving with a blood alcohol concentration above the legal limit

11-501(a)2 050112 # 0501 A2  Driving while under the influence of alcohol

11-501(a)3 050113 # 0501 A3  Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)

11-501(a)3 050113 # 0501 A3  Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)

11-501(a)4 050114 # 0501 A4  Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)

11-501(a)4 050114 # 0501 A4  Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)

11-501(a)5 050115 # 0501 A5  Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)

11-501(a)5 050105 # 0501 A5  Driving while under the combined influence of alcohol and other drug or
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<tr>
<td>11-501(a)6</td>
<td>050106</td>
<td># 0501 A6</td>
<td>Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)</td>
</tr>
<tr>
<td>11-501(b)</td>
<td>501200</td>
<td># 11-0501 B</td>
<td>Initial conviction of violating Section 11-501 subsection (b)</td>
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<tr>
<td>11-501(b-3)</td>
<td>050123</td>
<td># 0501 B-3</td>
<td>Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision (P.A. 93-800, eff. 1-1-05)</td>
</tr>
<tr>
<td>11-501(b-4)</td>
<td>050124</td>
<td># 0501 B-4</td>
<td>Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision (P.A. 93-800, eff. 1-1-05)</td>
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<tr>
<td>11-501(c)</td>
<td>501300</td>
<td># 11-0501 C</td>
<td>A violation of Section 11-501 subsection (c)</td>
</tr>
<tr>
<td>11-501(c-1)1</td>
<td>501311</td>
<td># 0501 C11</td>
<td>Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1</td>
</tr>
<tr>
<td>11-501(c-1)2</td>
<td>501312</td>
<td># 0501 C12</td>
<td>Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1</td>
</tr>
<tr>
<td>11-501(c-1)3</td>
<td>501313</td>
<td># 0501 C13</td>
<td>Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1</td>
</tr>
<tr>
<td>11-501(c-4)1</td>
<td>501341</td>
<td># 0501 C41</td>
<td>Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16</td>
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<tr>
<td>11-501(c-4)2</td>
<td>501342</td>
<td># 0501 C42</td>
<td>Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16</td>
</tr>
<tr>
<td>11-501(c-4)3</td>
<td>501343</td>
<td># 0501 C43</td>
<td>Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a</td>
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<td>11-501(c-4)4</td>
<td>501344 # 0501 C44</td>
<td>Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 4 felony</td>
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</tr>
<tr>
<td>11-501(c-5)1</td>
<td>501351 # 0501 C5(1)</td>
<td>Violation of Section 11-501(a) while transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)</td>
<td></td>
</tr>
<tr>
<td>11-501(c-5)2</td>
<td>501352 # 0501 C5(2)</td>
<td>Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)</td>
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</tr>
<tr>
<td>11-501(c-5)3</td>
<td>501353 # 0501 C5(3)</td>
<td>Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)</td>
<td></td>
</tr>
<tr>
<td>11-501(c-5)4</td>
<td>501354 # 0501 C5(4)</td>
<td>Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)</td>
<td></td>
</tr>
<tr>
<td>11-501(c-5)5</td>
<td>501355 # 0501 C5(5)</td>
<td>Third conviction for violating Section 11-501(a) or a similar provision and at the time of the</td>
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violation the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)

11-501(c-5)6 501356 # 0501 C5(6) Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)

11-501(c-5)7 501357 # 0501 C5(7) Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)

11-501(c-6)1 501361 # 0501 C6(1) Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more (P.A. 93-1093, eff. 3-29-05)

11-501(c-6)2 501362 # 0501 C6(2) Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more (P.A. 93-1093, eff. 3-29-05)

11-501(c-6)3 501363 # 0501 C6(3) Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
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11-501(c-6)4  501364 # 0501 C6(4) Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)

11-501(d)  501400 # 0501 D A violation of Section 11-501(d)

11-501(d)1  050141 # 0501 D1 Such person committed a violation of Section 11-501(a) for the third or subsequent time

11-501(d)2  050142 # 0501 D2 Such person committed a violation of Section 11-501(a) while driving a school bus with children on board

11-501(d)3  050143 # 0501 D3 Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries

11-501(d)4  050144 # 0501 D4 Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been
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under the influence of alcohol or other drug as an element of the offense

11-501(d)1A 501411 # 0501D1A Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time

11-501(d)1B 501412 # 0501D1B Such person committed a violation of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board

11-501(d)1C 501413 # 0501D1C Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code, was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries

11-501(d)1D 501414 # 0501D1D Committed a violation of Section 11-501(aA) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)

11-501(d)1E 501415 # 0501D1E Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect
and was involved in an accident that resulted in bodily harm

Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death

Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit (P.A. 94-329, eff. 1-1-06)

Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy (P.A. 94-329, eff. 1-1-06)

Reckless driving, bodily harm to a child or school crossing guard

Aggravated reckless driving

Aggravated reckless driving, great bodily harm to a child or school crossing guard

Drag racing

Street racing

Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency
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NOTICE OF PROPOSED AMENDMENTS

vehicle

11-908(a)1  090811  1 908 A1  Failure to yield and proceed with due caution upon entering a construction zone when workers are present

11-1301 3a-1  301311  # 13013A1  Unauthorized use of handicap placard or device (P.A. 94-619, eff. 1-1-06)

11-1301.5(b)1  301521  1 13015B1  To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device

11-1301.5(b)2  301522  1 13015B2  To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device

11-1301.5(b)3  301523  1 13015B3  To knowingly alter any person-with-disabilities license plate or parking decal or device

11-1301.5(b)4  301524  1 13015B4  To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
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<thead>
<tr>
<th>Section</th>
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<th>Details</th>
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</thead>
<tbody>
<tr>
<td>11-1301.5(b)5</td>
<td>301525</td>
<td>To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device</td>
</tr>
<tr>
<td>11-1301.5(b)6</td>
<td>301526</td>
<td>To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder</td>
</tr>
<tr>
<td>11-1301.6(b)1</td>
<td>301621</td>
<td>To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or devise</td>
</tr>
<tr>
<td>11-1301.6(b)2</td>
<td>301622</td>
<td>To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device</td>
</tr>
<tr>
<td>11-1301.6(b)3</td>
<td>301623</td>
<td>To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or devise</td>
</tr>
<tr>
<td>11-1301.6(b)4</td>
<td>301624</td>
<td>To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or devise</td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

device

To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device


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<tr>
<th>CRIMINAL CODE</th>
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<th>Abstract Description Code</th>
<th>Description of Offense</th>
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<tbody>
<tr>
<td>11-1301.6(b)5</td>
<td>301625</td>
<td>1 13016B5</td>
<td>To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device</td>
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<tr>
<td>9-3</td>
<td>009003</td>
<td>9 03</td>
<td>Reckless homicide resulting from operation of a motor vehicle</td>
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<td>011151</td>
<td>11 151</td>
<td>Conviction of soliciting for a juvenile prostitute</td>
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<td>11-19.1</td>
<td>011191</td>
<td>11 191</td>
<td>Conviction of juvenile pimping</td>
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<td>12-5</td>
<td>012005</td>
<td>12 05</td>
<td>Conviction of reckless conduct</td>
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<tr>
<td>12-13</td>
<td>012013</td>
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<td>Conviction of criminal sexual assault</td>
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<td>12-14</td>
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<td>Conviction of aggravated criminal sexual assault</td>
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<td>12-15</td>
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<td>Conviction of criminal sexual abuse</td>
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<td>12-16</td>
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<td>Conviction of aggravated criminal sexual abuse</td>
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<tr>
<td>16J-15</td>
<td>161015</td>
<td>16J-15</td>
<td>Conviction for violation of theft of motor fuel</td>
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<tr>
<td>16K-15</td>
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<td>16K-15</td>
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<tr>
<td>18-3</td>
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<td>18 3</td>
<td>Conviction of vehicular hijacking</td>
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<td>18-4</td>
<td>0018004</td>
<td>18 4</td>
<td>Conviction of aggravated vehicular hijacking</td>
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<tr>
<td>21-2</td>
<td>021002</td>
<td>21 02</td>
<td>Criminal trespass to motor vehicles</td>
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<tr>
<td>22-51</td>
<td>022051</td>
<td>22 51</td>
<td>Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse</td>
</tr>
<tr>
<td>24-1(a)3</td>
<td>241103</td>
<td>241 A3</td>
<td>Conviction of unlawful use of weapons while using a motor vehicle</td>
</tr>
<tr>
<td>24-1(a)4</td>
<td>241104</td>
<td>241 A4</td>
<td>Conviction of unlawful use of weapons while using a motor vehicle</td>
</tr>
<tr>
<td>24-1(a)7</td>
<td>241107</td>
<td>241 A7</td>
<td>Conviction of unlawful use of weapons while using a motor vehicle</td>
</tr>
<tr>
<td>24-1(a)9</td>
<td>241109</td>
<td>241 A9</td>
<td>Conviction of unlawful use of weapons while using a motor vehicle</td>
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<td>24-1.2</td>
<td>241200</td>
<td>241 200</td>
<td>Conviction of aggravated discharge of a firearm</td>
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<tr>
<td>24-1.5(b)</td>
<td>241520</td>
<td>24 15B</td>
<td>Conviction of reckless discharge of</td>
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NOTICE OF PROPOSED AMENDMENTS

a firearm

<table>
<thead>
<tr>
<th>THE LIQUOR CONTROL ACT OF 1934</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>43-131(a)</td>
<td>431311</td>
<td>43 131A</td>
<td>Minor presents false ID to buy alcoholic beverage—Liquor Control Act of 1934</td>
</tr>
<tr>
<td>6-20</td>
<td>006020</td>
<td>6-20</td>
<td>Violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-804, eff. 1-1-03)</td>
</tr>
<tr>
<td>6-20(a)</td>
<td>060201</td>
<td>6-20A</td>
<td>Violation of Section 6-20(a) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</td>
</tr>
<tr>
<td>6-20(c)</td>
<td>060203</td>
<td>6-20C</td>
<td>Violation of Section 6-20(c) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</td>
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<tr>
<td>6-20(d)</td>
<td>060204</td>
<td>6-20D</td>
<td>Violation of Section 6-20(d) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</td>
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<tr>
<td>6-20(e)</td>
<td>060205</td>
<td>6-20E</td>
<td>Violation of Section 6-20(e) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</td>
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<thead>
<tr>
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<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
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<tbody>
<tr>
<td>704(a)</td>
<td>070401</td>
<td>704 01</td>
<td>Conviction for violation of Section 4(a) of the Cannabis Control Act concerning the possession of not</td>
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<tr>
<th>Section</th>
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<tbody>
<tr>
<td>704(b)</td>
<td>070402 704 02</td>
<td>Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis</td>
</tr>
<tr>
<td>704(c)</td>
<td>070403 704 03</td>
<td>Conviction for violation of Section 4(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis</td>
</tr>
<tr>
<td>704(d)</td>
<td>070404 704 04</td>
<td>Conviction for violation of Section 4(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis</td>
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<tr>
<td>704(e)</td>
<td>070405 704 05</td>
<td>Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis</td>
</tr>
<tr>
<td>705</td>
<td>00705 705 00</td>
<td>Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis</td>
</tr>
<tr>
<td>707</td>
<td>00707 707 00</td>
<td>Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult</td>
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<tr>
<th>ILLINOIS CONTROLLED SUBSTANCES ACT</th>
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<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
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<tr>
<td>1401(a)</td>
<td>140101</td>
<td>1401 01</td>
<td>Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
</tr>
<tr>
<td>1401(b)</td>
<td>140102</td>
<td>1401 02</td>
<td>Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
</tr>
<tr>
<td>1401(c)</td>
<td>140103</td>
<td>1401 03</td>
<td>Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
</tr>
<tr>
<td>1401(d)</td>
<td>140104</td>
<td>1401 04</td>
<td>Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
</tr>
<tr>
<td>1401(e)</td>
<td>140105</td>
<td>1401 05</td>
<td>Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
</tr>
<tr>
<td>1401(f)</td>
<td>140106</td>
<td>1401 06</td>
<td>Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance</td>
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controlled substance

1401(g) 140107 1401 07 Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

1402(a)1 014201 1402 01 Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin

1402(a)2 014202 1402 02 Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine

1402(a)3 014203 1402 03 Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine

1402(a)4 014204 1402 04 Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote

1402(a)5 014205 1402 05 Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
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<th>Section</th>
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<tbody>
<tr>
<td>1402(a)6</td>
<td>014206</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine</td>
</tr>
<tr>
<td>1402(a)7</td>
<td>014207</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)</td>
</tr>
<tr>
<td>1402(a)8</td>
<td>014208</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine</td>
</tr>
<tr>
<td>1402(a)9</td>
<td>014209</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone</td>
</tr>
<tr>
<td>1402(a)10</td>
<td>014210</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>1402(a)</td>
<td>014211</td>
<td>Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that which is not otherwise included in this subsection.</td>
</tr>
<tr>
<td>1402(b)</td>
<td>014220</td>
<td>Conviction for violation of Section 402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance.</td>
</tr>
<tr>
<td>1407</td>
<td>014070</td>
<td>Adult delivers controlled or counterfeit substances to minor</td>
</tr>
<tr>
<td>1407.1</td>
<td>014701</td>
<td>Adult uses minor to deliver controlled/counterfeit substances</td>
</tr>
<tr>
<td>16J-15</td>
<td>161015</td>
<td>Conviction for violation of theft of motor fuel (P.A. 94-700, eff. 6-1-06)</td>
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<tr>
<td>2103</td>
<td>021003</td>
<td>Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse.</td>
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**ILLINOIS IDENTIFICATION CARD ACT**

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<th>Abstract Code</th>
<th>Description of Offense</th>
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<tr>
<td>335-14a1</td>
<td>014101</td>
<td>14A1</td>
<td>To possess, display, or cause to be displayed any canceled or revoked identification card.</td>
</tr>
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<th>Code</th>
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<th>Amendment Code</th>
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<tbody>
<tr>
<td>335-14a2</td>
<td>014102</td>
<td>14A2</td>
<td>To display or represent as the person's own any identification card issued to another</td>
</tr>
<tr>
<td>335-14a3</td>
<td>014103</td>
<td>14A3</td>
<td>To allow any unlawful use of an identification card issued to another person</td>
</tr>
<tr>
<td>335-14a4</td>
<td>014104</td>
<td>14A4</td>
<td>To lend an identification card to another or knowingly allow the use thereof</td>
</tr>
<tr>
<td>335-14a5</td>
<td>014105</td>
<td>14A5</td>
<td>To fail or refuse to surrender to the Secretary of State, the Secretary’s agent, or any peace officer upon lawful demand, any identification card that has been revoked or canceled</td>
</tr>
<tr>
<td>335-14a6</td>
<td>014106</td>
<td>14A6</td>
<td>To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State (P.A. 93-667, eff. 3-19-04)</td>
</tr>
<tr>
<td>335-14a7</td>
<td>014107</td>
<td>14A7</td>
<td>To knowingly possess, use or allow to be used a stolen identification card making implement (P.A. 94-239, eff. 1-1-06)</td>
</tr>
<tr>
<td>335-14(A-1)</td>
<td>014011</td>
<td>14-A-1</td>
<td>Possess or use materials to obtain information from an identification</td>
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<tr>
<td>Code</td>
<td>Section</td>
<td>Description</td>
<td></td>
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<tr>
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</tr>
<tr>
<td>335-14ab1</td>
<td>014121</td>
<td>14AB1 To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card</td>
<td></td>
</tr>
<tr>
<td>335-14ab2</td>
<td>014122</td>
<td>14AB2 To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment</td>
<td></td>
</tr>
<tr>
<td>335-14ab3</td>
<td>014123</td>
<td>14AB3 To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction</td>
<td></td>
</tr>
<tr>
<td>335-14ab4</td>
<td>014124</td>
<td>14AB4 To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided</td>
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</tr>
<tr>
<td>Amendment Code</td>
<td>Amendment Date</td>
<td>Amendment Section</td>
<td>Description</td>
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<tr>
<td>335-14ab5</td>
<td>014125</td>
<td>14AB5</td>
<td>To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another.</td>
</tr>
<tr>
<td>335-14ab6</td>
<td>014126</td>
<td>14AB6</td>
<td>To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document.</td>
</tr>
<tr>
<td>335-14ab7</td>
<td>014127</td>
<td>14AB7</td>
<td>To knowingly issue or assist in the issuance of any fictitious identification card.</td>
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<tr>
<td>335-14ab8</td>
<td>014128</td>
<td>14AB8</td>
<td>To knowingly alter or attempt to alter any identification card.</td>
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<tr>
<td>335-14ab9</td>
<td>014129</td>
<td>14AB9</td>
<td>To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card.</td>
</tr>
<tr>
<td>335-14ab10</td>
<td>0141210</td>
<td>14AB10</td>
<td>To make application for the purpose of obtaining a fictitious identification card for another person.</td>
</tr>
<tr>
<td>335-14ab11</td>
<td>0141211</td>
<td>14AB11</td>
<td>To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card.</td>
</tr>
<tr>
<td>335-14bb2</td>
<td>014221</td>
<td>14BB2</td>
<td>To knowingly possess, display or cause to be displayed any</td>
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NOTICE OF PROPOSED AMENDMENTS

To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment.

To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction.

To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another.

To knowingly possess any fraudulent identification card with the intent to use the identification...
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<td>335-14bb7</td>
<td>014227</td>
<td>14BB7</td>
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<tr>
<td></td>
<td></td>
<td>To knowingly possess without authority any identification card making implement (P.A. 93-895, eff. 1-1-05)</td>
</tr>
<tr>
<td>335-14bb8</td>
<td>014228</td>
<td>14BB8</td>
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<tr>
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<td></td>
<td>To knowingly possess any stolen implement for duplicating or manufacturing an identification card</td>
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<tr>
<td>335-14bb9</td>
<td>014229</td>
<td>14BB9</td>
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<td></td>
<td></td>
<td>To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card</td>
</tr>
<tr>
<td>335-14bb10</td>
<td>0142210</td>
<td>14BB10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card</td>
</tr>
<tr>
<td>335-14cal</td>
<td>014311</td>
<td>14CA1</td>
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<td></td>
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<td>Present false information in application for identification card</td>
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<td>335-14ca2</td>
<td>014312</td>
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<td>335-14ca3</td>
<td>014313</td>
<td>14CA3</td>
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<td></td>
<td>Make false affidavit, swear or affirm falsely</td>
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Illinois Vehicle Code

The following point assigned violations will be entered on the driving record as Type Action -97- Bond forfeiture or Type Action -99- conviction
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<td>060510 # 0605 1</td>
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<td>11-705</td>
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<td>070704</td>
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<td>No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)</td>
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</tr>
<tr>
<td>11-708</td>
<td>070800</td>
<td># 0708 00</td>
<td>Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<td>11-709(a)</td>
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<td># 0709 01</td>
<td>Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<td>070902</td>
<td># 0709 02</td>
<td>Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<td>11-709(c)</td>
<td>070903</td>
<td># 0709 03</td>
<td>Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<td>11-709(d)</td>
<td>070904</td>
<td># 0709 04</td>
<td>Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)</td>
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<tr>
<th>Code</th>
<th>#</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1505</td>
<td>150500</td>
<td>Improper position of motorized pedalcycles on roadway</td>
<td>10</td>
</tr>
<tr>
<td>11-1505.1</td>
<td>150501</td>
<td>Riding motorized pedalcycle more than two abreast on roadways</td>
<td>10</td>
</tr>
<tr>
<td>11-1507.1</td>
<td>150701</td>
<td>Violation of lamps on motorized pedalcycles</td>
<td>10</td>
</tr>
<tr>
<td>11-1510(b)</td>
<td>151020</td>
<td>Improper left turn on pedalcycle</td>
<td>10</td>
</tr>
<tr>
<td>12-201(b)</td>
<td>220102</td>
<td>Head, tail or side light violation</td>
<td>10</td>
</tr>
<tr>
<td>12-208(a)</td>
<td>220801</td>
<td>No stop lights</td>
<td>5</td>
</tr>
<tr>
<td>12-208(b)</td>
<td>220802</td>
<td>No turn signal lights</td>
<td>5</td>
</tr>
<tr>
<td>12-208(c)</td>
<td>220803</td>
<td>No turn signal lights on trailers or semi-trailers</td>
<td>5</td>
</tr>
<tr>
<td>12-301</td>
<td>230100</td>
<td>Defective brakes</td>
<td>20</td>
</tr>
<tr>
<td>12-610.1b</td>
<td>261012</td>
<td>Driver under age 18 using a wireless phone (P.A. 94-240, eff. 7-15-05)</td>
<td>10</td>
</tr>
<tr>
<td>12-610.1b</td>
<td>261010</td>
<td>Driving under age 19 using a wireless phone (P.A. 95-166, eff. 1-1-08)</td>
<td></td>
</tr>
<tr>
<td>12-804</td>
<td>280400</td>
<td>School bus identification and warning light violation</td>
<td>5</td>
</tr>
<tr>
<td>15-106</td>
<td>510600</td>
<td>Failure to fasten or secure any protruding component of a vehicle</td>
<td>15</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

15-109  510900  # 5109 00  Spilling or unsafe load  15
15-110  511000  # 5110 00  Improper towing of a vehicle  10
15-114  511400  # 5114 00  Improper pushing of another vehicle  10

City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
The following point assigned violations will be entered on the driving record as

<table>
<thead>
<tr>
<th>CHICAGO TRAFFIC CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-201</td>
<td>201000</td>
<td>7 201 00</td>
<td>Disregarding official traffic control device</td>
<td>20</td>
</tr>
<tr>
<td>7-202</td>
<td>202000</td>
<td>7 202 00</td>
<td>Disregarding traffic control light</td>
<td>20</td>
</tr>
<tr>
<td>7-203</td>
<td>203000</td>
<td>7 203 00</td>
<td>Disregarding flashing traffic signal</td>
<td>20</td>
</tr>
<tr>
<td>7-204</td>
<td>204000</td>
<td>7 204 00</td>
<td>Disregarding lane control light</td>
<td>20</td>
</tr>
<tr>
<td>7-205</td>
<td>205000</td>
<td>7 205 00</td>
<td>Avoiding official traffic control device</td>
<td>20</td>
</tr>
<tr>
<td>7-210</td>
<td>210000</td>
<td>7 210 00</td>
<td>Driving motor-driven cycle on access roadway</td>
<td>10</td>
</tr>
<tr>
<td>7-211</td>
<td>211000</td>
<td>7 211 00</td>
<td>Improper traffic lane usage</td>
<td>20</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Code</th>
<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-212</td>
<td>21200</td>
<td>Speeding too fast for conditions</td>
<td>10</td>
</tr>
<tr>
<td>7-212.01</td>
<td>21201</td>
<td>1-10 MPH above limit</td>
<td>5</td>
</tr>
<tr>
<td>7-212.03</td>
<td>21203</td>
<td>11-14 MPH above limit</td>
<td>15</td>
</tr>
<tr>
<td>7-212.05</td>
<td>21205</td>
<td>15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)</td>
<td>20</td>
</tr>
<tr>
<td>7-212.07</td>
<td>21207</td>
<td>Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)</td>
<td>50</td>
</tr>
<tr>
<td>7-213</td>
<td>21300</td>
<td>Driving below minimum speed limit</td>
<td>5</td>
</tr>
<tr>
<td>7-214</td>
<td>21400</td>
<td>Improper turn at intersection</td>
<td>10</td>
</tr>
<tr>
<td>7-215</td>
<td>21500</td>
<td>Improper or illegal turn on red signal light</td>
<td>20</td>
</tr>
<tr>
<td>7-216</td>
<td>21600</td>
<td>Improper U-turn</td>
<td>10</td>
</tr>
<tr>
<td>7-217</td>
<td>21700</td>
<td>Improper U-turn in Loop district</td>
<td>10</td>
</tr>
<tr>
<td>7-218</td>
<td>21800</td>
<td>Disobeying no-turn sign</td>
<td>10</td>
</tr>
<tr>
<td>7-219</td>
<td>21900</td>
<td>Driving wrong way on one-way street</td>
<td>5</td>
</tr>
<tr>
<td>Code</td>
<td>Section</td>
<td>Fine</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>---------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7-220</td>
<td>20000</td>
<td>7 220 00</td>
<td>Driving wrong way on one-way street – restrictive period</td>
</tr>
<tr>
<td>7-221</td>
<td>21000</td>
<td>7 221 00</td>
<td>Disregarding stop sign at intersection</td>
</tr>
<tr>
<td>7-222</td>
<td>22000</td>
<td>7 222 00</td>
<td>Failure to yield right-of-way at stop intersection</td>
</tr>
<tr>
<td>7-223</td>
<td>23000</td>
<td>7 223 00</td>
<td>Failure to yield right-of-way upon emerging from alley or driveway</td>
</tr>
<tr>
<td>7-224</td>
<td>24000</td>
<td>7 224 00</td>
<td>Entering intersection when traffic is obstructed</td>
</tr>
<tr>
<td>7-225</td>
<td>25000</td>
<td>7 225 00</td>
<td>Failure to observe yield right-of-way</td>
</tr>
<tr>
<td>7-226</td>
<td>26000</td>
<td>7 226 00</td>
<td>Failure to stop for approaching railroad train or signal</td>
</tr>
<tr>
<td>7-227</td>
<td>27000</td>
<td>7 227 00</td>
<td>Failure to observe bridge signal</td>
</tr>
<tr>
<td>7-228</td>
<td>28000</td>
<td>7 228 00</td>
<td>Failure to yield right-of-way to emergency vehicles</td>
</tr>
<tr>
<td>7-229</td>
<td>29000</td>
<td>7 229 00</td>
<td>Failure to yield right-of-way to pedestrian at intersection</td>
</tr>
<tr>
<td>7-230</td>
<td>30000</td>
<td>7 230 00</td>
<td>Failure to yield right-of-way at intersection</td>
</tr>
<tr>
<td>7-231</td>
<td>31000</td>
<td>7 231 00</td>
<td>Failure to yield right-of-way to pedestrian</td>
</tr>
<tr>
<td>7-232</td>
<td>32000</td>
<td>7 232 00</td>
<td>Failure to yield right-of-way to equestrian</td>
</tr>
</tbody>
</table>
## NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Code</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-233</td>
<td>233000</td>
<td>Failure to yield right-of-way to blind person</td>
<td>20</td>
</tr>
<tr>
<td>7-236(a)</td>
<td>236001</td>
<td>Improper passing on the left</td>
<td>20</td>
</tr>
<tr>
<td>7-236(b)</td>
<td>236002</td>
<td>Failure to yield right-of-way to vehicle passing on the left</td>
<td>20</td>
</tr>
<tr>
<td>7-237</td>
<td>237000</td>
<td>Improper passing on the right</td>
<td>20</td>
</tr>
<tr>
<td>7-238</td>
<td>238000</td>
<td>Improper passing on the left</td>
<td>20</td>
</tr>
<tr>
<td>7-239</td>
<td>239000</td>
<td>Failure to drive on right side of roadway</td>
<td>5</td>
</tr>
<tr>
<td>7-240</td>
<td>240000</td>
<td>Passing stopped school bus receiving or discharging children</td>
<td>25</td>
</tr>
<tr>
<td>7-241</td>
<td>241000</td>
<td>Passing vehicle stopped for pedestrian</td>
<td>20</td>
</tr>
<tr>
<td>7-244</td>
<td>244000</td>
<td>Failure to obey lawful order or authorized officer</td>
<td>10</td>
</tr>
<tr>
<td>7-247</td>
<td>247000</td>
<td>Driving in area designated as play street</td>
<td>20</td>
</tr>
<tr>
<td>7-248</td>
<td>248000</td>
<td>Driving on sidewalk or parkway</td>
<td>20</td>
</tr>
<tr>
<td>7-249</td>
<td>249000</td>
<td>Driving through safety zone</td>
<td>20</td>
</tr>
<tr>
<td>7-250</td>
<td>250000</td>
<td>Driving in bus lane</td>
<td>20</td>
</tr>
<tr>
<td>7-251</td>
<td>251000</td>
<td>Driving on left side of roadway where prohibited</td>
<td>20</td>
</tr>
</tbody>
</table>
**SECRETARY OF STATE**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-252</td>
<td>Improper backing</td>
<td>10</td>
</tr>
<tr>
<td>7-253</td>
<td>Improper entry or exit from controlled access roadway</td>
<td>10</td>
</tr>
<tr>
<td>7-255</td>
<td>Negligent driving</td>
<td>10</td>
</tr>
<tr>
<td>7-256</td>
<td>Following too closely</td>
<td>25</td>
</tr>
<tr>
<td>7-257</td>
<td>Failure to exercise due care for pedestrian</td>
<td>10</td>
</tr>
<tr>
<td>7-260</td>
<td>Unsafe movement of vehicle from parked position</td>
<td>15</td>
</tr>
<tr>
<td>7-261</td>
<td>Failure to give stop or turn signal</td>
<td>15</td>
</tr>
<tr>
<td>7-262</td>
<td>Improper stop or turn signal</td>
<td>15</td>
</tr>
<tr>
<td>7-266</td>
<td>Improper towing or pushing of vehicle</td>
<td>10</td>
</tr>
<tr>
<td>7-270</td>
<td>Failure to drive within bus lane – bus drivers</td>
<td>20</td>
</tr>
<tr>
<td>7-271</td>
<td>Failure to observe mass transportation vehicle regulations</td>
<td>20</td>
</tr>
<tr>
<td>7-278</td>
<td>Illegal operation of motorcycle or motor driven cycle</td>
<td>10</td>
</tr>
<tr>
<td>7-342</td>
<td>Defective brakes</td>
<td>20</td>
</tr>
<tr>
<td>7-346</td>
<td>Head, tail, or side light violation</td>
<td>10</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>CODE</th>
<th>Violation</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-359</td>
<td>359000</td>
<td>359 00 Towing vehicles without bar or other safety device</td>
<td>10</td>
</tr>
<tr>
<td>7-369</td>
<td>369000</td>
<td>369 00 Failure to notify owner after collision with unattended vehicle</td>
<td>25</td>
</tr>
<tr>
<td>7-402(c)</td>
<td>402003</td>
<td>402 03 Restricted turn signs – prohibited right or left turn</td>
<td>10</td>
</tr>
</tbody>
</table>

e) Illinois Vehicle Code

The following violations will be entered on the driving record as **Type Action** Type Action -95- bond Bond forfeiture or **Type Action** Type Action -96- conviction with no point value:

<table>
<thead>
<tr>
<th>IVC Violation Code</th>
<th>EDPM Offense Code</th>
<th>Abstract Description Code</th>
<th>Description of Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-407(a)</td>
<td>040710</td>
<td># 0407 A0</td>
<td>Failure of driver to give notice of accident</td>
</tr>
<tr>
<td>11-407(b)</td>
<td>040720</td>
<td># 0407 B0</td>
<td>Failure of passenger to give notice of accident</td>
</tr>
<tr>
<td>11-506(b)</td>
<td>050602</td>
<td># 0506 B</td>
<td>Vehicle owner permitting street racing</td>
</tr>
<tr>
<td>11-1412</td>
<td>141200</td>
<td># 1412 00</td>
<td>Crossing fire hose</td>
</tr>
<tr>
<td>11-1420</td>
<td>142000</td>
<td># 1420 00</td>
<td>Funeral procession violation</td>
</tr>
<tr>
<td>12-201(c)</td>
<td>220103</td>
<td># 2201 03</td>
<td>Registration light violation</td>
</tr>
<tr>
<td>12-203</td>
<td>220300</td>
<td># 2203 00</td>
<td>Lamps on parked vehicle</td>
</tr>
<tr>
<td>12-207</td>
<td>220700</td>
<td># 2207 00</td>
<td>Spot light or auxiliary light violation</td>
</tr>
<tr>
<td>12-209</td>
<td>220900</td>
<td># 2209 00</td>
<td>Other light violation</td>
</tr>
<tr>
<td>12-211(a)</td>
<td>221101</td>
<td># 2211 01</td>
<td>Headlight violation</td>
</tr>
<tr>
<td>Code</td>
<td>Section Number</td>
<td>Violation Description</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>12-211</td>
<td>221102</td>
<td>Front light violation</td>
<td></td>
</tr>
<tr>
<td>12-212</td>
<td>221200</td>
<td>Front red or flashing light violation</td>
<td></td>
</tr>
<tr>
<td>12-214</td>
<td>221400</td>
<td>Special lighting equipment on rural mail delivery vehicle</td>
<td></td>
</tr>
<tr>
<td>12-603</td>
<td>260301</td>
<td>Violation of the seat belt act</td>
<td></td>
</tr>
<tr>
<td>12-604</td>
<td>260401</td>
<td>Driving while using prohibited video devices (P.A. 94-185, eff. 1-1-06)</td>
<td></td>
</tr>
<tr>
<td>12-613</td>
<td>261301</td>
<td>Violation of possession and use of radar or laser jamming devices (P.A. 94-594, eff. 1-1-06)</td>
<td></td>
</tr>
<tr>
<td>12-714</td>
<td>271401</td>
<td>Violation of possession and use of a radar detecting device in a commercial motor vehicle</td>
<td></td>
</tr>
<tr>
<td>12-715</td>
<td>271501</td>
<td>Violation of possession and use of a radar jamming device in a commercial motor vehicle</td>
<td></td>
</tr>
<tr>
<td>1104</td>
<td>001104</td>
<td>Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4</td>
<td></td>
</tr>
<tr>
<td>1104(a)</td>
<td>101104</td>
<td>Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 6</td>
<td></td>
</tr>
<tr>
<td>25/4a</td>
<td>250401</td>
<td>Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 16</td>
<td></td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

25/4b 250402 25 04B Unrestrained – age 8 but under age 19 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of The Municipal Code of Chicago

The following violations will be entered on the driving record as Type Action -95- bond forfeiture or Type Action -96- conviction with no point value:

<table>
<thead>
<tr>
<th>CHICAGO TRAFFIC CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-235</td>
<td>235000</td>
<td>7 235 00</td>
<td>Driving through a funeral procession</td>
</tr>
<tr>
<td>7-246</td>
<td>246000</td>
<td>7 246 00</td>
<td>Crossing fire hose</td>
</tr>
<tr>
<td>7-274</td>
<td>274000</td>
<td>7 274 00</td>
<td>Driving in a funeral procession</td>
</tr>
<tr>
<td>7-342.1</td>
<td>342001</td>
<td>7 342 01</td>
<td>Violation of seat belt ordinance act</td>
</tr>
<tr>
<td>7-347</td>
<td>347000</td>
<td>7 347 00</td>
<td>Spotlight violation</td>
</tr>
<tr>
<td>7-348</td>
<td>348000</td>
<td>7 348 00</td>
<td>Other light violation</td>
</tr>
<tr>
<td>7-349</td>
<td>349000</td>
<td>7 349 00</td>
<td>Front red or flashing light</td>
</tr>
</tbody>
</table>

 g) Case Review

1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in this Part 92 Ill. Adm. Code 1040.

2) Driver control action shall be entered upon the driver's record by classification (Type Action type action).
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

A) Classification for driver control actions:

<table>
<thead>
<tr>
<th>Type Action</th>
<th>Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td></td>
<td>Mandatory Revocation</td>
</tr>
<tr>
<td>02</td>
<td></td>
<td>Discretionary Revocation</td>
</tr>
<tr>
<td>03</td>
<td></td>
<td>Discretionary Suspension</td>
</tr>
<tr>
<td>04</td>
<td></td>
<td>Safety Responsibility Suspension</td>
</tr>
<tr>
<td>05</td>
<td></td>
<td>Financial Responsibility Suspension</td>
</tr>
<tr>
<td>06</td>
<td></td>
<td>Unsatisfied Judgment Suspension</td>
</tr>
<tr>
<td>07</td>
<td></td>
<td>Mandatory Suspension</td>
</tr>
<tr>
<td>08</td>
<td></td>
<td>Cancellation of License</td>
</tr>
<tr>
<td>09</td>
<td></td>
<td>Mandatory Suspension</td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>Statutory Summary Suspension</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>Vehicle Emissions Suspension</td>
</tr>
<tr>
<td>45</td>
<td></td>
<td>Cancellation/Suspension/Denial of School Bus Permit</td>
</tr>
<tr>
<td>DN</td>
<td></td>
<td>Denial of License and/or Privileges</td>
</tr>
<tr>
<td>DQ</td>
<td></td>
<td>Discretionary/Mandatory Disqualification</td>
</tr>
<tr>
<td>FR</td>
<td></td>
<td>Family Financial Responsibility Suspension</td>
</tr>
<tr>
<td>IV</td>
<td></td>
<td>Invalidation of License</td>
</tr>
<tr>
<td>MC</td>
<td></td>
<td>Mandatory Conviction Suspension</td>
</tr>
<tr>
<td>OS</td>
<td></td>
<td>Out of Service Law Enforcement History Item</td>
</tr>
<tr>
<td>ZT</td>
<td></td>
<td>Zero Tolerance Suspension</td>
</tr>
</tbody>
</table>

B) Description of driver control action:
The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-205(a)1</td>
<td>205101</td>
<td>6 205 A1</td>
<td>Reckless homicide</td>
</tr>
<tr>
<td>6-205(a)2</td>
<td>205102</td>
<td>6 205 A2</td>
<td>Driving while under the influence of alcohol, other drug, or combination thereof</td>
</tr>
<tr>
<td>----------</td>
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<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6-205(a)3</td>
<td>205103</td>
<td>6 205 A3</td>
<td>Felony involving the use of a motor vehicle</td>
</tr>
<tr>
<td>6-205(a)4</td>
<td>205104</td>
<td>6 205 A4</td>
<td>Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401 of the Illinois Vehicle Code</td>
</tr>
<tr>
<td>6-205(a)5</td>
<td>205105</td>
<td>6 205 A5</td>
<td>Perjury under oath relating to ownership or operation of a motor vehicle</td>
</tr>
<tr>
<td>6-205(a)6</td>
<td>205106</td>
<td>6 205 A6</td>
<td>Three convictions of reckless driving committed within a 12-month period</td>
</tr>
<tr>
<td>6-205(a)7</td>
<td>205107</td>
<td>6 205 A7</td>
<td>Conviction of motor vehicle theft as defined in Section 4-102</td>
</tr>
<tr>
<td>6-205(a)8</td>
<td>205108</td>
<td>6 205 A8</td>
<td>Conviction of drag racing under Section 11-504 of the Illinois Vehicle Code</td>
</tr>
<tr>
<td>6-205(a)9</td>
<td>205109</td>
<td>6 205 A9</td>
<td>Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)</td>
</tr>
<tr>
<td>6-205(a)10</td>
<td>205110</td>
<td>6 205 A10</td>
<td>Reckless conduct, Section 12-5 Illinois Criminal Code of 1961</td>
</tr>
<tr>
<td>6-205(a)11</td>
<td>205111</td>
<td>6 205 A11</td>
<td>Conviction of aggravated fleeing or eluding a peace officer</td>
</tr>
<tr>
<td>6-205(a)12</td>
<td>205112</td>
<td>6 205 A12</td>
<td>Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle</td>
</tr>
<tr>
<td>6-205(a)13</td>
<td>205113</td>
<td>6 205 A13</td>
<td>A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a</td>
</tr>
</tbody>
</table>
similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

6-205(a)14 205114 6 205 A14 Conviction of Section 11-506(a) of the Illinois Vehicle Code or a similar provision of a local ordinance relating to street racing.

6-205(b)1 205201 6 205 B1 Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code.

6-205(b)2 205202 6 205 B2 When any other law of this State requires either the revocation or suspension of such license or permit.

6-205(b)3 205203 6 205 B3 Committing a gang-related offense involving a motor vehicle or driver's license.

6-205(c) 205300 6 205 C0 Revocation of a restricted driving permit.

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
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</thead>
<tbody>
<tr>
<td>6-113(d)</td>
<td>113400</td>
<td>6 113 D0</td>
<td>Violation of a restriction on a license or permit</td>
</tr>
<tr>
<td>6-206(a)1</td>
<td>206101</td>
<td>6 206 A1</td>
<td>Has committed an offense requiring revocation upon conviction</td>
</tr>
<tr>
<td>6-206(a)2</td>
<td>206102</td>
<td>6 206 A2</td>
<td>Three or more convictions of moving traffic violations committed within a 12-month</td>
</tr>
<tr>
<td>Section</td>
<td>Code</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
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<td></td>
</tr>
<tr>
<td>6-206(a)3</td>
<td>206103</td>
<td>Habitually been in violation of vehicle laws</td>
<td></td>
</tr>
<tr>
<td>6-206(a)4</td>
<td>206104</td>
<td>Accident resulting in death or injury</td>
<td></td>
</tr>
<tr>
<td>6-206(a)5</td>
<td>206105</td>
<td>Permitted unlawful or fraudulent use of license, ID card or permit</td>
<td></td>
</tr>
<tr>
<td>6-206(a)6</td>
<td>206106</td>
<td>Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1</td>
<td></td>
</tr>
<tr>
<td>6-206(a)7</td>
<td>206107</td>
<td>Refused or failed to submit to an examination</td>
<td></td>
</tr>
<tr>
<td>6-206(a)8</td>
<td>206108</td>
<td>Ineligible for license or permit under Section 6-103.</td>
<td></td>
</tr>
<tr>
<td>6-206(a)9</td>
<td>206109</td>
<td>False statement or knowingly concealed a material fact in application for license, ID card or permit</td>
<td></td>
</tr>
<tr>
<td>6-206(a)10</td>
<td>206110</td>
<td>Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person</td>
<td></td>
</tr>
<tr>
<td>6-206(a)11</td>
<td>206111</td>
<td>Driving while license or permit has been revoked</td>
<td></td>
</tr>
<tr>
<td>6-206(a)12</td>
<td>206112</td>
<td>Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person</td>
<td></td>
</tr>
<tr>
<td>6-206(a)13</td>
<td>206113</td>
<td>Violation of Curfew Act (prior to 1-1-08)</td>
<td></td>
</tr>
<tr>
<td>6-206(a)13</td>
<td>206113</td>
<td>Violation of nighttime driving restrictions</td>
<td></td>
</tr>
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</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(effective 1-1-08)

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-206(a)14</td>
<td>206114</td>
<td>6 206 A14 Unlawful use of license or permit under Section 6-301 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]</td>
</tr>
<tr>
<td>6-206(a)15</td>
<td>206115</td>
<td>6 206 A15 Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]</td>
</tr>
<tr>
<td>6-206(a)16</td>
<td>206116</td>
<td>6 206 A16 Violation of Section 11-204, fleeing from a peace officer</td>
</tr>
<tr>
<td>6-206(a)17</td>
<td>206117</td>
<td>6 206 A17 Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1</td>
</tr>
<tr>
<td>6-206(a)18</td>
<td>206118</td>
<td>6 206 A18 Has been adjudged to be afflicted with or suffering from any mental disability or disease</td>
</tr>
<tr>
<td>6-206(a)19</td>
<td>206119</td>
<td>6 206 A19 Has violated Section 6-101 – driving without a valid license</td>
</tr>
<tr>
<td>6-206(a)20</td>
<td>206120</td>
<td>6 206 A20 Has violated Section 6-104 – driving without a proper classification on a driver's license</td>
</tr>
<tr>
<td>6-206(a)21</td>
<td>206121</td>
<td>6 206 A21 Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1000</td>
</tr>
<tr>
<td>6-206(a)22</td>
<td>206122</td>
<td>6 206 A22 Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961</td>
</tr>
<tr>
<td>6-206(a)23</td>
<td>206123</td>
<td>6 206 A23 Has been convicted of violating Section 11-502(a) for a second or subsequent time</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

within one year

6-206(a)24  206124  6 206 A24 Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that is the same or similar to an offense specified under Section 6-205 or 6-206

6-206(a)25  206125  6 206 A25 Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit

6-206(a)26  206126  6 206 A26 Has altered or attempted to alter a license or has possessed an altered license, identification card or permit

6-206(a)27  206127  6 206 A27 Has violated Section 6-16 of the Liquor Control Act of 1934

6-206(a)28  206128  6 206 A28 Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle

6-206(a)29  206129  6 206 A29 Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle

6-206(a)30  206130  6 206 A30 Conviction of a second or subsequent time of a sex offense and/or an offense against drug
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NOTICE OF PROPOSED AMENDMENTS

laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)

| 6-206(a)31 | 206131 | 6 206 A31 | Refused to submit/failed test(s) as required by Section 11-501.6 |
| 6-206(a)32 | 206132 | 6 206 A32 | Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961 |
| 6-206(a)33 | 206133 | 6 206 A33 | A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense |
| 6-206(a)34 | 206134 | 6 206 A34 | Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98) |
| 6-206(a)34 | 206134 | 6 206 A34 | Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (effective 8-8-98) |
| 6-206(a)35 | 206135 | 6 206 A35 | Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98) |
| 6-206(a)35 | 206135 | 6 206 A35 | Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (effective 8-8-98) |
| 6-206(a)36 | 206136 | 6 206 A36 | Use of fraudulent person-with-disabilities license plate or parking decal or device as
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

defined in Section 11-1301.6 of the Illinois Vehicle Code (prior to 8-8-98)

6-206(a)36 206136 6 206 A36 Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)

6-206(a)37 206137 6 206 A37 Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death

6-206(a)38 206138 6 206 A38 Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-874, eff. 1-1-03)

6-206(a)39 206139 6 206 A39 Has committed a second or subsequent violation of Section 11-1201 of the Illinois Vehicle Code (P.A. 92-814, eff. 1-1-03)

6-206(a)40 206140 6 206 A40 Failure to yield and proceed with due caution upon entering a construction zone when workers are present (P.A. 93-667, eff. 3-19-04)

6-206(a)41 206141 6 206 A41 Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code within 2 years of the date of the previous violation (P.A. 93-955, eff. 8-19-04)

6-206(a)42 206142 6 206 A42 Has committed a violation of Section 11-1301.3(a-1) (P.A. 94-930, eff. 6-26-06)

6-206(a)43 206144 206143 6 206 A43 Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36 of the Illinois Vehicle Code
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6-206(a)43  206143  6  206  A43  Supervision for violation of Section 6-20 of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)

6-206(a)43  206145  6  206  A43  Committed perjury or submitted false documents at a formal hearing

6-206(c)3  206303  6  206  C3  Conviction of an offense while holding a Restricted Driving Permit

j)  Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-205(c)</td>
<td>205300</td>
<td>6 205 C0</td>
<td>Suspension of a Restricted Driving Permit</td>
</tr>
<tr>
<td>6-205.2</td>
<td>205002</td>
<td>6 205 02</td>
<td>Theft of motor fuel (P.A. 94-700, eff. 6-1-06)</td>
</tr>
<tr>
<td>6-303(b)</td>
<td>303200</td>
<td>6 303 B0</td>
<td>Driving while license or permit has been revoked or suspended</td>
</tr>
<tr>
<td>6-306.3</td>
<td>306003</td>
<td>6 306 03</td>
<td>Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail</td>
</tr>
<tr>
<td>6-306.5</td>
<td>306005</td>
<td>6 306 05</td>
<td>Failure to pay fines – parking violations or automated traffic law violations</td>
</tr>
<tr>
<td>6-306.7</td>
<td>306007</td>
<td>6 306 07</td>
<td>Failure to pay fines – Illinois State Toll Highway Authority</td>
</tr>
<tr>
<td>11-406(e)</td>
<td>040650</td>
<td>1 0406 E0</td>
<td>Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
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<tbody>
<tr>
<td>11-501.1</td>
<td>050101</td>
<td>1 0501 01</td>
<td>Statutory Summary Suspension</td>
</tr>
<tr>
<td>11-501.8</td>
<td>050108</td>
<td>1 0501 08</td>
<td>Zero Tolerance Suspension</td>
</tr>
<tr>
<td>11-1414(f)</td>
<td>141460</td>
<td>1 1414 F0</td>
<td>Failure to stop for school bus when loading or discharging passengers</td>
</tr>
<tr>
<td>13A 112(b)</td>
<td>311122</td>
<td>13A 112 B</td>
<td>Vehicle Emissions Suspension</td>
</tr>
<tr>
<td>13B 55(b)</td>
<td>132552</td>
<td>13B 55B</td>
<td>Vehicle Emissions Suspension (P.A. 88-533, eff. 1-1-95)</td>
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</table>

k) Safety Responsibility Suspension – Type Action 04

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-201</td>
<td></td>
<td></td>
<td>Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of $500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court</td>
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</tbody>
</table>

l) Financial Responsibility Suspension – Type Action 05

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
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</thead>
<tbody>
<tr>
<td>7-305</td>
<td></td>
<td></td>
<td>Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time</td>
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</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>730/5</td>
<td>5-6-3.1(m)</td>
<td></td>
<td>Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation</td>
</tr>
<tr>
<td>m) Unsatisfied Judgment Suspension – Type Action 06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-303</td>
<td></td>
<td></td>
<td>Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle</td>
</tr>
<tr>
<td>n) Cancellation – Type Action 08</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-108(1)</td>
<td>108001</td>
<td>6 108 01</td>
<td>Request for withdrawal of consent</td>
</tr>
<tr>
<td>6-108(2)</td>
<td>108002</td>
<td>6 108 02</td>
<td>Death of person giving consent</td>
</tr>
<tr>
<td>6-108(3)</td>
<td>108003</td>
<td>6 108 03</td>
<td>Person giving consent no longer has legal custody</td>
</tr>
<tr>
<td>6-108(4)</td>
<td>108004</td>
<td>6 108 04</td>
<td>Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a](P.A. 94-916, eff. 7-1-07)</td>
</tr>
<tr>
<td>6-113(d)</td>
<td>113400</td>
<td>6 113 D0</td>
<td>Cancellation of a Restricted Driving Permit based on evidence of violation of restriction</td>
</tr>
<tr>
<td>6-201(a)1</td>
<td>201101</td>
<td>6 201 A1</td>
<td>Not entitled to the issuance of the license or</td>
</tr>
</tbody>
</table>
**SECRETARY OF STATE**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Code</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-201(a)2</td>
<td>201102</td>
<td>Failed to give the required or correct information</td>
</tr>
<tr>
<td>6-201(a)3</td>
<td>201103</td>
<td>Failed to pay fees or taxes due</td>
</tr>
<tr>
<td>6-201(a)4</td>
<td>201104</td>
<td>Committed any fraud in the making of such application</td>
</tr>
<tr>
<td>6-201(a)5</td>
<td>201105</td>
<td>Ineligible therefore under the provisions of Section 6-103</td>
</tr>
<tr>
<td>6-201(a)6</td>
<td>201106</td>
<td>Has refused or neglected to submit to examination or re-examination as required under this Code</td>
</tr>
<tr>
<td>6-201(a)7</td>
<td>201107</td>
<td>Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle</td>
</tr>
<tr>
<td>6-201(a)8</td>
<td>201108</td>
<td>Failed to notify Secretary of State of a medical condition <em>that</em> <em>which</em> is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition</td>
</tr>
<tr>
<td>6-201(a)9</td>
<td>201109</td>
<td>Convicted of a sex offense as defined in the Sex Offender Registration Act (P.A. 94-993, eff. 1-1-07)</td>
</tr>
<tr>
<td>6-201(a)11</td>
<td>201111</td>
<td>Refused or neglected to appear at a driver services facility to have a license corrected</td>
</tr>
<tr>
<td>6-205(c)</td>
<td>205300</td>
<td>Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205</td>
</tr>
<tr>
<td>6-206(c)3</td>
<td>206303</td>
<td>Cancellation of a permit subsequent to a</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>ILLINOIS IDENTIFICATION CARD ACT</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>335 13(b)1</td>
<td>013201</td>
<td>335-13 B1</td>
<td>Not entitled to the issuance of an identification card</td>
</tr>
<tr>
<td>335 13(b)2</td>
<td>013202</td>
<td>335-13 B2</td>
<td>False statement or knowingly concealed a material fact in your application for an identification card</td>
</tr>
<tr>
<td>335 13(b)3</td>
<td>013203</td>
<td>335-13 B3</td>
<td>Displayed or represented as your own an identification card not issued to you</td>
</tr>
<tr>
<td>335 13(b)4</td>
<td>013204</td>
<td>335-13 B4</td>
<td>Permitted an unlawful use of your identification card by allowing another person to use your identification card</td>
</tr>
<tr>
<td>335 13(b)5</td>
<td>013205</td>
<td>335-13 B5</td>
<td>Signature of the applicant or the signature on the identification card is a forgery</td>
</tr>
<tr>
<td>335 13(b)6</td>
<td>013206</td>
<td>335-13 B6</td>
<td>Identification card has been used for an unlawful or fraudulent purpose</td>
</tr>
<tr>
<td>335 13(b)7</td>
<td>013207</td>
<td>335-13 B7</td>
<td>Identification card has been altered or defaced</td>
</tr>
<tr>
<td>335 13(b)8</td>
<td>013208</td>
<td>335-13 B8</td>
<td>Identification card has been duplicated for any purpose</td>
</tr>
<tr>
<td>335 13(b)9</td>
<td>013209</td>
<td>335-13 B9</td>
<td>Identification card was utilized for counterfeit purposes</td>
</tr>
<tr>
<td>335 13(b)10</td>
<td>013210</td>
<td>335-13 B10</td>
<td>Not a disabled person as defined in Section 4A of the Illinois Identification Card Act</td>
</tr>
</tbody>
</table>

discretionary revocation or suspension pursuant to Section 6-206
SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

(Effective 7-1-85)

335 13(b)11 013211 335-13 B11 The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card (P.A. 93-895, eff. 1-1-05)

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-106.1</td>
<td>106001</td>
<td>6 106 01</td>
<td>Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code</td>
</tr>
<tr>
<td>6-106.1(a)</td>
<td>106011</td>
<td></td>
<td>Zero tolerance cancellation of school bus driver permit</td>
</tr>
<tr>
<td>6-103(18)</td>
<td></td>
<td></td>
<td>Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)</td>
</tr>
<tr>
<td>6-107(c)</td>
<td></td>
<td></td>
<td>Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code</td>
</tr>
<tr>
<td>6-107(d)</td>
<td></td>
<td></td>
<td>Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code</td>
</tr>
<tr>
<td>6-108.1</td>
<td></td>
<td></td>
<td>Denial of driver's license pursuant to Section</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-108.1 of the Illinois Vehicle Code

q) Discretionary/Mandatory Disqualification – Type Action DQ

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-514(a)1</td>
<td>514101</td>
<td>6 514 A1</td>
<td>Refusal to submit/failure to complete chemical test</td>
</tr>
<tr>
<td>6-514(a)2</td>
<td>514102</td>
<td>6 514 A2</td>
<td>Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act</td>
</tr>
<tr>
<td>6-514(a)3I</td>
<td>514131</td>
<td>6 514 A31</td>
<td>Driving under influence of alcohol/other drugs</td>
</tr>
<tr>
<td>6-514(a)3II</td>
<td>514132</td>
<td>6 514 A32</td>
<td>Leaving scene of accident while operating commercial motor vehicle</td>
</tr>
<tr>
<td>6-514(a)3III</td>
<td>514133</td>
<td>6 514 A33</td>
<td>Driving commercial motor vehicle while committing any felony</td>
</tr>
<tr>
<td>6-514(b)</td>
<td>514200</td>
<td>6 514 B</td>
<td>Second conviction of violation Section 6-514(a)</td>
</tr>
<tr>
<td>6-514(c)</td>
<td>514300</td>
<td>6 514 C</td>
<td>Conviction of felony drug offenses using commercial motor vehicle</td>
</tr>
<tr>
<td>6-514(e)</td>
<td>514500</td>
<td>6-514 E</td>
<td>Conviction of 2 or more serious traffic violations within 3 years</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>Code</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>6-514(i)1</td>
<td>514901</td>
<td>Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order</td>
<td></td>
</tr>
<tr>
<td>6-514(i)2</td>
<td>514902</td>
<td>Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order</td>
<td></td>
</tr>
<tr>
<td>6-514(i)3</td>
<td>514903</td>
<td>Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order</td>
<td></td>
</tr>
<tr>
<td>6-514(i)4</td>
<td>514904</td>
<td>Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials</td>
<td></td>
</tr>
<tr>
<td>6-514(i)5</td>
<td>514905</td>
<td>Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials</td>
<td></td>
</tr>
<tr>
<td>6-514(i)6</td>
<td>514906</td>
<td>Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials</td>
<td></td>
</tr>
<tr>
<td>6-514(j)2i</td>
<td>514021</td>
<td>Convicted for a first violation of railroad-</td>
<td></td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-514(j)2ii</td>
<td>514022</td>
<td>6 514 J2ii</td>
<td>Convicted for a second violation of railroad-highway grade crossing within a three-year period</td>
</tr>
<tr>
<td>6-514(j)2iii</td>
<td>514023</td>
<td>6 514 J2iii</td>
<td>Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period</td>
</tr>
<tr>
<td>6-514(k)</td>
<td>514110</td>
<td>6 514 K</td>
<td>Notification of a disqualification of a driver's CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver</td>
</tr>
<tr>
<td>6-514(a)3iv</td>
<td>514134</td>
<td>6 514 A3iv</td>
<td>Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled</td>
</tr>
<tr>
<td>6-514(a)3v</td>
<td>514135</td>
<td>6 514 3v</td>
<td>Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide</td>
</tr>
</tbody>
</table>

r) Family Financial Responsibility Suspension – Type Action FR

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-702</td>
<td>702000</td>
<td>7 702 00</td>
<td>Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

7-703 Individuals who are 90 days or more delinquent in court ordered child support payment

s) Invalidation – Type Action IV

<table>
<thead>
<tr>
<th>IVC VIOLATION CODE</th>
<th>EDPM OFFENSE CODE</th>
<th>ABSTRACT DESCRIPTION CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-301.3</td>
<td></td>
<td></td>
<td>Invalidation of driver's license or permit pursuant to Section 6-301.3 of the Illinois Vehicle Code</td>
</tr>
</tbody>
</table>

| t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS |
|--------------------------|------------------|---------------------------|----------------------------|
| IVC VIOLATION CODE | EDPM OFFENSE CODE | ABSTRACT DESCRIPTION CODE | DESCRIPTION OF OFFENSE |
| 6-515                  | 515000           | 6 515                     | 24 hour out-of-service order |

u) The following violations will not be assigned points but will be entered on the driving record as Type Action OS -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

<table>
<thead>
<tr>
<th>ACD CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A24</td>
<td>Driving under the influence of medication not intended to intoxicate</td>
</tr>
<tr>
<td>A33</td>
<td>Illegal possession of drugs (controlled substances)</td>
</tr>
<tr>
<td>A41</td>
<td>Driver violation of ignition interlock or immobilization device</td>
</tr>
<tr>
<td>A60</td>
<td>Underage conviction of drinking and driving at .02 or higher BAC</td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63 Failed to file future proof of financial responsibility
B64 Failed to file insurance certification
B65 Failed to file medical/certification disability information
D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D16 Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D35 Failure to comply with financial responsibility law
D36 Failure to maintain required liability insurance
D37 Failure to pay for damages or make installment payment
D38 Failure to post security or obtain release from liability
D39 Unsatisfied judgment
D51 Failure to make required payment of child support
D72 Inability to control vehicle
D74 Operating a motor vehicle improperly due to drowsiness
D75 Operating a motor vehicle improperly due to physical or mental disability
E03 Operating without HAZMAT safety equipment as required by law
E04 Operating without HAZMAT placards/markings as required by law
E33 Defective HAZMAT safety devices
E37 Defective tires
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E50  Failure to use equipment as required
E53  Failure to use HAZMAT safety devices as required
E54  Failure to use headlight dimmer as required
E57  Failure to use snow tires or chains as required
E70  Equipment used improperly or obstructed
F05  Carrying unsecured passengers in open area of vehicle
F06  Improper operation of or riding on a motorcycle
F34  Stopping, standing or parking: obstructing or impeding traffic
F66  Unsafe condition of vehicle (no specified component)
M02  Failure to obey barrier
M03  Failure to obey construction or maintenance zone markers
M04  Failure to obey flagger
M09  Failure to obey railroad crossing restrictions
M13  Failure to obey school crossing guard
M32  Following emergency vehicle unlawfully
M33  Following fire equipment unlawfully
M33  Following fire equipment unlawfully
M43  Ran off road
M47  Improper lane or location – in bicycle lane
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M55  Improper lane or location – on rail or streetcar tracks
M81  Careless driving
M82  Inattentive driving
M83  Negligent driving
N02  Failure to yield right of way to animal rider or animal-drawn vehicle
N41  Failure to cancel directional signals
N44  Giving wrong signal
N80  Coasting (operating with gears disengaged)
N84  Unsafe operation
S97  Operating at erratic or suddenly changing speeds
U02  Resisting arrest
U04  Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
U05  Using a motor vehicle to aid and abet a felon
U06  Vehicular assault
U21  Illegal operation of emergency vehicle

v) The following violations will not be assigned points but will be entered on the driving record as Type Action -82- conviction immediate action:

<table>
<thead>
<tr>
<th>ACD CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A04</td>
<td>Driving under the influence of alcohol with BAC at or over .04</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A08</td>
<td>Driving under the influence of alcohol with BAC at or over .08</td>
</tr>
<tr>
<td>A10</td>
<td>Driving under the influence of alcohol with BAC at or over .10</td>
</tr>
<tr>
<td>A11</td>
<td>Driving under the influence of alcohol with BAC at or over _____ (detailed field required)</td>
</tr>
<tr>
<td>A12</td>
<td>Refuse to submit to test for alcohol – Implied Consent Law</td>
</tr>
<tr>
<td>A20</td>
<td>Driving under the influence of alcohol or drugs</td>
</tr>
<tr>
<td>A21</td>
<td>Driving under the influence of alcohol</td>
</tr>
<tr>
<td>A22</td>
<td>Driving under the influence of drugs</td>
</tr>
<tr>
<td>A23</td>
<td>Driving under the influence of alcohol and drugs</td>
</tr>
<tr>
<td>A25</td>
<td>Driving while impaired</td>
</tr>
<tr>
<td>A26</td>
<td>Drinking alcohol while operating a vehicle</td>
</tr>
<tr>
<td>A90</td>
<td>DUI at .10 Admin</td>
</tr>
<tr>
<td>A94</td>
<td>DUI at .04 Admin</td>
</tr>
<tr>
<td>A98</td>
<td>DUI at .08 Admin</td>
</tr>
<tr>
<td>B21</td>
<td>Driving while license barred</td>
</tr>
<tr>
<td>B22</td>
<td>Driving while license cancelled</td>
</tr>
<tr>
<td>B23</td>
<td>Driving while license denied</td>
</tr>
<tr>
<td>B27</td>
<td>Driving while license out-of-service order is in effect (for violations not covered by B19)</td>
</tr>
<tr>
<td>D06</td>
<td>Misrepresentation of identify or other facts to obtain alcohol</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>D07</td>
<td>Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)</td>
<td></td>
</tr>
<tr>
<td>D10</td>
<td>Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)</td>
<td></td>
</tr>
<tr>
<td>D27</td>
<td>Violate limited license conditions (Serious violation)</td>
<td></td>
</tr>
<tr>
<td>D29</td>
<td>Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)</td>
<td></td>
</tr>
<tr>
<td>S95</td>
<td>Speed contest (racing) on road open to traffic</td>
<td></td>
</tr>
</tbody>
</table>

W) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection b, or 8 of this Section, respectively.x) The following violations will not be assigned points but will be entered on the driving record as Type Action -83- conviction immediate action:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A41</td>
<td>Driver violation of ignition interlock or immobilization device</td>
</tr>
<tr>
<td>A50</td>
<td>Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance</td>
</tr>
<tr>
<td>B06</td>
<td>Leaving scene of an accident before police arrive – fatal accident</td>
</tr>
<tr>
<td>B07</td>
<td>Leaving scene of an accident before police arrive – personal injury accident</td>
</tr>
<tr>
<td>B19</td>
<td>Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard</td>
</tr>
<tr>
<td>B20</td>
<td>Driving while license withdrawn</td>
</tr>
</tbody>
</table>
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B24  Driving while license disqualified
B25  Driving while license revoked
B26  Driving while license suspended
B41  Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51  Expired or no driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
B56  Driving a CMV without obtaining a CDL ( Serious violation)
B91  Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
D78  Perjury about the operation of a motor vehicle
U01  Fleeing or evading police or roadblock
U03  Using a motor vehicle in connection with a felony (not traffic offense)
U07  Vehicular homicide
U08  Vehicular manslaughter (Serious violation)
U09  Negligent homicide while operating a CMV
U10  Causing a fatality through the negligent operation of a CMV

( ) The following violations will not be assigned points but will be entered on the driving record as Type Action -85- conviction:

ACD CODE DESCRIPTION OF OFFENSE

*********** *******************************************************
B61 Failed to file accident report
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>ACD CODE</th>
<th>DESCRIPTION OF OFFENSE</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>D70</td>
<td>Driver's view obstructed</td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Operating without equipment as required</td>
<td></td>
</tr>
<tr>
<td>E23</td>
<td>Use of radar or laser detector prohibited by law</td>
<td></td>
</tr>
<tr>
<td>E34</td>
<td>Defective lights</td>
<td></td>
</tr>
<tr>
<td>E54</td>
<td>Failure to use headlight dimmer as required</td>
<td></td>
</tr>
<tr>
<td>F02</td>
<td>Child or youth restraint not used properly as required</td>
<td></td>
</tr>
<tr>
<td>F04</td>
<td>Seat belt not used properly as required</td>
<td></td>
</tr>
<tr>
<td>M30</td>
<td>Following improperly</td>
<td></td>
</tr>
<tr>
<td>M56</td>
<td>Improper lane or location – on fire hose</td>
<td></td>
</tr>
<tr>
<td>M80</td>
<td>Reckless, careless, or negligent driving</td>
<td></td>
</tr>
<tr>
<td>N05</td>
<td>Failure to yield right of way to funeral procession, procession or parade</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;yz&quot; The following point assigned violations will be entered on the driving record as Type Action type action -87- conviction:</td>
<td></td>
</tr>
</tbody>
</table>

<p>| A26      | Drinking alcohol while operating a vehicle                      | 25     |
| A31      | Illegal possession of alcohol                                   | 25     |
| A35      | Possession of open alcohol container                            | 25     |
| B01      | Hit and run – failure to stop and render aid after accident     | 25     |
| B02      | Hit and run – failure to stop and render aid after accident – fatal accident | 50     |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>B02</td>
<td>Hit and run – failure to stop and render aid after accident – fatal accident</td>
<td>50</td>
</tr>
<tr>
<td>B03</td>
<td>Hit and run – failure to stop and render aid after accident – personal injury accident</td>
<td>50</td>
</tr>
<tr>
<td>B04</td>
<td>Hit and run – failure to stop and render aid after accident – property damage accident</td>
<td>25</td>
</tr>
<tr>
<td>B05</td>
<td>Leaving scene of accident before police arrive</td>
<td>25</td>
</tr>
<tr>
<td>B08</td>
<td>Leaving scene of accident before police arrive – property damage accident</td>
<td>25</td>
</tr>
<tr>
<td>B14</td>
<td>Failure to reveal identity after fatal or personal injury accident</td>
<td>50</td>
</tr>
<tr>
<td>E02</td>
<td>Operating without brakes as required by law</td>
<td>20</td>
</tr>
<tr>
<td>E05</td>
<td>Operating without lights as required by law</td>
<td>10</td>
</tr>
<tr>
<td>E06</td>
<td>Operating without school bus equipment as required by law</td>
<td>5</td>
</tr>
<tr>
<td>E31</td>
<td>Defective brakes</td>
<td>20</td>
</tr>
<tr>
<td>E36</td>
<td>Defective school bus equipment</td>
<td>5</td>
</tr>
<tr>
<td>E51</td>
<td>Failure to use brakes</td>
<td>20</td>
</tr>
<tr>
<td>E55</td>
<td>Failure to use lights as required</td>
<td>10</td>
</tr>
<tr>
<td>E56</td>
<td>Failure to use school bus safety equipment as required</td>
<td>5</td>
</tr>
<tr>
<td>E71</td>
<td>Brakes used improperly</td>
<td>20</td>
</tr>
<tr>
<td>F03</td>
<td>Motorcycle safety equipment not used properly as required</td>
<td>5</td>
</tr>
<tr>
<td>M05</td>
<td>Failure to obey land markings or signal</td>
<td>20</td>
</tr>
<tr>
<td>M08</td>
<td>Failure to obey police of peace officer</td>
<td>10</td>
</tr>
</tbody>
</table>
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M10 Failure to obey railroad gates, signs, or signals 20
M11 Failure to obey restricted lane (Serious violation) 20
M12 Failure to obey safety zone 20
M14 Failure to obey sign or traffic control device 20
M15 Failure to obey stop sign 20
M16 Failure to obey traffic signal or light 20
M17 Failure to obey traffic sign 20
M18 Failure to obey warning light or flasher 20
M19 Failure to obey yield sign, or when entering roadway 20
M20 Failure to slow down to check tracks are clear of approaching train 20
M21 Failure to stop at crossing if track not clear 20
M22 Failure to stop before driving onto crossing 20
M23 Fail to have space to drive through crossing 20
M24 Fail to manage crossing, insufficient clearance 20
M25 Failure to obey yield sign 20
M31 Failure to leave sufficient distance for overtaking by other vehicles (Serious violation) 20
M34 Following too closely (Serious violation) 20
M40 Improper lane or location (Serious violation) 20
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>M41</td>
<td>Failure to keep in proper lane (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M42</td>
<td>Improper or erratic (unsafe) lane changes (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M44</td>
<td>Improper lane or location – crossover (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M45</td>
<td>Improper lane or location – crosswalk (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M46</td>
<td>Improper lane or location – entrance/exit ramp or way</td>
<td>10</td>
</tr>
<tr>
<td>M48</td>
<td>Improper lane or location – in occupied lane (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M49</td>
<td>Improper lane or location – in human occupant violator or restricted lane (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M50</td>
<td>Improper lane or location – limited access highway</td>
<td>10</td>
</tr>
<tr>
<td>M51</td>
<td>Improper lane or location – median (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M57</td>
<td>Improper lane or location – oncoming traffic lane (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M58</td>
<td>Improper lane or location – road shoulder, ditch, or sidewalk (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M60</td>
<td>Improper lane or location – slower vehicle lane</td>
<td>20</td>
</tr>
<tr>
<td>M61</td>
<td>Improper lane or location – straddling center line(s) (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M62</td>
<td>Improper lane or location – traveling in turn (or center) lane (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M70</td>
<td>Improper passing</td>
<td>10</td>
</tr>
<tr>
<td>M71</td>
<td>Passing in violation of posted sign or pavement marking (Serious violation)</td>
<td>20</td>
</tr>
</tbody>
</table>
**SECRETARY OF STATE**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>M72</th>
<th>Passing in violation of opposite directions restrictions</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>M73</td>
<td>Passing on wrong side (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M74</td>
<td>Passing on hill or curve (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M75</td>
<td>Passing school bus displaying warning not to pass</td>
<td>25</td>
</tr>
<tr>
<td>M76</td>
<td>Passing where prohibited (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M77</td>
<td>Passing with insufficient distance or visibility (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>M84</td>
<td>Reckless driving (Serious violation)</td>
<td>55</td>
</tr>
<tr>
<td>N01</td>
<td>Failure to yield right of way</td>
<td>20</td>
</tr>
<tr>
<td>N03</td>
<td>Failure to yield right of way to cyclist</td>
<td>10</td>
</tr>
<tr>
<td>N04</td>
<td>Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)</td>
<td>15</td>
</tr>
<tr>
<td>N06</td>
<td>Failure to yield right of way to other vehicle</td>
<td>20</td>
</tr>
<tr>
<td>N07</td>
<td>Failure to yield right of way to overtaking vehicle (Serious violation)</td>
<td>20</td>
</tr>
<tr>
<td>N08</td>
<td>Failure to yield right of way to pedestrian (includes handicapped or blind)</td>
<td>20</td>
</tr>
<tr>
<td>N09</td>
<td>Failure to yield right of way to school bus</td>
<td>20</td>
</tr>
<tr>
<td>N20</td>
<td>Failure to yield right of way at crosswalk</td>
<td>20</td>
</tr>
<tr>
<td>N21</td>
<td>Failure to yield right of way at rotary</td>
<td>20</td>
</tr>
<tr>
<td>N22</td>
<td>Failure to yield right of way at stop sign</td>
<td>20</td>
</tr>
<tr>
<td>N23</td>
<td>Failure to yield right of way at traffic sign</td>
<td>20</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Points</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>N24</td>
<td>Failure to yield right of way at traffic signal</td>
<td>20</td>
</tr>
<tr>
<td>N25</td>
<td>Failure to yield right of way at unsigned intersection</td>
<td>15</td>
</tr>
<tr>
<td>N26</td>
<td>Failure to yield right of way at yield sign</td>
<td>20</td>
</tr>
<tr>
<td>N30</td>
<td>Failure to yield right of way when warning displayed on other vehicle</td>
<td>15</td>
</tr>
<tr>
<td>N31</td>
<td>Failure to yield right of way when turning</td>
<td>20</td>
</tr>
<tr>
<td>N40</td>
<td>Failure to use or improper signal</td>
<td>15</td>
</tr>
<tr>
<td>N42</td>
<td>Failure to signal intent to pass</td>
<td>15</td>
</tr>
<tr>
<td>N43</td>
<td>Failure to signal lane change or turn</td>
<td>15</td>
</tr>
<tr>
<td>N50</td>
<td>Improper turn</td>
<td>10</td>
</tr>
<tr>
<td>N51</td>
<td>Improper method of turning</td>
<td>10</td>
</tr>
<tr>
<td>N52</td>
<td>Improper position for turning</td>
<td>10</td>
</tr>
<tr>
<td>N53</td>
<td>Making improper left turn</td>
<td>10</td>
</tr>
<tr>
<td>N54</td>
<td>Making improper right turn</td>
<td>10</td>
</tr>
<tr>
<td>N55</td>
<td>Making improper turn around (not U turn)</td>
<td>10</td>
</tr>
<tr>
<td>N56</td>
<td>Making improper U turn</td>
<td>20</td>
</tr>
<tr>
<td>N60</td>
<td>Driving wrong way (Serious violation)</td>
<td>5</td>
</tr>
<tr>
<td>N61</td>
<td>Driving wrong way at rotary intersection</td>
<td>5</td>
</tr>
<tr>
<td>N62</td>
<td>Driving wrong way on divided highway (Serious violation)</td>
<td>5</td>
</tr>
<tr>
<td>N63</td>
<td>Driving wrong way on one way street or road (Serious violation)</td>
<td>5</td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

violation)

N70	Driving on wrong side (Serious violation) 20
N71	Driving on wrong side of divided highway (Serious violation) 20
N72	Driving on wrong side of undivided street or road (Serious violation) 20
N82	Improper backing 10
N83	Improper starting 15
S01	01-05 mph over speed limit (detail optional) 5
S06	06-10 mph over speed limit (detail optional) 5
S15	Speeding 15 mph or more over the speed limit (detail optional) (Serious violation) 20
S16	16-20 mph over speed limit (detail optional) (Serious violation) 20
S21	21-25 mph over speed limit (detail optional) (Serious violation) 20
S26	26-30 mph over speed limit (detail optional) (Serious violation) 50
S31	31-35 mph over the speed limit (detail optional) (Serious violation) 50
S36	36-40 mph over the speed limit (detail optional) (Serious violation) 50
S41	41 mph or more over the speed limit (detail optional) (Serious violation) 50
S51	01-10 mph over speed limit (detail optional) 5
NOTICE OF PROPOSED AMENDMENTS

S71  21-30 mph over speed limit (detail optional) (Serious violation) 20
S81  31-40 mph over speed limit (detail optional) (Serious violation) 50
S91  41 mph or more over speed limit (detail optional) (Serious violation) 50
S92  Speeding – speed limit and actual speed (detail required) 10
S93  Speeding 10
S94  Prima facie speed violation or driving too fast for conditions (Serious violation) 10
S96  Speed less than minimum 5
S98  Speeding on freeway (wasting fuel) 10
U31  Violation resulting in fatal accident (Serious violation) 20

The following withdrawals will not be assigned points but will be entered on the driving record as Type Action withdrawal:

ACD CODE  DESCRIPTION OF OFFENSE
************  **********************************************
A04  Driving under the influence of alcohol with BAC at or over .04
A08  Driving under the influence of alcohol with BAC at or over .08
A10  Driving under the influence of alcohol with BAC at or over .10
A11  Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12  Refused to submit to test for alcohol-Implied Consent Law
NOTICE OF PROPOSED AMENDMENTS

A20  Driving under the influence of alcohol or drugs
A21  Driving under the influence of alcohol
A22  Driving under the influence of drugs
A23  Driving under the influence of alcohol and drugs
A24  Driving under the influence of medication not intended to intoxicate
A25  Driving while impaired
A26  Drinking alcohol while operating a vehicle
A31  Illegal possession of alcohol
A33  Illegal possession of drugs (controlled substances)
A35  Possession of open alcohol container
A41  Driver violation of ignition interlock or immobilization device
A50  Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
A60  Underage convicted of drinking and driving at .02 or higher BAC
A61  Underage Administrative Per Se – drinking and driving at .02 or higher BAC
A90  DUI at .10 Admin
A94  DUI at .04 Admin
A98  DUI at .08 Admin
B01  Hit and run – failure to stop and render aid after accident
B02  Hit and run – failure to stop and render aid after accident – fatal accident
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B03</td>
<td>Hit and run – failure to stop and render aid after accident – personal injury accident</td>
</tr>
<tr>
<td>B04</td>
<td>Hit and run – failure to stop and render aid after accident – property damage accident</td>
</tr>
<tr>
<td>B05</td>
<td>Leaving accident scene before police arrive</td>
</tr>
<tr>
<td>B06</td>
<td>Leaving accident scene before police arrive – fatal accident</td>
</tr>
<tr>
<td>B07</td>
<td>Leaving accident scene before police arrive – personal injury accident</td>
</tr>
<tr>
<td>B08</td>
<td>Leaving accident scene before police arrive – property damage accident</td>
</tr>
<tr>
<td>B14</td>
<td>Failure to reveal identity after fatal or personal injury accident</td>
</tr>
<tr>
<td>B19</td>
<td>Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard</td>
</tr>
<tr>
<td>B20</td>
<td>Driving while license withdrawn</td>
</tr>
<tr>
<td>B21</td>
<td>Driving while license barred</td>
</tr>
<tr>
<td>B22</td>
<td>Driving while license canceled</td>
</tr>
<tr>
<td>B23</td>
<td>Driving while license denied</td>
</tr>
<tr>
<td>B24</td>
<td>Driving while license disqualified</td>
</tr>
<tr>
<td>B25</td>
<td>Driving while license revoked</td>
</tr>
<tr>
<td>B26</td>
<td>Driving while license suspended</td>
</tr>
<tr>
<td>B27</td>
<td>Driving while license out of service order is in effect</td>
</tr>
<tr>
<td>B41</td>
<td>Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENTS  

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B51</td>
<td>Expired or no driver's license (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>B56</td>
<td>Driving a CMV without obtaining a CDL</td>
</tr>
<tr>
<td>B61</td>
<td>Failed to file accident report</td>
</tr>
<tr>
<td>B63</td>
<td>Failed to file future proof of financial responsibility</td>
</tr>
<tr>
<td>B64</td>
<td>Failed to file insurance certification</td>
</tr>
<tr>
<td>B65</td>
<td>Failed to file medical certification/disability information</td>
</tr>
<tr>
<td>B91</td>
<td>Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>D02</td>
<td>Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>D06</td>
<td>Misrepresentation of identity or other facts to obtain alcohol</td>
</tr>
<tr>
<td>D07</td>
<td>Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>D10</td>
<td>Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>D16</td>
<td>Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)</td>
</tr>
<tr>
<td>D27</td>
<td>Violate limited license conditions</td>
</tr>
<tr>
<td>D29</td>
<td>Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)</td>
</tr>
<tr>
<td>D35</td>
<td>Failure to comply with financial responsibility law</td>
</tr>
<tr>
<td>D36</td>
<td>Failure to maintain required liability insurance</td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

D37  Failure to pay for damages or make installment payment

D38  Failure to post security or obtain release from liability

D39  Unsatisfied judgment

D45  Failure to appear for trial or court appearance

D51  Failure to make required payment of child support

D53  Failure to make requirement payment of fine and costs

D56  Failure to answer a citation, pay fines, penalties and/or costs related to the original violation

D70  Driver's view obstructed

D72  Inability to control vehicle

D74  Operating a motor vehicle improperly because of drowsiness

D75  Operating a motor vehicle improperly due to physical or mental disability

D78  Perjury about the operation of a motor vehicle

E01  Operating without equipment as required by law

E02  Operating without brakes as required by law

E03  Operating without HAZMAT safety equipment as required by law

E04  Operating without HAZMAT placards/markings as required by law

E05  Operating without lights as required by law

E06  Operating without school bus equipment as required by law

E23  Use of radar or laser detector prohibited by law
NOTICE OF PROPOSED AMENDMENTS

E31  Defective brakes
E33  Defective HAZMAT safety devices
E34  Defective lights
E36  Defective school bus equipment
E37  Defective tires
E50  Failure to use equipment as required
E51  Failure to use brakes
E53  Failure to use HAZMAT safety devices as required
E55  Failure to use lights as required
E56  Failure to use school bus safety equipment as required
E57  Failure to use snow tires or chains as required
E70  Equipment used improperly or obstructed
E71  Brakes used improperly
F02  Child or youth restraint not used properly as required
F03  Motorcycle safety equipment not used properly as required
F04  Seat belt not used properly as required
F05  Carrying unsecured passengers in open area of vehicle
F06  Improper operation of or riding on a motorcycle
F34  Stopping, standing, or parking: obstructing or impeding traffic
F66  Unsafe condition of vehicle (no specified component)
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M02  Failure to obey barrier
M03  Failure to obey construction or maintenance zone markers
M04  Failure to obey flagger
M05  Failure to obey lane markings or signal
M08  Failure to obey police or peace officer
M09  Failure to obey railroad crossing restrictions
M10  Failure to obey railroad gates, signs, or signals
M11  Failure to obey restricted lane
M12  Failure to obey safety zone
M13  Failure to obey school crossing guard
M14  Failure to obey sign or traffic control device
M15  Failure to obey stop sign
M16  Failure to obey traffic signal or light
M17  Failure to obey traffic signal
M18  Failure to obey warning light or flasher
M19  Failure to obey yield sign
M20  Failure to slow down to check if tracks are clear
M21  Fail to stop at crossing if tracks not clear
M22  Failure to stop before driving onto crossing
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>M23</td>
<td>Fail to have space to drive through crossing</td>
</tr>
<tr>
<td>M24</td>
<td>Fail to manage crossing, insufficient clearance</td>
</tr>
<tr>
<td>M25</td>
<td>Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.</td>
</tr>
<tr>
<td>M30</td>
<td>Following improperly</td>
</tr>
<tr>
<td>M31</td>
<td>Failure to leave sufficient distance for overtaking by other vehicles</td>
</tr>
<tr>
<td>M32</td>
<td>Following emergency vehicle unlawfully</td>
</tr>
<tr>
<td>M33</td>
<td>Following fire equipment unlawfully</td>
</tr>
<tr>
<td>M34</td>
<td>Following too closely</td>
</tr>
<tr>
<td>M40</td>
<td>Improper lane or location</td>
</tr>
<tr>
<td>M41</td>
<td>Failure to keep in proper lane</td>
</tr>
<tr>
<td>M42</td>
<td>Improper or erratic (unsafe) lane changes</td>
</tr>
<tr>
<td>M43</td>
<td>Ran off road</td>
</tr>
<tr>
<td>M44</td>
<td>Improper lane or location – crossover</td>
</tr>
<tr>
<td>M45</td>
<td>Improper lane or location – crosswalk</td>
</tr>
<tr>
<td>M46</td>
<td>Improper lane or location – entrance/exit ramp or way</td>
</tr>
<tr>
<td>M47</td>
<td>Improper lane or location – in bicycle lane</td>
</tr>
<tr>
<td>M48</td>
<td>Improper lane or location – in occupied lane</td>
</tr>
<tr>
<td>M49</td>
<td>Improper lane or location – in human occupant violator or restricted lane</td>
</tr>
<tr>
<td>M50</td>
<td>Improper lane or location – limited access highway</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M51 Improper lane or location – median
M55 Improper lane or location – on rail or streetcar tracks
M56 Improper lane or location – on fire hose
M57 Improper lane or location – oncoming traffic lane
M58 Improper lane or location – road shoulder, ditch or sidewalk
M60 Improper lane or location – slower vehicle lane
M61 Improper lane or location – straddling center line(s)
M62 Improper lane or location – traveling in turn (or center) lane
M70 Improper passing
M71 Passing in violation of posted sign or pavement marking
M72 Passing in violation of opposite directions restriction
M73 Passing on wrong side
M74 Passing on hill or curve
M75 Passing school bus displaying warning not to pass
M76 Passing where prohibited
M77 Passing with insufficient distance or visibility
M80 Reckless, careless, or negligent driving
M81 Careless driving
M82 Inattentive driving
M83 Negligent driving
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M84  Reckless driving
N01  Failure to yield right of way
N02  Failure to yield right of way to animal rider or animal drawn vehicle
N03  Failure to yield right of way to cyclist
N04  Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
N05  Failure to yield right of way to funeral procession, procession or parade
N06  Failure to yield right of way to other vehicle
N07  Failure to yield right of way to overtaking vehicle
N08  Failure to yield right of way to pedestrian (includes handicapped or blind)
N09  Failure to yield right of way to school bus
N20  Failure to yield right of way at crosswalk
N21  Failure to yield right of way at rotary
N22  Failure to yield right of way at stop sign
N23  Failure to yield right of way at traffic sign
N24  Failure to yield right of way at traffic signal
N25  Failure to yield right of way at unsigned intersection
N26  Failure to yield right of way at yield sign
N30  Failure to yield right of way when warning displayed on other vehicle
N31  Failure to yield right of way when turning
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

N40 Failure to use signal or improper signal
N41 Failure to cancel directional signals
N42 Failure to signal intention to pass
N43 Failure to signal lane change or turn
N44 Giving wrong signal
N50 Improper turn
N51 Improper method of turning
N52 Improper position for turning
N53 Making improper left turn
N54 Making improper right turn
N55 Making improper turn around (not U turn)
N56 Making improper U turn
N60 Driving wrong way
N61 Driving wrong way at rotary intersection
N62 Driving wrong way on divided highway
N63 Driving wrong way on one way street or road
N70 Driving on wrong side
N71 Driving on wrong side of divided highway
N72 Driving on wrong side of undivided street or road
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

N80  Coasting (operating with gears disengaged)
N82  Improper backing
N83  Improper starting
N84  Unsafe operations
S01  01-05 mph above speed limit (detail optional)
S06  06-10 mph above speed limit (detail optional)
S15  Speeding 15 mph or more above speed limit (detail optional)
S16  16-20 mph above speed limit (detail optional)
S21  21-25 mph above speed-limit (detail optional)
S26  26-30 mph above speed limit (detail optional)
S31  31-35 mph above speed limit (detail optional)
S36  36-40 mph above speed limit (detail optional)
S41  41 mph or more above speed limit (detail optional)
S51  01-10 mph above speed limit (detail optional)
S71  21-30 mph above speed limit (detail optional)
S81  31-40 mph above speed limit (detail optional)
S91  41 mph or more above speed limit (detail optional)
S92  Speeding; speed limit and actual speed (detail required)
S93  Speeding
S94  Prima facie speed violation or driving too fast for conditions
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

S95  Speed contest (racing) on road open to traffic
S96  Speed less than minimum
S97  Operating at erratic or suddenly changing speeds
S98  Speeding or freeway (wasting fuel)
U01  Fleeing or evading police or roadblock
U02  Resisting arrest
U03  Using motor vehicle in connection with a felony (not traffic offense)
U04  Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05  Using a motor vehicle to aid and abet a felon
U06  Vehicular assault
U07  Vehicular homicide
U08  Vehicular manslaughter
U09  Negligent homicide while operating a CMV
U10  Causing a fatality through the negligent operation of a CMV
U21  Illegal operation of emergency vehicle
U31  Violation resulting in fatal accident
W00  Withdrawal, non-ACD violation
W01  Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

W09 Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13 Parental consent withdrawn
W14 Physical or mental disability
W15 Physician's or specialist's report recommended
W20 Unable to pass DL test(s) or meet qualifications
W30 2 serious violations within 3 years
W31 3 serious violations within 3 years
W40 The accumulation of two or more major offenses
W41 An additional major offense after reinstatement
W50 The accumulation, within 10 years, of two out-of-service general violations
W51 The accumulation of two out-of-service order violations within 10 years
while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
W52 The accumulation of three or more out-of-service order violations within 10 years
W60 Accumulation of two railroad-highway grade crossing violations within a three year period
W61 Accumulation of three or more railroad-highway grade crossing violations in a three year period
W70 Imminent hazard

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
a) For purpose of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].

"Cleared Suspension or Revocation"—a suspension or revocation of driving privileges which has terminated.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-7-3 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].
"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"— a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-
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303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Valid Driver's License or Permit"—a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, canceled, revoked, suspended or used after curfew or night time driving restriction.

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

a) When considering prior convictions, only convictions for driving without a valid driver's license within seven years prior to the arrest date of the incoming conviction shall be considered.

b) Only those suspensions or revocations cleared within seven years prior to the effective date of the forthcoming suspension or revocation shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.

c) Miscellaneous suspensions that have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.

d) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.

e) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE
SECRETARY OF STATE

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<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>2-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>3rd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>4th Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>5th or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

**fg)** If a person has one prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

**gh)** If a person has two prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

**hi)** If a person has three prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

**ACTION TABLE**
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1\textsuperscript{st} Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>2\textsuperscript{nd} and subsequent Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>3\textsuperscript{rd} Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>4\textsuperscript{th} or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

\textbf{i}) If a person has \textbf{four} or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

\textbf{j}) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for \textbf{one} year from the date of the conviction or \textbf{one} year from the latest projected eligibility date on record whichever is the longer period of time.

\textbf{k}) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

\textbf{l}) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has one prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:
arrest date during the miscellaneous suspension, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has two prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has three or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.

If a person has a suspension in effect pursuant to IVC Section 6-206(a)(19) or (a)(6) of the Illinois Vehicle Code and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.28 **Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29**
a) For purposes of this Section, the following definitions shall apply:

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Open Suspension or Revocation"—a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension or Revocation"—a suspension or revocation that appears on the driving record that is not yet in effect.

"Terminated Suspension or Revocation"—a suspension or revocation that is no longer in effect.

b) When a person has been convicted of a point assigned traffic violation and the arrest date was prior to the age of 21, the Department shall take the following action:

a1) If a person's driving record indicates one or more terminated suspensions in accordance with IVC Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)] and an additional conviction is received, a six month suspension shall be entered to the driving record in accordance with IVC Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)].

b2) If a person's driving record indicates one open, pending or terminated suspension in accordance with IVC Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a 12-month suspension shall be entered to the driving record in accordance with Section 6-206(a)(43).

c3) If a person's driving record indicates two open, pending or terminated suspensions in accordance with IVC Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).
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d4) If a person's driving record indicates one or more, pending or terminated revocations in accordance with [IVC Section 6-206(a)(43)] of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).

e5) If a person's driving record indicates one or more terminated revocations in accordance with [IVC Section 6-206(a)(36)] of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with [IVC Section 6-206(a)(43)].

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1040.29 Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.
"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver’s privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person’s license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].
"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations, in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

b) A person who has been convicted of two or more points assigned traffic offenses, as listed in Section 1040.20 of this Part (Type Action 87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action, that were committed on or after January 1, 1998, while the person was under the age of 21, within a 24-month period, shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(36) (prior to 7/30/1998 authority was 6-206(a)(34)) of the Illinois Vehicle Code, [625 ILCS 5/6-206(a)(36)] provided no more than six months have elapsed between the effective date of the suspension or revocation and the last conviction date.

a1) If a person's driving record indicates no prior suspensions, excluding miscellaneous suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 9</td>
<td>No Action</td>
</tr>
<tr>
<td>10 through 34</td>
<td>1-month Suspension</td>
</tr>
<tr>
<td>35 through 49</td>
<td>3-month Suspension</td>
</tr>
<tr>
<td>50 through 64</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>65 through 79</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>Over 79</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

b2) If the person has had one prior suspension or one prior revocation within a seven-year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 9</td>
<td>No Action</td>
</tr>
<tr>
<td>10 through 79</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>Over 79</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

c3) If the person has had two or more prior suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 9</td>
<td>No Action</td>
</tr>
<tr>
<td>10 through 79</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>Over 79</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

d4) If the person has in effect a suspension for safety responsibility, financial
NOTICE OF PROPOSED AMENDMENTS

responsibility, family financial responsibility or an unsatisfied judgment and at least one or more convictions referenced in subsection (ab) were committed after the effective date of the suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 9</td>
<td>No Action</td>
</tr>
<tr>
<td>10 through 79</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>Over 79</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

e5) Notice of suspension or revocation will be given pursuant to IVC Sections 6-209 and 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1040.30 Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months

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

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise
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provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in
SECRETARY OF STATE

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Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgement Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

b) A person who has been convicted of three or more points assigned traffic offenses as listed in Section 1040.20 of this Part (Type Action 97 or 99), excluding any conviction previously used as a basis for action, that which were committed within a 12-month period shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], provided no more than six months has elapsed between the effective date of the suspension or revocation and the last conviction date.

a1) If a person's driving record indicates no prior suspensions excluding miscellaneous suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 14</td>
<td>No Action</td>
</tr>
<tr>
<td>15 through 44</td>
<td>A 2-month suspension</td>
</tr>
<tr>
<td>45 through 74</td>
<td>A 3-month suspension</td>
</tr>
<tr>
<td>75 through 89</td>
<td>A 6-month suspension</td>
</tr>
<tr>
<td>90 through 99</td>
<td>A 9-month suspension</td>
</tr>
<tr>
<td>100 through 109</td>
<td>A 12-month suspension</td>
</tr>
<tr>
<td>110 or more</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

(b2) If the person has had one prior suspension or one prior revocation within a seven-year period from the effective date of the suspension or revocation excluding action taken pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] and excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 14</td>
<td>No Action</td>
</tr>
<tr>
<td>15 through 44</td>
<td>A 4-month suspension</td>
</tr>
<tr>
<td>45 through 74</td>
<td>A 6-month suspension</td>
</tr>
<tr>
<td>75 through 109</td>
<td>A 12-month suspension</td>
</tr>
<tr>
<td>110 or more</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

(c3) If the person has in effect, a suspension for safety responsibility, financial responsibility or an unsatisfied judgment and at least one of the three or more convictions for offenses was committed after the effective date of the suspension for safety responsibility, financial responsibility or an unsatisfied judgement, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE
Notice of Proposed Amendments

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 14</td>
<td>No Action</td>
</tr>
<tr>
<td>15 through 109</td>
<td>12-month suspension</td>
</tr>
<tr>
<td>110 or more</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

Notice of suspension or revocation will be given pursuant to IVC Sections Section 6-209 and Section 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation

a) For purposes of this Section, the following definitions shall apply:

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Driving During a Period of Suspension or Revocation"—any person who drives or is in actual physical control of a motor vehicle on any highway at a time when such person's driver's license, permit or privilege to drive is revoked or suspended.

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Judicial Driving Permit"—a driving permit issued to grant a driver limited driving privileges as provided in Section 6-206.1 of the Illinois Vehicle Code [625 ILCS 5/6-206.1].

"Like Period of Time"—an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-
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"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night-time driving restriction, or unsatisfied judgment.

"Probationary License"—a conditional license granting full driving privileges during a period of suspension, as defined in Section 1-164.1 of the Illinois Vehicle Code [625 ILCS 5/1-164.1].

"Restricted Driving Permit"—a document which grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled, as defined in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1].

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension or Revocation in Effect"—a suspension or revocation that has not terminated.

"Terminated Suspension or Revocation"—a suspension or revocation that is no longer in effect.

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].
"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) Pursuant to IVC Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303], when the Department is notified that a person has been convicted of any violation committed while operating a motor vehicle upon a highway, except violations of IVC Section 12-603.1 of the Illinois Vehicle Code [625 ILCS 5/12-603.1] and Section 7-342.1 of the Chicago Traffic Code while driving privileges were suspended, excluding miscellaneous suspensions, and the person does not possess a valid restricted driving permit, judicial driving permit or probationary license at the time of arrest, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. The Department shall suspend for a like period of time as the original suspension if the suspension has terminated at the time the conviction is recorded to the driving record.

be) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) of the Illinois Vehicle Code [625 ILCS 5/6-303(a)] and possesses a valid probationary license at the time of the arrest, no suspension action will be taken by the Department.

cd) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) or Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) or 6-113], and at the time of arrest the person had in his/her possession a valid restricted driving permit or valid judicial driving permit, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record the Department shall suspend for a like period of time as the original suspension.

de) If a person is convicted of driving while driving privileges are revoked in violation of IVC Section 6-303(a) or Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) or 6-113], and at the time the conviction is recorded to the driving record, a revocation is in effect, the person shall not be eligible to apply
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for reinstatement of driving privileges for an additional one year period from the date of conviction or the latest projected eligibility date on record regardless of whether or not the person possesses a valid restricted driving permit. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months.

ef) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not the person was in violation of a restriction on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restriction on the permit. If a violation of a restriction on the permit exists, the period of suspension shall be extended for an additional like period of time as the original suspension, provided the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record, the Department shall suspend for a like period of time as the original suspension. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) and 6-113], Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 of the Illinois Vehicle Code [625 ILCS 5/12-603.1].

fg) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of revocation and possesses a valid restricted driving permit at the time of arrest, a determination shall be made, whether or not the person was in violation of a restriction imposed on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If a violation of a restriction on the permit exists, the person shall not be eligible to apply for reinstatement of driving privileges for an additional one year period or longer as provided in IVC Section 6-208 of the Illinois Vehicle Code [625 ILCS 5/6-208] from the date of conviction or the latest projected eligibility date on record provided the revocation is in effect at the time the conviction is recorded to the driving record. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113 of the Illinois Vehicle Code.
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[625 ILCS 5/6-303(a) and 6-113], Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 of the Illinois Vehicle Code [625 ILCS 5/12-603.1].

gh) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, or during the period of revocation and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not a violation of any restriction on the permit exists, based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If no violation of a restriction on the permit is found to exist, the Department shall take no action pursuant to IVC Section 6-303(b) of the Illinois Vehicle Code [625 ILCS 5/6-303(b)]. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-303(a) and 6-113], Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1 of the Illinois Vehicle Code [625 ILCS 5/12-603.1].

hi) If a person is convicted of any violation of driving during a miscellaneous suspension, the Department will take no action pursuant to IVC Section 6-303(b) of the Illinois Vehicle Code [625 ILCS 5/6-303(b)].

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

a) For purposes of this Section, the following definitions shall apply:

"Amnesty"—A sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Department"—Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit"—Document that permits a person to legally operate a motor vehicle. Includes a restricted driving permit, judicial driving permit, instruction permit, traffic ticket issued where the person's driver's license is
deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"False Information"—Any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license, permit or identification card [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"Fictitious Driver's License or Permit"—Any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the license or permit.

"Fictitious Identification Card"—Any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Fraudulent Driver's License or Permit"—Any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card"—Any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in either size, color, photograph location, or design, or uses the word "official", "state", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card [15 ILCS 335/1A].
"Identification Card"—Any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Open Revocation"—a revocation that appears on the driving record that is in effect.

"Pending Revocation"—a revocation that appears on the driving record that is not yet in effect.

"Revocation"—The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension"—The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Unlawfully Altered Driver's License or Permit"—Any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

"Unlawfully Altered Identification Card"—Any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(5)].
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The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in [IVC Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]].

1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to [IVC Section 6-206(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(5)]]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to [IVC Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)]]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense with open or pending revocation</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to [IVC Section 6-206(a)(10) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(10)]]:
NOTICE OF PROPOSED AMENDMENTS

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12) of the Illinois Vehicle Code [625 ILCS 5/626(a)(12)]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

5) If any person has violated IVC SectionSections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code [625 ILCS 5/6-301, 6-301.1 or 6-301.2] or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206].

A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to
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The following amendments are being proposed to ensure the proper enforcement of the Illinois Vehicle Code and the Illinois Identification Card Act:


<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

**Action Table:**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

**B) Fictitious or unlawfully altered driver's license, identification card or permit:** If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 of the Illinois Vehicle Code [615 ILCS 5/6-301.1] or Section 14 of the Illinois Identification Card Act [15 ILCS 335/14]:

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

**C) Fraudulent driver's license or permit:** If any person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to IVC...
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Section 6-301.2 of the Illinois Vehicle Code [625 ILCS 5/6-301.2] or Section 14 of the Illinois Identification Card Act [15 ILCS 335/14]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(25) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(25)]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
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</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(26) of the Illinois Vehicle Code [ILCS 5/6-206(a)(26)]:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

8) If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to IVC Section 6-206(a)(27) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(27)]:

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ILCS 5/6-206(a)(27)

ACTION TABLE

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
</tr>
</tbody>
</table>

9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(c)], the Department shall take the following action pursuant to IVC Section 6-206(a)(38) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38)]:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>1st Conviction (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd or subsequent Conviction</td>
<td>Revocation.</td>
</tr>
</tbody>
</table>

be) The sources of acceptable proof of the offenses described in subsection (ab) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

cd) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (ab) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103]. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (be) of this Section that a person applying for federal amnesty has been convicted.
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of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (ab) of this Section.

d e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Secretary's Office of the Inspector General provides the Director of the Department of Driver Services with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device

a) For purposes of this Section, the following definitions shall apply:

"Authorized holder"—An individual issued a disability license plate under Section 3-616 of the Illinois Vehicle Code [625 ILCS 5/3-616] or an individual issued a parking decal or device under Section 11-1301.2 of the Illinois Vehicle Code [625 ILCS 5/11-1301.2] or an individual issued a disabled veteran's license plate under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609].

"Department"—Driver Services Department within the Office of the Secretary of State.

"False information"—Any incorrect or inaccurate information concerning the name, date of birth, social security number, driver’s license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-
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609] that falsifies the content of the application.

"Fictitious disability license plate or parking decal or device"—Any issued
disability license plate or parking decal or device, or any license plate issued to a
disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], that has been issued by the Secretary of State or an authorized unit of local
government that was issued based upon false information contained on the
required application.

"Fraudulent disability license plate or parking decal or device"—Any disability
license plate or parking decal or device that purports to be an official disability
license plate or parking decal or device and that has not been issued by the
Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Disability license plate or parking decal or device making implement"—Any
implement specially designed or primarily used in the manufacture, assembly or
authentication of a disability license plate or parking decal or device, or a license
plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code
[625 ILCS 5/3-609] issued by the Secretary of State or a unit of local government
[625 ILCS 5/11-1301.6(a)].

"Open Revocation"—A revocation that appears on the driving record that is in
effect.

"Pending Revocation"—A revocation that appears on the driving record that is
not yet in effect.

"Revocation"—The termination by formal action of the Secretary of a person's
driver's license or privilege to operate a motor vehicle on the public highways,
which termination shall not be subject to renewal or restoration except that an
application for a new driver's license may be presented and acted upon by the
Secretary after the expiration of at least one year after the date of revocation, as
defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension"—The temporary withdrawal by a formal action of the Secretary of a
person's license or privilege to operate a motor vehicle on the public highways for
a period specifically designated by the Secretary pursuant to Section 1-204 of the
Illinois Vehicle Code [625 ILCS 5/1-204].
"Unlawfully altered disability license plate or parking permit or device"—Any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]:

1) If the person has knowingly possessed any fictitious or unlawfully altered disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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<tr>
<th>Offenses</th>
<th>Action</th>
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<tbody>
<tr>
<td>1st Offense</td>
<td>12-month Suspension</td>
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<tr>
<td>1st Offense (with open or pending revocation)</td>
<td>Revocation</td>
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<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
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2) If the person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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<td>Revocation</td>
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<tr>
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<td>Revocation; or</td>
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3) If the person has knowingly altered any disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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4) If the person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(4) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(4)], the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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<td>Revocation</td>
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SECRETARY OF STATE

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2\textsuperscript{nd} or subsequent Offense Revocation; or

5) If \textit{the such} person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a disability license plate or parking decal or device in violation of IVC Section 11-1301.5(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(5)], the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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</tr>
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<td>2\textsuperscript{nd} or subsequent Offense</td>
<td>Revocation; or</td>
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6) If \textit{the such} person knowingly transfers a disability license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a disability license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of IVC Section 11-1301.5(b)(6) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(6)], the Department shall take the following action pursuant to IVC Section 6-206(a)(34) (prior to 7/30/98 the authority was IVC Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

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<td>Revocation; or</td>
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7) If \textit{the such} person has knowingly possessed any fraudulent disability
Secretary of State
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License plate or parking decal or device in violation of [IVC Section 11-1301.6(b)(1)] of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)], the Department shall take the following action pursuant to [IVC Section 6-206(a)(35)] (prior to 7/30/98 the authority was [IVC Section 6-206(a)(36)]) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]:

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8) If the person has knowingly possessed without authority any disability license plate or parking decal or device-making implement in violation of [IVC Section 11-1301.6(b)(2)] of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(2)], the Department shall take the following action pursuant to [IVC Section 6-206(a)(35)] (prior to 7/30/98 the authority was [IVC Section 6-206(a)(36)]) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]:

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<td>2nd or subsequent Offense</td>
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</table>

9) If the person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen disability license plate or parking decal or device in violation of [IVC Section 11-1301.6(b)(3)] of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)], the Department shall take the following action pursuant to [IVC Section 6-206(a)(35)] (prior to 7/30/98 the authority was [IVC Section 6-206(a)(36)]) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]:

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**NOTICE OF PROPOSED AMENDMENTS**

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<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
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</table>

10) If the person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen disability license plate or parking decal or device in violation of **IVC Section 11-1301.6(b)(4)** of the **Illinois Vehicle Code [625 ILCS 5/11-1301(b)(4)]**, the Department shall take the following action pursuant to **IVC Section 6-206(a)(35)** (prior to 7/30/98 the authority was **IVC Section 6-206(a)(36)**) of the **Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]**:  

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</tr>
<tr>
<td>2nd or subsequent Offense</td>
<td>Revocation; or</td>
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</table>

11) If the person has advertised or distributes a fraudulent disability license plate or parking decal or device in violation of **IVC Section 11-1301.6(b)(5)** of the **Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)]**, the Department shall take the following action pursuant to **IVC Section 6-206(a)(35)** (prior to 7/30/98 the authority was **IVC Section 6-206(a)(36)**) of the **Illinois Vehicle Code [625 ILCS 5/6-206(a)(35)]**:  

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<td>1st Offense</td>
<td>Suspension</td>
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</tbody>
</table>
SECRETARY OF STATE

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1st Offense (with open or pending revocation)  Revocation
2nd or subsequent Offense  Revocation.

be) If the person has been convicted of violating the Illinois Vehicle Code [625 ILCS 5/11-1301.3(a-1)] for the use of a disabled decal or device, who is not the holder or is not transporting the holder or the person who uses the decal or device for privileges granted, the Department shall take the following action pursuant to IVC Section 6-206(a)(42) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)42]:

ACTION TABLE

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<tr>
<th>Convictions</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>1-month Suspension (arrest date prior to 6/1/08)</td>
</tr>
<tr>
<td>1st Conviction (with open or pending revocation)</td>
<td>No Action (arrest date 6/1/08 or after)</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>6-months Suspension Revocation</td>
</tr>
<tr>
<td>2nd Conviction (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

cd) The sources of acceptable proof of the offenses described in subsections (ab) and (be) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21

a) For the purpose of this Section, the following definitions shall apply:
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"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Open Revocation"—a revocation that appears on the driving record that is in effect.

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

b) If any person has been convicted of violating Section 6-20(a), (d) or (e) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(a), (d) or (e)], the Department shall take the following action pursuant to IVC Section 6-206(a)(38) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38)]:

ACTION TABLE

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<th>Convictions</th>
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<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>1st Conviction (with open or pending revocation)</td>
<td>Revocation</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>12-month Suspension</td>
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<tr>
<td>2nd Conviction (with open or pending revocation)</td>
<td>Revocation</td>
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</tbody>
</table>
SECRETARY OF STATE

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3rd or Subsequent Conviction  Revocation

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction

a) Local ordinance conviction. A person who has been convicted of a local ordinance violation that is similar to any of those offenses in IVC Section 6-205 or 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-205 or 6-206] shall have his/her driving privileges revoked or suspended in the same manner as if he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.

b) Administrative Revocation

1) When the Secretary of State has received sufficient evidence that a person has committed one or more of the following offenses or similar provisions of a local ordinance and these offenses, currently awaiting court disposition, resulted in great bodily harm or death, the driving record of the individual shall be reviewed for possible driver's license revocation by the Department of Driver Services.

A) driving under the influence of alcohol, other drugs or a combination thereof pursuant to IVC—See Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501];

B) reckless homicide resulting from the operation of a motor vehicle pursuant to—See Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3];

C) leaving the scene of a traffic accident involving death or personal injury pursuant to IVC—See Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401];

D) drag racing pursuant to IVC—See Section 11-504 of the
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Illinois Vehicle Code [625 ILCS 5/11-504];

E) **aggravated** reckless driving pursuant to IVC—See Section 11-503(c) of the Illinois Vehicle Code [625 ILCS 5/11-503(c)];

F) **any** felony under the laws of this or any other state or the federal government in the commission of which a motor vehicle was used pursuant to IVC as an instrument of the offense. See Section 6-205(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-205(a)(3)];

G) **street racing** pursuant to IVC—See Section 11-506(a) of the Illinois Vehicle Code [625 ILCS 5/11-506(a)].

2) In determining whether action should be taken, the driving record and other sufficient evidence showing that the person has committed an offense listed in subsection (b)(1) shall be examined. "Sufficient evidence" shall be defined as copies of court documents showing the person has been charged with one or more of the named offenses in subsection (b)(1) of this Section and:

A) documentation or copies of documentation, of coroner's activities describing an incident where great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) of this Section was charged; or

B) statements of eye witnesses and others with first hand knowledge concerning the matter that indicate that great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) of this Section was charged; or

C) any other competent evidence. Examples of what would constitute other competent evidence include but are not limited to laboratory reports, accident reports and other documentation deemed important and probative by the state's attorney.

3) This information shall be provided with a letter of transmittal from the appropriate state's attorney.
4) "Great bodily harm" shall include but not be limited to any of the following:

A) bodily injury that involves a substantial risk of death;
B) unconsciousness;
C) extreme physical pain;
D) protracted or permanent disfigurement;
E) protracted or permanent loss or impairment of the function of a bodily member, organ, or mental faculty;
F) bone fractures;
G) distorted extremity or extremities;
H) severely bleeding wound.

5) If sufficient evidence is received from the state's attorney and indicates that a person has committed one or more of the named offenses in subsection (b)(1) of this Section, and that these offenses, currently awaiting court disposition, involved a motor vehicle accident that caused great bodily harm or death, the driving privileges of the individual shall be revoked.

6) If the individual whose driving privileges have been revoked under this Section is adjudicated "guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

7) If the individual whose driving privileges have been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further
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suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

8) If the individual whose driving privileges have been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

9) If the charges against an individual whose driving privileges have been revoked under this Section are reduced or altered in any manner so that the offenses for which the individual is convicted do not require a mandatory revocation under IVC Section 6-205 of the Illinois Vehicle Code, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

c) Administrative Hearing. An individual whose driving privileges have been revoked or suspended under this Section may request an administrative hearing pursuant to IVC Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and 92 Ill. Adm. Code 1001.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1040.36 Suspension for Violation of Restrictions on Driver's License

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction.
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after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension for operating a vehicle on a highway during prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Driver's License Restriction"—the notation on a driver's license indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Failure to Appear Suspension"—a suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].
"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application or a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation— as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary— as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].
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ab) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on a driver's license shall have his/her driving privileges suspended by the Department. If a corrected driver's license that removes the restriction that was violated at the time of arrest is issued on or prior to the conviction date of the incoming conviction for a first offense of a driver's license restriction violation, no action shall be taken against the individual by the Department.

to ad) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.

to cd) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on a driver's license within seven years prior to the arrest date of the incoming conviction shall be considered.

to de) Only those suspensions currently in effect or pending or suspensions or revocations cleared within seven years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.

to ef) If a person has no prior suspensions or revocations of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>2-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>3rd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>4th or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

to fg) If a person has one prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>2-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>3rd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>4th or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

gh) If a person has **two** prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2nd or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

hi) If a person has **three** prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

ij) If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for **one** year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of suspension (including curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with **IVC** Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

jk) If a person has a suspension in effect pursuant to **IVC** Section 6-113(d) of the
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Illinois Vehicle Code [625 ILCS 5/6-113(d)] and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the suspension shall be amended in accordance with the guidelines of subsections (ef) through (hi) of this Part.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension of a minor for operating a vehicle on a highway during the prescribed hours without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Denial of Driver's License"—to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(e) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(e) and 6-107(d)].

"Denial of Driving Privilege"—to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(e) of the Illinois Vehicle Code [625 ILCS 5/6-107(e)].
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"Department"—the Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Instruction Permit"—a driving permit issued pursuant to Sections 6-105 or 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-105 or 6-107.1].

"Instruction Permit Restriction"—a limitation imposed on an instruction permit that limits the holder to the operation of a motor vehicle only when accompanied by a parent, legal guardian, family member, or person in loco parentis who is 21 years of age or more who has a license classification to operate such vehicle, who has at least one year of driving experience, and who is occupying the seat beside the driver.

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as
otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the
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conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

be) A person who is arrested for a traffic offense prior to the initial issuance of a driver's license and is subsequently convicted of the offense shall be returned to instruction permit status. If the person is subsequently convicted of operating a motor vehicle in violation of the restrictions of the instruction permit, he or she shall have his or her driving privileges suspended by the Department. If the person has returned to driver's license status when the Department receives the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

cd) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.

de) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on an instruction permit within seven years prior to the arrest date of the incoming conviction shall be considered.

ef) Only those suspensions currently in effect or pending or suspensions or revocations cleared within seven years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.

fg) If a person has no prior suspension or revocation of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>2-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>3rd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>4th or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

gh) If a person has one prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit,
SECRETARY OF STATE
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the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

h) If a person has **two** prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2nd or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

i) If a person has **three** or more prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

j) If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for **one** year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of suspension (including curfew and night time driving
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restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with IVC Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

If a person has a suspension in effect pursuant to IVC Section 6-113(d) of the Illinois Vehicle Code [625 ILCS 5/6-113(d)] and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the suspension shall be amended in accordance with the guidelines of subsections (fg) through (ij) of this Section.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.38 Commission of a Traffic Offense in Another State

a) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for mandatory revocation pursuant to IVC under Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205] shall have his/her driving privileges revoked.

b) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for suspension or revocation pursuant to IVC under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206], shall have his/her driving privileges reviewed, and shall be subject to the same action as if the offense had occurred within this State.

c) A person who has been convicted of a traffic offense in another state, that, which if committed in this State, would be grounds for denial pursuant to IVC under Section 6-107(c) or 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) or 6-107(d)], shall have his/her driving privileges reviewed and shall be subject to the same action as if the offense had occurred within this State.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.40 Suspension or Revocation for Repeated Convictions or Collisions

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code
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[625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hour without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.
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"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations, tollway evasions or any combination thereof, in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in
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accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) A person who has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree that indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle, or whose record indicates disrespect for traffic laws and the safety of other persons on the highway, shall be reviewed by the Department for possible driver's license and/or driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]. Upon review, if a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.30 of this Part, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension, the person's driving privileges shall be revoked pursuant to IVC under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

c) A person who has been convicted of three or more point assigned traffic violations committed within a 12-month period as listed in Section 1040.20 of this Part (Type Action type action 87, 97 or 99), excluding any conviction previously used as a basis for action, shall be identified for review for possible driver's license and/or driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

1) If a person's driving record indicates one or more prior suspensions or revocations pursuant to IVC under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] within a seven-year period from the effective date of the revocation, the following point table shall be used to enter an order of revocation and shall be recorded to the driving record:

<table>
<thead>
<tr>
<th>POINT TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Points</td>
</tr>
<tr>
<td>0 through 14</td>
</tr>
<tr>
<td>15 or more</td>
</tr>
</tbody>
</table>
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2) If a person's driving record indicates two or more prior suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, excluding miscellaneous suspensions and suspensions or revocations pursuant to IVC under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)], the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<table>
<thead>
<tr>
<th>Number of Points</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 14</td>
<td>No Action</td>
</tr>
<tr>
<td>15 through 109</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>110 or more</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

3) If a person has a point total that exceeds 109 and more than six months has elapsed between the time of the last conviction date and the effective date of the order of revocation, an order of revocation shall be entered and recorded to the driving record.

4) Notice of suspension or revocation will be given pursuant to IVC Sections 2-114 and 6-209 of the Illinois Vehicle Code [625 ILCS 5/2-114 and 6-209].

cd) An order of revocation shall be entered and recorded to the driving record pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] if:

1) The person has a 12-month suspension or revocation in effect pursuant to IVC Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]; and

2) During the same 24-month period, the person is convicted of two or more point-assigned traffic violations totaling 65 or more points (Type Action type action 87, 97 or 99), excluding any conviction previously used as a basis for a suspension or revocation; and
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3) The person was under age 21 at the time the point-assigned traffic violations occurred.

d) An order of revocation shall be entered and recorded to the driving record pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] if:

1) The person is convicted of two or more points assigned traffic violations committed while the person was under the age of 21; and

2) The point total for those convictions exceeds 79; and

3) More than six months have elapsed between the latest conviction date and the effective date of the order of revocation.

e) If a person has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree that indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or his/her driving record indicates disrespect for traffic laws and the safety of other persons on the highway, that person shall be reviewed by the Department for possible driver's license and/or driving privilege revocation pursuant to IVC Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]. Upon review, if a determination is made by the Department that additional convictions accumulating 65 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.29 of this Part and the 65 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension or revocation, that person's driving privileges shall be revoked pursuant to Section 6-206(a)(3).

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations

a) For purposes of this Section, the following definitions shall apply:

"Conviction"—A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as
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defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew"—The hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Night Time Driving Restriction"—The hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—A suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

(a) A person who is under the age of 17 years is in violation of IVC Section 6-110(a) or 6-107.1(b) of the Illinois Vehicle Code [625 ILCS 5/6-110(a) or 6-107.1(b)] if he/she operates a motor vehicle on any highway during any time the licensee is prohibited from being in a public place because of curfew.

(b) A person is in violation of IVC Section 6-107.1(b) or 6-110(a-1) of the Illinois Vehicle Code if he/she operates a motor vehicle on any highway during night time driving restriction [625 ILCS 5/6-107.1(b) or 6-110(a-1)].

(c) The Department shall take the following action pursuant to IVC Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)] for curfew or night time driving restriction violation convictions:

1) 1st Conviction – 60-day suspension

2) 2nd Conviction – 90-day suspension

3) 3rd Conviction or more – 6-month suspension

(Source: Amended at 32 Ill. Reg. _______, effective ___________)
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Section 1040.42 **Suspension or Revocation for** Fleeing and Eluding

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Like Period of Time"—an equal amount of time as the original suspension specified.
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"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night-time driving restriction, or unsatisfied judgment.

"Night-Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night-Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 and/or Section 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 and/or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension or Revocation in Effect"—suspension or revocation that has not terminated.

"Terminated Suspension" or "Terminated Revocation"—a suspension or revocation that is no longer in effect.
"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

A person who has been convicted of fleeing or attempting to elude a peace officer in a motor vehicle shall have his/her driving privileges suspended or revoked by this Department.

If the driving record contains no suspensions or revocations, the Department shall take the following action:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

If the driving record contains one or more suspensions and/or cleared revocations, excluding miscellaneous suspensions, the Department shall take the following action:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
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</tr>
<tr>
<td>2nd Conviction</td>
<td>12-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>
If the driving record contains one or more open or pending revocation excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls occurred prior to the effective date of revocation, the Department shall take the following action:

**ACTION TABLE**

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Conviction</td>
<td>No Action</td>
</tr>
<tr>
<td>2nd Conviction</td>
<td>No Action</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

If the driving record contains one or more open revocations, one of which may be concurrent with one or more open or pending suspensions excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls during the revocation, then the Department shall extend the projected eligibility date of the revocation one year from the conviction date or to the latest projected eligibility date on record. If the arrest date of the incoming conviction falls outside the period of revocation but within the period of an open suspension, then the Department shall extend the suspension for an additional like period of time.

Only prior suspensions or revocations terminating within seven years prior to the forthcoming suspension's effective date shall be considered.

When considering prior convictions, only convictions for fleeing or attempting to elude a peace officer with conviction dates within seven years prior to the forthcoming suspension's effective date shall be used.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

**Section 1040.43 Suspension or Revocation for Illegal Transportation**

a) For purposes of this Section, the following definitions shall apply:

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic-law violations [625 ILCS 5/6-306.5].
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"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary or State.

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highway which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation as provided in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued
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for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) If a person who is under 21 years of age at the time of arrest is convicted of illegal transportation of alcohol by a driver, the Department shall suspend his/her driving privileges for 12 months. Only arrests that occur on or after January 1, 1994 shall be considered.

be) An individual who has two or more convictions, regardless of age at the time of arrest, and whose arrest dates fall within any 12-month period, for illegal transportation of alcohol as a driver, shall have his/her driving privileges suspended or revoked by the Department.

1) In reviewing an individual's driving record for illegal transportation convictions, only those illegal transportation convictions with arrest dates on or after January 1, 1986, shall be considered.

2) If a person's record contains no prior suspensions or revocations and two convictions whose arrest dates fall within any 12-month period for illegal transportation, regardless of age at the time of arrest, the Department shall suspend his/her driving privileges for 12 months. A third conviction or subsequent conviction within the same 12-month period shall result in the person's driving privileges being revoked by the Department.

3) If a person's record contains one or more prior suspensions or revocations, excluding miscellaneous suspensions or suspensions as a result of subsection (ab), within seven years from the effective date of the suspension or revocation, in addition to two convictions for illegal transportation, regardless of age at the time of arrest, and the arrest dates fall within any 12-month period, the Department shall revoke his/her driving privileges.

cd) Excluding a suspension under subsection (ab), only convictions for arrests that occur on or after January 1986 will be considered. For the purpose of imposing a sanction pursuant to subsection (ab), only convictions for arrests that occur on or after January 1, 1994 shall be considered.
Section 1040.46  Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations

a) For purposes of this Section, the following definitions shall apply:


"Auto Emissions Suspension"—a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 or 7-309 the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-309].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.
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"Reckless Driving"—driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne, as defined in Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

"Safety Responsibility Suspension"—suspension for violation of Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 and 7-208].

"Type A Injury"—severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303(a) and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303(a) and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20 of this Part. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital (an institution that provides medical or surgical care and treatment for the sick and injured). No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation.

Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation for which no points are assigned. The points shall be assigned in the following manner:

1) Five points shall be added to a person's point total for a Type A injury
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to a maximum of four persons. Five additional points shall be assigned for each Type A injury for the fifth and each subsequent Type A injury. Fifteen points shall be added to a person's total for each fatality arising from the accident.

2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 of this Part shall be added to the person's point total.

3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]. Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.

4) Ten points shall also be added to the person's point total for each conviction of reckless driving in violation of IVC Section 11-503 of the Illinois Vehicle Code [625 ILCS 5/11-503], speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b) of the Illinois Vehicle Code [625 ILCS 5/11-601(b)], or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 of the Illinois Vehicle Code [625 ILCS 5/11-1403.2] issued within two years prior to or one year subsequent to the accident.

5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:

A) No conviction associated with a previous suspension or revocation shall be used.

B) Only the most serious conviction resulting from the accident under review shall be used.

cd) For accidents involving no fatality, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month
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suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.

d) For accidents involving a fatality, if a person accumulates zero to 29 points, the Department shall take no action. Thirty to 39 points shall result in a six-month suspension and 40 to 49 points shall result in a nine-month suspension. Fifty to 59 points shall result in a 12-month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.

e) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414] shall have his/her driving privileges revoked.

f) In accordance with IVC Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 6-206(a)(4)], any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

g) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 of this Part shall have his/her driving privileges revoked under the applicable IVC Section of the Illinois Vehicle Code.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.48 Vehicle Emission Suspensions (Repealed)

a) For purposes of this Section, the following definitions shall apply:

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Driver's License Files"—files maintained by the Department of Driver Services on persons who have been issued a driver's license or nonlicensed persons who have received a traffic ticket or been involved in a vehicle collision.

b) If a vehicle has failed to comply with the Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 13A-101 et seq.), the vehicle owner will first be sent two notices from the Illinois Environmental Protection Agency (I.E.P.A.) (See 35 Ill. Adm. Code 276.901-276.904).

c) A vehicle owner who still has not had his/her vehicle tested shall be sent two notices from the Department. The first notice shall be sent to the address provided to the Department by I.E.P.A.

d) The first notice shall inform the vehicle owner that he/she shall be suspended pursuant to Section 13A-112(b) of the Illinois Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95½, par. 13A-112(b)) in sixty days from the date on the notice if his/her vehicle has not passed an emissions test or received an exemption, extension, or waiver from I.E.P.A.

e) If the vehicle owner has not complied thirty days later, a second notice shall be sent to the address from the Department's driver's license files if the vehicle owner has a driver's license file. If the vehicle owner has no driver's license file, the second notice shall be sent to the same address that the first notice was sent.

f) The second notice will inform the vehicle owner that he/she shall be suspended pursuant to Section 13A-112(b) of the Illinois Vehicle Emissions Inspection Law (Ill. Rev. Stat. 1985, ch. 95½, par. 13A-112(b)) in thirty days from the date on the notice if his/her vehicle has not passed an emission test or received an exemption, extension, or waiver from the I.E.P.A.

g) If the vehicle owner fails to comply within thirty days after the second notice from the Department, he/she shall have his/her driving privileges suspended. The suspension notice shall be sent to the same address that the second notice was sent unless the Department has received notification of a change of address.

h) A vehicle owner who has complied with the Vehicle Emission Inspection Law will be issued a sticker by the I.E.P.A. to display in the vehicle's window (35 Ill. Adm. Code 276.304-276.308).
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A vehicle owner may request an administrative hearing pursuant to the Department of Administrative Hearings rules (92 Ill. Adm. Code 1001 et seq.) to contest a suspension.

(Source: Repealed at 32 Ill. Reg. ______, effective ____________)

Section 1040.50 Occupational Driving Permit

For purposes of this Section, the following definitions shall apply:

"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to that license in accordance with Sections 1-110, s 6-201 and 6-206(e)(3) of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-201 and 6-206(e)(3)].

"Commercial Driver's License" or "CDL"—a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual that authorizes the individual to operate a class of a commercial motor vehicle.

"Commercial Motor Vehicle" or "CMV"—a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle designed to transport 16 or more persons; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle"—any vehicle operated for the transportation of persons or
property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially, as defined in Section 1-111.8 of the Illinois Vehicle Code [625 ILCS 5/1-111.8].

"Disqualification"—the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391, as defined in Section 1-115.3 of the Illinois Vehicle Code [625 ILCS 5/1-115.3].

"Driver Improvement Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.

"Farm Vehicle"—every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles, as defined in Section 1-120 of the Illinois Vehicle Code [625 ILCS 5/1-120].

"Hearing Officer"—any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Implement of Husbandry"—every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included hereunder, as defined in Section 1-130 of the Illinois Vehicle Code [625 ILCS 5/1-130].

"Occupational Driving Permit"—the document that grants and specifies limited
privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Open Cancellation" or "Open Disqualification"—a cancellation or disqualification that appears on the driving record that is in effect.

"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.

"Pending Cancellation" or "Pending Disqualification"—a cancellation or disqualification that appears on the driving record that is not yet in effect.

"Pending Suspension" or "Pending Revocation"—a suspension or revocation that is not yet in effect.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Secretary of State"—the Secretary of State of Illinois.

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

If the Secretary of State suspends the driver's license of a person pursuant to Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person drives a commercial vehicle in connection with his/her regular occupation, the person may qualify for an occupational driving permit if:

1) the individual is at least 18 years of age; and

2) the individual has been issued or has qualified for a valid Illinois driver's license prior to issuance of the occupational driving permit; and
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3) there are no outstanding reinstatement fees or failure to pay notations on the Illinois driving record; and

4) there are no open or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record; and

5) the suspension period does not exceed 12 months; and

6) the suspension was the result of three, four or five offenses that were committed within a 12-month period. If five offenses were committed, at least two of which occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for an occupational driving permit; and

7) the individual's occupation is full time, and one that involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify; and

8) the individual successfully completes a Driver Remedial Improvement Course prior to the issuance of the occupational driving permit; and

9) the individual completes and signs an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer; and

10) the individual submits a notarized letter from the employer, on the employer's letterhead, verifying employment; and

11) the individual submits appropriate fee; and

12) the individual surrenders his/her current Illinois driver's license.

be) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:
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1) farm vehicle;

2) implements of husbandry;

3) road machinery temporarily on the highway;

4) a farm tractor being operated between the home farm and adjacent or nearby farm.

c) If the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection (ab) of this Section and shall submit an affidavit verifying the lost or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.

de) Upon receipt by this Office of the fifth conviction within a 12-month period, if at least two of the convictions were issued for violations committed in his/her commercial vehicle, or a sixth conviction within a 12-month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to IVC Section 6-206(c)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(c)(3)].

ef) An occupational driving permit shall be cancelled if the Secretary of State receives reliable written evidence that the individual does not qualify for the permit as outlined in subsection (ab) of this Section.

fg) Any driver required to obtain a commercial driver's license pursuant to IVC under Section 6-507 [625 ILCS 5/6-507] may not be issued an occupational driving permit to operate a commercial motor vehicle while the individual's CDL is cancelled, revoked, suspended or disqualified pursuant to IVC under Sections 6-507(b) and 6-514 [625 ILCS 5/6-507(b) and 6-514].

gh) Any person who falsely states any fact in the affidavit required by subsection (ab)(9) shall be guilty of perjury pursuant to IVC under Section 6-302 of the Vehicle Code [625 ILCS 5/6-302] and upon conviction shall have all driving privileges revoked without further rights.
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(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.52 Driver Remedial Education Course

a) For purposes of this Section the following definition shall apply:

"Driver Remedial Education Course"—an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

b) The Secretary of State shall require a driver under the age of 18, whose driving privileges have been suspended pursuant to IVC Section 6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8] to successfully complete a driver remedial education course prior to the reinstatement of his/her driving privileges.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.55 Suspension or Revocation for Driver's License Classification Violations

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Cleared Suspension or Revocation"—a suspension or revocation of driving privileges which has terminated.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].
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"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"License Classification"—notation on a driver's license or permit indicating the type of vehicle a person is allowed to operate.

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Night Time Driving Restriction"—the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].
"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

A person who is convicted of operating a motor vehicle without the proper license classification shall have his/her driving privileges suspended or revoked by the Department. If a new upgraded license has been issued for the proper classification of the vehicle being operated at the time of arrest, if a new upgraded license that authorizes the operation of the vehicle that was being operated at the
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**time of the arrest is issued** on or prior to the conviction date for a first offense of a license classification violation, no action shall be taken against the individual by the Department.

**be)** Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.

**cd)** When considering prior convictions, only convictions for operating a motor vehicle without the proper license classification within seven years prior to the arrest date of the incoming conviction shall be considered.

**de)** Only those suspensions or revocations cleared within seven years prior to the effective date of the forthcoming suspension or revocation shall be considered as prior suspensions or revocations.

**ef)** If a person has no prior suspensions or revocations of any kind and is convicted of a conviction for operating a motor vehicle in violation of license classification, the Department shall take action as follows:

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<td><strong>Convictions</strong></td>
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<td>1&lt;sup&gt;st&lt;/sup&gt; Conviction</td>
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<td>2&lt;sup&gt;nd&lt;/sup&gt; Conviction</td>
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<td>5&lt;sup&gt;th&lt;/sup&gt; or more Convictions</td>
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**fg)** If a person has one prior suspension or revocation and is convicted of a conviction for operating a motor vehicle in violation of license classification, the Department shall take action as follows:

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<td>2&lt;sup&gt;nd&lt;/sup&gt; Conviction</td>
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SECRETARY OF STATE

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<th>Convictions</th>
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<td>1st Conviction</td>
<td>6-month Suspension</td>
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<td>2nd Conviction</td>
<td>12-month Suspension</td>
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<tr>
<td>3rd Conviction</td>
<td>Revocation</td>
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**gh)** If a person has two prior suspensions or revocations or any combination thereof and is convicted of a conviction for operating a motor vehicle in violation of license classification, the Department shall take action as follows:

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<td>1st Conviction</td>
<td>6-month Suspension</td>
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<tr>
<td>2nd or more Convictions</td>
<td>Revocation</td>
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**hi)** If a person has three prior suspensions or revocations or any combination thereof and is convicted of a conviction for operating a motor vehicle in violation of license classification, the Department shall take action as follows:

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<th>Convictions</th>
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<tr>
<td>1st Conviction</td>
<td>12-month Suspension</td>
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<tr>
<td>2nd or more Convictions</td>
<td>Revocation</td>
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</tbody>
</table>

**jj)** If a person has four or more prior suspensions or revocations or any combination thereof and is convicted of a conviction for operating a motor vehicle in violation of license classification, the Department shall take action as follows:

**TABLE**

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<th>Convictions</th>
<th>Action</th>
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<tr>
<td>1st or more Convictions</td>
<td>Revocation</td>
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**jk)** If a person convicted of a conviction for operating a motor vehicle in violation of license classification has an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date...
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of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a person convicted for operating a motor vehicle in violation of license classification has an arrest date during a period of suspension (including curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension, in accordance with IVC Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

If a person has a suspension in effect pursuant to IVC Section 6-206(a)(20) or Section 6-206(a)(6) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(20) and 6-206(a)(6)] and receives a subsequent conviction for operating a motor vehicle in violation of license classification, the suspension shall be amended in accordance with the guidelines of subsections (fg) through (ij).

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.60 Release of Information Regarding a Disposition of Court Supervision

a) For purposes of this Section, the following definitions shall apply:

"Driving Abstract"—a record kept by the Department of Driver Services on each driver licensed by the State of Illinois, containing all information required by Section 6-106(b) of the Illinois Vehicle Code [625 ILCS 5/6-106(b)], and all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges.

"Law Enforcement Officials"—police agencies, state's attorneys' offices or court officials.


"Request"—the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining of a driving abstract and supervision history record.

"Supervision History Record"—a record kept by the Department of Driver Services on each person containing supervision disposition information provided
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in accordance with Section 6-204(d) of the Illinois Vehicle Code [625 ILCS 5/6-204(d)].

a) Information pertaining to a driver's placement on court supervision for any offense as listed in Section 1040.20 of this Part shall not be released or made available to any source, except as expressly provided in subsection (be) of this Section.

b) Information pertaining to a driver's placement on court supervision for any offense shall be released to law enforcement officials, the driver, the parent or guardian of an under the age of 18 driver who holds an instruction permit or a graduated driver's license, his/her attorney, or the driver's licensing administrator of any state upon receipt of the proper request. This information shall also be released to motor carriers or prospective motor carriers after notification to the driver or prospective driver. The Office of the Secretary of State shall provide sufficient information on the driver's driving abstract and supervision history record to enable the requesting party to obtain specific details of the matter by contacting the court that has previously granted the disposition of supervision.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.65 Offenses Occurring on Military Bases

a) Reports of Conviction

1) All convictions for traffic offenses committed by an Illinois driver on a military base in the State of Illinois, by an Illinois driver shall be reported to the Office of the Secretary of State by the Office of the Judge Advocate or other similar office from each base located in the State of Illinois on a form provided and prescribed by the Office of the Secretary of State.

2) All convictions for traffic offenses committed on a military base in the State of Illinois by an Illinois driver who is a civilian or military dependent that are adjudicated in a federal district court or by the U.S. Magistrate shall be reported by the federal district court clerk to the Office of the Secretary of State on a form provided and prescribed by the Office of the Secretary of State.
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3) Reports of convictions received by the Office of the Secretary of State shall be entered upon the driver's record. Conviction shall mean that the case was disposed of or adjudicated by the U.S. District Court, the U.S. Magistrate, court-martial conviction, or non-judicial punishment pursuant to Article 15 of the Uniform Code of Military Justice (10 USC 810).

b) Revocation or Suspension Action to be Imposed

1) A person, military or civilian, who has been convicted of an offense on a military base that, if committed in this State, would be grounds for mandatory revocation, pursuant to IVC under Section 6-205 of the Illinois Vehicle Code, [625 ILCS 5/6-205] shall have his/her driving privileges revoked. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.

2) A person, military or civilian, who has been convicted of an offense on a military base that, if committed in this State, would be grounds for suspension or revocation pursuant to IVC under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206], shall have his/her driving privileges reviewed and shall be subject to the same action as if the offenses had occurred within this State. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.

3) A military person who has been convicted under the Uniform Code of Military Justice of an offense similar to one of those listed in IVC under Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205] shall have his/her driving privileges reviewed in accordance with IVC Section 6-206(a)(24) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(24)] and driving privileges may be suspended or revoked if the requirements of Section 6-206(a)(24) are met.

4) A civilian person who has been convicted in a federal district court for an offense listed in IVC under Section 6-205 or 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-205 or 6-206] that would require suspension or revocation if committed in this State, shall have the same sanction imposed as if the offenses had been reported by a State court. This action shall be taken in accordance with IVC Section 6-206(a)(6) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(6)].
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(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.66 Invalidation of a Restricted Driving Permit

a) For purposes of this Section, the following definitions shall apply:

"Department"—Department of Driver Services within the Office of the Secretary of State.

"invalidate"—to render no longer valid for the purpose for which it was issued.

"Law Enforcement Sworn Report"—a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) of the Illinois Vehicle Code [625 ILCS 5/11-501.1(d)] and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

"Restricted Driving Permit" or "RDP"—a document issued to drivers of motor vehicles who have had their full driving privileges suspended, revoked, or cancelled as defined in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1].

b) Upon receipt of one or more of the following documents from a circuit clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a Restricted Driving Permit (RDP):

a1) the RDP when accompanied by evidence of a violation of any restrictions on the RDP; or

b2) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of the Illinois Vehicle Code, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of the Illinois Vehicle Code, drag racing in violation of the Illinois Vehicle Code, or street racing in violation of the Illinois Vehicle Code [625 ILCS 5/11-501, 11-401, 11-504 and 11-506]; or
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(See) a law enforcement officer's sworn report; or

(d) a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401 of the Illinois Vehicle Code, drag racing in violation of IVC Section 11-504 of the Illinois Vehicle Code, or street racing in violation of IVC Section 11-506 of the Illinois Vehicle Code [625 ILCS 5/11-501, 11-401, 11-504 and 11-506].

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.70  Problem Driver Pointer System

a) For purposes of this Section, the following definitions shall apply:

"Applicant"—a person applying for an Illinois driver's license.

"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn in another state.

"Clean File"—an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter"—any document received from another state dated within 30 days of the current process date, and verifying that an individual has had his/her driving privileges restored in that state.

"Commercial Driver License Information System" or "CDLIS"—the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers, as defined in Section 1-111.7 of the Illinois Vehicle Code [625 ILCS 5/1-111.7].
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"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Delayed Search"—the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Driver History Record"—a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Status"—the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.

"National Driver Register" or "NDR"—a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway Safety Administration.

"Open Revocation"—a revocation that appears on the driving record that is in effect.

"Pending Revocation"—a revocation that appears on the driving record that is not yet in effect.

"Problem Driver Pointer System" or "PDPS"—a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].
"Secretary"—Illinois Secretary of State.

"State of Inquiry" or "SOI"—a licensing jurisdiction that originated the inquiry.

"State of Record" or "SOR"—a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Withdrawal"—The negating of valid driving privileges in a state as the result of sanctions taken against driving privileges.

ab) Before issuing or renewing a license for every non-CDL applicant, the Department shall make a request through the Problem Driver Pointer System (PDPS) and the Commercial Driver License Information System (CDLIS) to determine the applicant's eligibility. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (State of Inquiry (SOI)) to the licensing jurisdiction that recorded the adverse action against the driver in question (State of Record (SOR)).

be) Before issuing a commercial driver's license (CDL), the Department shall make a driver history record request through both PDPS and CDLIS for driving records from every state in which the applicant has been licensed in the last 10 years. The Secretary shall perform the record checks no earlier than 24 hours prior to issuance if the license is to be issued to a driver who does not currently possess a valid CDL from the State of Illinois and no earlier than 10 days prior to issuance for all other drivers. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).

cd) If the applicant has been denied issuance of an Illinois license, certain information shall be required from the other state and/or applicant, and, upon review of the information, a determination of the applicant's eligibility for licensing in the State of Illinois will be made.
The Department will receive a daily report that will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license and/or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR and/or the National Driver Register (NDR).

If it is determined from the review that the applicant is not eligible for an Illinois license due to the withdrawal of his/her driving privileges by being withdrawn in another state, the Department shall cancel the driving privileges pursuant to IVC Section 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-201(a)(5)].

If an applicant has falsified information on an application for a driver's license, the applicant shall be suspended pursuant to IVC Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)] for 12 months if it is the first offense. If it is the second offense or if the driving record contains an open or pending revocation, driving privileges shall be revoked pursuant to IVC Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)].

After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.

If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in IVC Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118]. A person whose driving privileges have been revoked, is eligible to be considered for reinstatement of driving privileges after the successful completion of all necessary requirements of the Department pursuant to IVC Section 2-110 of the Illinois Vehicle Code [625 ILCS 5/2-110].

Upon receipt of a request from the driver licensing authority of another state for the driver history record of a person applying for a CDL who is currently or previously licensed by Illinois, the Department shall provide the information to the requesting state within 30 days.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
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a) For purposes of this Section, the following definitions shall apply:

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Handicapped Identification Card"—a standard identification card as defined in Section 4(a) of the Illinois Identification Card Act (Ill. Rev. Stat. 1987, ch. 124, par. 4(a)) issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-159.1) or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license (see subsection (c)).

ab) If a Disabled Person Handicapped Identification Card as provided in 92 Ill. Adm. Code 1030.91 is issued to someone who has a valid Illinois driver's license, the case shall be forwarded to the Driver Analysis Section of the Department for review and possible cancellation of the person's driver's license. If the person indicated on his/her Disabled Person Handicapped Identification Card application via affidavit that he/she has a handicap so severe that it precludes him/her from obtaining an Illinois driver's license, the driver's license shall be cancelled unless proof is offered that indicates that the Disabled Person Handicapped Identification Card was issued in error and should be cancelled.

bc) If the applicant holds a valid Illinois driver's license and indicates on his/her Disabled Person Handicapped Identification Card application via affidavit that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license, the Department shall request that the person submit a medical report to the Driver Analysis Section of the Department. If the medical report is favorable and indicates that the individual can safely operate a motor vehicle, the Disabled Person Handicapped Identification Card shall be cancelled. However, if the medical report indicates the individual cannot safely operate a motor vehicle, the Illinois driver's license will be cancelled pursuant to IVC Section 6-201(5)(Ill. Rev. Stat. 1987, ch. 95½, par. 6-201(5)). If the person wishes to contest the Departmental decision, he/she may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001. If an individual does not submit the medical report after being requested to do so, his/her driver's license shall be cancelled, if one has previously been issued. This decision may also be contested in accordance with 92 Ill. Adm. Code 1001.
Section 1040.100 Rescissions

a) For purposes of this Section, the following definitions shall apply:

"Cancellation"—the annulment or termination by formal action of the Secretary of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110].

"Denial of Driver's License"—to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].

"Denial of Driving Privilege"—to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) of the Illinois Vehicle Code [625 ILCS 5/6-107(c)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Rescind"—to annul or void a suspension, revocation, cancellation or denial.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].
"Statutory Summary Suspension"—a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, as provided in Section 1-197.5 of the Illinois Vehicle Code [625 ILCS 5/1-197.5].

"Stricken on Leave"—stricken off call with leave to reinstate.

"Supervision"—a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered as defined in Section 5-1-21 of the Unified Code of Corrections [730 ILCS 5/5-1-21].

"Suspension"—the temporary withdrawal, by formal action of the Secretary, of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Vacate"—to set aside, annul, rescind, render void, or cancel an order.

"Warrant Parking/Traffic Suspensions"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

The Department shall rescind the following orders when the specified criteria are met:

1) Suspensions, revocations, disqualifications and denials of driver's license and/or driving privileges, except warrant parking/traffic suspensions, failure to appear suspensions (as applied to residents and non-residents) and statutory summary suspensions, upon receipt of certified court evidence reporting non-conviction, supervision, stricken on leave
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(SOLS.O.L.), or a correction or an amendment stating there was an error that formed the basis of the suspension, the revocation, or the denial of driver's license/driving privilege and/or it has been vacated or that a previously submitted judgment has been reversed.

2) Cancellation of driver's license and/or driving privileges upon receipt by the Department of one of the following:

A) evidence from an instructor of a driver education program indicating the driver has re-enrolled in the program; or

B) favorable physical or psychiatric report from a licensed medical specialist prior to the effective date of the cancellation or receipt of a second report completed by the licensed medical specialist showing the original report submitted was incorrect; or

C) evidence from a licensed medical specialist indicating that he/she failed to submit a favorable medical report for the driver within 90 days; or

D) evidence reversing a decision made by the Department that two driver's license records are for the same person; or

E) court evidence changing the disposition of a conviction previously reported upon which the cancellation was based; or

F) documentation from another state licensing agency that reverses an original report upon which the cancellation was based.

3) Failure to Appear Suspensions upon receipt of certified court evidence vacating the Failure to Appear or when the Department receives a compliance notice or court receipt prior to the effective date of the suspension indicating that the charges have been satisfied.

4) Statutory Summary Suspensions upon receipt of a Certified Hearing Disposition Notice or court order from the court of venue to rescind the suspension.
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5) Warrant/Parking Traffic Suspensions upon receipt of certified evidence from the court indicating the original report was in error or the person identified in the original report was the wrong defendant or the Department receives notice of final disposition prior to the effective date of the suspension.

The Department shall rescind a suspension, revocation, or cancellation pursuant to a decision rendered by the Department of Administrative Hearings within the Office of the Secretary of State as provided in IVC Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and 92 Ill. Adm. Code 1001.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1040.101 Reinstatement Fees

a) For purposes of this Section, the following definitions shall apply:

"Concurrent Actions Requiring Reinstatement Fees"—a situation in which a driver has either 2 or more suspensions, except miscellaneous suspensions, or 2 or more revocations or a combination thereof, on the driving record that were in effect at the same time.

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Reinstatement Fees"—the fees required to restore a person's driving privileges after driving privileges have been suspended or revoked pursuant to any provision of the Illinois Vehicle Code, or Sections 11-501.1 and 11-501.8 of the Illinois
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Vehicle Code [625 ILCS 5/11-501.1, 11-501.8 and Ch. 6] as provided for in Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation shall be as prescribed by IVC Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].

be) The fee collected by the Department for concurrent actions requiring reinstatement fees shall be for the action requiring the highest fee that would be charged for a single action if each action were considered separately.

cd) If a suspension or revocation is rescinded, the Department shall not collect a reinstatement fee for that specific action.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

a) For purposes of this Section, the following definitions shall apply:

"Bankruptcy Debtor"—a debtor under any chapter of the Federal Bankruptcy Code.

"Cancellation"—the annulment or termination of a driver's license by formal action of the Secretary because the licensee is no longer entitled to such license.
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"Chapter 13 Plan"—an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor"—a person to whom a debt is owned by another.

"Debtor"—one who owes a debt.

"Deletion"—the permanent removal of an entry from a driving record.

"Department"—Department of Driver Services of the Office of the Secretary of State.

"Failure to Pay"—an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket which prohibits the renewal or reissuance of a driver's license.

"Notice of Automatic Stay"—any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors"—a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Parking Suspension"—a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to 6-306.5 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-306.5) [625 ILCS 5/6-306.5].

"Petition for Discharge Filed in Bankruptcy"—an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Petition in Bankruptcy"—a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Rescission"—to set aside, annul, render void, or cancel an order.

"Returned Check"—any check which is delivered to the Office of the Secretary of
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State as payment of any fee and such check is not honored by the bank on which it is drawn.

"Schedule A-3"—Schedule of Liabilities.

"Trustee Report of No Assets"—a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

ab) If a debtor's driving privileges have been or will be suspended for a parking suspension pursuant to IVC Section 6-306.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code, and if the said parking or standing tickets are issued prior to petition for discharge; or, if a debtor's driving privileges have been or will be cancelled as a result of a returned check pursuant to IVC Section 6-201(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-201(a)(3)) [625 ILCS 5/6-201(a)(3)], proper notice to the Department shall result in the rescission of the suspension or cancellation from the driving record.

be) If a debtor's privilege to renew or be reissued a driver's license has been or will be prohibited based upon a returned check pursuant to IVC Section 6-201(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, or based upon a report of failure to pay traffic fines and court costs pursuant to IVC Section 6-306.6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 6-306.6) [625 ILCS 5/6-306.6], proper notice to the Department shall result in the deletion of this indication from the driving record.

cd) Proper notice shall consist of, but not be limited to, one of the following:

1) Petition in Bankruptcy

2) Notice of meeting of Creditors

3) Schedule A-3 or Schedule of Creditors

4) Trustee Report of No Assets

5) Petition for Discharge Filed in Bankruptcy

6) Notice of Automatic Stay
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7) Chapter 13 Wage Earner Plan

de) Any evidence documenting an event prior in time to actual petition for discharge shall be used by the Department to confirm a petition for discharge in bankruptcy has occurred.

ef) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.

fg) Any previous action taken by the Department to rescind a suspension or prevent the renewal or reissuance of a driver's license or permit based upon proper notice of bankruptcy under this Section shall be reinstituted when:

1) the Petition in Bankruptcy has been dismissed; or

2) the United States Bankruptcy Court orders the debt nondischargeable; or

3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable Sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended (11 U.S.C. Section 523(a) and Bankruptcy Rule 4007).

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.105 Suspension for Five or More Tollway Violations and/or Evasions

a) For purposes of this Section, the following definitions shall apply:

"Authority"—Illinois State Toll Highway Authority.

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings"—Department of Administrative Hearings within the Office of the Secretary of State.

"Rescind"—to annul or void a suspension.
"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

ab) The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of five or more unsatisfied tollway violations, tollway evasions or any combination thereof.

be) The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or reissuance of a driver's license the person is required to pay a reinstatement fee pursuant to IVC Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].

cd) The Department shall rescind the suspension:

1) upon receipt of certified evidence from the Authority indicating the certified report was in error; or

2) upon receipt of certified evidence indicating that the fines and penalties were satisfied prior to the effective date of the suspension; or

3) upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.

de) The Authority shall reimburse the Secretary of State in the amount of $20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Secretary.

ef) The Authority shall reimburse the Secretary of State in the amount of
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$5 per certification from the Authority to suspend the vehicle registration, in order to cover reasonable costs incurred by the Department of Vehicle Services Secretary.

The Authority shall reimburse the Secretary of State Department in the amount of $50 dollars for each administrative hearing conducted by the Secretary in connection with the suspension of the driver's license and/or driving privileges or vehicle registration, in order to cover reasonable costs incurred by the Department of Administrative Hearings Secretary.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle

a) Defined Terms—For purposes of this Section, the following definitions shall apply:


"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].
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"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension" or "Pending Revocation"—a suspension or revocation that appears on the driving record that is not yet in effect.

"Prior Suspension" or "Prior Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration.
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except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

If a person has no prior, open or pending suspensions or revocations and a conviction for IVC Section 11-907(c) of the Illinois Vehicle Code [625 ILCS 5/11-907(e)] is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

If a person has one or more open or pending revocations and a conviction for IVC Section 11-907(c) of the Illinois Vehicle Code [625 ILCS 5/11-907(e)] is
received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

cd) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for IVC Section 11-907(c) of the Illinois Vehicle Code [625 ILCS 5/11-907(c)] is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.

de) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for IVC Section 11-907(c) of the Illinois Vehicle Code [625 ILCS 5/11-907(c)] is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.

ef) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].
"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations,
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tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) A person who is convicted of violating IVC Section 11-406 of the Illinois Vehicle Code [625 ILCS 5/11-406] for failure to make a report of a vehicle accident shall have his/her driving privileges suspended by the Department.

be) When considering prior convictions, only those convictions for failure to make a report of a vehicle accident that have an arrest date within seven years prior to the arrest date of the incoming conviction shall be considered.

cd) Upon receipt of a report of conviction for failure to make a report of a vehicle accident, the Department shall take action as follows:

ACTION TABLE

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<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
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<tbody>
<tr>
<td>1st Conviction</td>
<td>2-month Suspension</td>
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<tr>
<td>2nd Conviction</td>
<td>4-month Suspension</td>
</tr>
<tr>
<td>3rd or subsequent Conviction</td>
<td>6-month Suspension</td>
</tr>
</tbody>
</table>

de) If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of suspension (excluding miscellaneous suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally
imposed suspension in accordance with IVC Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations

a) For purposes of this Section, the following definitions shall apply:

"Conviction"—A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary of State.

"Suspension"—The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

b) An individual who has two or more convictions for violating IVC Section 11-1201 of the Illinois Vehicle Code [625 ILCS 5/11-1201] shall have his/her driving privileges suspended by the Department in accordance with IVC Section 6-206(a)(39) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(39)].

a1) In reviewing an individual's driving record for convictions of violating IVC Section 11-1201 [625 ILCS 5/11-1201], only those convictions with arrest dates on or after January 1, 2003 shall be considered.

b2) If the driving record contains two or more convictions for violating IVC Section 11-1201 of the Illinois Vehicle Code [625 ILCS 5/11-1201], the following action shall be taken:

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Conviction</td>
<td>6-month Suspension</td>
</tr>
</tbody>
</table>
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3rd or subsequent Conviction 12-month Suspension

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.110 Bribery

a) For the purposes of this Section, the following definitions shall apply:

1) "Authorized Personnel"—Manager, Administrator, Instructor, Secretary of State Police, Director or Inspector General.

2) "Bribe"—Any item or thing of value, payment, or other personal advantage that an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that such item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

3) "Bribery"—The solicitation or accepting of any bribe or improper offering.

4) "Denial of Driver's License"—To prohibit or disallow the privilege to obtain a driver's license or permit.

5) "Department"—Department of Driver Services within the Office of the Secretary of State.

6) "Disqualified"—The denial of the issuance of a license or permit or the invalidation of any license or permit.

7) "Facility Administered Test"—An actual demonstration of the driver's license applicant's ability to successfully pass a Vision, Written or Drive Test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such test.
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8) "Invalidating"—To render no longer valid any driver's license or permit for a specified period of time.

ab) The Department shall, pursuant to IVC Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], deny for a period of 120 consecutive days the issuance of a driver's license and/or permit to any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept.

cd) The Department shall, pursuant to IVC Section 6-103(16) of the Illinois Vehicle Code [625 ILCS 5/6-103(16)], invalidate for a period of 120 consecutive days the driver's license and/or permit of any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit.

c) When any employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is tendered a bribe or a bribe has been attempted as defined in Section 1040.1 subsection (a)(2), the person bribed or attempted to be bribed shall immediately report the incident to authorized personnel, as defined in Section 1040.1 this Section. Authorized personnel shall immediately proceed in the following manner: complete the interview process; complete the designated bribery/attempted bribery form; and notify the appropriate staff of the bribery incident. All evidence collected from the incident shall be placed in a secure locked place. For purposes of this Section, the Department shall disqualify the individual for a designated time upon receipt of the prescribed bribery/attempted bribery form faxed by the authorized personnel.
The facility application for any facility administered test that was successfully completed prior to the termination of further testing due to bribery/attempted bribery shall be validated and a receipt shall be given to the individual for any statutory fees collected by an employee of the Secretary of State's Office.

Pursuant to IVC Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], any person whose driver's license or permit has been disqualified under this Section may request an administrative hearing to contest the Department's action.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1040.111 Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present

a) Defined Terms—For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension"—a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension"—a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension"—a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].
SECRETARY OF STATE

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"Department"—Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension"—a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension"—a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension"—a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Open Suspension" or "Open Revocation"—a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension" or "Pending Revocation"—a suspension or revocation that appears on the driving record that is not in effect.

"Prior Suspension" or "Prior Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration;
except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension"—a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension"—a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension"—a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

ab) If a person has no open or pending suspensions or revocations and a conviction for violation of IVC Section 11-908(a-1) of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)] is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

be) If a person has one or more open or pending revocations and a conviction for violation of IVC Section 11-908(a-1) of the Illinois Vehicle Code [625 ILCS 5/11-
NOTICE OF PROPOSED AMENDMENTS

If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for a violation of [IVC Section 11-908(a-1)] of the Illinois Vehicle Code [625 ILCS 5/11-908(a-1)] is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court. The suspension shall become effective upon the latest provisional or projected termination date of the suspension on record.

ef) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1040.115 Suspension for Theft of Motor Fuel

 a) For purposes of this Section, the following definitions shall apply:

"Conviction"—a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department"—Department of Driver Services within the Office of the Secretary of State.
"Open Suspension"—a suspension that appears on the driving record that is in effect.

"Pending Suspension"—a suspension that appears on the driving record that is not yet in effect.

"Suspension"—the temporary withdrawal by formal action of the Secretary of a person’s license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Terminated Suspension"—a suspension that is no longer in effect.

ab) A person who has been convicted of theft of motor fuel as defined in Section 5/16J-15 prior to August 21, 2007 or Section 16K-15 on or after August 21, 2007 of the Criminal Code of 1961 [720 ILCS 5/16J-15 or 16K-15] shall have his/her driving privileges suspended by the Department.

be) Upon notice of conviction, the Department shall take the following action:

ACTION TABLE

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Action</th>
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<tbody>
<tr>
<td>1st Conviction</td>
<td>6-month Suspension</td>
</tr>
<tr>
<td>2nd or subsequent Conviction</td>
<td>12-month Suspension</td>
</tr>
</tbody>
</table>

cd) A conviction for theft of motor fuel may be considered with prior convictions only if the arrest date falls within seven years after any previous conviction for theft of motor fuel.

(Source: Amended at 32 Ill. Reg. _______, effective _________)

Section 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
NOTICE OF PROPOSED AMENDMENTS

a) The Department of Administrative Hearings, whenever it has clear and convincing evidence that a person committed perjury, or submitted fraudulent, falsified or materially altered documents, or submitted documents as his/her own that were prepared or composed for another person, shall notify the Driver Services Department.

b) Such notification shall include a request from the Department of Administrative Hearings to take action against the driving privileges of the person and one or more of the following:

1) A copy of the administrative order entered pursuant to a hearing held; or

2) A copy of any and all fraudulent, falsified or materially altered documents; or

3) Any other relevant documents.

c) The Driver Services Department shall, upon receipt of the notification, take the following action:

1) If the person's driving record does not contain a previous suspension/revocation for cause under this Section, an order of suspension of the person's driving privileges shall be entered for 12 months.

2) If the person's driving record does contain a previous suspension/revocation for cause under this Section, an order of revocation of the person's driving privileges shall be entered.

d) Any person whose driving privileges are suspended or revoked under the provisions of this Section may contest this sanction at an administrative hearing under the provisions of IVC Section 2-118.

(Source: Added at 32 Ill. Reg. _____, effective ______________)
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1) **Heading of the Part:** Control of Outdoor Advertising Adjacent to Primary and Interstate Highways

2) **Code Citation:** 92 Ill. Adm. Code 522

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Proposed Action</th>
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</thead>
<tbody>
<tr>
<td>522.20</td>
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<tr>
<td>522.50</td>
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<tr>
<td>522.110</td>
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</tbody>
</table>

4) **Statutory Authority:** Implementing Section 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 9-112.2 and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17]

5) **A Complete Description of the Subjects and Issues Involved:** By this Notice, the Department is proposing to amend this Part as follows:

   At Section 522.20, the Department is adding language to provide for an excepted conforming sign site area within the municipal limits of Hoffman Estates as mandated by PA 095-0340, effective January 1, 2008.

   At Section 522.50, the Department is deleting language to specify that sign owners with existing sign permits can improve their signs but cannot move their permitted signs from their current locations;

   At Section 522.110, the Department is adding language to specify that owners of illegal or abandoned signs cannot circumvent the Department's rules by creating aliases, affiliates or subsidiary companies solely for the purpose of securing sign permits;

   Also at Section 522.110, the Department is correcting an inadvertent error made during the Department's last rulemaking. In the prior rulemaking, the Department changed the timeframe from 180-days to 3 years in which a permitted sign must be erected. The revision to Section 522.110 was inadvertently omitted.
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6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

   Mr. Richard Hunter, Chief, Bureau of Land Acquisition
   Illinois Department of Transportation
   Division of Highways
   2300 South Dirksen Parkway, Room 103
   Springfield, Illinois  62764
   217/782-6243

   JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

   Ms. Christine Caronna-Beard, Rules Manager
   Illinois Department of Transportation
   Office of Chief Counsel
   2300 South Dirksen Parkway, Room 317
   Springfield, Illinois  62764
   217/524-3838
NOTICE OF PROPOSED AMENDMENTS

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not for profit corporations that qualify will be impacted to the extent that such businesses and corporations wish to participate in the program.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of these Proposed Amendments begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 522
CONTROL OF OUTDOOR ADVERTISING ADJACENT TO
PRIMARY AND INTERSTATE HIGHWAYS

SUBPART A: GENERAL PROVISIONS

Section
522.10 Purpose
522.20 Definitions

SUBPART B: PERMIT APPLICATION AND REGISTRATION
PROCEDURES AND REQUIREMENTS

Section
522.30 Signs Requiring Permits and Registrations
522.40 Place of Filing
522.50 Permit Application Contents
522.60 Receipt of Application
522.70 Approval of Application
522.80 Denial of Application
522.90 Renewal of Permits
522.100 Registration of Existing Signs

SUBPART C: REVOCATION OF PERMITS

Section
522.110 Notice of Intent to Revoke
522.120 Reply of Permittee
522.130 Review Procedures
522.140 Issuance of the "30 Day Letter"

SUBPART D: STANDARDS FOR SIGNS

Section
522.150 Signs that may not be Erected or Maintained
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522.160 Standards for Official Notices
522.170 Standards for Directional Signs
522.175 Standards for Official Signs
522.180 Standards for Signs Advertising the Sale or Lease of Property on which they are Located
522.190 Standards for On Premise Signs
522.200 Standards for Signs in Business Areas
522.210 Standards for Signs Providing Information Relative to Lodging, Food, Outdoor Recreational Facilities or Automotive Service Facilities

SUBPART E: SIGNS WHICH MAY BE ERECTED WITHOUT A PERMIT

Section
522.220 Department Notification

SUBPART F: MISCELLANEOUS PROVISIONS

Section
522.230 Multiple Signs
522.240 Signs Facing Two or More Highways

AUTHORITY: Implementing Sections 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 112.2] and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act
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of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17].


SUBPART A: GENERAL PROVISIONS

Section 522.20 Definitions

"Act" means the Highway Advertising Control Act of 1971 [225 ILCS 440].

"Air mile" means a distance of one mile as measured horizontally along a straight line between the sign and activity advertised.

"Business Area" means any part of an area adjacent to and within 660 feet of the right-of-way which is at any time zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for business, industrial or commercial use, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as business, industrial or commercial. (Section 3.12 of the Act [225 ILCS 440/3.12]) Areas which were zoned as of September 21, 1959 and were not specifically zoned for business, commercial or industrial use as of September 21, 1959 and were outside corporate limits on that date will not be considered business areas along Interstate highways. However, an area zoned for business, commercial or industrial activities, as part of a comprehensive zoning plan, that lies within Township 41 North, Range 10 East and Townships 40, 41, 42 North, Range 12 East of the Third Principal Meridian shall be deemed a business area along Interstate highways. (See PA 95-340, effective January 1, 2008.) Areas which were unzoned on September 21, 1959 may qualify as business areas along Interstate highways if the applicant can show, based on contemporaneous historical records of State actions (e.g., State sales tax records, required State license fees, etc.) that the land on September 21, 1959 was and has continuously
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been used as business, commercial or industrial. Land unzoned on September 21, 1959, used for agricultural and/or farming activities, including but not limited to forestry, ranging, mining and mineral extraction activities, grazing, wayside produce stands and grain storage bins, will not be considered as business, commercial or industrial land uses for purposes of this Part. Additionally, unzoned land used for railroad tracks and minor sidings; transient or temporary activities not involving permanent buildings or structures; outdoor advertising structures; activities not visible from the main-traveled way; activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence); and activities located in buildings that are not integral to the business operation or that are used to store trade equipment and where business transactions do not take place will not be considered as business, commercial or industrial land uses.

"Code" means the Illinois Highway Code [605 ILCS 5].

"Commercial or industrial activities," as used in the definition of "business area" and "unzoned commercial or industrial area," means those activities located within 660 feet of the nearest edge of the highway right-of-way generally recognized as commercial or industrial by zoning authorities in this State, such as land use devoted to commerce, industry, trade, manufacturing, highway service, highway business, warehouses, offices or similar uses, but for the purpose of determining unzoned commercial and industrial areas does not include the following:

Agricultural, forestry, ranging, mining and mineral extraction activities, grazing and farming activities, including wayside fresh produce stands and grain storage bins;

Railroad tracks and minor sidings;

Transient or temporary activities not involving permanent buildings or structures;

Activities that are conducted in a building that is used to store trade equipment or that is not integral to the business operation where actual business transactions take place;

Outdoor advertising structures;
Activities not visible from a main-traveled way; and

Activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence). (Section 3.10 of the Act)

"Damaged signs" means signs which require more than fifty percent replacement of the uprights, in whole or in part.

"Department" means the Illinois Department of Transportation.

"Directional signs" means signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately owned natural phenomena; historic, educational, cultural, scientific and religious sites; areas of natural or scenic beauty; or areas naturally suited for outdoor recreation which are deemed to be in the interest of the traveling public.

"Director" means the Director of the Division of Highways or the Director's designee.

"District" means any one of the District offices of the Department's Division of Highways. (See Illustration M.)

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure. (Section 3.08 of the Act) Replacing more than fifty percent of the uprights, in whole or in part, or extending the height above ground, or similar activities which substantially change a sign such as anything which makes a sign more valuable; adding lighting, or making the sign bigger are examples, are not normal maintenance or repair.

"Expressway" means a primary highway constructed either as a freeway or tollway which has complete control of access. (See Illustration A.) (Section 3.04 of the Act)
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"Federal, State or local law" means a Federal or State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to Federal or State constitution or statute.

"Illegal Signs" means signs not in compliance with this Part.

"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on different levels.

"Interstate highway" means any highway, including a tollway, designated by the Department and approved by the United States Department of Transportation as a part of the National System of Interstate and Defense Highways. A highway becomes a part of the National System of Interstate and Defense highways upon the date of approval of the Route Location Decision and the approval of the addition of the highway to the National System of Interstate and Defense Highways by the Governor and the United States Department of Transportation. (Section 3.02 of the Act)

"Main-traveled way" means the traveled way (i.e., pavement) of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas. (Section 3.05 of the Act)

"Maintain" means to allow to exist (Section 3.06 of the Act) and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

"Municipality" means a city, village, or incorporated town in the State of Illinois, but, "municipal" or "municipality" does not include a township, town when used
as the equivalent of a township, incorporated town which has superseded a civil
township, county, school district, park district, sanitary district or any other
similar governmental district. (Section 3.09 of the Act)

"National Highway System" means the designation provided to certain highways
by the Department, which designation must be approved by the United States
Department of Transportation and the United States Congress for the purpose of
providing an interconnected system of principal arterial routes that serve major
population centers, international border crossings, ports, airports, public
transportation facilities, other major travel destinations, and interstate and inter-
regional travel and meet national defense requirements. (Section 3.15 of the Act)

Non-conforming sign and/or sign structure means a registered sign and/or sign
structure lawfully in existence as of the effective date of the Highway Advertising
Control Act (July 1, 1972), but which thereafter does not conform with the
provisions of the Act. The term also includes a lawful sign and/or sign structure
rendered non-conforming by its subsequently becoming subject to the terms of the
Act, including but not limited to its being adjacent to a highway, and not in a
business area, that subsequently comes under control of the Act or a sign and/or
sign structure that is rendered non-conforming by subsequent amendment to the
Act (except that sign and/or sign structures subject to the amendments of Section
6.01 (Size) and 6.03 (Spacing) of the Act by Public Act 87-1205 shall not be
rendered non-conforming, the text of this paragraph notwithstanding). A non-
conforming sign and/or sign structure may be repaired, but neither a lawfully
erected conforming sign and/or sign structure nor a lawfully erected non-
conforming sign and/or sign structure may be compelled to be altered or removed
under this Act until just compensation is paid to the sign and/or sign structure
owner and the owner or owners of the property on which the sign and/or sign
structure is erected.

"Official notices" means service club and religious notices and public service
signs.

"Official signs" means signs erected and maintained by public officers or public
agencies within their territorial or zoning jurisdiction and pursuant to and in
accordance with direction or authorization contained in Federal, State or local law
for the purposes of carrying out an official duty or responsibility. Historical
markers authorized by State law and erected by State or local government
agencies or non-profit historical societies are considered official signs.
"On premise signs" means those signs which advertise activities conducted on the property on which they are located. Variety seed signs, fertilizer signs, and other agricultural product signs are not on premise signs unless at least fifty percent of the sign face is devoted to identification of the farm owner or operator. A sale or lease sign which also advertises any product or service not located upon and unrelated to the business of selling or leasing the land on which the sign is located is not an on premise sign.

"Parkland" means any publicly owned land which is designed or used as a public park, recreation area, conservation area, wildlife or waterfowl refuge or historic site.

"Primary highway" means any highway, other than an Interstate highway, designated by the Department and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System in existence on June 1, 1991 or any highway other than an Interstate highway that is not on such system that is on the National Highway System. (Section 3.03 of the Act)

"Public utility signs" means warning signs, informational signs, notices or markers which are erected and maintained by publicly or privately owned public utilities as essential to their operations.

"Responsible Local Officials" means in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor; or in urban areas not within any urbanized area, principal elected officials of general purpose local governments.

"Rest area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.

"Right-of-way" includes all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority pursuant to Section 4-409 of the Highway Code.
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"Scenic area" means any area of particular scenic beauty or historical significance as determined by Federal, State or local officials having jurisdiction over said areas, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

"Scenic byway" means that portion of a highway that has been nominated by the Department to the United States Department of Transportation for designation as a National Scenic Byway or All-American Road, and that has received national designation. "Scenic byway" does not include a section of primary or Interstate highway that traverses a business area at the time of nomination, except in accordance with Section 14.02(a)(5) of the Act. (Section 3.16 of the Act)

"Secretary" means the Secretary of the Department.

"Service club and religious notices" means signs and notices relating to meetings of not for profit service clubs and charitable associations, or religious services.

"Sign" means any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place on the main-traveled way of any portion of an Interstate or primary highway and which is within 660 feet of the nearest edge of the right-of-way of such highway. (Section 3.07 of the Act)

"Sign" also means any sign described above which is more than 660 feet from the nearest edge of such highway right-of-way, outside of an urban area, visible from any place on the main-traveled way of any portion of such highway and erected with purpose of its message being read from such main-traveled way. (Section 3.07 of the Act)

"Sign Structure" means the assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, display area and trim.

"Unzoned commercial or industrial area" means any area adjacent to the right-of-way of a primary highway or an Interstate highway for purposes of Section 522.210, not zoned by any county or municipality and which lies within 600 feet
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of any commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. On primary highways other than expressways, but not along Interstate highways for purposes of Section 522.210, where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions except where such lands are publicly owned or controlled for scenic or recreational purposes. (See Illustration B.) (Section 3.11 of the Act)

"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census of the United States having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of the United States Department of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census. (Section 3.14 of the Act)

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity. (Section 3.13 of the Act)

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

SUBPART B: PERMIT APPLICATION AND REGISTRATION

PROCEDURES AND REQUIREMENTS

Section 522.50 Permit Application Contents

a) The permit application shall be a form prescribed by the Department. The application shall require the applicant to provide specific information necessary for the District to determine whether a permit should be issued.

b) The following additional documentation shall be attached to the permit application:
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1) Verification as to the zoning classification for the proposed sign location. For proposed signs along Interstate highways, the documentation shall show whether the site lies within incorporated limits as they existed on September 21, 1959, and, if not, the land use as it was zoned on September 21, 1959. If the site was not zoned on September 21, 1959, or is not zoned now, this shall be stated.

A) Verification of zoning classification will consist of an ordinance, certification by the current zoning official and any other documentation that shows the zoning classification. The zoning certification must be submitted on the local governing agency's letterhead and must certify to the site's zoning classification as well as to the site's adherence to the September 21, 1959 criteria prescribed in subsection (b)(1) of this Section.

B) Zoning must be comprehensive. Signs will not be permitted on spot zoned land or land on which the only plausible commercial or industrial use is outdoor advertising.

C) When the application is for a site in a newly zoned commercial or industrial area and no commercial or industrial site development is evident, the zoning certification must certify to the site's pending commercial or industrial use. For purposes of this subsection (b)(1)(C), "newly zoned" means zoning that occurs from time-to-time when market conditions warrant a change of land use. As evidence of pending commercial or industrial use, the application shall include a site plan that has been approved by the local zoning authority. If an approved site plan does not exist, the application shall include a statement by the local zoning authority certifying to the existence of utilities, roads and streets necessary to support commercial or industrial development.

2) Illinois State Plane Coordinates or reference to latitude/longitude coordinates for the proposed location, as well as a site drawing of the proposed location. The site drawing for business area signs other than on premise signs and signs that advertise the sale or lease of property on which they are located shall contain at least the following information:

A) The exact location of the proposed sign.
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B) The distance as measured along the edge of the highway pavement between the proposed sign and the nearest existing signs other than on premise signs and signs that advertise the sale or lease of property on which they are located, whether illegal or legal as long as the sign is visible from any place on the main traveled way of the highway regardless of which highway the sign's message is primarily intended to face and, in urban areas, is within 660 feet of the nearest edge of the highway right-of-way. Measured distances between the proposed sign and the nearest existing sign shall be as prescribed in the table in subsection (b)(3).

C) The distance between the proposed sign and the nearest edge of the highway right-of-way.

D) For signs located along interstate highways or expressways outside incorporated municipalities, the distance between the proposed sign and the beginning or ending of pavement widening for any interchange within 600 feet.

3) For signs with display area in excess of 150 square feet, the site drawing shall contain all of the information required in subsection (b)(2) of this Section, and, in addition, shall be prepared or approved by a land surveyor licensed by the State of Illinois and shall show measured distances between the proposed sign and the nearest existing sign according to the following table:

<table>
<thead>
<tr>
<th>Type of Highway</th>
<th>Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interstate</td>
<td>600</td>
</tr>
<tr>
<td>Expressway</td>
<td>600</td>
</tr>
<tr>
<td>Primary (Unincorporated Area)</td>
<td>600</td>
</tr>
<tr>
<td>Primary (Incorporated Area)</td>
<td>400</td>
</tr>
</tbody>
</table>

4) For signs with display area in excess of 150 square feet, a current title commitment or other evidence of title showing ownership of the proposed site.

5) Whenever the applicant does not own the proposed site, a certificate of good corporate standing from the Illinois Secretary of State's Office will
be required, as well as a fully executed site lease, contract to purchase or other proof of consent to erect and maintain a sign on the site. Leases shall contain all riders. Rents need not be shown. All changes made to the lease, contract to purchase, or consent which are related to the requirements of this Part shall also be submitted to the District. Whenever the lease, contract to purchase or consent is not signed by the property owner, proof of authority shall also be provided. A lease, contract to purchase, or other form of consent to erect and maintain a sign that is subject to a permit being issued by the Department to erect a sign will be considered a valid and binding document. If the lease, contract to purchase or other consent to erect and maintain a sign is terminated prior to the erection of the sign, the permit is void.

6) For on-premise signs, a plat or survey shall be provided showing the location of the sign, the location of the activity being advertised, and the distance to the nearest edge of the highway right of way.

7) For signs that advertise the sale or lease of property on which they are located, a site drawing shall be provided showing the location of the sign and the distance to the nearest edge of the highway right-of-way.

8) For signs described by Section 522.210, the distance in air miles between the proposed sign and the activity advertised.

9) A copy of written notice by the applicant to the municipality where the sign is to be located, or to the county where the sign is to be located in an unincorporated area, of the fact that an application has been filed with the Department. A copy of the completed application form shall be forwarded to the municipality or county.

10) Remittance of the non-refundable application fee by check or money order payable to the Treasurer of the State of Illinois. As of July 1, 1993, the application fee shall be as follows:

A) For signs of less than 150 square feet, the fee shall be $50.

B) For signs of at least 150 but less than 300 square feet, the fee shall be $100.
NOTICE OF PROPOSED AMENDMENTS

C) For signs of 300 or more square feet, the fee shall be $200. (Section 8 of the Highway Advertising Control Act of 1971) [225 ILCS 440/8]

D) The square feet shall be measured by the smallest square, rectangle, triangle, circle, or combination that will encompass the entire display area. If one side of the sign provides for more display area than another, the measurements will be made on the larger side.

11) For signs to be located along Interstate highways in business areas on parcels of land located in areas which were unzoned on September 21, 1959, proof based on contemporaneous historical records of State actions that the land use on September 21, 1959 was business, commercial or industrial, must be submitted with the permit application.

12) When a permit has previously been issued for a specific sign at a specific site and the holder of that permit wishes to change that permitted sign in a manner that would require the issuance of a new permit, the applicant must provide a copy of the original permit application identifying the permit number and application approval. This type of application will also require the following:

   A) A statement that the application is being submitted in order to move or improve an existing permitted sign and that this action will not cause any violations pursuant to the requirements of the Act and this Part.

   B) The removal of the existing permitted sign will occur prior to the erection of any other sign approved as a result of this permit application.

   C) All other requirements of the Act and this Part are satisfied without conditions.

c) The applicant shall certify that all of the information provided is true and accurate and that the applicant is not the owner of an abandoned or illegal sign as defined by this Part. This certification shall be supported by an oath or affirmation acknowledged by a notary public.
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _______, effective _____________)

SUBPART C: REVOCATION OF PERMITS

Section 522.110 Notice of Intent to Revoke

Whenever a District determines that grounds exist for the revocation of a permit or registration (including but not limited to false information in the application, errors in permit processing, failure to erect what was permitted, classification as an owner of an illegal or abandoned sign, use of aliases, affiliates or subsidiary companies to obtain permits, or any other violation of the Act or this Part), the District shall notify the permittee by certified mail of its intent to revoke the permit. This notice shall be called the "Notice of Intent to Revoke Permit" ("Notice") and shall inform the permittee that he has thirty calendar days from receipt of the notice to reply. The procedures in this Subpart shall not apply when a permit has expired without any sign being erected within three years after one hundred eighty days of issuance.

(Source: Amended at 32 Ill. Reg. _______, effective _____________)
DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Americans with Disabilities Act and Civil Rights Program Grievance Procedure

2) **Code Citation:** 4 Ill. Adm. Code 1725

3) **Section Numbers:**
   - 1725.10  New
   - 1725.20  New
   - 1725.30  New
   - 1725.40  New
   - 1725.50  New
   - 1725.60  New
   - 1725.70  New
   - 1725.80  New
   - 1725.90  New
   - 1725.APPENDIX A  New

4) **Statutory Authority:** 42 USC 12131-12134, 28 CFR 35.107, and 20 ILCS 105/4.01(11)

5) **Effective Date of Rules:** July 10, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 31 Illinois Register 15127; November 16, 2007

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** The only differences relate to non-substantive changes agreed upon with JCAR regarding capitalization, citation style, formatting, grammar, punctuation, style, or other technical issues.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No agreements were made.
13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rules: The rules set forth a grievance procedure for reasonable accommodation requests and complaints of alleged discrimination asserted by qualified individuals with disabilities as required by the Americans With Disabilities Act of 1990 [42 USC 12101 et seq.] or protected persons under other federal and state civil rights laws.

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

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

Phone: 217/785-3346

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

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XVI: DEPARTMENT ON AGING

PART 1725
AMERICANS WITH DISABILITIES ACT AND CIVIL RIGHTS PROGRAM GRIEVANCE PROCEDURE

SUBPART A: GENERAL RULES

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SUBPART B: PROCEDURES

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<td>1725.90</td>
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1725.APPENDIX A   ADA/Civil Rights Program Formal Grievance Intake Form

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SUBPART A: GENERAL RULES

Section 1725.10 Definitions

"ADA" is the Americans With Disabilities Act of 1990 [42 USC 12101 et seq.].

"ADA/Civil Rights Program Coordinator" or "Coordinator" is the employee, or other designated individual, appointed by the Director who is responsible for the coordination of efforts at the Department to comply with and carry out its responsibilities under Title II of the ADA and other federal and State civil rights laws. The ADA/Civil Rights Program Coordinator can be contacted through the main office of the Department at 421 East Capitol Avenue, #100, Springfield, Illinois 62701-1789.

"Complainant" is a qualified individual with a disability or a protected person who files a timely grievance based on either the denial of a request for reasonable accommodation or allegations of discrimination on the intake form set out in Appendix A in accordance with the procedures in this Part.

"Department" means the Illinois Department on Aging.

"Director" means the Director of the Department.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of that individual; a record of the impairment; or being regarded as having an impairment. (See 28 CFR 35.104.)

"Grievance" is a written appeal of the denial of a request for reasonable accommodation under the ADA, or a complaint of alleged discrimination under other federal and State civil rights laws, that is made by an individual with a disability or a protected person who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, service, or activity offered by the Department, and who:
believes that he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Department on the basis of his or her disability; or

has been subject to discrimination by the Department on the basis of protected classification characteristics under federal or State civil rights law. Programs, services, or activities of the Department include those administered by entities on behalf of the Department under a contract, a grant, or any other legally binding agreement.

"Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (See 28 CFR 35.104.)

"Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (See 28 CFR 35.104.)

"Protected person" means an individual who is protected against discrimination under federal and State civil rights laws based on classification characteristics such as age; ancestry, citizenship, color, national origin or race; creed or religion; disability; familial status, gender, sex, or sexual orientation; military status or unfavorable discharge from military service; or retaliation for having opposed an unlawful practice; and meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

"Qualified individual with a disability" means an individual with a disability who, with or without a reasonable accommodation to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department. (See 28 CFR 35.104.)
"Reasonable accommodation" means modifications or adjustments to programs, services, or activities that enable a qualified individual with a disability to participate in, or enjoy the benefits of, those programs, services, or activities.

"Undue hardship" means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the Department.

Section 1725.20 Purpose

a) This Part establishes a formal grievance procedure for reasonable accommodation requests and complaints of alleged discrimination asserted by qualified individuals with disabilities as required by 28 CFR 35.107 of the federal regulations under Title II of the Americans With Disabilities Act of 1990 or protected persons under other federal and State civil rights laws.

b) The Department encourages managerial and supervisory staff of programs, services, and activities to respond to requests for reasonable accommodations and complaints of alleged discrimination before a matter gives rise to a formal grievance.

c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services, and activities. Questions pertaining to the ADA or other federal and State civil rights laws, the applicable regulations, or the rights, privileges, and remedies afforded by these laws, should be directed to the ADA/Civil Rights Program Coordinator at the address listed in Section 1725.10. The Coordinator is responsible for the investigation of formal grievances, documentation of facts, and presentation of findings in advising management regarding possible recommendations to resolve pending disputes.

d) The rights and protections afforded by this Part are intended to benefit both Department employees and qualified individuals with disabilities or protected persons who apply or participate in each program, service, and activity offered by the Department. The use of this formal grievance procedure does not preclude the right to file a discrimination complaint directly with the Illinois Department of Human Rights, the United States Equal Employment Opportunity Commission (EEOC), or other federal or State agencies with jurisdiction over civil rights laws. The filing of a complaint of alleged discrimination may not be used as a basis for future retaliation adversely affecting the rights of any member of the public.
Section 1725.30 General Grievance Procedures

a) General
The Department will endeavor to respond to and resolve reasonable accommodation requests and any complaints of alleged discrimination without the need to resort to the formal grievance procedure established by this Part.

b) Outreach
The Department will provide a copy of this formal grievance procedure and the required formal grievance intake forms to anyone making a request or expressing a desire to file a formal grievance.

c) Assistance
The Department will assist a complainant with the completion of the formal grievance intake form upon request.

d) Timeliness
Unless there are extenuating circumstances, the formal grievance intake forms must be received by the ADA/Civil Rights Program Coordinator in writing within 5 days after the date of denial of a request for reasonable accommodation or 180 days after the date of the last incident of alleged discrimination under the ADA (see 28 CFR 35.170(b)), or the deadlines set by other applicable federal and State civil rights laws. The time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended with just cause by the Department or by mutual agreement of the parties. Extensions will be put in writing and signed by the complainant and the Coordinator at the Initial Level Review and by the complainant and the Director at the Final Level Review.

e) ADA/Civil Rights Program Formal Grievance Intake Forms
A formal grievance must be submitted in writing in the manner described in Section 1725.40 on the formal grievance intake form prescribed in Appendix A.

f) Screening
The Coordinator will notify the complainant and other concerned parties within 10 business days by certified mail after the receipt of the formal grievance intake form if the filing is untimely or incomplete.

g) Advocacy
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A complainant may use the assistance of an advocate in any stage of this formal grievance procedure.

h) Withdrawal of the ADA/Civil Rights Program Formal Grievance Intake Form
The formal grievance intake form, or any part of the allegations, may be withdrawn by the complainant during the investigation upon receipt by the Coordinator of a written request for withdrawal.

i) Waiver
A complainant's failure to submit a formal grievance, to rectify an incomplete filing, or to appeal a notice of dismissal or the recommendation for resolution by the Coordinator to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Department given in the grievance procedure.

j) Dismissal of the Formal Grievance
If a formal grievance is filed in an untimely or incomplete manner, then the Coordinator will document that finding and notify the complainant and other concerned parties of dismissal within 10 business days by certified mail.

k) Completeness
The formal grievance intake form must be completed in full to receive proper consideration by the Coordinator.

SUBPART B: PROCEDURES

Section 1725.40 Manner of Filing

a) A grievance shall be filed with the ADA/Civil Rights Program Coordinator in a timely manner on the formal grievance intake forms prescribed in Appendix A at the address listed in Section 1725.10.

b) In order to be deemed filed and to receive proper consideration by the Coordinator, the formal grievance intake form must be completed in full as to the following information:

1) the complainant's name, address, and daytime telephone number; and

2) the best means and time for contacting the complainant.
c) If a grievance is based on any complaint of alleged discrimination, the following information must also be completed on the formal grievance intake form:

1) the program, service, or activity that was denied the complainant or in which alleged discrimination occurred;

2) the date of alleged discrimination;

3) the nature of the alleged discrimination; and

4) the dated signature of the complainant, certifying that he or she is qualified or otherwise eligible to participate in the program, service, or activity and that all information on the formal grievance intake form is true to the best of the complainant's knowledge and belief.

d) If a grievance is based on the denial of a requested reasonable accommodation, the following information must also be completed on the formal grievance intake form, to the extent an answer is known:

1) the exact nature of the complainant's disability, including a signed statement from a physician currently licensed to practice in Illinois;

2) the accommodation the complainant seeks;

3) the date of the original request;

4) the person to whom the request was made;

5) the reason for denial;

6) the estimated cost of the accommodation (if known);

7) a statement detailing why the requested accommodation is necessary to use or participate in the program, service, or activity;

8) any alternative accommodations that may provide accessibility;
DEPARTMENT ON AGING

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9) any other information the complainant believes will aid in a fair resolution of the formal grievance; and

10) the dated signature of the complainant, certifying that he or she is qualified or otherwise eligible to participate in the program, service, or activity and that all information on the formal grievance intake form is true to the best of the complainant's knowledge and belief.

e) The Coordinator will notify the complainant and other concerned parties within 10 business days, by certified mail, after the receipt of the formal grievance intake form if the filing is not complete. The Department will assist with completion of the formal grievance intake form upon request.

f) The Coordinator will investigate a formal grievance and make reasonable efforts to resolve the matter.

Section 1725.50 Initial Level Review

When a fully completed formal grievance intake form is received in a timely fashion, the ADA/Civil Rights Program Coordinator will proceed to investigate the allegations. All concerned parties, including the complainant's immediate manager or supervisor, when applicable, will be contacted for relevant information and may be requested to avail themselves to a fact-finding conference. After investigation and analysis of the merits, regardless or whether there is reasonable cause to believe that a reasonable accommodation request may have been erroneously denied or that discrimination may have occurred, the Coordinator will document that finding and notify the complainant and other concerned parties, by certified mail, of dismissal or possible recommendations to resolve the pending dispute. Service of a notice shall be deemed complete five business days after mailing. If the grievance cannot be satisfactorily resolved at this initial level review within the next five business days, then the Coordinator will document the efforts made to resolve the dispute and close the record unless the complainant appeals a notice of dismissal or the Coordinator's recommendations to the next level of review in a timely manner.

Section 1725.60 Final Level Review

a) If a grievance has not been resolved by the ADA/Civil Rights Program Coordinator to the satisfaction of the complainant, the complainant may appeal to the Director for final review. Within 15 business days after service of the notice of dismissal or the Coordinator's recommendations, the complainant must submit
DEPARTMENT ON AGING

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a copy of the formal grievance intake form, any responses from the Coordinator, together with a short written statement explaining the reasons for dissatisfaction with the possible recommendations to resolve the pending dispute, and any other supporting documentation. The date of service of the written response shall be deemed to be the date of its mailing. The Director will extend the period for submitting the appeal and supporting documentation for up to five additional calendar days, upon complainant's request.

b) The Director may request that the complainant either appear in person, or by an advocate, or respond to pertinent questions in writing. The Director is authorized to conduct interviews and seek relevant advice and additional evidentiary information with respect to the grievance as he or she deems appropriate.

c) The Director will approve, disapprove, or modify the Coordinator's dismissal or recommendations and issue a written decision stating the reasons for the official position of the Department. A copy of the decision will be sent by certified mail to the complainant and other concerned parties within 45 business days after receipt of the appeal. The Director's decision shall be the final decision of the Department.

d) The record of a formal grievance, including the formal grievance intake form, the Coordinator's responses, the complainant's statement of reasons for dissatisfaction, and the decision of the Director, shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1725.70 Accessibility Policy

The Department on Aging shall ensure that all stages of this formal grievance procedure are readily accessible to and usable by qualified individuals with disabilities in accordance with federal and State laws and regulations.

Section 1725.80 Case-by-Case Resolution

a) Each grievance involves a unique set of factors. Factors that will be considered include:

1) the specific nature of the disability or protected classification characteristics under federal or State civil rights law;
DEPARTMENT ON AGING

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2) the essential eligibility requirements for, the benefits to be derived from, and the nature of the program, service, or activity at issue;

3) the health and safety of others; and

4) whether an accommodation would constitute a fundamental alteration to the program, service, or activity or undue hardship upon the Department.

b) Accordingly, termination of a formal grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainant should rely.

Section 1725.90 ADA/Civil Rights Program Notice

A public notice shall be posted informing any interested party of the Department's compliance with the ADA and the appropriate provisions of other federal and State civil rights laws that apply to programs, services, or activities offered by the Department.
ILLINOIS REGISTER

DEPARTMENT ON AGING

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Section 1725. APPENDIX A   ADA/Civil Rights Program Formal Grievance Intake Form

ADA/Civil Rights Program Formal Grievance Intake Form

Discrimination Based on a Disability
Denial of Reasonable Accommodation Request

It is the policy of the Illinois Department on Aging to provide assistance in filling out these forms. If assistance is needed, please ask:

ADA/Civil Rights Program Coordinator
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield IL 62701-1789
217/785-3346 (Voice) or 888/206-1327 (TTY)

Contact Information

Name:________________________________________________________________________
Address:______________________________________________________________________
City, State and Zip Code:_________________________________________________________
Telephone No.:______________ (Voice) ______________ (TTY)     Fax No. ______________
Best Means and Time for Contacting:_______________________________________________

Alleged Discrimination

Please fill out this part if you were excluded from participation in, or denied the benefits of, any program, service, or activity of the Department on the basis of a disability or have been subject to discrimination by the Department under federal and State civil rights laws based on classification characteristics such as age; ancestry, citizenship, color, national origin or race; creed or religion; disability; familial status, gender, sex, or sexual orientation; military status or unfavorable discharge from military service; or retaliation for having opposed an unlawful practice. A response must be provided for each line in order for the Department to take action. You may attach additional sheets for your responses, if necessary. Do not submit an incomplete form.
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Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination Occurred:__________________________________________________________

Date of Alleged Discrimination:______________________________________________

Nature of Alleged Discrimination:______________________________________________

Reasonable Accommodation Requests

Please fill out this part if your reasonable accommodation was denied. Reasonable accommodations could include such things as providing auxiliary aids and devices and changing some policies and/or requirements to allow a qualified individual with a disability to participate in any program, service, or activity of the Department. You may attach additional sheets for your responses, if necessary. A response should not be provided for any line that you do not know the answer.

Exact Nature of Disability:_____________________________________________________
(Please attach a signed statement from a physician currently licensed to practice in Illinois.)

Reasonable Accommodation Requested:__________________________________________

Date the Reasonable Accommodation was Requested:______________________________

Person to whom the Request was Made:__________________________________________

Reason for Denial:________________________________________________________________

Estimated Cost of Accommodation (if an assistive device, such as a TTY or optical reader, or commodity or service for which a cost is readily known):_______________________________

Why is the Requested Accommodation Necessary to Use or Participate in the Program, Service, or Activity?____________________________________________________________________

Alternative Accommodations that may Provide Accessibility:__________________________
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Any Other Information You Believe Will Aid in a Fair Resolution of this Grievance:___________

Signature

I certify that I am qualified or otherwise eligible to participate in the program, service, or activity and the above statements are true to the best of my knowledge and belief.

____________________________________ ____________________________________
Signature Date

Please return upon completion to the ADA/Civil Rights Program Coordinator at the address listed at the top of the front page.

For Internal Use Only

Date Received:________________________ By:_________________________________
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Services Delivered by the Department of Children and Family Services

2) **Code of Citation:** 89 Ill. Adm. Code 302

3) **Section Numbers:**
   - 302.30    Amended
   - 302.310   Amended
   - 302.365   Repealed
   - 302.390   New
   - 302.405   Amended

4) **Statutory Authority:** 20 ILCS 505

5) **Effective Date of Amendments:** July 10, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 31 Ill Reg. 9665; July 13, 2007

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:**

    In Section 302.310(b)(1), the Department added references to the qualifications that an alien child must meet to be eligible for adoption assistance.

    In Sections 302.310(c)(11) and 302.405(e)(10), the Department modified language to clarify that children are randomly selected to participate in federally-funded demonstration projects and that children who are assigned to one demonstration project are not eligible to participate in a second Title IV-E waiver project.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In response to public comment, revisions were made to Section 302.390(d) that clarify behavioral health services provided by the Department. The amendment adds statutory descriptions of behavioral health services to this Part.

Section 302.365 is repealed, and the language from that Section is retained in amendments to Section 302.390, Behavioral Health Services.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) **Summary and Purpose of Amendments**: A child who was previously adopted with adoption assistance, and whose adoption dissolves or whose adoptive parents die, may be treated as if the financial circumstances for a subsequent adoption are the same as the last time the child was adopted. The Department will not disqualify a child who is otherwise eligible for adoption assistance based on the child being an alien child.

Behavioral health services language in the rulemaking was modified to implement provisions of Public Act 94-1010.

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

   Mr. Jeff Osowski
   Office of Child and Family Policy
   Department of Children and Family Services
   406 E. Monroe, Station #65
   Springfield, Illinois 62703-1498

   Telephone: 217/524-1983
   TDD: 217/524-3715
   E-Mail: cfpolicy@idcf.state.il.us

   The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

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SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

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AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

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SUBPART A: GENERAL PROVISIONS

Section 302.30 Introduction

a) The Department of Children and Family Services is the State agency which is responsible for providing public child welfare services to children and their families. The types of services provided encompass the broad array of Department services as detailed in this part. Although the service goals in this
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apart. Services are provided in order to assure permanent, secure and nurturing living situations for children.

b) The Department determines:

1) the children and family's eligibility for services as specified in 89 Ill. Adm. Code 304, ("Access to and Eligibility for Child Welfare Services");

2) the specific services that are necessary and appropriate for eligible children and families as indicated in the service plan; and

3) whether the services will be provided directly by the Department or through purchase of service providers.

c) The Department shall comply with Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); Sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 793 and 794); the U.S. Constitution; the 1970 Illinois Constitution; and any state and federal laws, regulations or court orders that prohibit discrimination in service delivery on the grounds of race, sex, color, religion, national origin or ancestry, the inability to speak or comprehend the English language or by reason of any handicap. Additionally, no children or their families shall be denied services under this Part solely on the basis that a parent is admitted to an Illinois mental health facility, detained in an Illinois jail, or committed to the Illinois Department of Corrections. Refer to 89 Ill. Adm. Code 307, ("Indian Child Welfare Services") which defines the special rights of Indian children and their families.

(Source: Amended at 32 Ill. Reg. 11611, effective July 10, 2008)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance

a) General Provisions

1) Eligibility, Funding Source, Assistance Amounts

A) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of
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Illinois, and who the Department has determined meet the special needs criteria for non-recurring adoption assistance or who meet both the eligibility and special needs criteria for ongoing adoption assistance and who, it is reasonable to conclude, are not likely to be adopted without the provision of adoption assistance.

B) Adoption assistance is available through a combination of federal and State funding. The State receives federal reimbursement for a portion of the assistance provided for children meeting the Title IV-E eligibility criteria of the Social Security Act. The Department must comply with all of the requirements of that Act to claim funding for Title IV-E eligible children. The Title IV-E adoption assistance process is a combination of the field staff preparing the subsidy and documenting special needs followed by a centralized eligibility unit determining financial aspects of Title IV-E assistance.

C) State funding provides adoption assistance for children for whom the Department has placement and care responsibility and who meet the special needs criteria but are not eligible for Title IV-E adoption assistance as well as for children who age out of eligibility for Title IV-E adoption assistance and continue in school up to the earliest of their nineteenth birthday or graduation from high school.

D) Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance is entitled to receive only those services and/or payments specified in the adoption assistance agreement.
2) Responsibility of the State in Interjurisdictional Adoptions

A) When the Department has responsibility for placement and care of a child who is eligible for Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.

B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

3) Continued Eligibility of Children

A) If an adoption is dissolved because of the termination of parental rights, or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance if the State determines that the child meets the definition of a child with special needs prior to finalization of adoption.

B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, or the termination of parental rights and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

C) A child who was previously adopted with adoption assistance and whose adoption dissolves or whose adoptive parents die may be treated as if the financial circumstances for a subsequent adoption are the same as the first time the child was adopted.
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b) Eligibility for Adoption Assistance

1) Children who are under the Department's legal responsibility and those who are not under the Department's legal responsibility when the adoption petition is filed are eligible for Title IV-E adoption assistance when they meet one of the eligibility criteria described in this subsection (b)(1) and the special needs criteria detailed in subsection (b)(2). Children for whom the Department of Children and Family Services is responsible for placement and care when the adoption petition is filed who do not meet the eligibility requirements in this subsection (b)(1) but do meet the special needs criteria detailed in subsection (b)(2) are eligible for State-funded adoption assistance. Children not under the legal responsibility of the Department who do not meet the eligibility criteria described in this subsection (b)(1) but who meet the definition of a child with special needs are eligible for adoption assistance non-recurring expenses only. The Department will not disqualify a child who is otherwise eligible for adoption assistance based on the child being an alien child. A qualified alien child must meet the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L. 104-193, 110 Stat. 2168), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (P.L. 104-208), and the Balanced Budget Act of 1997 (BBA) (P.L. 105-33, 8 USC 1642).

A) The child was eligible for AFDC under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 during the month the petition was filed to remove the child from the home at the time he or she was removed from the home and in the month the adoption petition was initiated and the Department has determined that the child meets the definition of a child with special needs; or

i) An AFDC-eligible child removed from the home as a result of a court order shall be eligible for adoption assistance when there is a judicial determination in the removal order that it was contrary to the welfare of the child to remain in the home.
ii) An AFDC-eligible child removed from the home as a result of a voluntary placement agreement shall be eligible for adoption assistance when the child was placed in a foster home and at least one Title IV-E maintenance payment was made while the voluntary placement agreement was in effect.

iii) An AFDC-eligible child who was voluntarily relinquished to a public or private not-for-profit agency shall be eligible for adoption assistance in the following circumstances:

- a petition to officially remove the child from the home was filed with the court within 6 months after the date the child last lived with the relative who voluntarily relinquished the child; and
- there is subsequent judicial determination with respect to the petition that remaining in the home is contrary to the child's welfare; or

B) The child's eligibility for Supplemental Security Income (SSI) was established and documented by the Social Security Administration at the time the adoption petition was filed and the Department determines that the child meets the definition of a child with special needs prior to the finalization of the adoption; or

C) The child is a child of minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is not a ward of the Department and the child meets the definition of a child with special needs; or

D) The child is a child for whom adoptive parents were previously receiving adoption assistance and the Department has determined that the child meets the definition of a child with special needs prior to the finalization of the subsequent adoption.

2) Special Needs Criteria
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In order to be eligible for adoption assistance, the Department must determine that the child meets all three of the following criteria that comprise the definition of a child with special needs:

A) the child cannot or should not be returned to the home of his or her parents as evidenced by:

   i) a termination of parental rights; or
   
   ii) a petition to terminate parental rights; or
   
   iii) a voluntary relinquishment; and

B) there exists a specified factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance. These factors or conditions include:

   i) an irreversible or non-correctable physical, mental or emotional disability; or
   
   ii) a physical, mental, or emotional disability correctable through surgery, treatment or other specialized services; or
   
   iii) the child is one year of age or older; or
   
   iv) the child is a member of a sibling group being adopted together where at least one child meets one of the conditions in subsections (b)(2)(B)(i) through (iii); or
   
   v) the child is being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

C) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search
for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their care.

c) Types of Adoption Assistance

The types of adoption assistance that a family may apply for include:

1) Non-recurring Expenses
   Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of $1500 for each adopted child.

2) Monthly Payments

   A) An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

   B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment
in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment. When a child is SSI eligible following the adoption, the adoptive parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the adoption assistance agreement.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an
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Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Care

A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional nurses shall assist in making the determination of whether the child meets the eligibility requirements for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.
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i) For existing adoptive cases: If the adoptive parents agree to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

ii) For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
   Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Conditional Adoption Assistance
   Conditional adoption assistance is available to children adopted before February 1, 2004. To be eligible for conditional adoption assistance, the child must meet all of the eligibility requirements for adoption assistance and have a documented disability or risk factor not evident at the time of the adoption but that may require intervention, treatment or services in the future.

10) Adoption Incentive (Independent Facilitation Grants)
   The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of
$3000 to be awarded to an adopted child under the following circumstances in the manner described:

A) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her adoption subsidy.

B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

C) In order to be eligible for this payment, the child:
   i) must have been the legal responsibility of the Department prior to the adoption; and
   ii) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.

D) Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

11) Enhanced Subsidized Guardianship and Adoption Assistance

The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded. Federal regulations limit the Title IV-E waiver services a child can receive to those offered by the waiver program to which he or she is assigned. Children are randomly assigned to a single Title IV-E waiver program per mandatory federal guidelines for the program.

A) ESGAP provides the following services to youth as they transition to adulthood:
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i) Youth in College/Vocational Training;

ii) Employment Incentive Program;

iii) Life Skills Training;

iv) Housing Cash Assistance; and

v) Education and Training Vouchers.

B) To be eligible for ESGAP, a youth must meet the following criteria:

i) Is 14 years of age or older and not yet 18 years of age when moving to adoption or guardianship; is assigned to the subsidized guardianship demonstration group; and is eligible for adoption assistance or subsidized guardianship; or

ii) Is a younger sibling of an eligible youth and is moving to permanency in the same home and at the same time as the eligible youth.

C) Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.

d) Adoption Assistance Agreement

The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the
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adoptive parents currently reside and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances.

e) Notification Requirement by Adoptive Parents
The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:

1) the child is no longer the legal responsibility of the adoptive parents;

2) the adoptive parents no longer financially support the child;

3) the child graduates from high school or equivalent;

4) there is a change of residential address or mailing address of the adoptive parents or the child;

5) the child dies;

6) the child becomes an emancipated minor;

7) the child marries;

8) the child enlists in the military; or

9) the child's custodial status changes.

f) Notification Requirements by the Department
The Department shall provide adoptive parents of children adopted with adoption assistance with information about the Department's post-adoption search and reunion services, including information about accessing these services, at least once each year until adoption assistance payments cease. Youth who were adopted with adoption assistance shall be provided this same information within 30 days after his or her eighteenth birthday.

gf) Periodic Reviews
Periodic reviews are annual recertifications that are required for children in adoptive homes to maintain their eligibility for the Title XIX Medicaid Program.
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The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The adoptive parents, including non-custodial parents if the non-custodial parent has provided the Department with the correct mailing address, will receive written notice of the review. Adoptive parents are required to participate and cooperate with the review. Non-custodial parents may request notice of periodic reviews.

Termination of Adoption Assistance

The adoption assistance shall terminate when the Department has determined that one of the following has occurred:

1) When the terms of the adoption assistance agreement are fulfilled.

2) The adoptive parents have requested that the adoption assistance permanently stop.

3) The adoptive parents are no longer legally or financially responsible for the child.

4) The child becomes an emancipated minor.

5) The child marries.

6) The child enlists in the military.

7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.

8) The adoptive parents die.

9) The adoptive parents' parental rights are terminated.

10) The child dies.

Title IV-E Demonstration Waiver
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

Appeal of Department Decisions
Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:

1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;

2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;

3) The Department's denial of Title IV-E adoption assistance eligibility to a child for whom it does not have placement and care responsibility;

4) Inaction on the part of the Department on a Title IV-E adoption assistance eligibility determination request;

5) Adoption assistance or a specific component of adoption assistance was denied;

6) Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;

7) The Department denies the adoptive parents request to modify the adoption assistance agreement; or

8) An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.
Section 302.365  Mental Health Services (Repealed)

a) Screening of children for whom the Department is legally responsible who are at risk of psychiatric hospitalization shall be provided in accordance with 59 Ill. Adm. Code 131, Children's Mental Health Screening, Assessment and Support Services Program, and shall be based on a referral to the State's Crisis and Referral Entry Service (CARES) (see 59 Ill. Adm. Code 131.20).

b) Community mental health services for children for whom the Department is legally responsible shall be provided in accordance with 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program. Such services shall be provided by entities certified by the Department, the Department of Human Services or the Department of Corrections to provide mental health services and that are enrolled in the Illinois Medical Assistance program pursuant to 89 Ill. Adm. Code 140.

Section 302.390  Behavioral Health Services Placement Services (Repealed)

a) Behavioral health services are available to all children and youth for whom the Department has placement and care responsibility.

b) The child's behavioral health needs shall be assessed as the child enters care as a part of the integrated assessment and on an ongoing basis through the Administrative Case Review or through the completion of the Child and Adolescent Needs and Strengths (CANS) assessment tool anytime a change in the level of service is considered.

c) The behavioral health services provided shall be based on the child's needs and may be provided at the site of the program, residential facility, foster home or other appropriate place. The placement provider shall assist in arranging for the child to receive the behavioral health services from an outside provider when those services are required to meet the child's clinical needs.

d) Behavioral health services include, but are not limited to:
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1) Assessment is the evaluation of an individual's development, behavior, intellect, interests, personality, cognitive processes, emotional functioning and/or social functioning, for the purpose of identifying needs and developing recommendations for services and/or intervention. Assessment methods include interviewing, systematic observation and/or psychometric testing.

2) Evidence-based treatments, sometimes referred to as empirically validated treatments or empirically supported therapy, are clinical practices that have been clearly described and are supported by scientific research and evidence.

3) Psychosocial rehabilitation addresses the specific needs of persons who have a severe mental illness or psychiatric disability. The broad goals of psychosocial rehabilitation are to improve the child's or youth's skills and functioning and to develop the environmental supports necessary to maintain the child or youth in a foster home, school and the community.

4) Specialized foster care is a foster or adoptive home in which specialized services are provided to meet the emotional, behavioral, developmental or medical needs of a child placed in the home. Children in specialized foster care may require a wheelchair or a feeding tube, have a severe visual or speech impairment, or have disorders such as compulsive behaviors, mental retardation, substance abuse problems or a mental illness.

5) Transition planning services are the assessments, activities and support services needed to assist an adolescent in his or her preparation for self-sufficiency in adulthood. Transition planning services begin when the youth is age 14½ years and continues until the youth is discharged from the guardianship of DCFS.

6) Transition planning for youth who have a developmental disability shall be based on an assessment of cognitive functioning, adaptive functioning and capacity for independent living. Skill areas may include personal care, food preparation, safety precautions, use of public transportation, money management and vocational interests and abilities.
7) Integrated assessment (IA) is a comprehensive interview and standardized clinical screening process with children and their parents/guardians, conducted immediately following the child's removal from the home. The purpose of this assessment is early evaluation of the child's developmental, medical, educational, social-emotional, and mental health functioning and needs, to assess the child's response to trauma and to develop recommendations for services and interventions that support the child's need for safety, well-being and permanency.

8) Early intervention (EI) means the developmental/educational, social and health services provided to infants and toddlers (0 to 3 year of age) designed to maximize their development. Early intervention services include such services as speech and language services, occupational therapy, physical therapy, medical/health services, and psychological and social work services. Early intervention services are provided to children who are developmentally delayed, have conditions that typically result in delay, or are at risk of substantial developmental delay.

9) Mental health services are treatment services for developmental, behavioral, emotional and mental disorders that may affect children and interfere with normal development and functioning. Mental health services include, but are not limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals and aftercare.

A) Screening of children for whom the Department is legally responsible who are at risk for psychiatric hospitalization shall be provided in accordance with 59 Ill. Adm. Code 131 (Children's Program), and shall be based on a referral to the State's Crisis and Referral Entry Service (CARES) (see 59 Ill. Adm. Code 131.20).

B) Community mental health services for children for whom the Department is legally responsible shall be provided in accordance with 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program). These services shall be provided by entities certified by the Department, the Department of Human Services or the Department of Corrections to provide mental health services and that are enrolled in the Illinois Medical Assistance program pursuant to 89 Ill. Adm. Code 120.
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10) The Department's Early Childhood Program conducts developmental and social-emotional screenings of children in foster care, birth to age five years, to assess developmental, social-emotional and/or mental health needs. Early childhood intervention provides support to caregivers to promote the child's development in key domains such as communication, attachment and mobility, to promote the child's coping and confidence, and to prevent the emergence of future problems.

11) Substance abuse services are activities that are designed to reduce, defer or eliminate substance abuse and/or chemical dependency through the use of prevention, treatment and ongoing recovery programs. Services provided by the Department include screening, referral, treatment, drug-testing and aftercare. Substance abuse services are available to children and adults.

12) Child and Adolescent Needs and Strengths (CANS) is an inventory that is used universally within the Department to evaluate a child's functioning and strengths in multiple domains. CANS tool does not provide a clinical diagnosis, but rather a focus for treatment. CANS is completed during the integrated assessment and at specified junctures during the child's or youth's time in care.

13) Trauma treatment is comprised of a variety of therapeutic services and interventions, including the type of placement, that are provided within a Trauma-Informed System that recognizes that most children in the child welfare system have been exposed to significant traumatic experiences and require a broad range of individual and community supports and behavioral health services. Trauma services provided by the Department are evidence-based and have been proven to facilitate recovery from trauma.

(Source: Old Section repealed at 19 Ill. Reg. 9485, effective July 1, 1995; new Section added at 32 Ill. Reg. 11611, effective July 10, 2008)

Section 302.405 Subsidized Guardianship Program

a) General Provisions

1) Funding Source
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Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.

2) Continued Eligibility of Children
If guardianship is dissolved because of the death or incapacitation of the guardian or voluntary relinquishment, a child who previously received a subsidy continues to be eligible for the subsidized guardianship program. The child's financial circumstances may be treated as if the financial circumstances are the same as the first time guardianship was transferred.

b) Subsidized Guardianship Agreement
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or Federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria
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1) For a child to qualify for subsidized guardianship, the following criteria must be met:

A) the child is not a member of the control group; and

B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care, and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and

C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and

D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.

2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:

A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or

B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or

C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or

D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or
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E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:

i) subsidized guardianship has been determined to be in the child's best interests; and

ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or

F) the child was previously in subsidized guardianship, but the guardian has died or the guardianship was voluntarily relinquished; or

G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or

H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.

d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;

B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
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C) the interaction and interrelationship of the child with the prospective subsidized guardian;

D) the child's adjustment to the present home, school, and community;

E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and

F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.

e) Types of Assistance
The types of assistance that a family may apply for include:

1) Non-recurring Expenses
Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of $500 per child.

2) Ongoing Monthly Payments

A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in
the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) of this Part.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and
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reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the subsidized guardianship agreement.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Children
A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. The payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional
nurses shall assist in making this determination of whether the child meets the eligibility criteria for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.

i) For existing subsidized guardianship cases, if the subsidized guardian agrees to apply, the guardian should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the subsidized guardian agrees to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

ii) For new subsidized guardianship cases, the subsidized guardian must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the subsidized guardian must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are receiving subsidized guardianship assistance may also apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.
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9) Guardianship Incentive (Independent Facilitation Grants)

The Department will pay an incentive payment for children who are 14 to 18 years of age when guardianship with subsidized guardianship was awarded during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of $3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

A) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.

B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

C) In order to be eligible for this payment, the child:

   i) must have been the legal responsibility of the Department prior to the subsidized guardianship; and

   ii) must have been 14 to 18 years of age when the guardianship was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.

D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

10) Enhanced Subsidized Guardianship and Adoption Assistance

The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded. Federal regulations limit the Title IV-E waiver services a child can receive to those offered by the waiver program to which he or she is assigned. Children are randomly assigned to a single
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Title IV-E waiver program per mandatory federal guidelines for the program.

A) ESGAP provides the following services to youth as they transition to adulthood:
   i) Youth in College/Vocational Training;
   ii) Employment Incentive Program;
   iii) Life Skills Training;
   iv) Housing Cash Assistance; and
   v) Education and Training Vouchers.

B) To be eligible for ESGAP, the youth must meet the following criteria:
   i) Is 14 years of age or older and not yet 18 years of age when moving to adoption or guardianship; is assigned to the subsidized guardianship demonstration group; and is eligible for adoption assistance or subsidized guardianship; or
   ii) Is a younger sibling of an eligible youth and is moving to permanency in the same home and at the same time as the eligible youth.

C) Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.

f) Responsibilities of the Subsidized Guardian
Subsidized guardians are responsible for the following:

1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and
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2) notifying the Department no later than 30 days after any one of the following occurrences:

A) The child is no longer the legal responsibility of the guardian.

B) The guardian no longer financially supports the child.

C) The child graduates from high school or equivalent.

D) There is a change of residential address or mailing address of the guardian or the child.

E) The child dies.

F) The child becomes an emancipated minor.

G) The child marries.

H) The child enlists in the military.

I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.

J) The custodial status of the child changes.

K) The guardianship is vacated.

g) Department Responsibilities

1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).

2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in
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applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.

3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

4) The Department shall ensure that each guardian has access to a caseworker that will respond to requests for information and assistance.

5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).

6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

h) Periodic Reviews

Periodic reviews are annual recertifications that are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardian and, when applicable, parents, including non-custodial parents when the Department has been provided with the correct mailing address, will receive written notice of the review. The guardian is required to participate and cooperate with the review.

i) Termination of Payments

Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:

1) When the terms of the subsidized guardianship agreement are fulfilled.

2) The guardian has requested that the payment permanently stop.

3) The guardian is no longer financially supporting the child.
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4) The child becomes an emancipated minor.

5) The child marries.

6) The child enlists in the military.

7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.

8) The guardian dies.

9) The guardianship is vacated.

10) The child dies.

j) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State would apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

k) Appeal of Department Decisions
A guardian has a right to file a service appeal in accordance with 89 Ill.Adm. Code 337 (Service Appeal Process) when:

1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;

2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;

3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or
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4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.

I) Demonstration Group
Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

1) Cook Central Region.

2) East St. Louis sub-region serving the following counties:
   A) Madison;
   B) St. Clair;
   C) Bond;
   D) Clinton;
   E) Washington;
   F) Monroe; and
   G) Randolph.

3) Peoria sub-region serving the following counties:
   A) Fulton;
   B) Henderson;
   C) Knox;
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D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Peoria;
L) Bureau:
M) Marshall;
N) Putnam;
O) Woodford; and
P) Stark.

(Source: Amended at 31 Ill. Reg. 11611, effective July 10, 2008)
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1) **Heading of the Part**: Unusual Incidents

2) **Code of Citation**: 89 Ill. Adm. Code 331

3) **Section Numbers**: 
   
   - 331.20    Amended
   - 331.40    Amended
   - 331.50    Amended
   - 331.APPENDIX A  New

4) **Statutory Authority**: 325 ILCS 5

5) **Effective Date of Rulemaking**: July 10, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: 32 Ill. Reg. 1006; January 25, 2008

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: The Department added language, at the request of JCAR, to the emergency administration of psychotropic medication provisions to be consistent with language found in 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible).

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

14) **Are there any amendments pending on this Part?** No
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15) **Summary and Purpose of Amendments:** 89 Ill. Adm. Code 331 describes the types of incidents involving wards that staff, caregivers, service providers, private agencies and contractors must report to the Department. Part 331 previously listed some, but not all, of the types of incidents that require an Unusual Incident Report (UIR). The adopted rulemaking defines all of the events that require a UIR and reformats the Administrative Code text to list them in an Appendix A.

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

   Mr. Jeff Osowski  
   Office of Child and Family Policy  
   Department of Children and Family Services  
   406 E. Monroe, Station #65  
   Springfield, Illinois 62703-1498

   Telephone: 217/524-1983  
   TDD: 217/524-3715  
   E-Mail: cfpolicy@idcfs.state.il.us

The full text of the Adopted Amendments begins on the next page:
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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 331
UNUSUAL INCIDENTS

Section
331.1 Purpose (Repealed)
331.2 Definitions (Repealed)
331.3 Reporting Unusual Incidents (Repealed)
331.4 Notifying Relatives of Unusual Incidents (Repealed)
331.5 Unusual Incidents in Department Facilities (Repealed)
331.6 Criminal Behavior of Foster Parents (Repealed)
331.7 Unusual Incidents Involving Department Employees (Repealed)
331.10 Purpose
331.20 Definitions
331.30 Reporting Requirements
331.40 Unusual Incidents Involving Children and Youth
331.50 Unusual Incidents Involving Employees or Facilities
331.60 Criminal Behavior of Foster Parents or Relative Caregivers
331.70 Dispositions and Reviews
331.80 Records Retention
331.90 Violation of this Part

331.APPENDIX A  Types of Unusual Incidents


Section 331.20 Definitions

"Caregiver" means persons designated by the Department of Children and Family Services to be responsible for the day-to-day care of children and youth for whom the Department is legally responsible. This includes foster parents, relative caregivers, and administrators of group homes, child care institutions, and child
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welfare agencies.

"Child care facility", as used in this Part, means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, youth emergency shelter or secure child care facility as defined by the Child Care Act of 1969 [225 ILCS 10].

"Child or youth for whom the Department is legally responsible" or "ward" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confinement" means isolating a child or youth in a restricted area away from other children or staff as his or her behavior poses a threat of physical harm to self or to others. "Confinement" does not include restricting a child to an unlocked room in a foster home, relative home or day care home for a reasonable period of time (commonly known as "timeout"). "Confinement" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Disposition", for purposes of an Unusual Incident Report, means that activities or services have been undertaken such that the risk to a child or other person’s health, safety or welfare has been mitigated or resolved to the point that usual and customary services can be provided, if appropriate. "Disposition" of an unusual incident does not mean a case is closed. Rather, "disposition" means that the extraordinary circumstances reported have been addressed appropriately by responsible staff of the Department or POS (purchase of service) providers and the actions taken have been recorded in a manner prescribed by the Department.

"Emotional/verbal abuse" includes incidents where a caregiver attempts to control the behavior of a ward through the use of fear, humiliation, and/or verbal assaults. It may also include rejection by the parent/caretaker, terrorizing the child through the use of threats, ignoring the child, or isolation of the child to the extent that it deprives him or her of opportunities to develop normal social relationships. "Emotional/verbal abuse" includes "mental injury" as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

"Employee", as used in this Part, means any staff person employed by the Department, purchase of service (POS) provider contracted by the Department or
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by a child care facility, including and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative, professional and other support staff who have contact with children as part of their duties in the present or prospective employment. The term also includes persons who receive remuneration directly from the Department pursuant to a contract for personal services.

"Expelled from school", as used in this Part, means that a child or youth has been barred from educational classes and the use of school facilities for up to two calendar years.

"Falsification of credentials" means that a job applicant or employee of the Department or a purchase of service provider submits a job application, academic record, employment record, license or certification, or similar documents to establish eligibility for employment or continued employment, or for determining the individual's eligibility for an appointment, reassignment, promotion, leave or other employment decisions that falsely states the qualifications or achievements of the individual.

"Falsification of records or statements" includes an act of misrepresentation, falsification or omission of any fact, whether written or verbal. Records include, but are not limited to, client or case records, court testimony, vouchers, personnel records, and time and attendance records.

"Mechanical restraint", as used in this Part, means any device, other than personal physical force, used to directly restrict the limbs, head or body of a person. The term does not include any medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap, nor does the term include a device used for the partial or total immobilization of a person for the purpose of performing a medical/surgical procedure under the supervision of a licensed physician or registered nurse.

"Medical emergency" means any urgent situation, including an adverse reaction to medication, requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment of an episode that does not result in admission to a hospital.
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"Misrepresentation of services" means that services to a person served by either the Department or a purchase of service provider are reported as having been provided when they have not been provided or they were provided for a period or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

"Misrepresentation of the cost of services" means the actual costs to provide a service are intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. "Misrepresentation of the cost of services" may include deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

"Missing" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to run away has not been established.

"Psychiatric emergency" means a situation requiring crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of the child or youth to self or others.

"Restraint", as used in this Part, means the use of physical contact or force, characterized by arm or body holds to physically restrict a child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. "Restraint" or "physical restraint" is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

"Runaway" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, the whereabouts of the child or youth are unknown and intent to run away has been established. If the child or youth has left a note or other indication of intent to run away, he or she shall be considered a "runaway" immediately.

"Sexually aggressive behavior" involves sexual activity between two or more children that includes one or more of the children having "power over" the other child or children. This power imbalance may be due to age, size, position,
physical and/or mental capacity, etc. Sexual aggression involves sexual activities such as fondling, frottage (bumping, touching, or rubbing against others for sexual satisfaction), and penetration. "Sexually aggressive behavior" may include the use of bribery, trickery, coercion, force, or weapons.

"Sexually problematic behavior" includes those behaviors of children that are not usual and expected that typically do not, but may, involve physical contact with others. These behaviors include public masturbation, voyeurism, exhibitionism, etc. Such behaviors violate societal norms for what is generally acceptable behavior and reflect an interruption of normal sexual development.

"Suicide ideation" means that a child or youth expresses or conveys to a caregiver or others a mental image of committing suicide.

"Suspected alcohol or substance abuse" means that a caregiver or others have reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance as defined by the Illinois Controlled Substances Act [720 ILCS 570] without a physician's prescription, or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect or that could result in clinical dependency.

"Suspended from school", as used in this Part, means that a child or youth has been temporarily barred from attending educational classes and access to school facilities or school bus. "Suspension" is usually for up to 10 school days, but may be longer for safety reasons as determined by school authorities.

"Unusual incident", as used in this Part, means an occurrence or event beyond the customary operations, routines or relationships in the Department, a child care facility or other entity that is licensed or regulated by the Department of Children and Family Services or that provides services for the Department pursuant to a grant, contract or purchase of service agreement. Unusual incidents may involve children and youth, employees, foster parents or relative caregivers. Unusual incidents may also involve damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department or a child care facility. Any incident that could have media impact may be an unusual incident. Unusual incidents are further enumerated in Sections 331.30, 331.40 and 331.50 of this Part.

"Ward" – See "Child or youth for whom the Department is legally responsible".
"Weapon", as used in this Part, means any instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used, or the force with which it is used. The term "weapon" includes, but is not limited to, firearms, knives, clubs and explosive devices.

(Source: Amended at 32 Ill. Reg. 11649, effective July 10, 2008)

Section 331.40 Unusual Incidents Involving Children and Youth

a) Caregivers shall immediately report to the Department those unusual incidents that involve any child or youth for whom the Department is legally responsible on a form and in a manner prescribed by the Department. Assigned caseworkers shall instruct foster parents and relative caregivers to report unusual incidents to the caseworker, who shall be responsible for reporting the incident to the Department. Further, Department employees shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his or her designee.

b) Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:

1) Abuse of a ward alleged;  
2) Neglect of a ward alleged;  
3) Emotional/verbal abuse;  
4) Sexual abuse of a ward alleged;  
5) Death of a DCFS ward;  
6) Self-inflicted injury/wound requiring medical attention;  
7) Accidental injury/wound requiring medical attention;
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78) Restraint of a ward results in injury; injury during restraint;

89) Medication — ward refuses prescription medication;

940) Medical emergency;

1044) Medication dispensing error;

11) Medication, adverse reaction;

12) Psychiatric emergency;

13) Medical hospitalization;

14) Psychotropic medication — emergency administration;

1514) Psychiatric hospitalization;

1645) School — ward suspended/expelled from school;

1746) School — ward expelled;

1847) Crime — ward detained, arrested, charged with or convicted of crime or act of delinquency put in restraint/confinement;

1948) Restraint of a ward (manual) — ward restrained/confined 5 or more times in 30-day period;

20) Seclusion of a ward;

2149) Runaway — ward on runaway or missing ward;

220) Weapon alleged to be in ward's possession — ward in possession of a weapon;

2321) Alcohol — drug abuse by a ward suspected;

2422) Assault of a ward alleged — ward victim of assault;
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25) Sexual assault of a ward alleged;

26) Sexually aggressive behavior by a ward alleged;

27) Sexually problematic behavior by a ward alleged;

28) Pregnant or parenting ward identified;

29) Identification of parenting ward;

30) Kidnapping or abduction of ward;

31) Suicide attempt by ward;

32) Suicide ideation/threat by ward;

33) Property damage of $50 or more;

34) Aggressive act or behavior by a ward alleged;

35) Death of a former ward; and

36) Accident involving ward.

c) The death of a child or youth for whom the Department had previous legal responsibility shall be reported as an unusual incident when the death is made known to the staff of the Department or a purchase of service provider, and the death occurs within one year after discharge from guardianship or custody of the Department.

d) Any child whose death is reported to the State Central Register as a result of alleged child abuse or neglect shall be treated as an unusual incident in accordance with this Part.

e) Alleged child abuse or neglect reported as an unusual incident shall also be reported immediately to the State Central Register, in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). Action taken shall be in
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accordance with those rules.

f) Unusual incidents involving children or youth for whom the Department is legally responsible shall be reported immediately to the Department by telephone, and telefax or other electronic means in a manner and form prescribed by the Department. Verbal reports shall be confirmed in a manner and written form prescribed by the Department within two working days after the occurrence.

g) Any usual incident that involves the death, assault, sexual assault, abduction or kidnapping of a child or youth for whom the Department is legally responsible shall be reported immediately to appropriate law enforcement authorities. Further, that a child or youth is missing or has run away shall be reported to law enforcement authorities as soon as the caregiver has reason to believe that the child or youth has run away or is missing.

h) In addition to filing an unusual incident report, any incident that involves death, assault, sexual assault, abduction or kidnapping of a child or youth that occurs on the premises of a Department facility shall be reported immediately, by phone, to the administrator in charge of the operations of the Department or his or her designee and to the Department's Inspector General. Any other unusual incidents in Department facilities shall be reported to the administrator in charge of the operations of the Department or his or her designee in the manner prescribed by this Part.

i) Immediately upon receipt of a report indicating that a child or youth for whom the Department is legally responsible has been the subject of abuse or neglect, is deceased, is the subject of an abduction or kidnapping, or has been on an unauthorized absence of more than 24 hours, the Department shall notify the parents, guardian or legal custodian. If the parents, guardian or legal custodian is unavailable, the Department shall notify the next of kin or other family member of the unusual incident.

j) When an incident described in this Section involves a child or youth for whom the Department is legally responsible who is in the direct care of a child care facility other than the Department, the responsible child care facility shall notify the parents, guardian or legal custodian, if other than the Department. If the parents, guardian or legal custodian is unavailable, the child care facility shall notify the next of kin or other family member of the unusual incident. Information regarding that notification shall be included in the facility's report to the
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Department regarding the incident.

k) The Department may waive the requirement of reporting repeated incidents described in subsection (b) when the Department determines that the incidents are part of the behavior pattern of a particular child or youth, or that the incidents are part of the individual treatment plan for a particular child or youth. The caregiver may apply to the Department for a waiver under this provision in accordance with procedures prescribed by the Department. The caregiver must not discontinue reporting any unusual incidents until authorization is formally granted by the Department, in accordance with procedures prescribed by the Department. The Department shall notify the child's attorney or guardian ad litem of the waiver authorization.

AGENCY NOTE: Terms used in this Section to describe unusual incidents have the meaning ascribed to them by the Criminal Code of 1961 [720 ILCS 5] or 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect), as applicable.

(Source: Amended at 32 Ill. Reg. 11649, effective July 10, 2008)

Section 331.50 Unusual Incidents Involving Employees or Facilities

a) Incidents or occurrences that shall be reported to the Department as unusual incidents when they involve the employees or facilities of the Department or a child care facility include, but are not limited to:

1) Crime – Employee arrested, charged with or convicted of a crime;

2) Threats made against DCFS or POS staff or facility, including bomb threats, firearms, or riot/mob action regardless of source;

3) Misrepresentation of services or costs of services provided;

4) Falsification of credentials or records;

5) Firearms – Employee, other than law enforcement officer, has firearm on premises;

6) Robbery or burglary occurred on premises;
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7) Hazardous/physical condition identified at facility;

8) **Legal action by/against a child care facility resulting from serious incident resulting in legal action against facility; or**

9) Fire or natural disaster damaged or affected facility/home;

10) **Crime – Foster parent arrested, charged with or convicted of a crime;**

11) Media involvement/media inquiry;

12) **Violation of a court order;**

13) **Report against DCFS or POS worker involving a ward alleged; or**

14) **Bribery or attempted bribery of a DCFS employee.**

b) Unusual incidents described in subsection (a) shall be reported immediately to the Department as soon as the reporter has reason to believe that an unusual incident has occurred, in a manner and form prescribed by the Department.

c) All unusual incidents for which Department employees are allegedly responsible, including but not limited to violations of the Illinois Criminal Code of 1961 [720 ILCS 5], theft or destruction of State property, and using a weapon or bringing a weapon onto State owned or leased property, shall be reported immediately to the Department's Inspector General, as well as to other appropriate authorities in accordance with statute and this Part.

d) Bribery of a State employee is a criminal offense. Any Department employee who has reasonable grounds to believe that an attempt to bribe him or her has or will be made shall report such incidents immediately to his or her immediate supervisor and to the Department's Inspector General, as well as report to other appropriate authorities in accordance with statute and this Part.

e) Any incident that could have media impact that is other than part of planned public education or similar effort shall be reported as an unusual incident. Such incidents include, but are not limited to, those that involve a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a
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purchase of service provider, or litigation affecting a purchase of service provider.

(Source: Amended at 32 Ill. Reg. 11649, effective July 10, 2008)
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Section 331.APPENDIX A  Types of Unusual Incidents

Abuse of a Ward Alleged
A caregiver, parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child or a paramour of the child's parent is alleged to have inflicted, caused to be inflicted, or allowed to be inflicted upon a ward physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function to a ward.

Accident Involving a Ward
A child for whom the Department is legally responsible has experienced an unexpected and undesirable event that poses a threat to the ward's physical safety and well-being. Accidents include, but are not limited to, car accidents, sports accidents, falls within a facility or during a field trip.

Accidental Injury/Wound
In the case of a wound, a ward has unexpectedly received an injury in which the skin or other external surface is torn, pierced, or cut through unintentional means. An injury can encompass conditions such as burns, broken bones, severe sprains, etc. For either a wound or an injury to be reportable, the child or youth must have required medical attention.

Aggressive Act or Behavior by a Ward Alleged
A ward has engaged in serious aggressive physical behavior toward people, animals, property or other objects, posing a clear and present risk of injury to the child or youth or others.

Alcohol or Substance Abuse by a Ward Suspected
Suspected alcohol or substance abuse means that a caregiver or other person has reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance (as defined by the Illinois Controlled Substance Act [720 ILCS 570]) without a physician's prescription; or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect that may result in clinical dependency.

Assault of a Ward Alleged
notice of adopted amendments

as a result of threats, assault, and/or physical contact, a ward is placed in reasonable fear (apprehension) of receiving or actually sustaining great bodily harm from another individual without legal justification, e.g., was held at knife point.

bribery or attempted bribery of a Dcfs employee
any instance in which a Dcfs employee accepted or is given, offered, or promised something such as money or favor to influence the employee's judgment or conduct in the performance of official duties is bribery or attempted bribery.

crime: foster parent suspected, arrested or convicted
a foster parent or relative caregiver is suspected of committing a crime or has been arrested or convicted of a criminal act as defined in the Illinois criminal code of 1961 [720 ILCS 5] (criminal code).

crime: employee arrested, charged with or convicted
a department or purchase of service (POS) employee has been arrested, charged with or convicted of a criminal act as defined in the criminal code.

crime: ward detained, arrested, charged with or convicted
a ward has been detained or taken into custody by law enforcement authorities, charged with committing a crime, or convicted of committing a criminal act as defined in the criminal code. a follow-up report is required in the event the ward is convicted.

death of a Dcfs ward
a child dies while in the legal custody or guardianship of the Department, regardless of the cause of death and regardless of whether the child was supervised directly by the Department or by a POS provider.

death of a former ward
a child for whom the Department was legally responsible dies within one year after discharge from guardianship or custody of the Department.

death of a non-ward
a child has died and the Department has current or prior involvement with the family, or a child has died in a facility licensed by the Department, such as a foster home or day care center. current involvement may include a pending child abuse and neglect investigation or an open intact family service case. prior involvement may include, but is not limited to, being a subject in a previous child abuse or neglect investigation, or a member of a closed intact family service case.
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Falsification of Credentials or Records
Falsification of credentials means that a job applicant or a DCFS or private agency employee submits or has submitted a job application, academic records, employment record, license or certification, or similar document to establish eligibility for employment or continued employment, or used in determining the individual's eligibility for an appointment, reassignment, promotion or leave, or other employment decisions that falsely states the qualifications or achievements of the individual.

Falsification of records or statements includes an act of misrepresentation, falsification or omission of any fact in a written or verbal communication by a Department employee or an employee of a POS agency. Records may include client or case records, court testimony, vouchers, personnel records, and time and attendance records.

Fire/Natural Disaster Damaged or Affected Facility/Home
Natural disaster means those situations caused by nature that are a significant threat of harm to the safety of employees or clients in either a Department or POS provider facility/home. Natural disasters include tornado, flood, earthquake, severe winter storms. Utility emergencies such as gas leaks are included in this category. To be reported as an unusual incident, customary operations, routines or relationships at the facility/home must be disrupted.

Firearms – Employee, other than Law Enforcement Officer, Has Firearms on Premises
A Department employee or employee of a private agency brought a firearm onto facility property, including parking lots (other than by a law enforcement officer). "Firearm" means a handgun, sawed-off shotgun, sawed-off rifle, semiautomatic firearm, machine gun, rifle, shotgun, spring gun and stun gun and includes other firearms small enough to be concealed upon the person or in a briefcase or purse, or in a State-owned or private vehicle.

Hazardous/Physical Condition Discovered at Facility
A dangerous condition exists in a child-care facility and presents a threat to the physical well-being of children, staff, or other persons at the facility. This category usually pertains to the condition of the physical plant or grounds, or to materials, implements or weapons stored in or around the facility.

Kidnapping/Abduction of a Ward
A child or youth for whom the Department is legally responsible was seized and detained unlawfully by a person without the consent of either the caregiver or guardian.
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Legal Action By/Against a Child Care Facility Resulting from a Serious Incident
An incident involving a ward, employee of the Department or child care facility in which legal proceedings have been, or may be, initiated against the Department or child care facility by the ward, employee or facility.

Manual Restraint
See "Restraint of a Ward, Manual".

Media Involvement/Media Inquiry
Media involvement or inquiry means any incident that may have media impact and is not part of a planned public announcement, education or similar effort. Media involvement or inquiries may focus on a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a POS provider or on litigation affecting a POS provider.

Medical Emergency
Medical emergency means any urgent situation requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment. Immediate medical intervention is required to address the medical problem or condition that threatens the child's health or well-being, but does not result in admission to a hospital.

Medical Hospitalization
A medical or health problem or condition requires admission of a ward to a hospital for examination, observation or treatment for other than for mental health reasons.

Medication – Adverse Reaction
An adverse reaction is an unanticipated and negative reaction to a medication. Symptoms may include itching, hives, dizziness, abdominal cramping or headache. Anaphylactic reaction is a life-threatening medical emergency as symptoms may include difficulty in breathing, bleeding, confusion or loss of consciousness.

Medication Dispensing Error
A ward received an incorrect dosage of a prescription or non-prescription (over the counter) medication, posing a risk to the child's ongoing health or well-being.

Medication – Ward Refusal
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A ward refused to take his/her prescribed medication and failure to do so may jeopardize the health or well being of the child.

Misrepresentation of Services or Cost of Services

Misrepresentation of services means that services were reported as having been provided to a person served by either the Department or a purchase of service provider when those services were not provided, or that the services were provided for a period of time or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

Misrepresentation of the costs of services means the actual costs to provide service were intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. Misrepresentation of the cost of services includes deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

Neglect of a Ward Alleged

A child for whom the Department is legally responsible is allegedly not receiving proper or necessary nourishment, medical care or routine care.

Pregnant or Parenting Ward Identified

Parenting ward includes both females and males for whom the Department is legally responsible, regardless of whether the ward's child remains in the custody of the ward.

Property Damage of $50 or More by a Ward

An incident has occurred in which the actions of a ward resulted in damage to the property of others and there is a potential liability claim against the Department for damages of $50 or more.

Psychiatric Emergency

A psychiatric emergency is a situation in which behaviors or symptoms arising from an emotional disturbance or mental illness place a child or youth or others at risk for harm to self or others. A psychiatric emergency requires crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of injury to the child or youth or to others.

Psychiatric Hospitalization

An incident or episode has occurred in which a ward has been admitted to a hospital or psychiatric facility for examination, observation or treatment for mental health reasons.
Psychotropic Medication – Emergency Administration

Psychotropic medications were administered on an emergency basis to reduce the risk of harm to the child, youth or others. All emergency psychotropic medications must be ordered by a psychiatrist and be subject to post-approval by telefax or telephone to the consent line in the Office of the Guardianship Administrator, as described in 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible). In accordance with Department policies (89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for whom the Department is Legally Responsible), emergency medications may not continue for more than 48 hours, excluding Saturdays, Sundays and holidays. The use of chemical restraint or the introduction of medication for the express purpose of restricting a child's or youth's movement is prohibited.

Report Against DCFS or POS Worker Involving a Ward Alleged

An employee of the Department or a POS provider is alleged to have put a ward's safety or well-being in jeopardy. The direct child welfare services employee license of an individual who is named as an alleged perpetrator in a pending child abuse or neglect investigation may be suspended or may not be reinstated, pending the outcome of the investigation. In accordance with 89 Ill. Adm. Code 412, Licensure of Child Welfare Employees or Supervisors, if the report is indicated by the Department, the Direct Child Welfare Services Employee License Board may suspend, revoke or refuse to reinstate the license of a direct child welfare services employee unless or until the indication is reversed on appeal or administrative court review. One of the other types of unusual incidents described in this Appendix may also be deemed appropriate for submission with this type of report.

Restraint of a Ward, Manual

The ward was the subject of a behavior management technique involving the use of physical contact or force, characterized by arm or body holds to physically restrict the child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. (The use of physical restraint is limited to secure child care facilities, child care institutions, group homes and youth emergency shelters licensed by the Department. No other facility licensed by the Department is authorized to use manual restraint.) Manual restraint or physical restraint is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

Restraint Results in Injury to a Ward
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A ward sustained a physical injury while being restrained by a responsible caregiver. The injury must have been accidental and occurred during the course of the restraint. Physical restraint is a behavior management technique involving the use of physical contact or force, characterized by measures such as arm or body holds, to protect a child from injuring himself/herself or others. Examples of injuries that are likely to occur during restraint include broken bones, bruises, bumps, strains and rug burns.

Robbery/Burglary Occurred on Premises
Both DCFS and POS facilities must submit an Unusual Incident Report if a burglary or robbery occurs. Law enforcement must also be notified.

Runaway/ Missing Ward
A runaway or missing ward must be reported when a responsible facility representative, a caregiver or law enforcement becomes aware that the whereabouts of a ward are unknown.

"Missing" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the youth are unknown, and the intent to run away has not been established.

"Runaway" means a child or youth who is absent from the residence of a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, when the whereabouts of the child or youth are unknown and the intent to run away has been established.

A child or youth must be reported as missing or having run away as soon as a search of the home or facility is completed and it is confirmed that the youth has left the home/campus without permission. The absence is to be reported even when the child or youth returns in a short period of time.

School – Ward Expelled
A ward has been barred from educational classes and the use of school facilities for up to two calendar years.

School – Ward Suspended
A ward has been temporarily barred from attending educational classes and access to school facilities or school bus. "Suspension" is usually for up to 10 school days, but may be longer for safety reasons, as determined by school authorities.
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Seclusion of a Ward
A child or youth was removed from an area to a specifically designated room from which egress is restricted. The Department, in accordance with 89 Ill. Adm. Code 384, must approve the room that is designated as a seclusion room. Seclusion is a behavior management technique limited in its use to secure child care facilities, child care institutions, group homes, and youth emergency shelter licensed by the Department. No other facility licensed by the Department is authorized to use seclusion.

Self-inflicted Injury/Wound
A ward has deliberately inflicted an injury or wound upon himself or herself and direct care of the site of the injury is needed or required. Depending on the extent or severity of the injury or wound, care may be provided by the caregiver, other lay person or a medical professional.

Sexual Abuse of a Ward Alleged
A child for whom the Department is legally responsible has allegedly been sexually abused by a parent or responsible caregiver, immediate family member, other person residing in the home, parent's paramour, or other person responsible for the child's welfare as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

Sexually Aggressive Behavior by a Ward Alleged
Sexually aggressive behavior means sexual behaviors that are intrusive or potentially harmful to others. Sexually aggressive behavior may involve children/youth who are not peers (not at the same developmental level) and may be accompanied by pressure or coercion to participate or the use of force, threat of harm or violence.

Sexual Assault of a Ward Alleged
A child for whom the Department is legally responsible has allegedly been the victim of a forceful threat and use of force in submitting to (carrying out) a sexual act by a person who is not the child's caregiver, immediate family member, other person residing in the home, parent's paramour, or other person responsible for the child's welfare. Examples include rape, attempted rape, date rape.

Sexually Problematic Behavior by a Ward Alleged
Sexually problematic behaviors in children and youth are sexual behaviors that are compulsive, excessive, persistent and/or inconsistent with the child's age and development. They may include masturbation in inappropriate places; simulating sex with other children, toys, furniture or animals; or, as children become older, promiscuity.
touching or fondling others (outside of play or consensual sexual activities with peers) or other boundary problems like kissing others on the lips or unwelcome, unwanted, and intrusive touching.

**Suicide Attempt by a Ward**
A ward intentionally, but unsuccessfully, attempted to take his/her own life.

**Suicide Ideation/Threat by a Ward**
A ward expresses or conveys to a caregiver or others a mental image of committing suicide.

**Threats Against DCFS/POS Staff or Facility, Including Bomb Threats, Firearms, or Riot/Mob Action**
A threat is a communication that forewarns of the intent to inflict physical, emotional or any other harm to an individual or to subject an individual to physical confinement or restraint. Riot and/or mob action refers to situations in which two or more persons are gathered with the intent to do harm to a person or persons in a Department or POS provider building or property.

**Violation of a Court Order**
An order relating to a ward or Department client issued by a court, whether juvenile, criminal or civil, was violated, placing the ward's safety and well-being in jeopardy. Examples include violations of Orders of Protection prohibiting contact with wards, failure to render court ordered services, etc.

**Weapon Alleged to be in Ward's Possession**
A ward had in his/her possession an instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose, or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used or the force with which it is used. The term weapon includes firearms, knives, clubs, and explosive devices.

(Source: Added at 32 Ill. Reg. 11649, effective July 10, 2008)
POLLUTION CONTROL BOARD

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1) Heading of the Part:  RCRA Permit Program

2) Code Citation:  35 Ill. Adm. Code 703

3) Section Numbers:  Adopted Action:
   703.182   Amend
   703.202   Amend
   703.212   Amend
   703.213   Amend
   703.280   Amend
   703.350   Amend
   703.352   Amend
   703.APPENDIX A  Amend

4) Statutory Authority:  415 ILCS 5/7.2, 22.4, and 27

5) Effective Date of Amendments:  July 14, 2008

6) Does this rulemaking contain an automatic repeal date?  No

7) Does this rulemaking contain incorporations by reference?  No

8) The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2008 in docket R07-5/R07-14 (consolidated), and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.


10) Has JCAR issued a statement of objection to this amendment?  No

11) Differences between the proposal and the final version:  A table that appears in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated March 20, 2008, in docket R07-5/R07-14 (consolidated). Many of the differences are explained in greater detail in the Board’s opinion and order adopting the amendments.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?  No agreements were necessary.
13) Will this rulemaking replace any emergency amendments currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: The following briefly describes the subjects and issues involved in the docket R07-5/R07-14 (consolidated) rulemaking of which the amendments to Part 703 are a single segment. Also affected are 35 Ill. Adm. Code 720, 721, 722, 723, 724, 725, 726, 727, 728, and 739, which are each 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 June 5, 2008, adopting amendments in docket R07-5/R07-14 (consolidated), which opinion and order is available from the address below.

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

<table>
<thead>
<tr>
<th>Docket</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R07-5</td>
<td>Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2006 through June 30, 2006.</td>
</tr>
<tr>
<td>R07-14</td>
<td>Federal RCRA Subtitle C hazardous waste amendments that occurred during the period July 1, 2006 through December 31, 2006.</td>
</tr>
</tbody>
</table>

The consolidated R07-5/R07-14 docket amends rules in Parts 703, 720, 721, 722, 723, 724, 725, 726, 727, 728, and 739. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 4, 2006 (71 Fed. Reg. 16862)</td>
<td>Paperwork reduction amendments, primarily directed towards Environmental Performance Track Program facilities.</td>
</tr>
<tr>
<td>July 28, 2006 (71 Fed. Reg. 42928)</td>
<td>Conditional exclusion of CRTs that are reused or recycled from regulation as solid waste.</td>
</tr>
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</table>

In addition to the federal actions that fall within the timeframe of this docket, the Board included one additional federal action that occurred in earlier consolidated docket R06-
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5/R06-6/R06-7, which the Board adopted on January 5, 2006. For the reasons described in the opinion in that earlier docket, the nature of one set of federal amendments involved in that docket was such that the Board could not conclude them until after September 5, 2006.


Thus, the Board is acting in this consolidated R07-5/R07-14 docket on the following USEPA amendments:

<table>
<thead>
<tr>
<th>Date</th>
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</tr>
</thead>
<tbody>
<tr>
<td>July 28, 2006 (71 Fed. Reg. 42928)</td>
<td>Conditional exclusion of CRTs that are reused or recycled from regulation as hazardous waste.</td>
</tr>
</tbody>
</table>

Specifically, the amendments to Part 703 implement segments of the federal amendments of April 4, 2006 and July 14, 2006. The amendments implement the federal paperwork reduction amendments and various USEPA corrections.

Tables appear in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2008 opinion and order in docket R07-5/R07-14 (consolidated).

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

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
POLLUTION CONTROL BOARD

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Chicago, IL  60601

312/814-6924


Request copies of the Board's opinion and order of June 5, 2008 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
RCRA PERMIT PROGRAM

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703.101 Purpose
703.102 Electronic Reporting
703.110 References

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703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
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703.124 Discharges of Hazardous Waste
703.125 Reapplying for a Permit
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703.150 Application by Existing HWM Facilities and Interim Status Qualifications
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APPENDIX A Classification of Permit Modifications

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in
R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899,
effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986;
amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill.
Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective
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SUBPART D: APPLICATIONS

Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If an owner or operator of a HWM facility can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B must be submitted to the Agency and signed in accordance with the requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, must be certified by a qualified Professional Engineer registered professional engineer. For post-closure
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care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

a) General information (Section 703.183);

b) Facility location information (Section 703.184);

c) Groundwater protection information (Section 703.185);

d) Exposure information (Section 703.186); and

e) Specific information (Section 703.200 et seq.).


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, the owner or operator of a facility that uses tanks to store or treat hazardous waste must provide the following additional information:

a) A written assessment that is reviewed and certified by an independent, qualified Professional Engineer, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;

b) Dimensions and capacity of each tank;

c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

d) A diagram of piping, instrumentation, and process flow for each tank system;

e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);

f) For new tank systems, a detailed descriptions of how the tank systems will be
installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);

| g)    | Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);

| h)    | For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g), the following:

1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility,

2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment, or

3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board order granting alternative design and operating practices;

| i)    | Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b);

| j)    | For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and

| k)    | Information on air emission control equipment, as required in Section 703.213.


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.212 Drip Pads
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Except as otherwise provided by 35 Ill. Adm. Code 724.101, the owner or operator of a hazardous waste treatment, storage, or disposal facility that collects, stores, or treats hazardous waste on drip pads must provide the following additional information:

a) A list of hazardous wastes placed or to be placed on each drip pad.

b) If an exemption is sought to Subpart F of 35 Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.190, detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met.

c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.673, including the as-built drawings and specifications. This submission must address the following items, as specified in 35 Ill. Adm. Code 724.671:

1) The design characteristics of the drip pad;

2) The liner system;

3) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

4) Practices designed to maintain drip pads;

5) The associated collection system;

6) Control of run-on to the drip pad;

7) Control of run-off from the drip pad;

8) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

9) Cleaning procedures and documentation:
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A) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including, but not limited to: rinsing, washing with detergents or other appropriate solvents, or steam cleaning; and

B) Provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

10) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

11) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

12) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

13) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals;

14) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.673. This information must be included in the inspection plan submitted under Section 703.183(e);

15) A certification signed by an independent qualified Professional Engineer, stating that the drip pad design meets the requirements of 35 Ill. Adm. Code 724.673(a) through (f); and

16) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under 35 Ill. Adm. Code 724.675(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information must be included in the
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closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a surface impoundment, or a container that uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional information:

a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).

b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724 and certification by the owner or operator that the requirements of this Subpart D are met.

c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed
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e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).

f) An emission monitoring plan for both Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 modifications. See Section 703.281.

b) Class 2 modifications. See Section 703.282.

c) Class 3 modifications. See Section 703.283.

d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A of this Part, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2...
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modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.

2) The Agency must make the determination described in subsection (d)(1) of this Section as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A of this Part and the following criteria:

A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

i) Common variations in the types and quantities of the wastes managed under the facility permit;

ii) Technological advances; and

iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary authorizations.

1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.
2) Procedures.

A) The permittee may request a temporary authorization for the following:

i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and

ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

i) A description of the activities to be conducted under the temporary authorization;

ii) An explanation of why the temporary authorization is necessary; and


C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:

A) That the authorized activities are in compliance with the standards
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B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

i) To facilitate timely implementation of closure or corrective action activities;

ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;

iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to adequately protect human health and the environment.

4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or

B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.
NOTICE OF ADOPTED AMENDMENTS

1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect pursuant to Section 703.282(f)(3) or (f)(5).

2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly regulated wastes and units.

1) The permittee is authorized to continue to manage wastes listed or identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:

A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;

C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;

D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or
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identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and

E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate pursuant to this Section.

2) New wastes or units added to a facility's permit pursuant to this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:

1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.

i) Permit modification list. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.
j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9) of this Part.

1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards.

1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A of this Part, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) through (k)(1)(C) of this Section, with Agency review subject to the conditions of subsection (k)(1)(D) of this Section:

A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;
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B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and

C) It must discuss how the revised provisions will be sufficiently protective.

D) The Agency must approve or deny the request within 30 days after receipt of the request. The Agency may, at its discretion, extend this 30-day deadline one time for up to 30 days by notifying the facility owner or operator in writing.

2) To request this modification in conjunction with MACT performance testing, where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Agency) the owner or operator must fulfill the conditions of subsection (k)(2)(A) of this Section, subject to the conditions of subsection (k)(2)(B) of this Section:

A) It must submit its modification request to the Agency at the same time it submits its test plans to the Agency.

B) The Agency may elect to approve or deny the request contingent upon approval of the test plans.

1) Performance Track member facilities. The following procedures apply to the owners and operators of a Performance Track member facility that requests a permit modification under paragraph O.1. in Appendix A to this Part.

1) The owner or operator of a Performance Track member facility must have complied with the requirements of 35 Ill. Adm. Code 724.115(b)(5) in order to request a permit modification under this Section.

2) The owner or operator of the Performance Track member facility should consider the request for permit modification approved if the Agency does not, in writing, within 60 days after receiving an application, either deny the request for permit modification or notify the owner or operator of the
Performance Track member facility that the Agency has extended the 60-day deadline. During an extension of the 60-day deadline, the owner or operator of the Performance Track member facility must adhere to the revised inspection schedule outlined in its request for permit modification, and it must maintain a copy of the application in the facility's operating record.


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section 703.350 General Information About RCRA Standardized Permits

a) RCRA standardized permit. A RCRA standardized permit (RCRA) is a special type of permit that authorizes the owner or operator of a facility to manage hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of 35 Ill. Adm. Code 705 and this Subpart J.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.250 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

b) Eligibility for a RCRA standardized permit.

1) The facility owner or operator may be eligible for a RCRA standardized permit if the following conditions are fulfilled:

A) The facility generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

B) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.
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C) The Agency must inform the facility owner or operator of its eligibility for a RCRA standardized permit when the Agency makes a decision on its permit application.

2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.255 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

c) Permit requirements applicable to a RCRA standardized permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:

1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, 703.159, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.

2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 through 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.


6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.
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7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.


9) RCRA Standardized Permits: All provisions derived from subpart J of 40 CFR 270 apply: this Subpart J.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.260 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.352 Information That Must Be Kept at the Facility

a) General types of information to be maintained at the facility. The facility owner or operator must keep the following information at its facility:

1) A general description of the facility;

2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;

3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);

4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);

5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);
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6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);

7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;

8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:
   A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);
   B) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);
   C) Prevent contamination of water supplies;
   D) Mitigate effects of equipment failure and power outages;
   E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and
   F) Prevent releases to atmosphere;

9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);

10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);

11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules;

12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain
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its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief
description of how training will be designed to meet actual job tasks
pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;

Include, where applicable, as part of the plans, specific requirements in 35
Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);

14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which
USEPA has marked "Reserved." This statement maintains structural
consistency with the corresponding federal rules;

15) The most recent closure cost estimate for the facility prepared pursuant to
35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to
For a new facility, the owner or operator may gather the required
documentation 60 days before the initial receipt of hazardous wastes;

16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which
USEPA has marked "Reserved." This statement maintains structural
consistency with the corresponding federal rules;

17) Where applicable, a copy of the insurance policy or other documentation
that complies with the liability requirements of 35 Ill. Adm. Code
727.240(h). For a new facility, documentation showing the amount of
insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1)
that the owner or operator plans to have in effect before initial receipt of
hazardous waste for treatment or storage;

18) Where appropriate, proof of coverage by a State financial mechanism, as
required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);

19) A topographic map showing a distance of 1,000 feet around the facility at
a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200
feet). The map must show elevation contours. The contour interval must
show the pattern of surface water flow in the vicinity of and from each
operational unit of the facility. For example, contours with an interval of
1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an
interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). If
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the facility is in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:

A) The map scale and date;

B) Any 100-year flood plain area;

C) All surface waters including intermittent streams;

D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);

E) A wind rose (i.e., prevailing windspeed and direction);

F) The orientation of the map (north arrow);

G) Legal boundaries of the facility site;

H) Facility access control (fences, gates);

I) All injection and withdrawal wells both on-site and off-site;

J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

K) Barriers for drainage or flood control; and

L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.290 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
Container information to be maintained at the facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:

1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:

   A) The basic design parameters, dimensions, and materials of construction;

   B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

   C) The capacity of the containment system relative to the number and volume of containers to be stored;

   D) The provisions for preventing or managing run-on; and

   E) How accumulated liquids can be analyzed and removed to prevent overflow;

2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:

   A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

   B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;
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4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and

5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.300 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

c) Tank information to be maintained at the facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:

1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);

2) The dimensions and capacity of each tank;

3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

4) A diagram of piping, instrumentation, and process flow for each tank system;

5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);

6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);

7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);
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8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules;

9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);

10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and

11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.305 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

d) Equipment information to be maintained at the facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:

1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

   A) The equipment identification number and hazardous waste management unit identification;

   B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

   C) The type of equipment (e.g., a pump or a pipeline valve);

   D) The percent by weight of total organics in the hazardous waste stream at the equipment;

   E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and
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F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);

2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);

3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and

4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:

A) A list of all information references and sources used in preparing the documentation;

B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);

C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);

D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and
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E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 270.310 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

e) Air emissions control information to be maintained at the facility. If the facility owner or operator has air emission control equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:

1) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that the owner or operator prepared or the cover manufacturer or vendor provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);

2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;

3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved." This statement maintains structural consistency with the corresponding federal rules;

5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and
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6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedences, and procedures for mitigating noncompliances.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 270.315 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)
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Section 703. APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

1. Administrative and informational changes.

2. Correction of typographical errors.

3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
   a. To provide for more frequent monitoring, reporting, or maintenance.
   b. Other changes.

5. Schedule of compliance:
   a. Changes in interim compliance dates, with prior approval of the Agency.
   b. Extension of final compliance date.

6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

B. General Facility Standards
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1. Changes to waste sampling or analysis methods:
   a. To conform with Agency guidance or Board regulations.
   b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
   c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
   d. Other changes.

2. Changes to analytical quality assurance or quality control plan:
   a. To conform with agency guidance or regulations.
   b. Other changes.

3. Changes in procedures for maintaining the operating record.

4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:
   a. That affect the type or decrease the amount of training given to employees.
   b. Other changes.

6. Contingency plan:
   a. Changes in emergency procedures (i.e., spill or release response procedures).
   b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.
   c. Removal of equipment from emergency equipment list.
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1. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

1. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

2. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as a permit modification.

C. Groundwater Protection

1. Changes to wells:

2. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
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4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
   a. As specified in the groundwater protection standard.
   b. As specified in the detection monitoring program.

6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h) 724.198(j), unless otherwise specified in this Appendix.

7. Compliance monitoring program:
   a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) 724.198(h)(4) and 724.199.
   b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j) 724.199(k), unless otherwise specified in this Appendix.

8. Corrective action program:
   a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
   b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:
   a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
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1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.

1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.

1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.

2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).

3 2. Creation of a new landfill unit as part of closure.

3 3. Addition of the following new units to be used temporarily for closure activities:

3 a. Surface impoundments.

3 b. Incinerators.


2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).

1* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
E. Post-Closure

1. Changes in name, address, or phone number of contact in post-closure plan.

2. Extension of post-closure care period.


4. Changes to the expected year of final closure, where other permit conditions are not changed.

5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

   a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

   b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

   c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2. Modification of container units without an increased capacity or alteration of the system:
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2 a. Modification of a container unit without increasing the capacity of the unit.

1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

3 a. That require additional or different management practices from those authorized in the permit.

2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

2*2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

G. Tanks

1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:
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3  a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).

2  b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2  c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1*  d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1*  e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2  2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

1  3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:

   a. The capacity difference is no more than 1500 gallons,

   b. The facility's permitted tank capacity is not increased, and

   c. The replacement tank meets the same conditions in the permit.
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5. Management of different wastes in tanks:

   a. That require additional or different management practices, tank
design, different fire protection specifications or significantly
different tank treatment process from that authorized in the
permit, except as provided in paragraph G(5)(c).

   b. That do not require additional or different management practices
or tank design, different fire protection specification, or
significantly different tank treatment process than authorized in
the permit, except as provided in paragraph G(5)(d).

   Note: See Section 703.280(g) for modification procedures to be
used for the management of newly listed or identified wastes.

   c. That require addition of units or change in treatment processes or
management standards, provided that the wastes are restricted
from land disposal and are to be treated to meet some or all of the
applicable treatment standards. The modification is not
applicable to dioxin-containing wastes (F020, F021, F022, F023,
F026, F027, and F028).

   d. That do not require the addition of units or a change in the
treatment process or management standards, and provided that
the units have previously received wastes of the same type (e.g.,
incinerator scrubber water). This modification is not applicable
to dioxin-containing wastes (F020, F021, F022, F023, F026,
F027, and F028).

   Note: See Section 703.280(g) for modification procedures to be
used for the management of newly listed or identified wastes.

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in
increasing the facility's surface impoundment storage or treatment
capacity.
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2  3. Replacement of a surface impoundment unit.


5. Treatment, storage, or disposal of different wastes in surface impoundments:

3   a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

2   b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1   c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1   d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
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7. Changes in response action plan:
   a. Increase in action leakage rate.
   b. Change in a specific response reducing its frequency or effectiveness.
   c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
   a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
   b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.

2. Modification of waste pile unit without increasing the capacity of the unit.

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.


5. Storage or treatment of different wastes in waste piles:
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J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

2. Replacement of a landfill.

3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.

5. Modification of a landfill management practice.

6. Landfill different wastes:

   a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

   b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1  c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1  d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1*  7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

3  a. Increase in action leakage rate.

3  b. Change in a specific response reducing its frequency or effectiveness.

2  c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

3  1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
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2. Modification of runon control system.

3. Modify runoff control system.

4. Other modification of land treatment unit component specifications or standards required in permit.

5. Management of different wastes in land treatment units:
   a. That require a change in permit operating conditions or unit design specifications.
   b. That do not require a change in permit operating conditions or unit design specifications.

   Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:
   a. Increase rate or change method of waste application.
   b. Decrease rate of waste application.

7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.


10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices
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with devices or components that have specifications different from permit requirements.

11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

13. Changes in sampling, analysis, or statistical procedure.

14. Changes in land treatment demonstration program prior to or during the demonstration.

15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces
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1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control
system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3   b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2   c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3   a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2   b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

2   a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1*  b. Authorization of up to an additional 720 hours of waste burning
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during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1  8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.


1* 10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

M. Containment Buildings

1. Modification or addition of containment building units:

3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
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3. Replacement of a containment building with a containment building that meets the same design standards provided:
   a. The unit capacity is not increased.
   b. The replacement containment building meets the same conditions in the permit.


5. Storage or treatment of different wastes in containment buildings:
   a. That require additional or different management practices.
   b. That do not require additional or different management practices.

N. Corrective Action


2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

O. Burden Reduction

1. Approval of reduced inspection frequency for a Performance Track member facility for one of the following:
# POLLUTION CONTROL BOARD

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<tr>
<td>1*</td>
<td>d.</td>
<td>An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).</td>
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<td>1</td>
<td>3.</td>
<td>A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).</td>
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<td>1</td>
<td>4.</td>
<td>A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).</td>
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<td>1</td>
<td>5.</td>
<td>A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).</td>
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Note: * indicates modifications requiring prior Agency approval.


(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)
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1) **Heading of the Part:** Hazardous Waste Management System: General

2) **Code Citation:** 35 Ill. Adm. Code 720

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Adopted Action</th>
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<tr>
<td>720.110</td>
<td>Amended</td>
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<td>720.111</td>
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<td>720.141</td>
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4) **Statutory Authority:** 415 ILCS 5/7.2, 13, 22.4, and 27

5) **Effective Date of Amendments:** July 14, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** Yes. The Board has centrally located all incorporations by reference at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, and 739. The present amendments affect several of those incorporations. The amendments primarily update several of those incorporations to more recent editions of the documents involved. A few of the amendments add notes stating the availability of some documents from on-line sources.

8) The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2008 in docket R07-5/R07-14 (consolidated), and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.

9) **Notice of Proposal Published in the Illinois Register:** 32 Ill. Reg. 4970; April 11, 2008

10) **Has JCAR issued a statement of objection to this rulemaking?** No

11) **Differences between the proposal and the final version:** A table that appears in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated March 20, 2008, in docket R07-5/R07-14 (consolidated). Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.
12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency amendments currently in effect? No

14) Are there any other rulemakings pending on this Part? No

15) **Summary and Purpose of Amendments:** The amendments to Part 720 are a single segment of the consolidated docket R07-5/R07-14 rulemaking that also affects 35 Ill. Adm. Code 703, 721, 722, 723, 724, 725, 726, 727, 728, and 739, 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 consolidated docket R07-5/R07-14 (consolidated) rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 5, 2008, proposing amendments in consolidated docket R07-5/R07-14 (consolidated), which opinion and order is available from the address below.

Specifically, the amendments to Part 720 implement segments of the federal amendments of March 4, 2005, April 4, 2006, July 14, 2006, and July 28, 2006. The amendments complete the amendments to the hazardous waste manifest rules, implement the regulatory burden reduction amendments, include various USEPA corrections, and implement the conditional exclusion of CRTs from the definition of solid waste.

Tables appear in the Board’s opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2008 opinion and order in docket R07-5/R07-14 (consolidated).

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

   Michael J. McCambridge  
   Staff Attorney  
   Illinois Pollution Control Board  
   100 W. Randolph  11-500
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL  60601

312/814-6924

Please reference consolidated docket R07-5/R07-14

Request copies of the Board's opinion and order of June 5, 2008 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: DEFINITIONS AND REFERENCES

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
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AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion.")

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected
electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler physical characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the
POLLUTION CONTROL BOARD

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preheating of fuel or combustion air, and the driving of induced or
forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on
a case-by-case basis, to be a boiler, after considering the standards in
Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to
regenerate spent activated carbon.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass,
which is the visual or video display component of an electronic device. A "used,
intact CRT" means a CRT whose vacuum has not been released. A "used, broken
CRT" means glass removed from its housing or casing whose vacuum has been
released.

"Certification" means a statement of professional opinion based upon knowledge
and belief.

"Closed portion" means that portion of a facility that an owner or operator has
closed in accordance with the approved facility closure plan and all applicable
closure requirements. (See also "active portion" and "inactive portion ")

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable
beds or by beds of distinctly lower permeability than that of the aquifer itself; an
aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported,
treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to
store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill.

"Contingency plan" means a document setting out an organized, planned and
coordinated course of action to be followed in case of a fire, explosion, or release
of hazardous waste or hazardous waste constituents that could threaten human
health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

- Receiving broken or intact CRTs;
- Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
- Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

- The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;
- The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (2005);
The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (2005); or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

Effective September 5, 2006, a generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" or "D/F" means tetra, penta-, hexa-, hepta-, and octachlorinated dibenzo dioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the
environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curved, free-draining base, constructed of non-earth materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runon to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device of which the following is true:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:


Region II: New York, New Jersey, Commonwealth of Puerto Rico, and
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the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.


"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have
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been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.
"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action pursuant to 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action pursuant to RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the
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facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.


"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility that is not operated after November 19, 1980. (See also "active portion" and "closed portion.")
"Incinerator" means any enclosed device of which the following is true:

- The facility uses controlled flame combustion, and both of the following are true of the facility:
  - The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor
  - The facility is not listed as an industrial furnace; or
- The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

- Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
- Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

- Cement kilns;
- Lime kilns;
- Aggregate kilns;
- Phosphate kilns;
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Coke ovens;

Blast furnaces;

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace on the basis of one or more of the following factors:

- The design and use of the device primarily to accomplish recovery of material products;

- The use of the device to burn or reduce raw materials to make a material product;

- The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;
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The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection.")

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.
"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the
presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A) originated and signed by the generator or offeror that contains the information required by Subpart B of 35 Ill. Adm. Code 722 and the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest document number" means, until September 5, 2006, the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Manifest tracking number" means, effective September 5, 2006, the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear
components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 35 Ill. Adm. Code 703.231; or staging pile.

"Movement" means hazardous waste that is transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility that began operation, or for which construction commenced after November 19, 1980. (See also "Existing hazardous waste management facility.")

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system.")

"Onground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed
to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

- Control of combustion air to maintain adequate temperature for efficient combustion;
- Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment."

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Performance Track member facility" means a facility that has been accepted by USEPA for membership in the National Environmental Performance Track Program (Program) and which is still a member of that Program. The National Environmental Performance Track Program is a voluntary, facility-based program for top environmental performers. A program member must demonstrate a good record of compliance and past success in achieving environmental goals, and it must commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.
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BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/performancetrack.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111(e), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC
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136(u). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport. BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J
of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.
"SIC code" means "Standard Industrial Classification code," as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication "Standard Industrial Classification Manual," incorporated by reference in Section 720.111(a).

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.


"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for
transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment.
An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

- Whether the waste is amenable to the treatment process;
- What pretreatment (if any) is required;
- The optimal process conditions needed to achieve the desired treatment;
- The efficiency of a treatment process for a specific waste or wastes; and
- The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.
"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well.")

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

- Batteries, as described in 35 Ill. Adm. Code 733.102;
- Pesticides, as described in 35 Ill. Adm. Code 733.103;
- Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; and
- Lamps, as described in 35 Ill. Adm. Code 733.105.
"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.
"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device of which the following is true:

1. It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310;
2. It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and
3. It meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection.")

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 32 Ill. Reg. 11726, effective July 14, 2008)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:
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a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

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


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

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

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


ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:
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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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NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:


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

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
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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):

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


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

BOARD NOTE: EPA-600/4-79-020 is also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.
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BOARD NOTE: EPA-454/R-92-019 is also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.


Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibeno-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-
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BOARD NOTE: EPA-530/SW-846 is also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.


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Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988), amended by C(94)152/Final (July 28, 1994), "Decision of the
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STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:


USDOD. Available from the United States Department of Defense:


"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, on November 8, 1995, referenced in 35 Ill. Adm. Code 726.303.


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


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


BOARD NOTE: EPA-454/R-92-019 is also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

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


USGSA. Available from the United States Government Services Administration:


b) Code of Federal Regulations. Available from the Superintendent of Documents,
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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).


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

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

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

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


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


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

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


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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.


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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.


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c) Federal Statutes:


Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended through January 3, 2005, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.


d) This Section incorporates no later editions or amendments.

(Source: Amended at 32 Ill. Reg. 11726, effective July 14, 2008)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.131 Solid Waste Determinations

a) The Board will determine that those materials that are accumulated speculatively without sufficient amounts being recycled are not solid wastes if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. Such a determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:

1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);
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2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

4) The extent to which the material is handled to minimize loss; and

5) Other relevant factors.

b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

2) The prevalence of the practice on an industry-wide basis;

3) The extent to which the material is handled before reclamation to minimize loss;

4) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

5) The location of the reclamation operation in relation to the production process;

6) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

7) Whether the person that generates the material also reclams it; and
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7) Other relevant factors.

c) The Board will determine that those materials that have been reclaimed but must be reclaimed further before recovery is completed are not solid wastes if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following criteria:

1) The degree of processing the material has undergone and the degree of further processing that is required;

2) The value of the material after it has been reclaimed;

3) The degree to which the reclaimed material is like an analogous raw material;

4) The extent to which an end market for the reclaimed material is guaranteed;

5) The extent to which the reclaimed material is handled to minimize loss; and

6) Other relevant factors.

(Source: Amended at 32 Ill. Reg. 11726, effective July 14, 2008)

Section 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

a) The Agency may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2)(C) should be regulated pursuant to 35 Ill. Adm. Code 721.106(b) and (c) rather than pursuant to the provisions of Subpart F of 35 Ill. Adm. Code 726. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the Agency must consider the following factors:
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1) The types of materials accumulated or stored and the amounts accumulated or stored;

2) The method of accumulation or storage;

3) The length of time the materials have been accumulated or stored before being reclaimed;

4) Whether any contaminants are being released into the environment, or are likely to be so released; and

5) Other relevant factors.

b) The procedures for this decision are set forth in Section 720.141.

(Source: Amended at 32 Ill. Reg. 11726, effective July 14, 2008)

Section 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities

The Agency must use the following procedures when determining whether to regulate hazardous waste recycling activities described in 35 Ill. Adm. Code 721.106(a)(2)(C) and (D) under the provisions of 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.

a) If a generator is accumulating the waste, the Agency must issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code 722. The notice will become final within 30 days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the Agency must hold a public hearing. The Agency must provide notice of the hearing to the public and allow public participation at the hearing. The Agency must issue a final written memorandum of decision after the hearing stating whether or not compliance with 35 Ill. Adm. Code 722 is required, and setting forth the reasons for the Agency's decision, including all findings of fact and conclusions of law. Such memorandum of decision will constitute a final administrative action, and may be appealed to the Board. The decision becomes effective 35 days after service of the decision unless the Agency specifies a later
date or unless an appeal has been filed with the Board. The decision may be appealed to the Board by any person who participated in the hearing. Proceedings before the Board must be in general accordance with the rules set forth in 35 Ill. Adm. Code 105.

b) If the person is accumulating the recyclable material as a storage facility, the notice must state that the person must obtain a permit in accordance with all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or operator of the facility must apply for a permit within no less than 60 days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Agency's decision, it may do so in its permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the Agency's determination. The question of whether the Agency's decision was proper will remain open for consideration during the public comment period discussed under Subparts D and E of 35 Ill. Adm. Code 705, and in any subsequent hearing.

(Source: Amended at 32 Ill. Reg. 11726, effective July 14, 2008)
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1) **Heading of the Part:** Identification and Listing of Hazardous Waste

2) **Code citation:** 35 Ill. Adm. Code 721

3) **Section Numbers:**

   - 721.103  Amended
   - 721.104  Amended
   - 721.121  Amended
   - 721.131  Amended
   - 721.133  Amended
   - 721.138  Amended
   - 721.139  New Section
   - 721.140  New Section
   - 721.141  New Section
   - 721.APPENDIX H Amended

4) **Statutory authority:** 415 ILCS 5/7.2, 22.4, and 27

5) **Effective date of amendments:** July 14, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2008 in docket R07-5/R07-14 (consolidated), and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) **Notice of proposal published in the Illinois Register:** April 11, 2008; 32 Ill. Reg. 5030

10) **Has JCAR issued a statement of objection to this rulemaking?** No

11) **Differences between the proposal and the final version:** A table that appears in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated March 20, 2008, in docket R07-5/R07-14 (consolidated). Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.
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12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency amendments currently in effect? No

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

15) Summary and Purpose of Amendments: The amendments to Part 721 are a single segment of the consolidated docket R07-5/R07-14 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 722, 723, 724, 725, 726, 727, 728, and 739, 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 consolidated docket R07-5/R07-14 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 5, 2008, proposing amendments in consolidated docket R07-5/R07-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 721 implement segments of the federal amendments of April 4, 2006, July 14, 2006, and July 28, 2006. The amendments implement the regulatory burden reduction amendments, include various USEPA corrections, and implement the conditional exclusion of CRTs from the definition of solid waste.

Tables appear in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2008 opinion and order in docket R07-5/R07-14 (consolidated).

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

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

   312/814-6924
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Please reference consolidated docket R07-5/R07-14

Request copies of the Board's opinion and order of June 5, 2008 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the Adopted Amendments begins on the next page:
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

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SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

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

721.APPENDIX A Representative Sampling Methods
721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.APPENDIX C Chemical Analysis Test Methods
721.TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G Basis for Listing Hazardous Wastes
721.APPENDIX H Hazardous Constituents
721.APPENDIX I Wastes Excluded by Administrative Action
721.TABLE A Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y Table to Section 721.138
721.APPENDIX Z Table to Section 721.102

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

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:

1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in Subpart D of this Part and has not been excluded from the lists in Subpart D of this Part pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.

D) It is a mixture of solid waste and one or more hazardous wastes
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listed in Subpart D of this Part and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this Section; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this Section) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:

i) It is one or more of the following solvents listed in Section 721.131: benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and
analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(i) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

ii) It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. A facility that
chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(ii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

iii) It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste no. K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

iv) It is a discarded hazardous waste, commercial chemical product or chemical intermediate listed in Section 721.121, 721.132, or 721.133 arising from de minimis losses of these materials. For purposes of this subsection (a)(2)(D)(iv),
"de minimis" losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of a waste listed in Section 721.131 or 721.132, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in Subpart D of this Part, must either have eliminated the discharge of wastewaters or have included in its federal Clean Water Act (33 USC 1251 et seq.) permit application or wastewater pretreatment submission to the Agency or the wastewater pretreatment Control Authority pursuant to 35 Ill. Adm. Code 307 of the constituents for which each waste was listed (in Appendix G of this Part); and the constituents in Table T to 35 Ill. Adm. Code 728 for which each waste has a treatment standard (i.e., land disposal restriction constituents). A facility is eligible to claim the exemption once the Agency or Control Authority has been notified of possible de minimis releases via the Clean Water Act permit application or the wastewater pretreatment submission. A copy of the Clean Water Act permit application or the wastewater pretreatment submission must be placed in the facility's on-site files;

v) It is wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the
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vi) It is one or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vi) or that the plan parameters would not enable
the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

vii) It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information
required by this subsection (a)(2)(D)(vii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).

i) The rebuttable presumption does not apply to a metalworking oil or fluid containing chlorinated paraffins if it is processed through a tolling arrangement, as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to a metalworking oil or fluid if such an oil or fluid is recycled in any other manner, or disposed of.

ii) The rebuttable presumption does not apply to a used oil contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to a used oil contaminated with CFCs that have been mixed with used oil from a source other than a refrigeration unit.

b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) of this Section becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.
2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C of this Part.

c) Unless and until it meets the criteria of subsection (d) of this Section, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section.

d) Any solid waste described in subsection (e) of this Section is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C of this Part. (However, wastes that exhibit a characteristic at the point of generation may still be subject to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste that is a listed waste pursuant to Subpart D of this Part, a waste that contains a waste listed pursuant to Subpart D of this Part, or a waste that is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection (e) of this Section pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

e) Specific inclusions and exclusions.

1) Except as otherwise provided in subsection (e)(2), (g), or (h) of this Section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2) The following solid wastes are not hazardous even though they are
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generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.

i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:
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Generic exclusion levels for K061 and K062 nonwastewater HTMR residues:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum for any single composite sample (mg/ℓ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>0.10</td>
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<tr>
<td>Arsenic</td>
<td>0.50</td>
</tr>
<tr>
<td>Barium</td>
<td>7.6</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.010</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.050</td>
</tr>
<tr>
<td>Chromium (total)</td>
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<tr>
<td>Lead</td>
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</tr>
<tr>
<td>Mercury</td>
<td>0.009</td>
</tr>
<tr>
<td>Nickel</td>
<td>1.0</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.16</td>
</tr>
<tr>
<td>Silver</td>
<td>0.30</td>
</tr>
<tr>
<td>Thallium</td>
<td>0.020</td>
</tr>
<tr>
<td>Vanadium</td>
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<tr>
<td>Zinc</td>
<td>70</td>
</tr>
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</table>

Generic exclusion levels for F006 nonwastewater HTMR residues:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum for any single composite sample (mg/ℓ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
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</tr>
<tr>
<td>Zinc</td>
<td>70</td>
</tr>
</tbody>
</table>
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iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156) and wastewaters from the production of carbamates and carbamoyl
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E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection (e) would normally correspond with 40 CFR 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

f) Notwithstanding subsections (a) through (e) of this Section and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart C of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:

1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code 728; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

g) Exclusion of certain wastes listed in Subpart D of this Part solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.

1) A hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part.

2) The exclusion described in subsection (g)(1) of this Section also pertains to the following:
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A) Any mixture of a solid waste and a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D) of this Section; and

B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1) of this Section.

3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

h) Eligible radioactive mixed waste.

1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is "eligible radioactive mixed waste").

2) The exemption described in subsection (h)(1) of this Section also pertains to the following:

A) Any mixture of a solid waste and an eligible radioactive mixed waste; and

B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.

3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

Section 721.104 Exclusions
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a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage.
   A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
   B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.

2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act [415 ILCS 5/12(f)] and 35 Ill. Adm. Code 309.

   BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

3) Irrigation return flows.


5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the
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production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's
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sale or refining. This exclusion is conditioned on there being no land
disposal of the waste from the point it is generated to the point it is
recycled to coke ovens, to tar recovery, to the tar refining processes, or
prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of
hazardous waste number K061 in high temperature metals recovery units,
provided it is shipped in drums (if shipped) and not land disposed before
recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as
follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-
products, or spent materials) that are generated at a petroleum
refinery (standard industrial classification (SIC) code 2911) and
are inserted into the petroleum refining process (SIC code 2911:
including, but not limited to, distillation, catalytic cracking,
fractionation, or thermal cracking units (i.e., cokers)), unless the
material is placed on the land, or speculatively accumulated before
being so recycled. Materials inserted into thermal cracking units
are excluded under this subsection (a)(12), provided that the coke
product also does not exhibit a characteristic of hazardous waste.
Oil-bearing hazardous secondary materials may be inserted into the
same petroleum refinery where they are generated or sent directly
to another petroleum refinery and still be excluded under this
provision. Except as provided in subsection (a)(12)(B) of this
Section, oil-bearing hazardous secondary materials generated
elsewhere in the petroleum industry (i.e., from sources other than
petroleum refineries) are not excluded under this Section.
Residuals generated from processing or recycling materials
excluded under this subsection (a)(12)(A), where such materials as
generated would have otherwise met a listing under Subpart D of
this Part, are designated as USEPA hazardous waste number F037
listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the
same conditions as described in subsection (a)(12)(A) of this
Section. Recovered oil is oil that has been reclaimed from
secondary materials (including wastewater) generated from normal
policies and practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by benefication, provided that the following is true:

A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;
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C) Except as provided in subsection (a)(17)(D) of this Section, the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure
ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have runon and runoff controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.


E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7) of this Section, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery
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process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:

i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification
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number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F) of this Section:

iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) It must maintain records at the generator's or intermediate handler’s facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G) of this Section.

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:
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i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii) of this Section.

ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not
F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.


G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

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21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20) of this Section, provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:
   
i) For metal contaminants:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.3</td>
</tr>
<tr>
<td>Cadmium</td>
<td>1.4</td>
</tr>
<tr>
<td>Chromium</td>
<td>0.6</td>
</tr>
<tr>
<td>Lead</td>
<td>2.8</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.3</td>
</tr>
</tbody>
</table>

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B) of this Section. Such records must at a minimum include the following:
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i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs.

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
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1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

   i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

   ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil
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as fertilizers:

A) The growing and harvesting of agricultural crops, or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium wastes.

A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B to this Part) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) The following are specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do
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not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
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viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

vii) Process wastewater from coal gasification;
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viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

ix) Slag tailings from primary copper processing;

x) Fluorogypsum from hydrofluoric acid production;

xi) Process wastewater from hydrofluoric acid production;

xii) Air pollution control dust or sludge from iron blast furnaces;

xiii) Iron blast furnace slag;

xiv) Treated residue from roasting and leaching of chrome ore;

xv) Process wastewater from primary magnesium processing by the anhydrous process;

xvi) Process wastewater from phosphoric acid production;

xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;

xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;

xix) Chloride processing waste solids from titanium tetrachloride production; and

xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal
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mineral processing raw materials; and

ii) The owner or operator legitimately recovers the secondary mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;
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C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be fulfilled:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

<table>
<thead>
<tr>
<th>USEPA Hazardous Waste Numbers</th>
<th>Listing Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>K169, K170, K171, and K172</td>
<td>February 8, 1999</td>
</tr>
<tr>
<td>K174 and K175</td>
<td>May 7, 2001</td>
</tr>
<tr>
<td>K176, K177, and K178</td>
<td>May 20, 2002</td>
</tr>
<tr>
<td>K181</td>
<td>August 23, 2005</td>
</tr>
</tbody>
</table>

ii) The solid wastes described in subsection (b)(15)(A)(i) of this Section were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean
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Water Act.

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, or K178 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

A) The sample is being transported to a laboratory for the purpose of testing;

B) The sample is being transported back to the sample collector after
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testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.
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e) Treatability study samples.

1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements
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of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.

i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.
3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B) of this Section, subject to the limitations of subsection (e)(3)(C) of this Section:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires
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additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
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1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must
be included for each treatability study conducted:

A)  The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B)  The date the shipment was received;

C)  The quantity of waste accepted;

D)  The quantity of "as received" waste in storage each day;

E)  The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F)  The date the treatability study was concluded;

G)  The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8)  The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9)  The facility prepares and submits a report to the Agency, by March 15 of each year, that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

A)  The name, address, and USEPA identification number of the facility conducting the treatability studies;

B)  The types (by process) of treatability studies conducted;

C)  The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D)  The total quantity of waste in storage each day;
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E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).
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(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.121 Characteristic of Ignitability

a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60° C (140° F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D 93-85 (Standard Test Methods for Flash Point by Pensky-Martens Closed Tester), or a Setalas flash Closed Cup Tester, using the test method specified in ASTM D 3828-87, (Standard Test Methods for Flash Point of Liquids by Setalas flash Closed Tester), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

3) It is a flammable gas, as defined in federal 49 CFR 173.115 (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).

BOARD NOTE: Corresponding 40 CFR 261.21(a)(4) uses cites to 49 CFR 173.151 for a definition of "oxidizer," and it replicates the text from former 49 C.F.R. 173.151 (1980) for the definition. Further, corresponding 40 CFR 261.21(a)(4) adds the definition of "organic peroxide" from former 49 C.F.R. 173.151a to the definition of "oxidizer." In 1990, USDOT replaced that former definition of the hazard class with a new definition at 49 CFR 173.127, which classifies an oxidizer as a Division 5.1 material. See 55 Fed. Reg. 52402, 53433 (Dec. 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA's approach (the use of obsolete methods and USDOT regulatory...
mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations, used the "oxidizer" hazard class, together with its associated current methods, and omitted the addition of "organic peroxide" to the definition.

4) It is an oxidizer, as defined in federal 49 CFR 173.127 (Class 5, Division 5.1 – Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Corresponding 40 CFR 261.21 cites to 49 CFR 173.151 for a definition of "oxidizer." 49 CFR 173.127 classifies an oxidizer as a Division 5.1 material. The Board has updated the Illinois provision to correspond with the current USDOT regulations.

b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes from Nonspecific Sources

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

<table>
<thead>
<tr>
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</table>
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F001 The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F002 The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F003 The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
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F004 The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007 Spent cyanide plating bath solutions from electroplating operations.

F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
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F010 Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process. (R, T)

F011 Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations. (R, T)

F012 Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process. (T)

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)

F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)

F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol or of intermediates used to produce its derivatives. (H)

F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (H)
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F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichloropheno.

F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this Section or in Section 721.132.)

F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.
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F027 Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

F028 Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026, and F027.

F032 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

F034 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.
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F035 Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

F037 Petroleum refinery primary oil/water/solids separation sludge – Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludge generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludge generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section (including sludge generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under Section 721.104(a)(12)(A) if those residuals are to be disposed of.

F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge – Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in the following types of units: induced air floatation (IAF) units, tanks
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and impoundments, and all sludges generated in dissolved air flotation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) of this Section (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048, and K051 wastes are not included in this listing.

F039 Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste number(s): F020, F021, F022, F026, F027, or F028.)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste. "(I, T)" should be used to specify mixtures that are ignitable and contain toxic constituents.

b) Listing-specific definitions.

1) For the purpose of the F037 and F038 listings, "oil/water/solids" is defined as oil or water or solids.

2) For the purposes of the F037 and F038 listings, the following apply:

A) "Aggressive biological treatment units" are defined as units that employ one of the following four treatment methods: activated sludge, trickling filter, rotating biological contactor for the continuous accelerated biological oxidation of wastewaters, or high-rate aeration. "High-rate aeration" is a system of surface impoundments or tanks in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and the following is true:
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i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either

ii) The hydraulic retention time of the unit is no longer than five days; or

iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage, or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must maintain, in their operating or other on site records, documents and data sufficient to prove the following:

i) The unit is an aggressive biological treatment unit, as defined in this subsection; and

ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of the designated waste, the "time of generation" is defined as follows:

A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) For the F038 listing:

i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and

ii) Floats are considered to be generated at the moment they are formed in the top of the unit.
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(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty, as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section or any residue or contaminated soil, water, or
other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

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<th>USEPA Hazardous Waste No.</th>
<th>Chemical Abstracts No. (CAS No.)</th>
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<td>107-20-0</td>
<td>Acetaldehyde, chloro-</td>
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<tr>
<td>P002</td>
<td>591-08-2</td>
<td>Acetamide, N-(aminothioxomethyl)</td>
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Alphabetical Listing
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<thead>
<tr>
<th>Code</th>
<th>CAS Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>P057</td>
<td>640-19-7</td>
<td>Acetamide, 2-fluoro-</td>
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<td>P058</td>
<td>62-74-8</td>
<td>Acetic acid, fluoro-, sodium salt</td>
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<td>Arsonous dichloride, phenyl-</td>
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<td>Benzene, (chloromethyl)-</td>
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<td>1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-</td>
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<td>Benzeneethanamine, α,α-dimethyl-</td>
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<td>Benzenethiol</td>
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<td>7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate</td>
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<td>P188</td>
<td>57-64-7</td>
<td>Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)</td>
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<td>P001</td>
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<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent</td>
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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<td>Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester</td>
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<td>Diisopropylfluorophosphate (DFP)</td>
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<td>Phenol, 2,4,6-trinitro-, ammonium salt (R)</td>
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<td>P092</td>
<td>62-38-4</td>
<td>Phenylmercury acetate</td>
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<td>P093</td>
<td>103-85-5</td>
<td>Phenylthiourea</td>
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<td>Thioimidodicarbonic diamide ( (H2N)C(S)) 2NH</td>
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<td>Vanadium pentoxide</td>
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<tr>
<td>P001 81-81-2*</td>
<td>Warfarin, and salts, when present at concentrations greater than 0.3 percent</td>
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<td>Acetamide, N-(aminothioxomethyl)</td>
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<td>1-Acetyl-2-thiourea</td>
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<td>1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4αβ,5α,8α,8αβ)-</td>
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P037  60-57-1  Dieldrin
P037  60-57-1  2,7:3,6-Dimethanonaphth(2,3-b)oxirene,
             3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-
             octahydro-, (1α,2β,2αα,3β,6β,6αα,7β,7αα)-
P038  692-42-2  Arsine, diethyl-
P038  692-42-2  Diethylarsine
P039  298-04-4  Disulfoton
P039  298-04-4  Phosphorodithioic acid, O,O-diethyl S-(2-
             (ethylthio)ethyl) ester
P040  297-97-2  O,O-Diethyl O-pyrazinyl phosphorothioate
P040  297-97-2  Phosphorothioic acid, O,O-diethyl O-pyrazinyl
             ester
P041  311-45-5  Diethyl-p-nitrophenyl phosphate
P041  311-45-5  Phosphoric acid, diethyl 4-nitrophenyl ester
P042  51-43-4  1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)
             ethyl)-, (R)-
P042  51-43-4  Epinephrine
P043  55-91-4  Diisopropylfluorophosphate (DFP)
P043  55-91-4  Phosphorofluoridic acid, bis(1-methylethyl)ester
P044  60-51-5  Dimethoate
P044  60-51-5  Phosphorodithioic acid, O,O-dimethyl S-(2-
             (methylamino)-2-oxoethyl) ester
P045  39196-18-6  2-Butanone, 3,3-dimethyl-1-(methylthio) -, O-
                 (methylamino)carbonyl) oxime
P045  39196-18-4  Thiofanox
P046  122-09-8  Benzeneethanamine, α,α-dimethyl-
P046  122-09-8  α,α-Dimethylphenylethylamine
P047  534-52-1  4,6-Dinitro-o-cresol and salts
P047  534-52-1  Phenol, 2-methyl-4,6-dinitro-, and salts
P048  51-28-5  2,4-Dinitrophenol
P048  51-28-5  Phenol, 2,4-dinitro-
P049  541-53-7  Dithiobiuret
P049  541-53-7  Thiimidodicarbonic diamide ((H2N)C(S))2NH
P050  115-29-7  Endosulfan
P050  115-29-7  6,9-Methano-2,4,3-benzodioxathiepen,
             6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-
             hexahydro-, 3-oxide
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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<td>137-30-4</td>
<td>Zinc, bis(dimethylcarbamodithioato-S,S')-</td>
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<tr>
<td>137-30-4</td>
<td>Ziram</td>
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</tbody>
</table>

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA hazardous waste numbers are
POLLUTION CONTROL BOARD

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the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

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<thead>
<tr>
<th>USEPA Hazardous Waste No.</th>
<th>Chemical Abstracts No. (CAS No.)</th>
<th>Substance</th>
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<tr>
<td>U394</td>
<td>30558-43-1</td>
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<td>U001</td>
<td>75-07-0</td>
<td>Acetaldehyde (I)</td>
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<td>U034</td>
<td>75-87-6</td>
<td>Acetaldehyde, trichloro-</td>
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<tr>
<td>U187</td>
<td>62-44-2</td>
<td>Acetamide, N-(4-ethoxyphenyl)-</td>
</tr>
<tr>
<td>U005</td>
<td>53-96-3</td>
<td>Acetamide, N-9H-fluoren-2-yl-</td>
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<td>U240</td>
<td>P 94-75-7</td>
<td>Acetic acid, (2,4-dichlorophenoxy)-, salts and esters</td>
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<tr>
<td>U112</td>
<td>141-78-6</td>
<td>Acetic acid, ethyl ester (I)</td>
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<tr>
<td>U144</td>
<td>301-04-2</td>
<td>Acetic acid, lead (2+) salt</td>
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<td>U214</td>
<td>563-68-8</td>
<td>Acetic acid, thallium (1+) salt</td>
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<tr>
<td>SEE F027</td>
<td>93-76-5</td>
<td>Acetic acid, (2,4,5-trichlorophenoxy)-</td>
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<td>U002</td>
<td>67-64-1</td>
<td>Acetone (I)</td>
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<td>U003</td>
<td>75-05-8</td>
<td>Acetonitrile (I, T)</td>
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<td>Acetophenone</td>
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<td>2-Acetylaminofluorene</td>
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<td>75-36-5</td>
<td>Acetyl chloride (C, R, T)</td>
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<td>75-60-5</td>
<td>Arsinic acid, dimethyl-</td>
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<td>U014</td>
<td>492-80-8</td>
<td>Auramine</td>
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<td>U015</td>
<td>115-02-6</td>
<td>Azaserine</td>
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# NOTICE OF ADOPTED AMENDMENTS

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<td>U280</td>
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<td>Barban</td>
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<td>Benidicarb</td>
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<td>22961-82-6</td>
<td>Benidicarb phenol</td>
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<td>Benzal chloride</td>
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<td>Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-</td>
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<td>Benz(a)anthracene</td>
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<td>Benzenamine, 4-chloro-2-methyl-, hydrochloride</td>
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<td>Benzenamine, N,N-dimethyl-4-(phenylazo)-</td>
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<td>Benzenamine, 2-methyl-</td>
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<td>Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester</td>
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<td>Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-</td>
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<td>1,2-Benzenedicarboxylic acid, dibutyl ester</td>
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<td>1,2-Benzenedicarboxylic acid, dimethyl ester</td>
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<td>Benzene, hexahydro- (I)</td>
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<td>Benzene, pentachloronitro-</td>
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<td>Benzenesulfonyl chloride (C, R)</td>
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<td>Benzene, (trichloromethyl)-</td>
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<td>Benzene, 1,3,5-trinitro-</td>
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<td>Benzidine</td>
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<td>1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts</td>
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<td>1,3-Benzodioxole, 5-(2-propenyl)-</td>
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<td>1,3-Benzodioxole, 5-(1-propenyl)-</td>
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<td>1,3-Benzodioxole, 5-propyl-</td>
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<td>1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate</td>
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<td>7-Benzofuranon, 2,3-dihydro-2,2-dimethyl-</td>
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<td>U064</td>
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<td>Benzo(rst)pentaphene</td>
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<th>U248</th>
<th>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less</th>
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<tbody>
<tr>
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<td>p-Benzochinone</td>
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<td>Benzotrichloride (C, R, T)</td>
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<td>U085</td>
<td>2,2'-Bioxirane</td>
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<td>(1,1'-Biphenyl)-4,4'-diamine</td>
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<td>U073</td>
<td>(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-</td>
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<td>U225</td>
<td>Bromoform</td>
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<tr>
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<td>4-Bromophenyl phenyl ether</td>
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<td>1,3-Butadiene, 1,1,2,3,4,4-hexachloro-</td>
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<td>U172</td>
<td>1-Butanamine, N-butyl-N-nitroso-</td>
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<td>1-Butanol (I)</td>
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<td>U159</td>
<td>2-Butanone (I, T)</td>
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<td>U160</td>
<td>2-Butanone, peroxide (R, T)</td>
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<td>2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aa))-</td>
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<td>Carbamic acid, ethyl ester</td>
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<td>U373</td>
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<td>Methanamine, N-methyl- (I)</td>
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<td>2,7-Naphthalenedisulfonic acid, 3,3'-(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt</td>
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<td>N-Nitroso-N-methylurethane</td>
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<td>N-Nitrosopyrrolidine</td>
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<td>5-Nitro-o-toluidine</td>
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<td>Pentachloroethane</td>
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See F027 87-86-5  Pentachlorophenol
U161 108-10-1  Pentanol, 4-methyl-
U186 504-60-9  1,3-Pentadiene (I)
U187 62-44-2  Phenacetin
U188 108-95-2  Phenol
U048 95-57-8  Phenol, 2-chloro-
U039 59-50-7  Phenol, 4-chloro-3-methyl-
U081 120-83-2  Phenol, 2,4-dichloro-
U082 87-65-0  Phenol, 2,6-dichloro-
U089 56-53-1  Phenol, 4,4'-(1,2-diethyl-1,2-ethenediy1)bis-, (E)-

U101 105-67-9  Phenol, 2,4-dimethyl-
U052 1319-77-3  Phenol, methyl-
U132 70-30-4  Phenol, 2,2'-methylenebis(3,4,6-trichloro-
U411 114-26-1  Phenol, 2(1-methylethoxy)-, methylcarbamate
U170 100-02-7  Phenol, 4-nitro-
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See F027 58-90-2  Phenol, 2,3,4,6-tetrachloro-
See F027 95-95-4  Phenol, 2,4,5-trichloro-
See F027 88-06-2  Phenol, 2,4,6-trichloro-
U150 148-82-3  L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-
U145 7446-27-7  Phosphoric acid, lead (2+) salt (2:3)
U087 3288-58-2  Phosphorodithioic acid, O,O-diethyl S-methyl ester

U189 1314-80-3  Phosphorus sulfide (R)
U190 85-44-9  Phthalic anhydride
U191 109-06-8  2-Picoline
U179 100-75-4  Piperidine, 1-nitroso-
U192 23950-58-5  Pronamide
U194 107-10-8  1-Propanamine (I, T)
U111 621-64-7  1-Propanamine, N-nitroso-N-propyl-
U110 142-84-7  1-Propanamine, N-propyl- (I)
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U083 78-87-5  Propane, 1,2-dichloro-
U149 109-77-3  Propanedinitrile
U171 79-46-9  Propane, 2-nitro- (I, T)
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See F027 93-72-1  Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193 1120-71-4  1,3-Propane sultone
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<td>Tris (2,3-dibromopropyl) phosphate</td>
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<td>U239 1330-20-7</td>
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<td>U249 1314-84-7</td>
<td>Warfarin, and salts, when present at concentrations of 0.3 percent or less</td>
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<td>U249 1314-84-7</td>
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<td>Zinc phosphide Zn3P2, when present at concentrations of 10 percent or less</td>
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**POLLUTION CONTROL BOARD**

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| U177 | 684-93-5 | N-Nitroso-N-methylurea |
| U177 | 684-93-5 | Urea, N-methyl-N-nitroso- |
| U178 | 615-53-2 | Carbamic acid, methylN-nitroso-ethyl ester |
| U178 | 615-53-2 | N-Nitroso-N-methylurethane |
| U179 | 100-75-4 | N-Nitrospiperidine |
| U179 | 100-75-4 | Piperidine, 1-nitroso- |
| U180 | 930-55-2 | N-Nitrosopyrrolidine |
| U180 | 930-55-2 | Pyrrolidine, 1-nitroso- |
| U181 | 99-55-8 | Benzenamine, 2-methyl-5-nitro- |
| U181 | 99-55-8 | 5-Nitro-o-toluidine |
| U182 | 123-63-7 | Paraldehyde |
| U182 | 123-63-7 | 1,3,5-Trioxane, 2,4,6-trimethyl- |
| U183 | 608-93-5 | Benzene, pentachloro- |
| U183 | 608-93-5 | Pentachlorobenzene |
| U184 | 76-01-7 | Ethane, pentachloro- |
| U184 | 76-01-7 | Pentachloroethane |
| U185 | 82-68-8 | Benzene, pentachloronitro- |
| U185 | 82-68-8 | Pentachloronitrobenzene (PCNB) |
| U186 | 504-60-9 | 1-Methylbutadiene (I) |
| U186 | 504-60-9 | 1,3-Pentadiene (I) |
| U187 | 62-44-2 | Acetamide, N-(4-ethoxyphenyl)- |
| U187 | 62-44-2 | Phenacetin |
| U188 | 108-95-2 | Phenol |
| U189 | 1314-80-3 | Phosphorus sulfide (R) |
| U189 | 1314-80-3 | Sulfur phosphide (R) |
| U190 | 85-44-9 | 1,3-Isobenzofurandione |
| U190 | 85-44-9 | Phthalic anhydride |
| U191 | 109-06-8 | 2-Picoline |
| U191 | 109-06-8 | Pyridine, 2-methyl- |
| U192 | 23950-58-5 | Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)- |
| U192 | 23950-58-5 | Pronamide |
| U193 | 1120-71-4 | 1,2-Oxathiolane, 2,2-dioxide |
| U193 | 1120-71-4 | 1,3-Propane sultone |
| U194 | 107-10-8 | 1-Propanamine (I, T) |
| U194 | 107-10-8 | n-Propylamine (I, T) |
| U196 | 110-86-1 | Pyridine |
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<td>Benzenamine, 2-methyl-, hydrochloride</td>
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<td>Tris(2,3-dibromopropyl) phosphate</td>
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<td>2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-</td>
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<td>Uracil mustard</td>
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<td>Ethyl carbamate (urethane)</td>
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<td>Warfarin, and salts, when present at concentrations of 0.3 percent or less</td>
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<td>Zinc phosphide Zn₃P₂, when present at concentrations of 10 percent or less</td>
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(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

a) Comparable fuel specifications.

1) Physical specifications.

A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
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B) Viscosity. The viscosity must not exceed 50 cs, as fired.

2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.

b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

1) It must have a minimum Btu value of 100 Btu/Scf;
2) It must contain less than 1 ppmv of total halogen;
3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
4) It must contain less than 200 ppmv of hydrogen sulfide; and
5) It must contain less than 1 ppmv of each hazardous constituent in the target list of constituents listed in Appendix H of this Part.

c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:

1) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.

A) Notice to the Agency.

i) The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation, as required by
subdivision (c)(1)(A)(iii) of this Section;

ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must specify at which sites the comparable or syngas fuel will be generated;

iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subdivision (c)(1)(C) of this Section.

B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:

i) The name, address, and USEPA identification number of the generating facility;

ii) The name and address of the units that will burn the comparable or syngas fuel;

iii) A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;

iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and

v) The name and mailing address of the Agency office to which the claim was submitted.

C) Required content of comparable or syngas notification to the Agency.

i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
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ii) The applicable USEPA hazardous waste codes for the hazardous waste;

iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section that will burn the comparable or syngas fuel; and

iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also must be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
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B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
   i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or
   ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;


D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:
   A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;
   B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
   C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.

4) Treatment to meet the comparable fuel exclusion specifications.
   A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:
      i) The treatment destroys or removes the constituent listed in
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the specification or raises the heating value by removing or destroying hazardous constituents or materials;

ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and

iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.

B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.

5) Generation of a syngas fuel.

A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:

i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;

ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and

iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.

B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.

6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a hazardous waste to meet the
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exclusion specifications of subsection (a)(1)(A), (a)(2), or (b) of this Section.

7) Waste analysis plans. The generator of a comparable or syngas fuel must develop and follow a written waste analysis plan that describes the procedures for sampling and analysis of the hazardous waste to be excluded. The plan must be followed and retained at the facility excluding the waste.

A) At a minimum, the plan must specify the following:

i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;

ii) The test methods that will be used to test for these parameters;

iii) The sampling method that will be used to obtain a representative sample of the waste to be analyzed;

iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.

B) The waste analysis plan must also contain records of the following:

i) The dates and times waste samples were obtained, and the dates the samples were analyzed;

ii) The names and qualifications of the persons who obtained the samples;

iii) A description of the temporal and spatial locations of the samples;
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iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any clean-up and sample preparation methods;

vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;

vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and

viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.

C) Syngas fuel generators must submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

8) Comparable fuel sampling and analysis.

A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of
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each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:

i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;

ii) A constituent detected in previous analysis of the waste;

iii) Constituents introduced into the process that generates the waste; or

iv) Constituents that are byproducts or side reactions to the process that generates the waste.

B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.

C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:

i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and

ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95
percent upper confidence limit around the mean.

D) Nothing in this subsection (c)(8) preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is a hazardous waste.

E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must be on the generator claiming the exclusion.

F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed pursuant to subsection (c)(7) of this Section.

G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.

H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator must undertake the following actions:

i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and

ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.

I) Excluded comparable or syngas fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

BOARD NOTE: Any claim pursuant to this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

Speculative accumulation. Any persons handling a comparable or syngas
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fuel are subject to the speculative accumulation test pursuant to Section 721.102(c)(4).

10) Records. The generator must maintain records of the following information on-site:

A) All information required to be submitted to the implementing authority as part of the notification of the claim:

   i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;

   ii) The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and

   iii) The certification signed by the person claiming the exclusion or his authorized representative;

B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;

C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;

D) Documentation for any claim that a constituent is not present in the hazardous waste, as required pursuant to subsection (c)(8)(A) of this Section;

E) The results of all analyses and all detection limits achieved, as required pursuant to subsection (c)(8) of this Section;

F) If the excluded waste was generated through treatment or blending, documentation, as required pursuant to subsection (c)(3) or (c)(4) of this Section;

G) If the waste is to be shipped off-site, a certification from the burner, as required pursuant to subsection (c)(12) of this Section;

H) A waste analysis plan and the results of the sampling and analysis
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that include the following:

i) The dates and times waste samples were obtained, and the dates the samples were analyzed;

ii) The names and qualifications of the persons that obtained the samples;

iii) A description of the temporal and spatial locations of the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any clean-up and sample preparation methods;

vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;

vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and

viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and

I) If the generator ships comparable or syngas fuel off-site for burning, the generator must retain for each shipment the following information on-site:

i) The name and address of the facility receiving the comparable or syngas fuel for burning;
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ii) The quantity of comparable or syngas fuel shipped and delivered;

iii) The date of shipment or delivery;

iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications, as required pursuant to subsection (c)(8) of this Section; and

v) A one-time certification by the burner, as required pursuant to subsection (c)(12) of this Section.

11) Records retention. Records must be maintained for the period of three years. A generator must maintain a current waste analysis plan during that three-year period.

12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship its fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:

A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required pursuant to subsection (c)(2) of this Section;

B) Identification of the name and address of the units that will burn the comparable or syngas fuel; and

C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of 40 CFR 261.38.

13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste
d) **Appendix Table Y** of this Part sets forth the table of detection and detection limit values for comparable fuel specification.

(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)

**Section 721.139  Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling**

Used, broken CRTs are not solid waste if they meet the following conditions:

a) **Prior to CRT processing.** These materials are not solid wastes if they are destined for recycling and they meet the following requirements:

   1) **Storage.** The broken CRTs must be managed in either of the following ways:

      A) They are stored in a building with a roof, floor, and walls, or

      B) They are placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

   2) **Labeling.** Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes – contains leaded glass" or "Leaded glass from televisions or computers." It must also be labeled with the following statement: "Do not mix with other glass materials."

   3) **Transportation.** The used, broken CRTs must be transported in a container meeting the requirements of subsections (a)(1)(B) and (a)(1)(2) of this Section.

   4) **Speculative accumulation and use constituting disposal.** The used, broken CRTs are subject to the limitations on speculative accumulation, as defined in subsection (c)(8) of this Section. If they are used in a manner constituting disposal, they must comply with the applicable requirements of Subpart C of 40 C.F.R. 726, instead of the requirements of this Section.
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5) Exports. In addition to the applicable conditions specified in subsections (a)(1) through (a)(4) of this Section, an exporter of used, broken CRTs must comply with the following requirements:

A) It must notify the Agency and USEPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or shorter period. The notification must be in writing, signed by the exporter, and include the following information:

i) The name, mailing address, telephone number and USEPA ID number (if applicable) of the exporter of the CRTs.

ii) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

iii) The estimated total quantity of CRTs specified in kilograms.

iv) All points of entry to and departure from each foreign country through which the CRTs will pass.

v) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.)).

vi) The name and address of the recycler and any alternate recycler.

vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

viii) The name of any transit country through which the CRTs will be sent and a description of the approximate length of
time the CRTs will remain in such country and the nature of their handling while there.

B) Notifications submitted. Whether delivered by mail or hand-delivered, the following words must be prominently displayed on the front of any envelope containing an export notification: "Attention: Notification of Intent to Export CRTs."

i) An export notification submitted to USEPA by mail must be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International
Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

ii) An export notification hand-delivered to USEPA must be sent to:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International
Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
Ariel Rios Bldg., Room 6144
1200 Pennsylvania Ave., NW
Washington DC

iii) An export notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
1021 North Grand Ave East
P.O. Box 19276
Springfield, IL 62794-9276
C) Upon request by the Agency or USEPA, the exporter must furnish to the Agency and USEPA any additional information which a receiving country requests in order to respond to a notification.

D) USEPA has stated that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when the Agency and USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a)(5)(A) of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(5)(A) of this Section, USEPA has stated that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

E) The export of CRTs is prohibited, unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, USEPA has stated that it will forward an Acknowledgment of Consent to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, USEPA has stated that it will notify the exporter in writing. USEPA has stated that it will also notify the exporter of any responses from transit countries.

F) When the conditions specified on the original notification change, the exporter must provide the Agency and USEPA with a written renotification of the change, except for changes to the telephone number in subsection (a)(5)(A)(i) of this Section and decreases in the quantity indicated pursuant to subsection (a)(5)(A)(iii) of this Section. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to subsections (a)(5)(A)(iv) and (a)(5)(A)(viii) of this Section) and the exporter of CRTs receives from USEPA a copy of the Acknowledgment of Consent to Export CRTs reflecting the receiving country's consent to the changes.
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G) A copy of the Acknowledgment of Consent to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

H) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with subsection (a)(5)(F) of this Section and obtain another Acknowledgment of Consent to Export CRTs.

I) An exporter must keep copies of notifications and Acknowledgments of Consent to Export CRTs for a period of three years following receipt of the Acknowledgment.

BOARD NOTE: Corresponding 40 CFR 261.39(a)(5) requires communications relating to export of CRTs between the exporter and USEPA. It is clear that USEPA intends to maintain its central role between the exporter and the export-receiving country and it granting authorization to export. Nevertheless, the Board has required the exporter submit to the Agency also whatever notifications it must submit to USEPA relating to the export. The intent is to facilitate the Agency's efforts towards assurance of compliance with the regulations as a whole, and not to require a separate authorization for export by the Agency.

b) Requirements for used CRT processing. Used, broken CRTs undergoing CRT processing, as defined in 35 Ill. Adm. Code 720.110, are not solid waste if they meet the following requirements:

1) Storage. Used, broken CRTs undergoing CRT processing are subject to the requirement of subsection (a)(4) of this Section.

2) CRT processing.

A) All activities specified in the second and third paragraphs of the definition of "CRT processing" in 35 Ill. Adm. Code 720.110 must be performed within a building with a roof, floor, and walls; and

BOARD NOTE: The activities specified in the second and third paragraphs of the definition of "CRT processing" are "intentionally breaking intact CRTs or further breaking or separating broken
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CRTs" and "sorting or otherwise managing glass removed from CRT monitors."

B) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

c) Glass from CRT processing that is sent to CRT glass making or lead smelting. Glass from CRT processing that is destined for recycling at a CRT glass manufacturer or a lead smelter after CRT processing is not a solid waste unless it is speculatively accumulated, as defined in Section 721.101(c)(8).

d) Use constituting disposal. Glass from CRT processing that is used in a manner constituting disposal must comply with the requirements of Subpart C of 35 Ill. Adm. Code 726 instead of the requirements of this Section.

(Source: Added at 32 Ill. Reg. 11786, effective July 14, 2008)

Section 721.140 Conditional Exclusion for Used, Intact CRTs Exported for Recycling

Used, intact CRTs exported for recycling are not solid waste if they meet the notice and consent conditions of Section 721.139(a)(5) and they are not speculatively accumulated, as defined in Section 721.101(c)(8).

(Source: Added at 32 Ill. Reg. 11786, effective July 14, 2008)

Section 721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

a) A person that exports used, intact CRTs for reuse must send a one-time notification to the Agency and the Regional Administrator of USEPA Region 5. The notification must include a statement that the notifier plans to export used, intact CRTs for reuse, the notifier's name, address, and USEPA ID number (if applicable), and the name and phone number of a contact person.

b) A person that exports used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

(Source: Added at 32 Ill. Reg. 11786, effective July 14, 2008)
### Section 721. APPENDIX H  Hazardous Constituents

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<th>Common Name</th>
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<th>Chemical Abstracts Number (CAS No.)</th>
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<td>Arsenic</td>
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<td>Arsenic pentoxide</td>
<td>Arsenic oxide As$_2$O$_3$</td>
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<td>Arsenic trioxide</td>
<td>Benzenamine, 4,4'-carbonimidoylbis(N, N-dimethyl-</td>
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<td>Azaserine</td>
<td>L-Serine, diazoacetate (ester)</td>
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<td>Barban</td>
<td>Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester</td>
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<td>Benomyl</td>
<td>Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester</td>
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<td>Benz(e)acephenanthrylene</td>
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<td>Benzo(j)fluoranthene</td>
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<td>Beryllium powder</td>
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NOTICE OF ADOPTED AMENDMENTS

Beryllium compounds, N.O.S.
Bis(pentamethylene)thiuram tetrasulfide
Bromoacetone
4-Bromophenyl phenyl ether
Brucine
Butylate
Butyl benzyl phthalate
Cacodylic acid
Cadmium
Cadmium compounds, N.O.S.
Calcium chromate
Calcium cyanide
Carbaryl
Carbendazim
Carbofuran
Carbofuran phenol
Carbosulfan
Carbon disulfide
Carbon oxyfluoride
Carbon tetrachloride
Chloral
Chlorambucil
Chlordane
Chlordane, α and γ isomers
Chlorinated benzenes, N.O.S.
Chlorinated ethane, N.O.S.
Chlorinated fluorocarbons, N.O.S.
Chlorinated naphthalene, N.O.S.
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NOTICE OF ADOPTED AMENDMENTS

Chlorinated phenol, N.O.S.
Chlornaphazine Naphthalamine, N,N'-bis(2-chloroethyl)- 494-03-1 U026
Chloroacetaldehyde Acetaldehyde, chloro- 107-20-0 P023
Chloroalkyl ethers, N.O.S.
p-Chloroaniline Benzenamine, 4-chloro- 106-47-8 P024
Chlorobenzene Benzen, chloro- 108-90-7 U037
Chlorobenzilate Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester 510-15-6 U038
p-Chloro-m-cresol Phenol, 4-chloro-3-methyl- 59-50-7 U039
2-Chloroethyl vinyl ether Ethene, (2-chloroethoxy)- 110-75-8 U042
Chloroform Methane, trichloro- 67-66-3 U044
Chloromethyl methyl ether Methane, chloromethoxy- 107-30-2 U046
β-Chloronaphthalene Naphthalene, 2-chloro- 91-58-7 U047
α-Chlorophenol Phenol, 2-chloro- 95-57-8 U048
1-(o-Chlorophenyl)thiourea Thiourea, (2-chlorophenyl)- 5344-82-1 P026
Chloroprene 1,3-Butadiene, 2-chloro- 126-99-8 P026
3-Chloropropionitrile Propanenitrile, 3-chloro- 542-76-7 P027
Chromium Same 7440-47-3
Chromium compounds, N.O.S.
Chrysene Same 218-01-9 U050
Citrus red No. 2 2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)- 6358-53-8
Coal tar creosote Same 8007-45-2
Copper cyanide Copper cyanide CuCN 544-92-3 P029
Copper dimethyldithiocarbamate Copper, bis(dimethylcarbamodithioato-S,S')-, 137-29-1
Creosote Same U051
p-Cresidine 2-Methoxy-5-methylbenzenamine 120-71-8
Cresols (Cresylic acid) Phenol, methyl- 1319-77-3 U052
Crotonaldehyde 2-Butenal 4170-30-3 U053
m-Cumenyl methylcarbamate Phenol, 3-(methylene)-, methyl carbamate 64-00-6 P202
Cyanides (soluble salts and complexes), N.O.S.
Cyanogen Ethanedinitrile 460-19-5 P031
Cyanogen bromide Cyanogen bromide (CN)Br 506-68-3 U246
Cyanogen chloride Cyanogen chloride (CN)Cl 506-77-4 P033
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NOTICE OF ADOPTED AMENDMENTS

Cycasin  \( \beta \)-D-glucopyranoside, (methyl-ONN-azoxy)methyl-
14901-08-7

Cycloate  Carbamothioic acid, cyclohexylethyl-, S-ethyl ester
1134-23-2

2-Cyclohexyl-4,6-dinitrophenol  Phenol, 2-cyclohexyl-4,6-dinitro-2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-2-oxide
131-89-5  P034

Cyclophosphamide  Acetic acid, (2,4-dichlorophenoxy)-
94-75-7  U240

2,4-D  Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
94-75-7  U240

Daunomycin  5, 12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-\( \alpha \)-L-lyxo-hexopyranosyl)oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,
20830-81-3  U059

Dazomet  2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl
533-74-4

DDD  Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-
72-54-8  U060

DDE  Benzene, 1,1'-bis(2,3,6-trideoxy-\( \alpha \)-L-lyxo-
72-55-9

DDT  Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
50-29-3  U061

Diallate  Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
2303-16-4  U062

Dibenzo(a,h)acridine  Same
226-36-8

Dibenzo(a,j)acridine  Same
224-42-0

Dibenzo(a,h)anthracene  Same
53-70-3  U063

7H-Dibenzo(c,g)carbazole  Same
194-59-2

Dibenzo(a,e)pyrene  Naphtho(1,2,3,4-def)chrysene
192-65-4

Dibenzo(a,h)pyrene  Dibenz(o,def)chrysene
189-64-0

Dibenzo(a,i)pyrene  Benzo(rst)pentaphene
189-55-9  U064

1,2-Dibromo-3-chloropropane  Propane, 1,2-dibromo-3-chloro-
96-12-8  U066

Dibutyl phthalate  1,2-Benzenedicarboxylic acid, dibutyl ester
84-74-2  U069

\( \alpha \)-Dichlorobenzene  Benzene, 1,2-dichloro-
95-50-1  U070

\( m \)-Dichlorobenzene  Benzene, 1,3-dichloro-
541-73-1  U071
# NOTIFICATION OF ADOPTED AMENDMENTS

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<th>Chemical Name</th>
<th>Synonyms</th>
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<td>p-Dichlorobenzene</td>
<td>Benzene, 1,4-dichloro-</td>
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<td>(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-</td>
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<td>2-Butene, 1,4-dichloro-</td>
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<td>Dichlorodifluoromethane</td>
<td>Methane, dichlorodifluoro-</td>
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<td>1,2-Dichloroethylene</td>
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<td>Dichloroethyl ether</td>
<td>Ethane, 1,1'-oxybis(2-chloro-)</td>
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<td>Dichloroisopropyl ether</td>
<td>Propane, 2,2'-oxybis(2-chloro-)</td>
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<td>Dichloromethoxy ethane</td>
<td>Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-)</td>
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<td>Dichloromethyl ether</td>
<td>Methane, oxybis(chloro-)</td>
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<td>2,6-Dichlorophenol</td>
<td>Phenol, 2,6-dichloro-</td>
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<td>Arsonous dichloride, phenyl-</td>
<td>696-28-6</td>
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<td>2,7:3,6-Dimethanonaphth(2, 3-b)oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-, (1α,2β,2aα,3β,6β,6αα,7β,7αα)-</td>
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<td>1,4-Diethyleneoxide</td>
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<td>1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester</td>
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<td>N,N'-Diethylhydrazine</td>
<td>Hydrazine, 1,2-diethyl-</td>
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<td>Diethyl-p-nitrophenyl phosphate</td>
<td>Phosphoric acid, diethyl 4-nitrophenyl ester</td>
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<td>Diethyl phthalate</td>
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<td>O,O-Diethyl O-pyrazinyl phosphorothioate</td>
<td>Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester</td>
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## NOTICE OF ADOPTED AMENDMENTS

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<th>P-Number</th>
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<td>Dihydrosaffrole</td>
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<td>Dimethoate</td>
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<td>1,2-Diphenylhydrazine</td>
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## Chemical Names and CAS Numbers

- **Diethylstilbestrol**: Phenol, 4,4'-(1,2-diethyl-1,2-ethylenediyl)bis-, (E)-
- **Dihydrosaffrole**: 1,3-Benzodioxole, 5-propyl-
- **Diisopropylfluorophosphate (DFP)**: Phosphorofluoridic acid, bis(1-methylethyl) ester
- **Dimethoate**: Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
- **3,3'-Dimethoxybenzidine**: (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
- **p-Dimethylaminoazobenzene**: Benzenamine, N,N-dimethyl-4-(phenylazo)-
- **2,4-Dimethylaniline (2,4-xylidine)**: Benzenamine, 2,4-dimethyl-
- **7,12-Dimethylbenz(a)anthracene**: Benz(a)anthracene, 7,12-dimethyl-
- **3,3'-Dimethylbenzidine**: (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
- **Dimethylcarbamoyl chloride**: Carbamic chloride, dimethyl-
- **1,1-Dimethylhydrazine**: Hydrazine, 1,1-dimethyl-
- **1,2-Dimethylhydrazine**: Hydrazine, 1,2-dimethyl-
- **α,α-Dimethylphenethylamine**: Benzeneethanamine, α, α-dimethyl-
- **2,4-Dimethylphenol**: Phenol, 2,4-dimethyl-
- **Dimethylphthalate**: 1,2-Benzenedicarboxylic acid, dimethyl ester
- **Dimethyl sulfate**: Sulfuric acid, dimethyl ester
- **Dimetilan**: Carboxylic acid, dimethyl-1-((dimethylamino) carbonyl)-5-methyl-1H-pyrazol-3-yl ester
- **Dinitrobenzene, N.O.S.**: Benzenes, dinitro-
- **4,6-Dinitro-o-cresol**: Phenol, 2-methyl-4,6-dinitro-
- **4,6-Dinitro-o-cresol salts**: Phenol, 2,4-dinitro-
- **2,4-Dinitrophenol**: Phenol, 2,4-dinitro-
- **2,4-Dinitrotoluene**: Phenol, 2-(1-methylpropyl)-4,6-dinitro-
- **Dinoeb**: 1,2-Benzenedicarboxylic acid, dioctyl ester
- **Di-n-octyl phthalate**: 1,2-Benzenedicarboxylic acid, dioctyl ester
- **Diphenylamine**: Benzenamine, N-phenyl-
### NOTICE OF ADOPTED AMENDMENTS

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<th>CAS Number</th>
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<td>Benzenamine, 2-methyl-5-nitroso-carbamoyl</td>
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<td>Octachlorodibenzo-p-dioxin (OCDD)</td>
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<td>Osmium tetroxide</td>
<td>Osmium oxide OsO₄, (T-4)</td>
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<td>Oxamyl</td>
<td>Ethanimidiothioc acid, 2-(dimethylamino)-N-</td>
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# POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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<td>Promecarb</td>
<td>Phenol, 3-methyl-5-(1-methylethyl)-methyl carbamate</td>
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<td>Pronamide</td>
<td>Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-</td>
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<td>1,3-Propane sultone</td>
<td>1,2-Oxathiolane, 2,2-dioxide</td>
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<td>Propham</td>
<td>Carbamic acid, phenyl-, 1-methylethyl ester</td>
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<td>Propoxur</td>
<td>Phenol, 2-(1-methylethoxy)-methylcarbamate</td>
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<td>n-Propylamine</td>
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<td>2-Propyn-1-ol</td>
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<td>Propane, 1,2-dichloro-</td>
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<td>Aziridine, 2-methyl-</td>
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<td>Propylthiouracil</td>
<td>4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-</td>
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<td>Prosulfocarb</td>
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<td>Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-methyl ester, (3β,16β,17α,18β,20α)-</td>
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<td>1,3-Benzenediol</td>
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<td>1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide</td>
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<td>Carbamothioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid</td>
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<td>Propanoic acid, 2-(2,4,5-trichlorophenoxy)-</td>
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## NOTICE OF ADOPTED AMENDMENTS

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### NOTICE OF ADOPTED AMENDMENTS

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<td>Ethanethioamide</td>
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<td>Thioperoxidicarbonic diamide, ((H₂N)C(S))₂S₂, tetramethyl-((methylamino)carbonyl) oxime</td>
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<td>Tris(2,3-dibromopropyl) phosphate</td>
<td>1-Propanol, 2,3-dibromo-, phosphate (3:1)</td>
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<td>Trypan blue</td>
<td>2,7-Naphthalenedisulfonic acid, 3,3'-(3,3'-dimethyl(1,1'-biphenyl)-4,4'-dyl)bis(azo))bis(5-amino-4-hydroxy)-, tetrasodium salt</td>
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<td>Uracil mustard</td>
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<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent</td>
<td>81-81-2</td>
<td>U248</td>
</tr>
<tr>
<td>Warfarin</td>
<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent</td>
<td>81-81-2</td>
<td>P001</td>
</tr>
<tr>
<td>Warfarin salts, when present at concentrations less than 0.3 percent</td>
<td></td>
<td></td>
<td>U248</td>
</tr>
<tr>
<td>Warfarin salts, when present at concentrations greater than 0.3 percent</td>
<td></td>
<td></td>
<td>P001</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Substance</th>
<th>Chemical Formula</th>
<th>CAS Number</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zinc cyanide</td>
<td>Zinc cyanide Zn(CN)$_2$</td>
<td>557-21-1</td>
<td>P121</td>
</tr>
<tr>
<td>Zinc phosphide</td>
<td>Zinc phosphide $\text{P}_2\text{Zn}_3$, when present at concentrations greater than 10 percent</td>
<td>1314-84-7</td>
<td>P122</td>
</tr>
<tr>
<td>Zinc phosphide</td>
<td>Zinc phosphide $\text{P}_2\text{Zn}_3$, when present at concentrations of 10 percent or less</td>
<td>1314-84-7</td>
<td>U249</td>
</tr>
<tr>
<td>Ziram</td>
<td>Zinc, bis(dimethylcarbamodithioato-S,S')- (T-4)-</td>
<td>137-30-4</td>
<td>P205</td>
</tr>
</tbody>
</table>

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

(Source: Amended at 32 Ill. Reg. 11786, effective July 14, 2008)
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1) **Heading of the Part:** Standards Applicable to Generators of Hazardous Waste

2) **Code Citation:** 35 Ill. Adm. Code 722

3) **Section Numbers:**

   - 722.120 Amended
   - 722.121 Amended
   - 722.127 Amended
   - 722.132 Amended
   - 722.133 Amended
   - 722.134 Amended
   - 722.158 Amended
   - 722.160 Amended
   - 722.183 Amended
   - 722.184 Amended
   - 722.187 Amended

4) **Statutory Authority:** 415 ILCS 5/7.2, 22.4, and 27

5) **Effective Date of Amendments:** July 14, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2008 in docket R07-5/R07-14 (consolidated), and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.

9) **Notice of Proposal Published in the Illinois Register:** 32 Ill. Reg. 5174; April 11, 2008

10) **Has JCAR issued a statement of objection to this rulemaking?** No

11) **Differences between the proposal and the final version:** A table that appears in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated March 20, 2008, in docket R07-5/R07-14 (consolidated). Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.
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12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) **Summary and Purpose of Amendments:**

The amendments to Part 722 are a single segment of the consolidated docket R07-5/R07-14 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 723, 724, 725, 726, 727, 728, and 739, 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 consolidated docket R07-5/R07-14 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 5, 2008, proposing amendments in consolidated docket R07-5/R07-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 722 implement segments of the federal amendments of March 4, 2005 and July 14, 2006. The amendments complete the amendments to the hazardous waste manifest rules and include various USEPA corrections.

Tables appear in the Board's opinion and order of June 5, 2008 in docket R07-5/R07-14 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 5, 2008 opinion and order in docket R07-5/R07-14 (consolidated).

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

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

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312/814-6924


Request copies of the Board's opinion and order of June 5, 2008 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

The full text of the Adopted Amendments begins on the next page:
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

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

SUBPART B: THE MANIFEST

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS

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

SUBPART D: RECORDKEEPING AND REPORTING

Section 722.140 Recordkeeping
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722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1,000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

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

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Notification and Consent
722.184 Tracking Document
722.185 Contracts
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722.186 Provisions Relating to Recognized Traders
722.187 Reporting and Recordkeeping
722.189 OECD Waste Lists

722. APPENDIX A  Hazardous Waste Manifest

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


SUBPART B: THE MANIFEST

Section 722.120 General Requirements

a) Manifest use.

a4) A generator that transports hazardous waste or offers a hazardous waste for
transportation for off-site treatment, storage, or disposal or, effective September 5, 2006, a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Manifest amendments effective dates.


b) A generator must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.

c) A generator may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the generator must either designate another receiving facility or instruct the transporter to return the waste.

e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:

1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;
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2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

3) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

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

a) The following requirements apply until September 5, 2006:

1) If the State of Illinois is the state to which the shipment is manifested (designated receiving state), the generator must use the manifest supplied by the Agency.

2) If the State of Illinois is not the designated receiving state, the generator must use the manifest required by the designated receiving state. If the designated receiving state does not supply and require the manifest, then the generator must use the manifest supplied by the Agency.

b) The following requirements apply effective September 5, 2006:

a1) USEPA approval of manifest.

1A) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Solid Waste to do so pursuant to 40 CFR
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262.21(c) and (e), as described in subsections (c)(b)(3) and (e)(b)(5) of this Section.

2B) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section subsection (b). The registrant is responsible for assigning manifest tracking numbers to its manifests.

b2) A registrant must submit an initial application to the USEPA Director of the Office of Solid Waste that contains the following information:

1A) The name and mailing address of registrant;

2B) The name, telephone number, and email address of contact person;

3C) A brief description of registrant's government or business activity;

4D) The USEPA identification number of the registrant, if applicable;

5E) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:

Ai) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;

Bi) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements
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of 40 CFR 262.21, as described in this Section subsection (b). The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and

Ciii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);

6E) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;

7G) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and

8H) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section subsection (b) and that it will notify the Agency and the USEPA Director of the Office of Solid Waste of any
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duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

| c3) USEPA will review the application submitted under subsection (b)(b)(2) of this Section and either approve it or request additional information or modification before approving it. |

| d4) Submission of document samples. |

| 1A) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c)(b)(3) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3)(b)(4)(C) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f)(b)(6) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c)(b)(3) of this Section. |

| 2B) The registrant must submit a description of the manifest samples as follows: |

| Ai) The paper type (i.e., manufacturer and grade of the manifest paper); |

| Bii) The paper weight of each copy; |

| Ci) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and |

| Div) The method of binding the copies. |

| 3C) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples. |
USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c)(b)(3) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f)(b)(6) of this Section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

Paper manifests and continuation sheets must be printed according to the following specifications:

1A) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

2B) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3C) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4D) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.

5E) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.
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6F) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

A(i) Page 1 (top copy): "Designated facility to destination State (if required)."

B(ii) Page 2: "Designated facility to generator State (if required)."

C(iii) Page 3: "Designated facility to generator."

D(iv) Page 4: "Designated facility's copy."

E(v) Page 5: "Transporter's copy."

F(vi) Page 6 (bottom copy): "Generator's initial copy."

7G) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f)(b)(6) and subsection (b)(14) of this Section. The instructions must not be visible through the front of the copies when photocopied or faxed.


A) Manifest Form 8700-22.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
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iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

B) Manifest Form 8700-22A.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

g7) Use of approved manifests.

1A) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c)(b)(3) and (e)(b)(5) of this Section. A registered source may be any of the following:

Ai) A state agency;

Bii) A commercial printer;

Ci iii) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or

Dii v) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

2B) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.
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<table>
<thead>
<tr>
<th>h8)</th>
<th>Manifest revisions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A)</td>
<td>If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c)(b)(3) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Solid Waste, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.</td>
</tr>
<tr>
<td>2B)</td>
<td>If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Solid Waste, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.</td>
</tr>
<tr>
<td>3C)</td>
<td>If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (c)(b)(5) of this Section, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.</td>
</tr>
<tr>
<td>j9)</td>
<td>If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (c)(b)(5) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets</td>
</tr>
</tbody>
</table>
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and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d)(b)(4) or (h)(3)(b)(8)(C) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.

k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (c)(b)(5) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.

m) Effects of non-compliance.

1A) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

2B) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the
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registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

14) Required manifest instructions:

A) Manifest Form 8700-22:
   i) The "Instructions for Generators" on Copy 6;
   ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
   iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

B) Manifest Form 8700-22A:
   i) The "Instructions for Generators" on Copy 6;
   ii) The "Instructions for Transporters" on Copy 5; and
   iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

BOARD NOTE: Subsection (b)(14)(A) and (b)(14)(B) are derived from 40 CFR 262.21(f)(7)(i) and (f)(7)(ii) (2004), as amended at 70 Fed. Reg. 10776 (March 4, 2005). These provisions would normally correspond with subsections (b)(6)(G)(i) and (b)(6)(G)(ii) of this Section. The Board has moved 40 CFR 262.21(f)(7)(i) and (f)(7)(ii) to appear as subsections (b)(14)(A) and (b)(14)(B) of this Section to comport with Illinois Administrative Code codification requirements.

BOARD NOTE: Subsection (a) is derived from 40 CFR 262.21 (2004), effective until September 5, 2006. Subsection (b) is derived from 40 CFR 262.21 (2005), effective September 5, 2006.
Section 722.127  Waste Minimization Certification

A generator that initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment"; or

b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

BOARD NOTE: 35 Ill. Adm. Code 720.110 defines a "small quantity generator" as a generator that generates less than 1,000 kilograms of hazardous waste in any calendar month. There is no corresponding definition of "large quantity generator" in the federal regulations, but the Board interprets the term to mean a hazardous waste generator that is not a small quantity generator.

Section 722.132  Marking

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

b) Marking small containers.

1) Until September 5, 2006, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each
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container of 416 liters (110 gallons) or less that is used in such
transportation with the following words and information displayed in
accordance with the requirements of 49 CFR 172.304 (Marking
720.111(b):

HAZARDOUS WASTE — Federal Law Prohibits Improper
Disposal. If found, contact the nearest police or public safety
authority or the U.S. Environmental Protection Agency.

Generator's Name and
Address

Manifest Document Number

2) Before Effective September 5, 2006, before
transporting hazardous waste or
offering hazardous waste for transportation off-site, a generator must mark each
container of 450 liters (110 gallons) or less that is used in such transportation with
the following words and information displayed in accordance with the requirements
of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill.
Adm. Code 720.111(b):

If found, contact the nearest police or public safety authority or the
U.S. Environmental Protection Agency.

Generator's Name and Address ________________________.

Generator's USEPA Identification Number ____________.

Manifest Tracking Number ____________________________.

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 262.32(b) (2004),
effective until September 5, 2006. Subsection (b)(2) is derived from 40 CFR
262.32(b) (2005), effective September 5, 2006.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.133 Placarding
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a) Until September 5, 2006, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

b) Before Effective September 5, 2006, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b). If placards are not required, a generator must mark each motor vehicle according to 49 CFR 171.3(b)(1) (Hazardous Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).


(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:

   A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

   B) In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300;

   C) On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility:
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i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or

D) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respect to the 90 day limit, and documentation that the procedures are complied with; or

ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The Board placed the "in addition" hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.

2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and

4) The generator complies with the requirements for owners or operators in
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b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).

c) Accumulation near the point of generation.

1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:

A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and

B) The generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the
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d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

1) The quantity of waste accumulated on-site never exceeds 6,000 kilograms;

2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);

3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. Adm. Code 728.107(a)(5); and

5) The generator complies with the following requirements:

A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

B) The generator must post the following information next to the telephone:

i) The name and telephone number of the emergency coordinator;

ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.
C) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

D) The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:

i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and

iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).

E) A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:

i) The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;

ii) The date, time, and type of incident (e.g., spill or fire);

iii) The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and

iv) The estimated quantity and disposition of recoverable materials, if any.

e) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)].

g) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:

1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its
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recycling;

2) The F006 waste is legitimately recycled through metals recovery;

3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and

4) The F006 waste is managed in accordance with the following conditions:

A) The F006 waste is placed in one of the following containing devices:

i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;

ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or

iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;

B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;

C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
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F) Required records for a containment building:

i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or

ii) Documentation that the unit is emptied at least once every 180 days.

BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(i)(C)(1) and (g)(4)(i)(C)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

h) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month, which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subsections (g)(1) through (g)(4) of this Section.

i) A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the
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generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.

1) On a case-by-case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] if it finds that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.

2) On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

3) A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.

j) A member of the federal National Environmental Performance Track program that generates 1,000 kg or greater of hazardous waste per month (or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that the following conditions are fulfilled:

1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility;

2) The generator first notifies USEPA Region 5 and the Agency in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this Section. Such advance notice must include the following information:
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A) The name and USEPA ID number of the facility and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this Section;

B) A description of the types of hazardous wastes that will be accumulated for extended periods of time and the units that will be used for such extended accumulation;

C) A statement that the facility has made all changes to its operations; procedures, including emergency preparedness procedures; and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and

D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility;

3) The waste is managed in the following types of units:


B) Tanks, in accordance with the requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c) and Section 725.300;

C) Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code 725; or

D) Containment buildings, in accordance with Subpart DD of 35 Ill. Adm. Code 725;

4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg;
5) The generator maintains the following records at the facility for each unit used for extended accumulation times:

   A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

   B) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable);

6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection;


8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and

9) The generator includes the following information with its federal National Environmental Performance Track Annual Performance Report, which must be submitted to the USEPA Region 5 and the Agency:

   A) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods;
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B) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this Section;

C) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and

D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility.

BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/performancetrack.

k) If the Agency finds that hazardous wastes must remain on-site at a federal National Environmental Performance Track member facility for longer than the 180 days (or 270 days, if applicable) allowed under subsection (j) of this Section due to unforeseen, temporary, and uncontrollable circumstances, it must grant an extension to the extended accumulation time period of up to 30 days on a case-by-case basis by a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)].

l) If a generator that is a member of the federal National Environmental Performance Track program withdraws from the National Environmental Performance Track program or if USEPA Region 5 terminates a generator's
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m) Effective September 5, 2006, a generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:

1) Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section 722.158 International Agreements

a) Any person that exports or imports hazardous waste subject to either the manifest requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733 which is shipped to or from designated member countries of the Organisation for Economic Co-operation and Development (OECD), as defined in subsection (a)(1) of this Section, for purposes of recovery is subject to the requirements of Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where Subpart H of this Part applies.

1) For the purposes of this Subpart E, the designated OECD countries are Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, the Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the
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United Kingdom, and the United States.

2) Only for the purposes of transit under this Subpart E, Canada and Mexico are considered OECD member countries.

b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section 722.160 Imports of Hazardous Waste

a) Any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart F.

b) When importing hazardous waste, a person must meet all the requirements of Section 722.120(a) for the manifest, except that the following information items are substituted:

1) In place of the generator's name, address, and USEPA identification number, the name and address of the foreign generator and the importer's name, address, and USEPA identification number must be used.

2) In place of the generator's signature on the certification statement, the United States importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter.

c) A person that imports hazardous waste must obtain the manifest form as provided in Section 722.121(a) or (b)(7).

d) Effective September 5, 2006, in the International Shipments block of the manifest, the importer must check the import box and enter the point of entry (city and State) into the United States.
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e) The Effective September 5, 2006, the importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3), 724.171(a)(2)(C) or 725.171(a)(3), as appropriate.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section 722.183 Notification and Consent

a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to amber-list controls are subject to the requirements of subsection (b) of this Section; hazardous wastes subject to red-list controls are subject to the requirements of subsection (c) of this Section; and wastes not identified on any list are subject to the requirements of subsection (d) of this Section.

b) Amber-list wastes. The export from the U.S. of hazardous waste, as described in Section 722.180(a), that is amber-list waste is prohibited unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section are met.

1) Transactions requiring specific consent.

A) Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Federal Activities, International Compliance Assurance Division (2254A), Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on
the envelope. This notification must include all of the information identified in subsection (e) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same USEPA hazardous waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

B) Tacit consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to subsection (b)(1)(A) of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents is required for exports after that date.

C) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

2) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery.

A) The notifier must provide USEPA and the Agency the information identified in subsection (e) of this Section in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in subsection (b)(1)(A) of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal
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Activities, International Compliance Assurance Division (2254A), Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "Attention: OECD Export Notification – Pre-approved Facility" prominently displayed on the envelope.

B) Shipments may commence after the notification required in subsection (b)(1)(A) of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.

c) Red-list wastes. The export from the U.S. of hazardous waste, as described in Section 722.180(a), that is red-list waste is prohibited unless notice is given pursuant to subsection (b)(1)(A) of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

d) Unlisted wastes. Waste that is not green-list waste, amber-list waste, or red-list waste and which is considered hazardous under U.S. national procedures, as defined in Section 722.180(a), is subject to the notification and consent requirements established for red-list wastes in accordance with subsection (c) of this Section. Unlisted wastes that are not considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are not subject to amber-list or red-list controls when exported or imported.

e) Notification information. Notifications submitted under this Section must include the following information:

1) Serial number or other accepted identifier of the notification form;

2) Notifier name and USEPA identification number (if applicable), address, and telephone and telefax numbers;

3) Importing recovery facility name, address, telephone and telefax numbers,
and technologies employed;

4) Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;

5) Intended transporters or their agents;

6) Country of export and relevant competent authority and point of departure;

7) Countries of transit and relevant competent authorities and points of entry and departure;

8) Country of import and relevant competent authority and point of entry;

9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;

10) Date foreseen for commencement of transfrontier movement;

11) Designation of waste types from the appropriate list (e.g., amber-list waste or red-list waste and waste list code), descriptions of each waste type, estimated total quantity of each, USEPA hazardous waste code, and United Nations number for each waste type; and

12) Certification/Declaration signed by the notifier that states as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or must be in force covering the transfrontier movement.

Name: ____________________________________________________________

Signature: _________________________________________________________

Date: ____________________________________________________________"
BOARD NOTE: The U.S. does not currently require financial assurance; however, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.184 Tracking Document

a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a tracking document meeting the conditions of subsection (b) of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in this subsection (a).

1) For shipments of hazardous waste within the U.S. solely by water (bulk shipments only), the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the U.S. if exported by water (in accordance with the manifest routing procedures at Section 722.123(c)).

2) For rail shipments of hazardous waste within the U.S. that originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the U.S. if exported by rail.

b) The tracking document must include all information required under Section 722.183 (for notification) and the following information:

1) The date shipment commenced;

2) The name (if not notifier), address, and telephone and telefax numbers of primary exporter;

3) The company name and USEPA identification number of all transporters;
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4) Identification (license, registered name, or registration number) of means of transport, including types of packaging;

5) Any special precautions to be taken by transporters;

6) A certification or declaration signed by notifier that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or must be in force covering the transfrontier movement, and that:"  

"1. All necessary consents have been received;"

"2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period;"

"3. The shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area, such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

(delete sentences that are not applicable)

"Name: ____________________________________________________________
Signature: __________________________________________________________
Date: ____________________________________________________________; and

7) The appropriate signatures for each custody transfer (e.g., transporter, consignee, and owner or operator of the recovery facility).

c) Notifiers also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and consignees must comply with the import requirements of Subpart F of this Part.
d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g., transporter, consignee, and owner or operator of the recovery facility).

e) Within three working days after the receipt of imports subject to this Subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, 401 M St., SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.187 Reporting and Recordkeeping

a) Annual reports. For all waste movements subject to this Subpart H, persons (e.g., notifiers, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Compliance, Enforcement Planning, Targeting and Data Division (2222A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, 401 M St., SW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section). Such reports must include the following information:

1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;
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2) The calendar year covered by the report;

3) The name and site address of each final recovery facility;

4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721); the designation of waste types from the OECD waste list and applicable waste code from the OECD lists, as described in the annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final, incorporated by reference in 35 Ill. Adm. Code 720.111(a), USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and number of shipments pursuant to each notification;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

   A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

   B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

6) A certification signed by the person acting as primary exporter that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."
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b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:

1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or

3) The waste is returned to the United States.

c) Recordkeeping.

1) Persons that meet the definition of primary exporter in Section 722.151 must keep the following records:

A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report, for a period of at least three years from the due date of the report; and

C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)
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1) **Heading of the Part:** Standards Applicable to Transporters of Hazardous Waste

2) **Code Citation:** 35 Ill. Adm. Code 723

3) **Section Numbers:**
   - 723.120 Amended
   - 723.121 Amended

4) **Statutory Authority:** 415 ILCS 5/7.2, 22.4, and 27

5) **Effective Date of Amendments:** July 14, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2008 in docket R07-5/R07-14 (consolidated), and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) **Notice of Proposal Published in the Illinois Register:** April 11, 2008, 32 Ill. Reg. 5216

10) **Has JCAR issued a statement of objection to this rulemaking?** No

11) **Differences between the proposal and the final version:** The Board has not revised the text of the amendments since adopting the March 20, 2008 proposal for public comment.

12) **Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?** No agreements were necessary.

13) **Will this rulemaking replace any emergency amendments currently in effect?** No

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

15) **Summary and Purpose of Amendments:** The amendments to Part 723 are a single segment of the consolidated docket R07-5/R07-14 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 727, 728, and 739, 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 consolidated docket R07-
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5/R07-14 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 5, 2008, proposing amendments in consolidated docket R07-5/R07-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 723 implement segments of the federal amendments of March 4, 2005. The amendments complete the amendments to the hazardous waste manifest rules.

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

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

    312/814-6924


    Request copies of the Board's opinion and order of June 5, 2008 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

    The full text of the Adopted Amendments begins on the next page:
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 723
STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Cleanup

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

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SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

a) No acceptance without a manifest.

1) The following manifest requirements apply until September 5, 2006:

A) A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722.120. In the case of exports other than those subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept such waste from a primary exporter or other person:

i) If the transporter knows the shipment does not conform with the USEPA Acknowledgement of Consent (as defined in 35 Ill. Adm. Code 722.151); and

ii) Unless, in addition to a manifest signed in accordance with 35 Ill. Adm. Code 722.120, the waste is also accompanied by a USEPA Acknowledgement of Consent that, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).


2) The following manifest requirements apply effective September 5, 2006:
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1A) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 723.123.

2B) Exports.

   Ai) In the case of exports other than those subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept such waste from a primary exporter or other person if the transporter knows that the shipment does not conform to the USEPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator as provided in this Section, the transporter must also be provided with a USEPA Acknowledgement of Consent that, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).


b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

c) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the USEPA Acknowledgement of Consent also accompanies the hazardous waste.

d) A transporter that delivers a hazardous waste to another transporter or to the designated facility must do the following:
1) It must obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest;

2) It must retain one copy of the manifest in accordance with Section 723.122; and

3) It must give the remaining copies of the manifest to the accepting transporter or designated facility.

e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:

1) The hazardous waste is delivered by water (bulk shipment) to the designated facility;

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste;

3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper;

4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.

f) For shipments involving rail transportation, the following requirements apply instead of subsections (c), (d), and (e), which do not apply:

1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must do the following:
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A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;

B) It must return a signed copy of the manifest to the non-rail transporter;

C) It must forward at least three copies of the manifest to the following entities:
   
   i) The next non-rail transporter, if any;

   ii) The designated facility, if the shipment is delivered to that facility by rail; or

   iii) The last rail transporter designated to handle the waste in the United States;

D) It must retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.

2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste at all times.

   BOARD NOTE: Intermediate rail transporters are not required to sign either the manifest or shipping paper.

3) When delivering hazardous waste to the designated facility, a rail transporter must do the following:

   A) It must obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

   B) It must retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.
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4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:

A) It must obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

B) It must retain a copy of the manifest in accordance with Section 723.122.

5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

g) Transporters that transport hazardous waste out of the United States must do the following:

1) Until September 5, 2006:

A) Indicate on the manifest the date the hazardous waste left the United States;

B) Sign the manifest and retain one copy in accordance with Section 723.122(c);

C) Return a signed copy of the manifest to the generator; and

D) Give a copy of the manifest to a United States Customs official at the point of departure from the United States.

2) Effective September 5, 2006:

1A) Sign and date the manifest in the International Shipments block to indicate the date that the hazardous waste left the United States;

2B) Retain one copy in accordance with Section 723.122(d);

3G) Return a signed copy of the manifest to the generator; and
POLLUTION CONTROL BOARD

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49. Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

BOARD NOTE: Subsections (g)(1)(A) through (g)(1)(B) correspond with 40 CFR 263.20(g) (2004). Subsections (g)(2)(A) through (g)(2)(B) correspond with 40 CFR 263.20(g) (2005). The Board added subsections (g)(1) and (g)(2), reciting the effective dates, based on 40 CFR 263.20(a)(3) (2005).

h) A transporter transporting hazardous waste from a generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:

1) The waste is being transported pursuant to a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

2) The transporter records, on a log or shipping paper, the following information for each shipment:

   A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.112) of the generator of the waste;

   B) The quantity of waste accepted;

   C) All shipping information required by the United States Department of Transportation;

   D) The date the waste is accepted; and

3) The transporter carries this record when transporting waste to the reclamation facility; and

4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 32 Ill. Reg. 11969, effective July 14, 2008)

Section 723.121 Compliance with the Manifest

a) The transporter must deliver the entire quantity of hazardous waste which he has
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accepted from a generator or a transporter to:

1) The designated facility listed on the manifest; or

2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3) The next designated transporter; or

4) The place outside the United States designated by the generator.

b) Non-delivery of the hazardous waste.

1) Until September 5, 2006, if the hazardous waste cannot be delivered in accordance with subsection (a) of this Section, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.


1A) If the hazardous waste cannot be delivered in accordance with subsection (a) of this Section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

2B) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

Ai) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting
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designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F) or 35 Ill. Adm. Code 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F).

Bii) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 35 Ill. Adm. Code 724.172(b)(5)(A) through (b)(5)(F) or (b)(6)(A) through (b)(6)(F).

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 263.21(b) (2004), effective until September 5, 2006. Subsection (b)(2) is derived from 40 CFR 263.21(b) (2005), effective September 5, 2006.

(Source: Amended at 32 Ill. Reg. 11969, effective July 14, 2008)
1) **Heading of the Part**: Food Service Sanitation Code

2) **Code Citation**: 77 Ill. Adm. Code 750

3) **Section Numbers**: **Adopted Action**:
- 750.5 Amendment
- 750.10 Amendment
- 750.110 Amendment
- 750.120 Amendment
- 750.140 Amendment
- 750.150 Amendment
- 750.151 New
- 750.152 New
- 750.153 New
- 750.188 New
- 750.189 Amendment
- 750.208 New
- 750.210 Amendment
- 750.240 Amendment
- 750.250 Amendment
- 750.310 Amendment
- 750.325 New
- 750.340 New
- 750.350 New
- 750.360 New
- 750.370 New
- 750.510 Amendment
- 750.512 New
- 750.514 New
- 750.516 New
- 750.520 Amendment
- 750.530 Amendment
- 750.540 Amendment
- 750.551 Amendment
- 750.2030 Amendment
- 750.2040 Amendment
- 750.3200 Amendment

5) **Effective Date of Rulemaking:** July 10, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.

9) **Notices of Proposal Published in the Illinois Register:** 31 Ill. Reg. 9778; July 13, 2007

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** In response to comments received during the first notice or public comment period, the following changes were made:

    In the table of contents, insert and "750.325 Special Requirements for Highly Susceptible Populations" and "750.516 Hand Antiseptics".

    In Section 750.5(b), insert

    "J) 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles;

    K) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers as regulated for use as a food additive with conditions of safe use;

    L) 21 CFR 182 – Substances Generally Recognized as Safe;

    M) 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe;"
DEPARTMENT OF PUBLIC HEALTH

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21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food."

In Section 750.10, insert ""Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from the incubation before hatching.".

In Section 750.10, insert ""Beverage" means a liquid for drinking, including water.".

In Section 750.10, insert ""Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.".

In Section 750.10, insert ""Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a Balut; the egg of reptile species such as alligator; or an egg product.".

In Section 750.10, "Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food which contains eggs only in a relatively small proportion such as cake mixes.".

In Section 750.10, insert ""Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.".

In Section 750.10, insert ""Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrate that are not used as beverages or ingredients of beverages.".

In Section 750.10, insert ""Pasteurized shell eggs" means eggs still in their shells which have been heat treated to destroy Salmonella enteritidis to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable Salmonellae exist.".
DEPARTMENT OF PUBLIC HEALTH

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In Section 750.10, in the definition of "Potentially hazardous food," insert "requires time/temperature control for safety that" after "any food that" and change "Enteritidis" to "enteritidis" and insert "cut tomatoes," after "raw seed sprouts" and insert "Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.".

In Section 750.10, in the definition of "Sanitization," insert "at least" after "a reduction of".

In Section 750.110(c), insert "pasteurized shell, pasteurized" after "pasteurized liquid," and delete "dry eggs or".

After Section 750.110(k), insert

"1) Pasteurized shell eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are:

1) Not properly cooked to 145°F (63°C) or above for 15 seconds for shell eggs that are broken and prepared in response to a consumer's order and for immediate service;

2) Not properly cooked to 155°F (68°C) or above for 15 seconds for shell eggs that are not prepared for immediate service; or

3) Not Included in a consumer advisory as described in section 750.110 (k)."

In Section 750.152(a) delete "either of".

After Section 750.153(a), insert "1) The food shall have an initial temperature of 41°F (5°C) or less if removed from cold holding temperature control, or 135°F (57°C) or greater if removed from hot holding temperature control;" and renumber subsequent subsections.

In Section 750.153(b), delete "may not" and insert "shall not" after "conjunction with temperature.".
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In Subpart B: Food Supplies, after Section 750.320, add "750.325 Special Requirements for Highly Susceptible Populations".

After Section 750.310 Milk and Cream Dispensing, insert

"Section 750.325 Special Requirements for Highly Susceptible Populations

In a food establishment that serves a highly susceptible population:

a) The following criteria apply to juice:

1) For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

2) Prepackaged juice or a prepackaged beverage containing juice, that has not been specifically processed to prevent, reduce, or eliminate the presence or pathogens, or a packaged juice or beverage containing juice may not be served or offered for sale.

b) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods using raw or undercooked shell eggs.

c) Time only, as the public health control as specified under section 750.153, may not be used for raw eggs."

After Section 750.514 Where to Wash Hands, insert

"Section 750.516 Hand Antiseptics

a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

1) Comply with one of the following:

A) Be an approved drug that is listed in the FDA publication "Approved Drug Products with Therapeutic Equivalence"
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Evaluations" as an approved drug based on safety and effectiveness; or

B) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and

2) Comply with one of the following:

A) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles; or

B) Comply with and be listed in:

i) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers as regulated for use as a food additive with conditions of safe use, or

ii) 21 CFR 182 – Substances Generally Recognized as Safe, 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food, and

3) Be applied only to hands that are cleaned as specified under Section 750.510.

b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under 750.516(a)(2) of this section, use shall be:

1) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

2) Limited to situations that involve no direct hand contact with food by the bare hands."
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After Section 750.5(c), add:


In Section 750.325(a)(2), change "Prepackaged juice, or a prepackaged" to "Packaged juice, or a packaged" and change "presence or pathogens" to "presence of pathogens".

Change Section 750.516(a)(1)(a) and Section 750.516(a)(1)(b) to:

"A) Be an approved drug that is listed in "Approved Drug Products with Therapeutic Equivalence Evaluations" as an approved drug based on safety and effectiveness; or

B) Have active antimicrobial ingredients that are listed in OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and"

Also, various typographical, grammatical, and form changes were made in response to the comments from JCAR regarding the Department's second notice submission.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) **Summary and Purpose of Amendments:** These rules establish definitions; define regulatory requirements for inspectors conducting inspections of food service
establishments regarding management and personnel, food operations, and equipment and facilities; and employee restrictions as they apply to ill personnel. The purpose of this Code is to safeguard public health by providing consumers with food that is safe, unadulterated and honestly presented, which will prevent illnesses caused from ingesting food. The adopted amendments consist of changes in temperature requirements of potentially hazardous food items and in the definition of a potentially hazardous food item. These changes are supported by current science as submitted at the National Conference for Food Protection (CFP) and are contained in the federal Food and Drug Administration's Model Food Code.

The recommendations of the CFP are nationally accepted and incorporated into the FDA Model Food Code, which is re-written every four years, with a supplement that comes out every two years. The changes to the Illinois Code are based upon the FDA Model Food Code. The FDA Model Food Code is an important part of the strategy for achieving uniform national food safety standards and for enhancing the efficiency and effectiveness of our nation's food safety system. The FDA Model Food Code reflects the current science, emerging food safety issues and imminent health hazards related to food safety.

Regulations related to the temperatures of potentially hazardous foods, time as a public health control, date marking, and the definition of potentially hazardous food items have also been included in this update of the Illinois Food Service Sanitation Code.

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
(E-mail: DPH.RULES@illinois.gov)

The full text of the Adopted Amendments begins on the next page:
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NOTICE OF ADOPTED AMENDMENTS

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CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

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SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

a) The following materials are incorporated or referenced in this Part:

1) Alternative Health Care Delivery Act [210 ILCS 3]
2) Nursing Home Care Act [210 ILCS 45]
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3) Good Samaritan Food Donor Act [745 ILCS 50]
4) Hospital Licensing Act [210 ILCS 85]
5) Federal Food, Drug, and Cosmetic Act (21 USC 301)
6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
8) Meat and Poultry Inspection Act [225 ILCS 650]
9) Sanitary Food Preparation Act [410 ILCS 650]
10) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)


13) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)


15) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


b) The following materials are incorporated in this Part:


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A) 9 CFR 1: (Animals and Animal Products; Animal Welfare, Definition of Terms);

B) 9 CFR 301: (Animals and Animal Products; Mandatory Meat Inspection, Definitions);

C) 9 CFR 318: (Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products); and

D) 9 CFR 381: (Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations);

E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;

F) 21 CFR 133: Cheeses and Related Cheese Products;

G) 21 CFR 131: Milk and Cream;

H) 21 CFR 114: Acidified Foods;

I) 9 CFR 317: Labeling, Marking Devices, and Containers;

J) 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles;

K) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);

L) 21 CFR 182 – Substances Generally Recognized as Safe;
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M) 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe; and

N) 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).


c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, that, because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from the incubation before hatching.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those
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that which may be infectious or toxigenic.

"Beef pattie mix" (or "beef patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Beverage" means a liquid for drinking, including water.

"Category I facility" means a food establishment that presents a high relative risk of causing foodborne illness, based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

- Potentially hazardous foods are cooled, as part of the food handling operation at the facility;
- Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- Potentially hazardous cooked and cooled foods must be reheated;
- Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;
- Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
- Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- Immunocompromised individuals such as the elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative...
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risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

- Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
- Foods are prepared from raw ingredients, using only minimal assembly; and
- Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

- Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
- Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened
"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.
"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of whenever an existing structure is converted for use as a retail food establishment; any structural additions or
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alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products
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Inspection, Poultry products inspection regulations); as meat in the Illinois Meat and Poultry Act [225 ILCS 650]; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hazard Analysis Critical Control Point (HACCP) Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised, preschool age children or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).
"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Modified Atmosphere Packaging (MAP)" means a one-time gas flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to contain and protect food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy Salmonella enteritidis to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable salmonellae exist.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that: which have

Have a pH level of 4.6 or below; or
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Have a water activity ($a_w$) value of 0.85 or less; or-

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and Raw, washed, cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and
Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced oxygen packaging" includes:

- Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

- Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

- Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

- Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or
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Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 USC 301 et seq.), they are "safe" only if they are used in compliance with regulations established pursuant to Section 409 or Section 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust,
corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)
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SUBPART B: FOOD SUPPLIES

Section 750.110 Special Requirements

a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by the Illinois Grade A Pasteurized Milk and Milk Products Act law. Dry milk and dry-milk products shall be pasteurized.

b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the Illinois Food, Drug, and Cosmetic Act law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, the repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the regulatory authority/health department.

c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, pasteurized shell, pasteurized frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled peeled eggs, commercially prepared and packaged, may be used.

d) Game animals received for sale or service must comply with the criteria specified as follows:

1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection program, as follows:

A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and
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poultry.

B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).

2) Field-dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:

A) Receive a postmortem inspection by a veterinarian, veterinarian's designee, professional biologist or other person familiar with the conditions, parasites and diseases of the species, approved by the regulatory agency that has animal health jurisdiction;

B) Have been field dressed and transported according to requirements specified by the regulatory agency that has animal health jurisdiction; and

C) Be processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:

A) Shall be raised, slaughtered and processed under a voluntary or mandatory inspection program; or

B) Shall:

i) Receive antemortem and postmortem examination; and

ii) Be slaughtered and processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

e) Uninspected, field-dressed wild game served at special events such as wild game
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dinners shall:

1) Have placards displayed in a conspicuous location throughout the event identifying the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act; [745 ILCS 50].

2) Comply with all other food sanitation requirements specified in this Part; and

3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.

f) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced-oxygen atmosphere. Reduced-oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

g) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:

1) The common and/or usual name of the product;

2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;

3) The net contents of the package;

4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and

5) A list of any artificial color, artificial flavor or preservative used.

h) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for
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any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

i) The processing and labeling of ground meats/poultry and other meat/poultry products shall be processed and labeled in compliance with Subpart L of this Part.

j) Pasteurized soft serve mix and frozen desserts shall comply with the standards listed below.

<table>
<thead>
<tr>
<th>Product</th>
<th>Bacterial standard plate count not more than</th>
<th>Coliform determination not more than</th>
<th>Storage temperature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mix</td>
<td>50,000/ml*</td>
<td>10/ml</td>
<td>41° F</td>
</tr>
<tr>
<td>Frozen Dessert</td>
<td>50,000/ml*</td>
<td>10/ml</td>
<td>Frozen</td>
</tr>
<tr>
<td>Plain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frozen Dessert</td>
<td>50,000/ml*</td>
<td>20/ml</td>
<td>Frozen</td>
</tr>
<tr>
<td>Flavored</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Except frozen yogurt with live culture added.

The products shall be tested in accordance with tests and examinations contained in the 18th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 17th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

k) Consumer Advisory. Effective July 1, 1996, if a food service establishment offers any raw or under-cooked animal food, such as meat, poultry, eggs or seafood (including shellfish), in ready-to-eat form or offers any ready-to-eat food containing animal food as a raw ingredient, the food service establishment operator shall advise consumers of the presence of such raw or under-cooked animal food and advise consumers of the increased health risk of eating such foods in raw or under-cooked form, especially for certain populations.

1) If entrees or menu items containing such raw or under-cooked animal food
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(e.g., steak tartare or Caesar salad containing raw unpasteurized eggs) are routinely offered, such consumer advisory shall clearly identify the food item that contains the raw or under-cooked animal food.

2) If a food service establishment does not routinely offer entrees or menu items containing raw or under-cooked animal food, but will serve under-cooked meat, eggs or seafood upon the request of a consumer/patron, a general consumer advisory shall be provided. This advisory does not need to identify the food item that a consumer might request in an under-cooked condition.

3) The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to patrons. The advisory shall include the following:

"The Illinois Department of Public Health advises that eating raw or under-cooked meat, poultry, eggs or seafood poses a health risk to everyone, but especially to the elderly, young children under age 4, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness."

4) If space permits, any consumer advisory may include additional language such as the following:

"For further information, contact your physician or public health department."

5) NOTE: Food service establishments whose primary consumers are highly susceptible individuals, such as nursing homes, hospitals, day care centers and nursery schools, shall not serve raw or under-cooked animal foods (see Section 750.180(b)).

1) Pasteurized shell eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are:

1) Not properly cooked to 145°F (63°C) or above for 15 seconds for shell
eggs that are broken and prepared in response to a consumer's order and for immediate service;

2) Not properly cooked to 155°F (68°C) or above for 15 seconds for shell eggs that are not prepared for immediate service; or

3) Not included in a consumer advisory as described in subsection (k).

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.120 General – Food Protection

a) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. Prior to July 1, 1996, the temperature of potentially hazardous foods shall be 45 degrees F or below or 140 degrees F or above at all times, except as otherwise provided in this Part. Effective July 1, 1996, the temperature of potentially hazardous foods shall be 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Part. Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively. In the event the dated product is not used or sold within 3 days, the product shall be discarded.

b) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.140 Refrigerated Storage
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a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.

b) Prior to July 1, 1996, potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 45°F or below. Effective July 1, 1996, potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 41°F, unless the food is cooled to an internal temperature of 45°F and refrigerated at 45°F for no more than three days as specified in Section 750.120. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as limiting depth of food to 4 inches or less, agitation, quick chilling or water circulation external to the food container. Prior to July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 45°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150. Effective July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150.

1) Cooked Effective July 1, 1996, cooked potentially hazardous food shall be cooled:

A) From 135°F (60°C) to 70°F (21°C) within 2 hours; and

B) From 70°F (21°C) to 41°F (4.5°C), or below, within 4 more hours (or within a total of 6 hours).

2) Potentially Effective July 1, 1996, potentially hazardous food shall be cooled to 41°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned
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3) Fluid Effective July 1, 1996, fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 41°F (4.5°C) or below within 4 hours.

c) Stored frozen Frozen foods shall be maintained frozen and should be stored at a temperature of 0°F or below.

d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

e) Upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, prior to July 1, 1996. Effective July 1, 1996, upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, unless the eggs are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.150 Hot Storage

a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°-degrees F, located to measure the air temperature at the coldest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°-degrees F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bain-maries, steam tables, steam kettles, heat lamps, calrod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

b) The internal temperature of potentially hazardous food requiring hot storage shall be 135°-140 degrees F or above except during necessary periods of preparation or
Potentially hazardous food to be transported shall be held at a temperature of 135°F or above unless maintained in accordance with paragraph (b) of Section 750.140(b).

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking

a) On-Premises Preparation (prepare and hold cold)
Except when packaging food using a reduced oxygen packaging method, and except as specified in subsections (d) and (e) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

b) Commercially Processed Food (open and cold hold)
Except as specified in subsections (d)-(f) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in subsection (a) of this Section.

1) The day the original container is opened in the food establishment shall be counted as Day 1.

2) The day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

c) A refrigerated, ready-to-eat potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
d) A date-marking system that meets the criteria stated in subsections (a) and (b) of this Section may include:

1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a) of this Section;

3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b) of this Section; or

4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

e) Subsections (a) and (b) of this Section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

f) Subsection (b) of this Section does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority:

1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;

2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133: Cheeses and Related Cheese Products;

3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133: Cheeses and Related Cheese Products;
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4) Cultured dairy products as defined in 21 CFR 131: Milk and Cream;

5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114: Acidified Foods;

6) Shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers; and

7) Shelf-stable salt-cured products such as proscuitto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.152 Ready-to-Eat Potentially Hazardous Food, Disposition

A food specified in Section 750.151(a) or (b) shall be discarded if it:

a) Exceeds the temperature and time combination specified in Section 750.151(a), except time that the product is frozen;

b) Is in a container or package that does not bear a date or day; or

c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 750.151(a).

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.153 Time as a Public Health Control

a) If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
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1) The food shall have an initial temperature of 41°F (5°C) or less if removed from cold holding temperature control, or 135°F (57°C) or greater if removed from hot holding temperature control;

2) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;

3) The food shall be cooked and served, served if ready to eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;

4) The food in unmarked containers or packages, or marked to exceed a 4 hour limit, shall be discarded; and

5) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request. The procedures shall ensure compliance with this Section and Section 750.140(b) for food that is prepared, cooked, and refrigerated before time is used as a public health control.

b) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, shall not be used as the public health control for raw eggs.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.188 Plant Food Cooking for Hot Holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.189 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:

a) Rotated or stirred throughout or midway during cooking to compensate for
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uneven distribution of heat;

b) Covered to retain surface moisture;

c) **Heated to a temperature of at least 165°F (74°C) in all parts of the food;**

   and **Heated an additional 25°F (14°C) above the temperature specified in Section 750.180(a)(1), (2) and (4) to compensate for shorter cooking times; and**

d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

**Section 750.208 Preparation for Immediate Service**

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

**Section 750.210 Reheating for Hot Holding**

a) Except as specified under subsections (b), (c), (d) and (e), potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to at least 165°F (74°C) or higher for 15 seconds throughout before being served or before being placed in a hot food storage facility. Steam tables, bain-maries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.
d) Reheating for hot holding shall be done rapidly, and the time during which the food is between 41°F and 165°F may not exceed 2 hours.

e) Remaining unsliced portions of roasts of beef that are cooked as specified under Sections 750.186 and 750.187 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Sections 750.186 and 750.187.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.240 Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:

a) In refrigerated units in a way that the temperature of the food does not exceed 45°F, prior to July 1, 1996, and 41°F, effective July 1, 1996; or

b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

d) As part of the conventional cooking process.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.250 Food Display and Service of Potentially Hazardous Food

Potentially Prior to July 1, 1996, potentially hazardous foods shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F. Potentially Effective July 1, 1996, potentially hazardous foods shall be held during display and service at an internal temperature of 41°F or below, unless the foods are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120, or held during display and service at an internal temperature of 135°F or above, except that rare roast beef shall be held for service at a temperature of at least 130°F.
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(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.310 Milk and Cream Dispensing

a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk milk dispenser for milk and milk products is not available and portions of less than ½ pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container, of not more than one-half gallon capacity.

b) Milk and milk products for drinking purposes in hospitals, nursing homes or day care centers may be dispensed from commercially filled containers into individual serving vessels by food service personnel for service to the consumer.

c) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

d) Remote Prior to July 1, 1996, remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped that all mix therein is maintained at not more than 45°F until subject to freezing. Effective July 1, 1996, remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped so that all mix in the system therein is maintained at not more than 41°F until subject to freezing. Product pumps and flexible lines shall be maintained under continuous refrigeration or insulation when product is within the system. Systems shall be supported and sloped to drain at least one inch per ten feet, preventing retention of fluid. All product lines shall be equipped with an indicating thermometer accurate to plus or minus 2°F. Flexible plastic lines are permitted up to 30 feet if they are in one continuous length and contain sanitary fittings on the terminal ends.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.325 Special Requirements for Highly Susceptible Populations
In a food establishment that serves a highly susceptible population:

a) The following criteria apply to juice:

1) For the purposes of this subsection (a) only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

2) Packaged juice, or a packaged beverage containing juice, that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, may not be served or offered for sale.

b) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods using raw or undercooked shell eggs.

c) Time only, as the public health control specified under Section 750.153, may not be used for raw eggs.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.340 Public Health Protection

The regulatory authority shall apply this Part to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented when offered to the consumer.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.350 Preventing Health Hazards, Provision for Conditions Not Addressed

a) If necessary to protect against public health hazards or nuisances, the regulatory authority shall impose specific requirements in addition to the requirements contained in this Part that are referenced and incorporated in Section 750.5.

b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder, and
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a copy shall be maintained in the regulatory authority's file for the food establishment.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.360 Variances

The regulatory authority may grant a variance by modifying or waiving the requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority shall retain the information specified under Section 750.370 in its records for the food establishment.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.370 Justification for and Documentation of Proposed Variance

Before a variance from a requirement of this Part is approved, the information, which shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment, shall include:

a) The requirement of this Part for which the variance is requested, citing relevant Section numbers; and

b) An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Part will be alternatively addressed.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

SUBPART C: PERSONNEL

Section 750.510 General – Personal Cleanliness

a) Food employees shall keep their hands and the exposed portions of their arms clean with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed
b) Food employees shall clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound.

c) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:

1) Rinse under clean running warm water;

2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;

3) Rub together vigorously for at least 20 seconds while:

   A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and
   
   B) Creating friction on the surfaces of the hands and arms, fingertips, and areas between the fingers;

4) Thoroughly rinse under clean running warm water; and

5) Immediately follow the cleaning procedure with thorough drying, using a method specified under Section 750.1120(e).

d) To avoid re-contaminating their hands, food employees shall use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a hand-washing sink or the handle of a restroom door.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.512 When to Wash Hands

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service articles, and:
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a) After touching bare human body parts other than clean hands and clean exposed portion of arms;

b) After using the toilet room;

c) After caring for or handling service animals;

d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;

e) After handling soiled equipment or utensils;

f) During food preparation, as often as is necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;

g) When switching between working with raw food and working with ready-to-eat food;

h) Before donning gloves for working with food; and

i) After engaging in other activities that contaminate the hands.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.514 Where to Wash Hands

Food employees shall clean their hands in a hand-washing sink or approved automatic hand-washing facility and may not clean their hands in a sink used for food preparation or ware washing, or in a service sink or a curbed cleaning facility used for disposing mop water and similar liquid waste.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.516 Hand Antiseptics

a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

1) Comply with one of the following:
A) Be an approved drug that is listed in "Approved Drug Products with Therapeutic Equivalence Evaluations" as an approved drug based on safety and effectiveness; or

B) Have active antimicrobial ingredients that are listed in OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and

2) Comply with one of the following:

A) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles; or

B) Comply with and be listed in:

i) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use); or

ii) 21 CFR 182 – Substances Generally Recognized as Safe, 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food); and

3) Be applied only to hands that are cleaned as specified under Section 750.510.

b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under subsection (a)(2), use shall be:

1) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

2) Limited to situations that involve no direct hand contact with food by the bare hands.
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(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.520 General – Clothing

a) The outer clothing of all employees shall be clean.

b) Employees shall use effective hair restraints (such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair) that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles, to prevent the contamination of food or food-contact surfaces.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.530 General – Employee Practices

a) Employees may consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

1) The employee's hands;

2) The container; and

3) Exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

cb) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in any equipment or utensil washing or food preparation areas. Employees must not use tobacco in any form only in designated areas. Areas shall not be designated for that purpose if the use of tobacco might result in the contamination of food, equipment, utensils or other items needing protection.

d) Employees shall handle soiled tableware in a way that avoids contamination of
Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

Food employees shall not wear jewelry on their arms and hands while preparing food, except for a plain ring such as a wedding band or medical information jewelry.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.540 Management Sanitation Training and Certification

a) All food service establishments as defined in Section 750.10, except Category III facilities, shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager.

1) Category I facilities. Effective October 1, 1999, Category I facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).

B) Health care facilities licensed under the Hospital Licensing Act [210 ILCS 85], Nursing Home Care Act [210 ILCS 45], or
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Alternative Health Care Delivery Act [210 ILCS 3] that are subject to this Part may comply in one of the following alternative ways:

i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section, provided that the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.

b) Special Circumstances.

1) New food service establishments, except Category III facilities, shall have a certified food service sanitation manager from the initial day of operation or shall provide documentation of enrollment in an approved course to be completed within three months.

2) Food service establishments that are not in compliance with this Section because of employee turnover or other loss of certified personnel, shall have three months from date of loss of certified personnel to comply.
3) Incidental absences of the certified food service sanitation manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided that there is documentation that a certified food service sanitation manager was scheduled to work at that time.

c) Certification shall be achieved by:

1) Successfully completing a Department-approved course and a monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part; and

2) Payment to the Department of a $35 certificate fee.

d) Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

Section 750.551 Certificate Issuance

a) Original certificates issued under this Part shall:

1) Be issued only after the Department has received both:

   A) Evidence of successful completion of an approved Food Service Sanitation Manager Certification examination with a final score of 75% or higher; and

   B) Payment of a $35 fee.

2) Be issued as of the date when the individual successfully completed the examination, and

3) Expire five years from the date of the original issuance.

b) Replacement or duplicate certificates issued under this Part shall:
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1) Be issued after the Department has received payment of a $10 fee; and

2) Have the same expiration date as the original certificate.

c) Renewal certificates shall be issued by the Department at the written request of the certificate holder if the request, documentation of meeting recertification training and/or testing requirements and payment of a $35 fee are received by the Department prior to or on the certificate's expiration date. Renewed certificates shall expire five years from the date of the original certificate's expiration date.

1) Certified food service sanitation managers shall have completed one of the following training and/or testing activities within the previous five years before expiration of their certificates:

   A) Complete a Department-approved 15-hour certification training course;

   B) Complete a Department-approved examination, developed in compliance with Section 750.1850, with a passing score of 75% or higher;

   C) Complete a minimum five-hour refresher course provided by an Illinois approved instructor, as defined in Section 750.1810, using a curriculum provided by the Department; or

   D) Complete other training, a minimum of five hours in length, that has received pre-approval by the Department.

d) If a certificate renewal application is received by the Department with a postmark no later than 30 days after the certificate's expiration date, it shall be renewed, provided the request for renewal is accompanied by documentation of having met recertification criteria as listed in subsection (c) of this Section and payment of the $35 fee. Any fees submitted after the expiration date of the certificate are non-refundable.
Subpart K: Reduced Oxygen Packaging

Section 750.2030 Refrigeration Requirements

Prior to July 1, 1996, all retail processed foods in reduced oxygen packages must be refrigerated at 45°F or below or kept frozen at 0°F or below. Effective July 1, 1996, all retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in this part. Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively.

Section 750.2040 Safety Barriers

Prior to July 1, 1996, refrigeration at 45°F or less is required as the primary safety barrier. Effective July 1, 1996, all retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in Section 750.2030. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced-oxygen atmosphere at retail:

a) Foods with a water activity (a_w) below .91-.93, or
b) Foods with an acidity (pH) of less than 4.65, or
c) Foods with high levels of non-pathogenic competing organisms (such as raw meat or raw poultry) that prohibit the growth of pathogenic bacteria, or
d) Meat or poultry products processed under USDA U.S.D.A. or Illinois Department of Agriculture supervision, with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%, or
e) Frozen foods, provided that the product is maintained in a frozen state before, during and after packaging.
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(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section 750.3200 Smoked Meat, Poultry and Other Food Products

a) Any smoking operation shall comply with all other applicable requirements of this Part.

b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by USDA, FDA or the Illinois Department of Agriculture meet these safety requirements.

c) The internal temperature of any smoked product shall comply with the requirements of Section 750.180 (Cooking Potentially Hazardous Foods).

1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.

2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.

3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature remains at or below 45°F prior to July 1, 1996, and at or below 41°F effective July 1, 1996.

d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:

1) Defrosting procedures, if used;

2) Time/Temperature requirements for cooking and smoking;

3) Cooling procedures;
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4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled;

5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;

6) Description of the cleaning and sanitizing procedures, including frequency; and

7) Samples of labels with all ingredients contained in the product.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Business Corporation Act

2) **Code Citation**: 14 Ill. Adm. Code 150

3) **Section Numbers**: Adopted Action:
   - 150.445 Amended
   - 150.450 Amended

4) **Statutory Authority**: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5]

5) **Effective Date of Amendments**: July 16, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Secretary of State, Department of Business Services office and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register**: 32 Ill. Reg. 3168; March 7, 2008

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: Grammatical, punctuation or non-substantive technical changes were made as agreed upon with JCAR.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Amendments**: Amended Section 150.445: The Section is amended to conform to Section 12.43 of the Illinois Business Corporation Act, which was effective August 28, 2007 per Public Act 95-507. Amended Section 150.450:
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This Section is amended to be consistent with Section 178.145 for the Limited Liability Company Act.

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

Robert Durchholz, Administrator
Department of Business Services
Corporations
501 South Second St.
Howlett Building, Room 330
Springfield, IL 62756

217/782-4909
Fax: 217/782-1644

The full text of the Adopted Amendments begins on the next page:
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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section
150.10 Applicability
150.20 Definitions
150.30 Right to Counsel
150.40 Appearance of Attorney
150.50 Special Appearance
150.60 Substitution of Parties or Attorneys
150.70 Commencement of Action; Notice of Hearing
150.80 Motions
150.90 Form of Papers
150.100 Conduct of Hearings
150.110 Orders
150.120 Record of Hearings
150.130 Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section
150.200 Annual List of Corporations
150.210 Monthly List of Corporations
150.220 Daily List of Corporations
150.230 Computer Access to Information
150.240 Abstracts of Corporate Record
150.250 Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS, OBJECTIONS, AND OTHER RELIEF

Section
150.300 Errors or Defects
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150.305 Financial Data as Support Documentation
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SUBPART D: NAMES

Section
150.400 Preliminary Determination of Availability
150.405 Final Determination of Availability
150.410 Response as to Basis of Unavailability
150.415 Reconsideration Procedure
150.420 Effect of Final Determination
150.425 Applicability
150.430 Availability of Names: Statutory Requirements
150.435 Standards – Conflicting Names
150.440 Distinguishable – Defined
150.445 Matters Not Considered
150.450 Differences
150.455 Surnames
150.460 Alphabet Names
150.465 Government Affiliation
150.470 Restricted and Professional Words
150.475 Acceptable Characters of Print
150.480 Invalidity
150.485 Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
150.500 Preamble
150.510 Manner of Service
150.520 Place of Service
150.530 Payment of Fees
150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section
150.600 Payment of Fees, Franchise Tax and License Fee
150.610 Definitions
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150.620 Annual Report
150.621 Confidentiality of Annual Report Financial Data
150.630 Shares Having a Par Value
150.631 Amended Annual Report
150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
150.700 Interpretive Comments Applicable Generally
150.705 Paid-In Capital
150.710 Advice to the Public
150.720 Incorporating Licensed Professionals
150.725 Corporation Acting as an Incorporator
150.730 Business Hours
150.735 Electronic Filing

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].


SUBPART D: NAMES

Section 150.445 Matters Not Considered

Only the proposed name and the names of active corporations and active limited liability companies, and domestic corporations that have been administratively dissolved for less than three years and limited liability companies (corporations and limited liability companies that have not been dissolved or revoked) on record are considered in determining name availability. Among the matters not considered are:
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a) the purpose, location or relative size of the business;

b) the intent of the applicant;

c) any consent by a corporation bearing a similar title;

d) the names of unincorporated entities;

e) the common law or statutory law of unfair competition, unfair trade practices, trade marks, trade names, service marks, service names, copyrights or any other right to the exclusive use of names or symbols;

f) the names of corporations or limited liability companies not on record with the Secretary of State;

g) whether or not the public may be likely to be deceived or misled by the resemblance of the proposed name to the name of other corporations or limited liability companies;

h) whether or not an existing corporation or limited liability company may possibly be injured by a resemblance to the proposed name;

i) any criteria of sound, including, but not limited to, phonetics derived from deliberate misspelling or otherwise.

(Source: Amended at 32 Ill. Reg. 12039, effective July 16, 2008)

Section 150.450 Differences

Corporate names are deemed not to be distinguishable when a comparison of the names reveals no difference except for:

a) one or more of the terms "corporation", "company", "incorporated", "limited", or "limited liability company" or an acceptable abbreviation thereof, regardless of where in the name such term may appear;

b) the inclusion or omission of punctuation, articles of speech, conjunctions, contractions (or symbols thereof), prepositions, or a letter or letters;
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c) an abbreviation versus a spelling out of a word; a different tense of a word; or the use of the singular as opposed to the plural of a word;

d) the spacing of words, the combination of commonly used two-word terms (including points of the compass), the misspelling, phonetic spelling or any other deviation or derivation of substantially the same base word, abbreviation or symbol;

e) the presence or absence of multiple letters within a word.

(Source: Amended at 32 Ill. Reg. 12039, effective July 16, 2008)
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1) **Heading of the Part**: Limited Liability Company Act

2) **Code Citation**: 14 Ill. Adm. Code 178

3) **Section Numbers**: Adopted Action:
   - 178.20 Amended
   - 178.40 Amended
   - 178.45 Amended
   - 178.55 Amended
   - 178.60 Amended
   - 178.145 Amended
   - 178.180 Amended
   - 178.190 Amended

4) **Statutory Authority**: Implementing and authorized by Section 15 of the Secretary of State Act [15 ILCS 305/15] and Section 50-20 of the Limited Liability Company Act [805 ILCS 180/50-20]

5) **Effective Date of Rulemaking**: July 16, 2008

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Secretary of State, Department of Business Services office and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register**: 32 Ill. Reg. 3175; March 7, 2008

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) **Differences between proposal and final version**: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No
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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amended Rule 178.20. The rule is re-formatted in its entirety to become more functional. The catch-all formerly in d) is generalized and moved to a), while former paragraphs 1) through c) become sub-sections 2) through 4), or elaborations of the new a). In addition, a new sub-section is added for corporations, limited liability companies, limited partnerships and limited liability partnerships. The change to this Section will enhance the Department of Business Services' ability to offer on-line filing services.

Amended Rule 178.40. Changes the title of the Section to the singular, thus conforming to the same title appearing at 160.12 regarding the General Not For Profit Corporation Act [805 ILCS 105], as well as the proposed new rules at new 166.660 for the Uniform Partnership Act (1997) [805 ILCS 206] and at new 171.60 for the Uniform Limited Partnership Act (2001) [805 ILCS 215] moves the reference to an "abstract of record" and clarifies that such an abstract is one source of information but not the only source. Finally, acknowledges that a limited liability company may have perpetual existence. The proposed new Rules at 166-660 and 171.60 utilize the same language reflected by the changes here.

Amended Rule 178.45. The spelling of "bona fide" is corrected.

Amended Rule 178.55. The language of this Section is also being amended to conform to that of proposed new Rules at 166.60 and 171.60. As the same Division within the Secretary of State's Department of Business Services is responsible for overseeing the Limited Liability Company Act, the Uniform Partnership Act (1997) and the Uniform Limited Partnership Act (2001), it is believed that the clientele will appreciate the similarity among like Rules for different Acts.

Amended Rule 178.60. The change to the Section accommodates the creation of Section 5-48 of the Limited Liability Company Act [805 ILCS 180/5-48]. This Section of the statute specifically permits the Department of Business Services to issue refunds. Because of this, and because the Department's policy is to issue refunds in cases of duplicate filings, the change to this Section is necessary.

Amended Rule 178.145. This Rule is changed to conform to the provisions of its "sister" section in the Limited Liability Company Act, or Section 1-20 [805 ILCS 180/1-20]. That Section of the statute does not include "prepositions" among the types of words
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which do not cause the name of a limited liability company to be distinguishable from the names of other such companies or corporations.

Amended Rule 178.180. The change in this Section removes the requirement for a limited liability company to provide its FEIN number when filing an application to adopt an assumed name. There is no statutory requirement to provide this information, it is not required on any other filing under the Limited Liability Company Act, it serves no purpose for the Department of Business Services, and it may create issues concerning privacy.

Amended Rule 178.190. This Section of the Rules applies to the names of limited liability companies that may be considered offensive to good taste and decency. The change clarifies that this Rule applies to any name, regardless of whether it appears in English or in some other language.

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

Illinois Secretary of State
Anthony B. Gordon, Assistant General Counsel
Office of the General Counsel
100 West Randolph St., Suite 5-400
Chicago, IL 60602

312/814-9509  Fax:  312/814-5958

The full text of the Adopted Amendments begin on the next page:
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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 178
LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section
178.10 Definitions
178.15 Applicability
178.20 Filing Requirements
178.25 Additional Requirements for Forms
178.30 Filing Location
178.35 Business Hours
178.40 Sales of Information
178.45 Right to Counsel
178.50 Service of Process
178.55 Payment of Fees
178.60 Refunds
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SUBPART B: NAMES

Section
178.100 Availability of Names: Statutory Requirements
178.105 Preliminary Determination of Availability
178.110 Final Determination of Availability
178.115 Response as to Basis of Unavailability
178.120 Reconsideration Procedure
178.125 Effect of Final Determination
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178.155 Alphabet Names
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178.165 Restricted and Professional Words
178.170 Acceptable Characters of Print
178.175 Invalidity
178.180 Assumed Names
178.185 Foreign LLC with Prohibited Name
178.190 Improper Names

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].


SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.20 Filing Requirements

a) All entities, other than natural persons, serving as a member or manager in a limited liability company must provide evidence of existence upon request of the Secretary of State. Such evidence shall be provided in the formats set forth in subsections (a)(1)-(4) of this Section. All other entities not specifically addressed shall provide proof of existence in the manner prescribed by subsections (a)(1)-(4) that most appropriately applies to their entity format.

1) Corporations, limited liability companies, limited partnerships and limited liability partnerships shall provide either a Certificate of Existence or a Certificate of Good Standing duly authenticated by the proper officer from the state or country of domicile.

2) General partnerships shall provide a statement of information that includes the name of the partnership, the state of formation, the county of formation, the date of formation, the address at which the records of the partnership are kept, and the names and addresses of all partners. The statement shall be sworn to, dated and executed by one of the general partners.
3) Trusts shall provide a statement of information concerning the trust that includes the name of the trust, the date of its creation, the name of all trustees, the location, including state and county, of the trust, and that the trust is currently in full force and effect. The statement shall be dated and executed by a trustee.

4) Estates shall provide a copy of the relevant court order currently dated and executed.

b) Documents transmitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability company, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature requirements of Section 5-45 of the Limited Liability Company Act, which shall otherwise apply.

a) General partnerships serving as members or managers of limited liability companies must comply with the following requirements: provide to the Secretary of State the state of formation, the county of formation, date of formation, office of records address, and all partners' names and addresses by sworn dated statement of one of the general partners.

b) A trust serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State information concerning the trust, including date of creation, the name of all trustees, location including state and county, and that the trust is currently in full force and effect, dated and executed by the trustee.

c) An estate serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State a copy of the relevant court order currently dated and executed.

d) All entities, other than natural persons, serving as members or managers in limited liability companies must provide evidence of its existence upon request of the Secretary of State.

e) Documents transmitted for filing electronically must include the name of the person making the submission. Such inclusion shall constitute the affirmation or
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acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability company, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature provisions of Section 5-45 of the LLCA, which shall otherwise apply.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.40 Sales of Information

a) Information concerning any limited liability company shall be available to the public from the Department of Business Services upon written request, or by telephone or in person, or, if technology is available, on line through interactive computer.

b) Information in the form of an abstract of record concerning the limited liability companies on file with the Department shall be in the form of an abstract of record, shall be printed from the computer file of the Department, and shall consist of the limited liability company name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date (if any) at which the limited liability company will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, the members' and/or managers' names and addresses and the file number with the Department. The fee for each abstract or record shall be $25.

c) Computer connections by non-department users

1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency commits to pay all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.

2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the computer terminal connections as
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opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. This service will be suspended at anytime, should the connection interfere with the Secretary's internal work schedule and processing.

3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the most economic way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and other appropriate factors, such as statutory fees for certain types of information and the requirements of this Subpart.

4) No user may reproduce any list or abstract from the computer connection. Lists of LLCA information including the names and information concerning all limited liability companies may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's LLCA files may be made by any computer connection user.

d) Terms and conditions for computer maintained LLCA information

1) The information supplied by the Department to other agencies, commercial users, or other persons shall be in the abstract format only, as specified in subsection (b) of this Section.

2) The fee for the entire file of current and dissolved limited liability companies, and assumed names, shall be $1,500. The monthly update shall cost $400 per update. The update is available through modem access only. If the file is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes, compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.

3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is
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approved by the Director. Payment shall be made by check, money order made payable to the "Secretary of State" or credit card approved by the Secretary of State's Department of Accounting Revenue (e.g., Visa, MasterCard).

4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.

5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only to the extent that its subscribers request on an individual entity by entity basis.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.45 Right to Counsel

a) Hearing procedures will be governed by Subpart A of 14 Ill. Adm. Code 150.

b) Any party may appear and be heard through an attorney at law licensed to practice in the State of Illinois.

1) Attorneys admitted to practice in states other than the State of Illinois may appear and be heard by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admission to the practice of law admission, pursuant to an order pro hac vice entered by a judge of the circuit court of the county in which the hearing is conducted, as provided in Supreme Court Rule 707.

2) A natural person may appear and be heard on his or her own behalf.

3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.
c) Only an attorney properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

d) A hearing officer may be disqualified from presiding over a hearing wherein the hearing officer has an ethical conflict of interest or has an economic interest in the outcome of the proceeding.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.55 Payment of Fees

All payments of fees and penalties with respect to original articles of organization, applications for original admission to transact business, applications for reinstatement of limited liability companies, and report of penalty-return to good standing shall be by money order, certified check, cashier's check or a check drawn on the account of an Illinois licensed attorney or certified public accountant, payable to the "Secretary of State" or by credit card, or an electronic fund transfer or debit card. All other payments may be made by an entity check, payable to the "Secretary of State." Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.60 Refunds

A refund of any fee paid to the Department shall be made only in cases of duplicate filings or upon compliance with Section 5-48 of the Limited Liability Company Act. No refunds of any fees shall be paid by the Department.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

SUBPART B: NAMES

Section 178.145 Differences

Limited liability company names are deemed not to be distinguishable when a comparison of the names reveals no difference except for:
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a) one or more of the following: limited liability company, LLC, L.L.C., corporation, company, incorporated, limited, or an abbreviation thereof, regardless of where in the name such may appear;

b) the inclusion or omission of punctuation, articles of speech, conjunctions, contractions (or symbols thereof), prepositions, or a letter or letters;

c) an abbreviation versus a spelling out of a word, a different tense of a word, or the use of the singular as opposed to the plural of a word.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.180 Assumed Names

a) A limited liability company may adopt, change, renew or cancel its assumed name by filing an application with the Department and paying the fee as prescribed in Section 5-10 of the LLCA. The application shall contain the following required information: the name of the limited liability company, the file number, the Federal Employer Identification Number (FEIN), and the assumed name to be adopted, changed, renewed or cancelled.

b) The application to adopt, change, or cancel an assumed name shall be on a separate form from the application to renew an assumed name.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)

Section 178.190 Improper Names

The limited liability company name or assumed limited liability company name shall not contain any word or words that create a connotation that is offensive to good taste and decency. By way of example only, prohibited words and phrases include, but are not limited to, profanity, those that are likely to be considered slurs based on race, ethnicity, sexual orientation or gender, or those that otherwise defame a person or group of persons. The provisions of this Section shall apply regardless of whether the name or assumed name of the limited liability company is stated in English or some other language.

(Source: Amended at 32 Ill. Reg. 12046, effective July 16, 2008)
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1) **Heading of the Part**: Uniform Commercial Code

2) **Code Citation**: 14 Ill. Adm. Code 180

3) **Section Numbers**:
   - 180.14 Amended
   - 180.15 Amended

4) **Statutory Authority**: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art.9]

5) **Effective Date of Amendments**: July 16, 2008

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: 32 Ill. Reg. 3186; March 7, 2008

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** No changes were made.

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking**: Section 180.14. This Section was reorganized to simplify the language and to organize each subsection with the corresponding fee information. Section 180.14 has additionally been altered to include Federal Tax Liens in the services rendered by the filing officer.
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Section 180.15. b) 2). The previous language in this Section did not allow a filer to file their UCC on the maturity date. The language was altered to remove the words, "preceeding the date upon which the financing statement lapses". The language will now allow the filer to file a UCC-3 Continuation on the last day of maturity prior to the filing lapse date. In addition, this language now complies with 810 ILCS 5/9-515(d).

Section 180.15. This Section was amended to add language to allow filings that are rejected under 810 ILCS 5/9-516 b) 3) E) to be reviewed by the General Counsel's Office for acceptance.

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

   Dennis L. Hankins, Administrator
   Department of Business Services
   Uniform Commercial Code Division
   501 South Second St.
   Howlett Building, Room 350 West
   Springfield, IL  62756

   Telephone:  217/524-3356
   Fax:  217/557-4430
   Email:  dhankins@ilsos.net

The full text of the Adopted Amendments begins on the next page:
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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 180
UNIFORM COMMERCIAL CODE

Section
180.10 Definitions
180.11 Tender of UCC Records for Filing/Search Request Delivery
180.12 Forms
180.13 Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14 Public Record Services
180.15 Acceptance and Refusal of Records
180.16 UCC Information Management System
180.17 Filing and Data Entry Procedures
180.18 Search Requests and Reports
180.19 XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].


Section 180.14 Public Record Services

Public record services are provided on a non-discriminatory basis to any member of the public on the terms described in this Part. The following are made available for obtaining copies of UCC and Federal Tax Lien records and copies of data from the UCC information management system. Public record services are provided on a non-discriminatory basis to any member of the public on the terms described in this Part. The following methods are available for obtaining copies of UCC records and copies of data from the UCC information management system.
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a) Individually identified records. Copies of individually identified UCC and Federal Tax Lien filings are available upon request on a submitted UCC-11 information request form. Individually identified records are available in the paper form upon written request to the UCC Division.

1) Fees for UCC-11 information request for debtor name searched are $10.

2) Fees for Federal Tax Lien taxpayer name to be searched are $5.

3) Fees for copies of images.
   A) Copies of UCC images are $1 per copy page requested.
   B) Copies of Federal Tax Lien images are $.50 per page requested.

b) Bulk Data File Transfer Protocol (FTP). Data file transfers are available upon written request, along with payment in advance, to the Director of the Department of Business Services. Bulk copies of records. Bulk copies of UCC records are available in CD-Rom.

1) Full Extract. A full extract of the master file of all historical data of UCC and Federal Tax Lien data from the management system is available for a one-time fee of $2,500 payable in advance.

2) Update Extracts. A weekly update of the UCC and Federal Tax Lien data from management system is available for a fee of $200 per week, payable in advance.

c) CD Subscription. A written request to receive UCC and Federal Tax Lien images on CD-Rom may be submitted, along with advance payment, to the UCC Division. The CDs will be mailed to each subscriber twice each month. The first mailing will occur within four business days after the 15th of each month. The second CD mailing will occur within four business days after the last business day of each month.

1) Fees for CD subscriptions are $250 each month, payable in advance.
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2) Mailings may be requested to be shipped overnight at the expense of the subscriber. Express mail labels and packages must be submitted to the filing office prior to each mailing.

e) Data from the information management system. A list of available data elements from the UCC information management system and the file layout of the data elements are available from the UCC Division upon request. Any purchaser of transmitted computer data shall sign a contract setting forth the terms and conditions of the sale, including the fees. Data from the information management system is available as follows:

1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.

2) Update extracts. Updates of information from the UCC information management system are available on a weekly basis.

3) Format. Extracts from the UCC information management system are available in the FTP (File Transfer Protocol) format.

d) Direct Access On-line Services. Data may be accessed through a direct link into the government database by use of an assigned Remote Access Identification Number (RAQF ID). A contract for Direct Access must be obtained from the Illinois Secretary of State Office of General Counsel. Direct on-line services make UCC data available on a subscription basis. A description of subscription services is available from the filing officer.

1) Fees are determined pursuant to contract (see 44 Ill. Adm. Code 2000).

2) Fees must be paid prior to receiving Direct Access On-line Services and are non-refundable once the Department has accepted the contract. Acceptance shall be evidenced once the contract has been signed by the Director of the Department of Business Services.

e) New Practices and Technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 Part 5 of the UCC filing data by means of electronic, voice, optical and/or other technologies, and without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-
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Based system, a non-paper-based filing system utilizing any such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and, whenever possible, uniformity with, technologies, practices, policies and regulations adopted in connection with filing systems in other states. Fees for public record services. Fees for public records are established as follows:

1) Paper copies of individual records. The fee for paper copies of UCC records is $1 per page.

2) Bulk copies of records. Bulk copies of UCC records are available for a fee of $250 per month, payable 1 month in advance. Purchases shall only be made on a 12-month subscription basis. A subscription can be ordered by written request submitted to the Director, and shall include the first month's fee.

3) Data from the information management system. Fees for data from the information management system shall be paid prior to the transfer of the information from the UCC Division to the purchaser, and shall not be refundable once the order is accepted by the Department. Acceptance shall be evidenced by the Department's signing of the contract.

   A) Full extract. The fee for the master file, which may only be purchased as a whole, shall be $2,500.

   B) Update extracts. The fee for weekly updates shall be $200.

4) Third party on-line services. Information regarding fees for third party on-line services may be obtained from the Department.

f) New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 Part 5 of the UCC filing data by means of electronic, voice, optical and/or other technologies, and without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based filing system utilizing any such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and
whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with filing systems in other states.

(Source: Amended at 32 Ill. Reg. 12057, effective July 16, 2008)

Section 180.15 Acceptance and Refusal of Records

a) Role of Secretary. The duties and responsibilities of the Secretary with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record, the Secretary does none of the following:

1) Determine the legal sufficiency or insufficiency of a record.

2) Determine that a security interest in collateral exists or does not exist.

3) Determine that information in the record is correct or incorrect, in whole or in part.

4) Create a presumption that information in the record is correct or incorrect, in whole or in part.

b) Grounds for refusal. In addition to the grounds listed in Section 9-516 of the UCC [810 ILCS 5/9-516], allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if the record contains more than one secured party or assignee name or address and some names or addresses are missing or illegible, or no address is given in the address field. As used in this Section, address is deemed to include street address, city, state and postal code.

1) Deadline for filing a continuation statement. The first day on which a continuation statement may be filed is the date corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

2) Last day permitted. The last day on which a continuation statement may be filed is the last business day of maturity before the lapse date of the UCC. If the last business day on which the UCC matures falls on a
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holiday or weekend, the filing office must receive the continuation on the last business day prior to the lapse date. Last day permitted. The last day on which a continuation may be filed is the last business day preceding the date upon which the financing statement lapses.

c) Procedure upon refusal. Except as provided in Section 180.13 of this Part, if the filing officer finds grounds to refuse a UCC record, the filing officer shall return the record to the remitter and shall return the filing fee.

d) Notification of defects. Nothing in this Section prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so, or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for legal effectiveness.

e) Refusal errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been, the filing officer will file the UCC record with a filing date and time assigned when the filing occurs. The filing officer will also file a filing officer statement that states the effective date and time of filing, which shall be the date and time the UCC record was originally tendered for filing.

f) Transmitting utility rejections. If a UCC Financing Statement submitted as a Transmitting Utility is rejected because it does not meet the definitions of a Transmitting Utility under the provisions of 810 ILCS 5/9-102(80), it may be resubmitted with proper verification that a Transmitting Utility exists.

1) Rejected UCCs submitted as a Transmitting Utility will be reviewed by General Counsel and the Director of the Department of Business Services to determine that a valid reason exists for the rejection.

2) Upon receipt of the resubmitted UCC Financing Statement with proper verification that a Transmitting Utility exists, the submitted documents will be accepted and given the same received stamped date as the original date of filing.

(Source: Amended at 32 Ill. Reg. 12057, effective July 16, 2008)
NOTICE OF PEREMPTORY AMENDMENTS

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**
   - 310.260 Amendment
   - 310.APPENDIX A TABLE H Amendment
   - 310.APPENDIX A TABLE V Amendment

4) **Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking:**
   The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.260 and 310.Appendix A Tables H and V to reflect two Memoranda of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that were signed June 30, 2008.

   The first MOU assigns the Juvenile Justice Specialist and Juvenile Justice Specialist Intern title to the RC-006 bargaining unit and the pay grade RC-006-14 and RC-006-11, respectively, effective May 1, 2008. No positions within the title are excluded from the bargaining unit representation by the Illinois Labor Relations Board. For the emergency, provisional or temporary appointments to a position allocated to the title, a merit compensation MS salary range assignment will be filed in future proposed amendments.

   The second MOU assigns the Juvenile Justice Supervisor title to the CU-500 bargaining unit and the pay grade CU-500-21 effective May 1, 2008. No positions within the title are excluded from the bargaining unit representation by the Illinois Labor Relations Board. For the emergency, provisional or temporary appointments to a position allocated to the title, a merit compensation MS salary range assignment will be filed in future proposed amendments.

5) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

6) **Effective Date:** July 9, 2008

7) **A Complete Description of the Subjects and Issues Involved:** In Section 310.260, the Juvenile Justice Specialist Intern assignment to RC-006-11 is added to the title table.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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In Section 310.Appendix A Table H, the Juvenile Justice Specialist title, its title code 21971, bargaining unit RC-006 and pay grade 14 and the Juvenile Justice Specialist Intern title, its title code 21976, bargaining unit RC-006 and pay grade 11 are added to the title table.

In Section 310.Appendix A Table V, the Juvenile Justice Supervisor title, its title code 21980, bargaining unit CU-500 and pay grade 21 rates are added in a title and rate table effective May 1, 2008. Along with the title and rate table effective May 1, 2008, the title and rate table effective January 1, 2008 remains in effect.

8) Does this rulemaking contain an automatic repeal date? No

9) Date filed with the Index Department: July 9, 2008

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

12) Are there any other proposed rulemakings pending on this Part? No

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory amendment shall be directed to:

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

   217/782-7964
   Fax: 217/524-4570
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

CMS.PayPlan@Illinois.gov

The full text of the Peremptory Amendments begins on the next page:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
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SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

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

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<th>Title</th>
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<td>Account Technician Trainee</td>
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<td>Appraisal Specialist Trainee</td>
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### NOTICE OF PEREMPTORY AMENDMENTS

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<td>Clerical Trainee</td>
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Weatherization Specialist Trainee 49105 RC-062-12 None

(Source: Peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008)
### Section 310. Appendix A  Negotiated Rates of Pay

#### Section 310. Table H  RC-006 (Corrections Employees, AFSCME)

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NOTICE OF PEREMPTORY AMENDMENTS

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Effective July 1, 2007
Bargaining Unit: RC-006

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Effective January 1, 2008
Bargaining Unit: RC-006
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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(Source: Peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE V  CU-500 (Corrections Meet and Confer Employees)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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Effective January 1, 2008
Bargaining Unit: CU-500
## NOTICE OF PEREMPTORY AMENDMENTS

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

### NOTICE OF PEREMPTORY AMENDMENTS

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(Source: Peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008)

**Effective May 1, 2008**

**Bargaining Unit: CU-500**
**SECOND NOTICES RECEIVED**

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 8, 2008 through July 14, 2008 and have been scheduled for review by the Committee at its August 19, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

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<th>Second Notice Expires</th>
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<th>Start Of First Notice</th>
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<td>8/21/08</td>
<td>Secretary of State, Department of Personnel (80 Ill. Adm. Code 420)</td>
<td>2/29/08 32 Ill. Reg. 2887</td>
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<td>8/23/08</td>
<td>Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)</td>
<td>10/26/07 31 Ill. Reg. 14581</td>
<td>8/19/08</td>
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POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2008

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the Illinois Register and Environmental Register a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combined sewer overflow exception determinations made by the Board during the fiscal year 2008 (July 1, 2007, through June 30, 2008).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2008 (July 1, 2007 through June 30, 2008)

<table>
<thead>
<tr>
<th>Docket/Docket Title</th>
<th>Final Determination</th>
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<tbody>
<tr>
<td>In the Matter of: Petition of the Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. ILD007095) AS 07-07, (July 26, 2007)</td>
<td>The Board dismissed this petition after the Illinois Department of Transportation (IDOT) filed a motion to withdraw. IDOT's petition concerned discharge from its East St. Louis District 8 Bowman Avenue Pump Station and Missouri Avenue Pumping System. IDOT refiled this petition as AS 08-1. That docket has been stayed pending adoption of the Board's triennial review of sulfate and total dissolved solids water quality standards (R07-9). Those rules are currently in the second-notice period.</td>
</tr>
<tr>
<td>In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company's Alton Public Water Supply Facility Discharge to the Mississippi River Under 35 Ill. Adm. Code 304.124 and 304.106 AS 07-02, (October 18, 2007)</td>
<td>The Board granted a new adjusted standard to Illinois-American Water Company (IAWC) to replace the expiring one granted in 2000 for the public water supply treatment facility in Alton, Madison County. After a public hearing on August 28, 2007, the Board found that IAWC's sediment reduction program, known as the Piasa Creek Watershed Project, had fulfilled expectations. The project, as administered by the Great Rivers Land Trust, has won various awards, as well as national</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)


The Board granted an adjusted standard to Johns Manville (JM) for relief from the landfill closure requirements pertaining to landfill gas monitoring and management, and groundwater monitoring for its landfill located in Waukegan, Illinois. The Board found that JM demonstrated that factors relating to JM are substantially and significantly different from the factors considered by the Board in adopting the rules of general applicability. Further, the Board found that granting the adjusted standard would not result in environmental or health effects significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 Ill. Adm. Code 810.103, 814.102, and 814.501(c) AS 08-04, (December 20, 2007)

The Board dismissed this petition for an adjusted standard for the City of Chicago Heights (City) for failure to timely publish the newspaper notice required by Section 28.1(d)(1) of the Act.

The Board dismissed this petition for lack of jurisdiction. The City of Chicago Heights (City) sought to close the Fitz-Mar landfill under the Board's Part 807 non-hazardous solid waste landfill regulations rather than the Board's Part 811 non-hazardous solid waste landfill regulations. The Board found that the City's newspaper notice failed to advise the public of the right to request a public hearing. The Board further cited numerous informational deficiencies in the petition.

In the Matter of: Petition of Biomedical Technology Solutions Inc. for an Adjusted Standard from 35 Ill. Adm. Code 810.103, 814.102, and 814.501(c) AS 08-07, (February 21, 2008)

The Board granted Biomedical Technology Solutions, Inc. (BMTS) an adjusted standard from the testing requirements for units recognition and community support. The Board further found that IAWC satisfied all conditions of the original adjusted standard, and justified the grant of a permanent one.
treating potentially infectious medical waste (PIMW). BMTS, based in Colorado, is pursuing the Illinois market to sell its "Demolizer" unit, a countertop medical waste treatment device for treating PIMW. The Board found that BMTS justified its request, and granted the adjusted standard to allow BMTS to substitute *Bacillus atrophaeus* (ATCC9372), in lieu of the listed organisms, when performing an initial efficacy test of its "Demolizer" dry heat sterilization technology.


The Board dismissed the petition for an adjusted standard following Midwest Generation's motion to withdraw. In its motion to withdraw, Midwest Generation stated that it had chosen to opt in to the Combined Pollutant Standard at 35 Ill. Adm. Code 225, Subpart F, which provides sufficient flexibility to address the issues intended to be addressed by this adjusted standard.


The Board dismissed the petition for an adjusted standard following Midwest Generation's motion to withdraw. In its motion to withdraw, Midwest Generation stated that it had chosen to opt in to the Combined Pollutant Standard at 35 Ill. Adm. Code 225, Subpart F, which provides sufficient flexibility to address the issues intended to be addressed by this adjusted standard.

Final Actions Taken by the Pollution Control Board in Combined Sewer Overflow Exception Proceedings During Fiscal Year 2008 (July 1, 2007 through June 30, 2008)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2008, as none were filed with the Board or pending during fiscal year 2008.

Request copies, noting the appropriate docket number, to:
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Name: John Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois  60601
Telephone: 312-814-3629

Address questions concerning this notice, noting the appropriate docket number, to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois  62794-9274

217-524-8509
webbc@ipcb.state.il.us
DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2008. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

- Coins & Precious Metals
- Construction Contractors
- Electricity Excise Tax
- Enterprise Zones
- Exempt Organizations
- Farm Machinery & Equipment
- Food
- Hotel Operators' Tax
- Interest
- Interstate Commerce
- Occasional Sale

- Leasing
- Local Taxes
- Manufacturer's Purchase Credit
- Manufacturing Machinery & Equipment
- Medical Appliances
- Miscellaneous
- Motor Fuel Tax
- Newsprint & Ink
- Nexus
- Service Occupation Tax
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Returns
Rolling Stock Exemption
Sale at Retail
Sale for Resale
Sale of Service

Telecommunications Excise Tax
Vehicle Use Tax
Watercraft Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

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

  Marie Keeney
  Legal Services Office
  101 West Jefferson Street
  Springfield, Illinois 62794
  217/782-2844
NOTICE OF PUBLIC INFORMATION

COINS & PRECIOUS METALS

ST 08-0041-GIL 04/02/2008 Gross receipts from the sales of legal tender, currency, medallions, gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion, are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1910(c).

CONSTRUCTION CONTRACTORS

ST 08-0057-GIL 04/21/2008 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 08-0081-GIL 06/02/2008 Persons who permanently affix tangible personal property to real estate act as construction contractors and incur Use Tax liability on their cost price of tangible personal property they physically incorporate into realty. See 86 Ill. Adm. Code 130.1940 and 130.2075.

ST 08-0082-GIL 06/02/2008 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations or governmental entities that hold tax exempt "E" numbers can purchase such property tax free by providing their suppliers with the certification described in 86 Ill. Adm. Code 130.2075(d). See 86 Ill. Adm. Code Section 130.2075.

ST 08-0091-GIL 06/10/2008 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations or governmental entities that hold tax exempt "E" numbers can purchase such property tax free by providing their suppliers with the certification described in 86 Ill. Adm. Code 130.2075(d). See 86 Ill. Adm. Code Section 130.2075.

ST 08-0092-GIL 06/10/2008 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations or governmental entities that hold tax exempt "E" numbers can purchase such
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

property tax free by providing their suppliers with the certification described in 86 Ill. Adm. Code 130.2075(d). See 86 Ill. Adm. Code Section 130.2075.

ELECTRICITY EXCISE TAX

ST 08-0086-GIL 06/03/2008  Sales to a Federal corporation created by Congress are not taxable under the Electricity Excise Tax Law when the Federal statute creating the corporation exempts it from state-imposed taxes. See 86 Ill. Adm. Code 511.150(b).

ENTERPRISE ZONES

ST 08-0003-PLR 04/01/2008  Under the Enterprise Zone building materials exemption, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of materials that will be incorporated, by remodeling, rehabilitation, or new construction, into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act. (See Section 5k of the Retailers' Occupation Tax Act, 35 ILCS 120/5k and 86 Ill. Adm. Code 130.1951(e).)

ST 08-0080-GIL 05/30/2008  The building materials exemption conferred at 35 ILCS 120/5k is explained in Department regulations found at 86 Ill. Adm. Code 130.1951.

EXEMPT ORGANIZATIONS

ST 08-0047-GIL 04/11/2008  Organizations that make application to the Department of Revenue and are determined to be exclusively religious, educational, or charitable, receive an exemption identification number (an "E" number). See 86 Ill. Adm. Code 130.2007.

ST 08-0070-GIL 04/29/2008  Sales to exempt organizations are subject to sales tax unless the organization has obtained an active exemption identification number ("E" number) from the Department. See 86 Ill. Adm. Code 130.2080.
DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

FARM MACHINERY & EQUIPMENT

ST 08-0083-GIL 06/02/2008 Liquid Petroleum gas used in heating animal confinement buildings does not qualify for the Farm Machinery and Equipment Exemption. See 86 Ill. Adm. Code 130.305.

ST 08-0100-GIL 06/25/2008 Equipment purchased to clear land does not qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305(f).

FOOD

ST 08-0042-GIL 04/08/2008 This letter provides a brief summary of when the high rate of tax for food and the low rate of tax for food apply. See 86 Ill. Adm. Code 130.310.

ST 08-0078-GIL 05/29/2008 This letter provides a brief summary of when the high rate of tax for food and the low rate of tax for food apply. See 86 Ill. Adm. Code 130.310.

HOTEL OPERATORS' TAX

ST 08-0066-GIL 04/28/2008 The Hotel Operators' Occupation Tax applies to gross receipts received from a person who occupies a room or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. See 86 Ill. Adm. Code 480.101.

INTEREST

ST 08-0048-GIL 04/11/2008 This letter concerns payment of interest on credit memorandums issued by the Department. See 86 Ill. Adm. Code 130.1515(c), 140.1415(c), 150.1415(c), and 160.165(c).

INTERSTATE COMMERCE
ST 08-0050-GIL  04/11/2008  This letter concerns sales made in interstate commerce.  See 86 Ill. Adm. Code 130.605.

ST 08-0094-GIL  06/12/2008  This letter discusses sales in interstate commerce that originate in Illinois. 86 Ill. Adm. Code 130.605.

LEASING

ST 08-0056-GIL  04/21/2008  Information regarding the tax liabilities in a lease situation may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010

ST 08-0076-GIL  05/27/2008  Information regarding the tax liabilities in a lease situation may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

LOCAL TAXES

ST 08-0044-GIL  04/10/2008  The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order. Consequently, if a purchase order is accepted in a jurisdiction that imposes a local tax, that tax will be incurred.  See 86 Ill. Adm. Code 270.115.

ST 08-0065-GIL  04/28/2008  This letter addresses the rate of tax imposed in a municipality that has a Home Rule Municipal Retailers' Occupation Tax.  See 86 Ill. Adm. Code 270.101.

ST 08-0079-GIL  05/30/2008  This letter addresses the rate of tax imposed in a municipality that has a Home Rule Municipal Retailers' Occupation Tax.  See 86 Ill. Adm. Code 270.101.

ST 08-0087-GIL  06/03/2008  In general, the imposition of the various local sales taxes in Illinois takes effect when "selling" occurs in a jurisdiction imposing a tax. The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order.  See 86 Ill. Adm. Code 270.115(b).
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 08-0099-GIL  06/25/2008  The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order. Consequently, if a purchase order is accepted in a jurisdiction that imposes a local tax, that tax will be incurred. See 86 Ill. Adm. Code 270.115.

MANUFACTURER’S PURCHASE CREDIT

ST 08-0072-GIL  05/09/2009  Manufacture's Purchase Credit ("MPC") can only be used to satisfy a liability under the Use Tax Act or Service Use Tax Act incurred on purchases of certain production related tangible personal property. See 35 ILCS 105/3-85 and 35 ILCS 110/3-70.

MANUFACTURING MACHINERY & EQUIPMENT

ST 08-0004-PLR  05/08/2008  The manufacturing machinery and equipment exemption includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for sale or lease. See 86 Ill. Adm. Code 130.330(c)(6).

ST 08-0075-GIL  05/27/2008  The Manufacturing Machinery and Equipment exemption does not apply to hand tools, supplies, coolants, lubricants, adhesives, or solvents, items of personal apparel, coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. See 86 Ill. Adm. Code 130.330.

ST 08-0088-GIL  06/03/2008  Machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330.

MEDICAL APPLIANCES

ST 08-0069-GIL  04/29/2008  Medicines and medical appliances are not taxed at the general State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

MISCELLANEOUS

ST 08-0045-GIL 04/10/2008  The Department does not issue binding rulings in the form of General Information Letters. Only Private Letter Rulings that meet the requirements of 2 Ill. Adm. Code 1200.110 are binding upon the Department and are only binding to the taxpayer who is the subject of the request for ruling. See 2 Ill. Adm. Code 1200.110.

ST 08-0053-GIL 04/17/2008  This letter is a response to a survey regarding drop shipments. For information regarding drop shipments, see the Department's regulation entitled "Drop Shipments," found at 86 Ill. Adm. Code 130.225.

ST 08-0095-GIL 06/20/2008  This letter concerns the tax reporting requirements for sellers of ATVs and off-road motorcycles. See 86 Ill. Adm. Code 130.540.

ST 08-0096-GIL 06/23/2008  This letter references the Department's administrative rules for veterinarians. See 86 Ill. Adm. Code 130.2165.

MOTOR FUEL TAX

ST 08-0093-GIL 06/12/2008  This letter describes documentation requirements under the Motor Fuel Tax Law. See 86 Ill. Adm. Code 500.335, 500.340 and 500.345.

NEWSPRINT & INK

ST 08-0046-GIL 04/10/2008  Gross receipts from the sale of newspapers and magazines in Illinois are not subject to sales tax. See 86 Ill. Adm. Code Section 130.2015.

NEXUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION


OCCASIONAL SALE

ST 08-0067-GIL 04/28/2008 A person does not incur Retailers' Occupation Tax liability on the gross receipts from an isolated or occasional sale. See 86 Ill. Adm. Code 130.110.

RETURNS

ST 08-0077-GIL 05/28/2008 Retailers of cars, trucks, vans, ATVs, buses, watercraft, aircraft, motor homes, trailers, snowmobiles and mobile homes file Form ST-556, Sales Tax Transaction Reporting Return, with the Department not later than 20 days after the day of delivery of that item. See 35 ILCS 120/3.

ROLLING STOCK EXEMPTION

ST 08-0058-GIL 04/21/2008 This letter references an earlier letter regarding the rolling stock general exemption. 86 Ill. Adm. Code 130.340.

ST 08-0060-GIL 04/21/2008 The Retailers' Occupation Tax Act provides an exemption for tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors of such interstate carriers. See 86 Ill. Adm. Code 130.340.


SALE AT RETAIL

ST 08-0054-GIL 04/17/2008 The exemption contained in the Retailers' Occupation Tax Act for vehicles sold to purchasers that will rent the vehicles for a period
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

of one year or less was revoked from September 1, 2007, through January 10, 2008. See 35 ILCS 120/2-5(5).

ST 08-0059-GIL 04/21/2008 Sales of products of photofinishing are considered sales of tangible personal property rather than sales of service.

SALE FOR RESALE

ST 08-0064-GIL 04/24/2008 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1405.

ST 08-0084-GIL 06/03/2008 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1405.

ST 08-0090-GIL 06/10/2008 The Department's regulation at 86 Ill. Adm. Code 130.1405 describes the requirements for Certificates of Resale.

ST 08-0101-GIL 06/30/2008 This letter describes the standard drop-shipment scenario and certificates of resale. 86 Ill. Adm. Code 130.225.

ST 08-0102-GIL 06/30/2008 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1401 and 130.1405.

SALE OF SERVICE

ST 08-0097-GIL 06/23/2008 If no tangible personal property is transferred incident to the sales of services, then no Service Occupation Tax or Use Tax would be incurred on the sales of those services. See 86 Ill. Adm. Code 140.101.

SERVICE OCCUPATION TAX

ST 08-0051-GIL 04/14/2008 This letter concerns the taxation of tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.01.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 08-0055-GIL 04/18/2008 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

ST 08-0062-GIL 04/21/2008 This letter concerns the taxation of tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.01.

ST 08-0063-GIL 04/23/2008 The taxability of maintenance agreements depends upon whether charges for the agreements are included in the selling price of the tangible personal property. See 86 Ill. Adm. Code 140.301.

ST 08-0073-GIL 05/15/2008 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

ST 08-0098-GIL 06/25/2008 The Service Occupation Tax is a tax imposed upon servicemen engaged in the business of making sales of service in this State, based upon the tangible personal property transferred incident to sales of service. See 35 ILCS 115/3.

TELECOMMUNICATIONS EXCISE TAX

ST 08-0043-GIL 04/09/2008 This letter rescinds General Information Letter ST 08-0001. State-imposed USF and TRS charges on consumers' bills are not includable in gross charges. Charges on consumers' bills to pass on to consumers telecommunications carriers' Federal USF costs are includable in gross charges. See 86 Ill. Adm. Code 495.100(l).

ST 08-0061-GIL 04/21/2008 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 35 ILCS 630/1 et seq.

ST 08-0089-GIL 06/10/2008 This letter discusses the tax liabilities for sales of prepaid calling card arrangements and other services. See 86 Ill. Adm. Code 495.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

VEHICLE USE TAX

ST 08-0085-GIL 06/03/2008  The Vehicle Use Tax is imposed on the privilege of using, in this State, any motor vehicle acquired by gift, transfer or purchase. See 86 Ill. Adm. Code 151.101.

WATERCRAFT USE TAX

ST 08-0052-GIL 04/14/2008  A watercraft use tax is incurred on any non-retail "transfer" of watercraft, other than on the very limited exemptions set out under the Department's regulations. See 86 Ill. Adm. Code 153.115.
PROCLAMATIONS

2008-279
SPECIAL SESSION PROCLAMATION

WHEREAS, the Illinois Constitution requires the General Assembly, by law, to make appropriations for all expenditure of public funds for each fiscal year for the operations of State government, departments, authorities, and public agencies, among other things;

WHEREAS, Article VIII, Section 2(b) of the Illinois Constitution of 1970 requires the General Assembly to pass a balanced budget in which appropriations for the fiscal year do not exceed funds estimated to be available during that year;

WHEREAS, the General Assembly passed four appropriations bills for the expenditure of public funds for Fiscal Year 2009;

WHEREAS, the appropriations passed by the General Assembly for Fiscal Year 2009 exceed funds estimated to be available during that year and thus render the budget passed by the General Assembly unbalanced by approximately $2 billion, in clear violation of Article VIII, Section 2(b) of the Illinois Constitution;

WHEREAS, the Illinois Senate has passed several funding solutions, including a capital bill and a fund transfer bill, among other things, that if enacted could support a balanced budget;

WHEREAS, the capital bill which has overwhelmingly passed the Senate not only provides additional funding solutions to support a balanced budget, but also spurs the economy by creating approximately 600,000 jobs across Illinois;

WHEREAS, the leadership of the House of Representatives refused to present any of the funding solutions passed by the Illinois Senate to the House for a vote of the body prior to adjourning on May 31, 2008;

WHEREAS, during debate on the House floor on May 29, 2008, several representatives acknowledged that the spending measures the House was considering (and ultimately passed) lacked supporting revenues;

WHEREAS, on the day the appropriation bills were passed by the Illinois House of Representatives, numerous representatives questioned the constitutionality of knowingly passing a budget that was grossly unbalanced;
PROCLAMATIONS

WHEREAS, it was emphatically noted on the House floor that intentionally passing an unbalanced budget under the premise that it would be balanced by the Governor did not comport with the General Assembly's constitutional duty to pass a balanced budget;

WHEREAS, on June 24, 2008, I called upon the House of Representatives to pass the funding solutions already passed by the Illinois Senate by July 9, 2008, in order to bring the budget into balance;

WHEREAS, the leadership of the House of Representatives has refused to call the House into session to deal with the grossly unbalanced budget passed;

WHEREAS, according to the Comptroller, a budget must be in place prior to July 9, 2008, in order to prevent the interruption of the operations of State government; and

WHEREAS, unless the General Assembly passes revenue generating measures to support a balanced budget, I will have no choice but to make significant cuts to State services and sponsored programs, thereby causing great harm to the citizens of this State, which could be avoided;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on July 9, 2008, at 2:28 p.m. to (a) consider any measures, including but not limited to Senate Bill 790, House Bills 6339, 2651, 4723, 1496, and 5618, which would provide the necessary revenue to support the appropriations contained in House Bill 5701, and Senate Bills 1102, 1115, and 1129, and (b) accept and immediately enter in the journal any veto, line-item veto, or reduction veto of any appropriation bills returned by the Governor.

Dated: July 9, 2008
Issued: July 9, 2008

2008-280
Lakes Appreciation Month

WHEREAS, the State of Illinois is fortunate to have more than 84,000 lakes, ponds and reservoirs within its boundaries; and

WHEREAS, lakes and ponds are important resources to the State of Illinois' way of life and its environment, providing sources of recreation, scenic beauty and habitat for wildlife; and
WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism and municipal governments; and

WHEREAS, thousands of citizen volunteers have demonstrated their interest in Illinois lakes by actively monitoring lake quality over the last 27 years through the Volunteer Lake Monitoring Program; and

WHEREAS, the State of Illinois recognizes the need to protect these lakes and ponds for future generations:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2008 as LAKES APPRECIATION MONTH in Illinois.

Issued by the Governor July 7, 2008
Filed by the Secretary of State July 14, 2008

2008-281
Ghanafest Day

WHEREAS, on July 26th, the Ghana National Council of Metropolitan Chicago is sponsoring Ghanafest, an annual event that began 20 years ago; and

WHEREAS, Ghanafest attracts thousands of visitors from all over the world. Last year, the festival attracted over twenty thousand participants; and

WHEREAS, Ghanafest is one of the single largest gatherings of African immigrants in the United States; and

WHEREAS, from traditional African arts and crafts and tribal dress, to extraordinary Ghanaian foods and musical performances, Ghanafest is a great opportunity to experience the rich and diverse culture of Ghana; and

WHEREAS, this year's guests include His Excellency Hon Edusei-Barwuah, Ghanaian Ambassador to the United States, Nana Akufo Addo, Professor Atta Mills, and Paa Kwesi Nduom, all candidates seeking election as President of Ghana, as well as the special guest of honor, Nana Barffour Amankwatia V – Bantamahene; and

WHEREAS, Ghanaians and the Ghana National Council are celebrating the 20th anniversary of sharing this extraordinary presentation of African culture with all of the citizens of Illinois:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 26, 2008 as GHANAFEST DAY in Illinois, and welcome all those attending Ghanafest to celebrate Ghanaian culture and heritage.

Issued by the Governor July 7, 2008
Filed by the Secretary of State July 14, 2008

2008-282
National Payroll Week

WHEREAS, more than 156 million Americans, including approximately 12.5 million Illinoisans, contribute millions of dollars to federal and state treasuries through payroll taxes each year; and

WHEREAS, payroll taxes help subsidize vital civic programs and projects, such as education, Medicare, parks, roads, and Social Security; and

WHEREAS, by paying and reporting worker wages and collecting and paying employment taxes, which account for 66 percent of United States Treasury revenue from workers, payroll professionals perform an essential role in supporting the country; and

WHEREAS, payroll professionals also play a key role in maintaining our state's economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and

WHEREAS, these dedicated professionals meet regularly with federal and state officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

WHEREAS, during the week in which Labor Day falls, the American Payroll Association and its 23,000 members, along with its Diamond Sponsor, Automatic Data Processing, conducts a nationwide public awareness campaign that explains the payroll withholding system, promotes the benefits of payroll, and pays tribute to American workers and payroll professionals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 1 – 5, 2008 as NATIONAL PAYROLL WEEK in Illinois in recognition of all the
hardworking Americans in this state, and in support of the worthy efforts of the American Payroll Association.

Issued by the Governor July 8, 2008
Filed by the Secretary of State July 14, 2008

2008-283
Beer Distributor Day

WHEREAS, on July 10, 1933, the Illinois Constitutional Convention ratified the 21st Amendment to the United States Constitution, thereby permitting Illinois to determine how to regulate and control the transportation, importation, possession and use of alcoholic beverages within its borders; and

WHEREAS, on January 31, 1934, the Illinois Liquor Control Act of 1934 was enacted, establishing the Three Tier Regulatory System (licensed manufacturers, distributors and retailers) to control the importation and sale of alcoholic beverages within the State of Illinois; and

WHEREAS, the Three Tier Regulatory System assures that alcoholic beverages are controlled from time of manufacture, delivered through a licensed distribution system, and sold by licensed retailers. This system assures that alcoholic beverages are safe for all adult consumers of legal drinking age, provides an affective means for the state of Illinois to control and collect liquor gallonage taxes, provides that retailers are fairly and equally treated to maintain a competitive retail environment and that licensed retailers only sell to those consumers who are 21 years of age or older; and

WHEREAS, licensed distributors are the primary point of regulation of alcohol by the State of Illinois by being the only entity licensed to import alcohol into the State, by maintaining a chain of custody which gives accountability and control to the State of Illinois, and by requiring that all alcoholic beverages in their control are delivered only to licensed retailers; and

WHEREAS, the Associated Beer Distributors of Illinois, in cooperation with the Illinois Principals Association, has distributed over 125,000 booklets to Illinois schools to help parents talk to their children about the dangers of alcohol; and

WHEREAS, the State of Illinois is proud to salute Illinois beer distributors and the Associated Beer Distributors of Illinois to acknowledge the numerous accomplishments made by these fine
citizens who have served Illinois by assuring that all beer brought into the state is safe and through their many efforts promote responsible consumption by all legal adult consumers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 10, 2008 as BEER DISTRIBUTOR DAY in Illinois.

Issued by the Governor July 8, 2008
Filed by the Secretary of State July 14, 2008

2008-284
Women's Business Development Days

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 22nd Anniversary Entrepreneurial Woman's Conference on September 3 & 4, 2008 at Chicago's Navy Pier; and

WHEREAS, this Conference marks the third decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the WBDC was founded in 1986 by S. Carol Dougal and Hedy M. Ratner and since then, more than 55,000 women business owners have used its programs and services: one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business Enterprise certification and capacity building program; Procurement and Technical Assistance Program and Child Care Business Initiative and program; and Women's Venture Program; and

WHEREAS, there are now over 10.6 million women-owned businesses in the U.S., employing over 19.1 million workers, and over 350,000 of those businesses are in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-
owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over $2.46 trillion in sales:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 3 & 4, 2008 as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois, in recognition of the Women's Business Development Center's 22nd Anniversary Entrepreneurial Woman's Conference, and in celebration of the past two decades of the WBDC’s outstanding advocacy and service to women business owners.

Issued by the Governor July 10, 2008
Filed by the Secretary of State July 14, 2008

2008-285
Career and Technical Organizations Week

WHEREAS, the proper education of today's youth is a concern of all Americans; and

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and

WHEREAS, for more than 30 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced awareness of the importance of career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America (BPA), Future Business Leaders Association (FBLA), Family, Career and Community Leaders Association (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA, Illinois Association of DECA, Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA, and Technology Student Association (TSA):

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 5 - 11, 2008 as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor July 10, 2008
Filed by the Secretary of State July 14, 2008
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 30 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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