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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

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

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Homeownership Mortgage Loan Program

2) Code Citation: 47 Ill. Adm. Code 300

3)

Section Numbers:	Proposed Action:
300.101	New Section
300.102	New Section
300.103	New Section
300.104	New Section
300.105	New Section
300.106	New Section
300.107	New Section
300.108	New Section
300.109	New Section
300.110	New Section
300.111	New Section
300.112	New Section
300.113	New Section
300.201	New Section
300.202	New Section
300.203	New Section
300.301	New Section
300.302	New Section
300.303	New Section
300.304	New Section
300.305	New Section
300.401	New Section
300.402	New Section
300.403	New Section
300.404	New Section
300.501	New Section
300.502	New Section
300.503	New Section
300.504	New Section
300.505	New Section

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.23]

5) A Complete Description of the Subjects and Issues Involved: Under the new homeownership mortgage loan program, the Authority may acquire, hold and sell qualifying mortgage loans or may acquire, hold and sell mortgage-backed securities representing pools of qualifying mortgage loans.

All mortgage loans financed or refinanced under the new homeownership mortgage loan program will be insured by (i) qualified private mortgage insurance, if approved by the Authority, or (ii) the Federal Housing Administration, the United States Department of Veterans Affairs, or the United States Department of Agriculture, Rural Housing Service, or a comparable government insurance program approved by the Authority and acceptable to certain government sponsored housing enterprises, unless, and only to the extent that, Fannie Mae, Freddie Mac or Ginnie Mae, as issuer and/or guarantor of Mortgage-Backed Securities, do not require that particular Mortgage Loans be insured to be included in pools of Mortgage Loans underlying Mortgage-Backed Securities issued and/or guaranteed by Fannie Mae, Freddie Mac or Ginnie Mae.

6) Published Studies or reports, and sources of underlying data, used to compose the rulemaking: No published studies or reports were used to compose the rulemaking. The rulemaking is based on an existing rule for a similar homeownership mortgage loan program that is limited to first-time home buyers.

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Kristi S. Poskus
Deputy General Counsel

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

312/836-7416

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: No new professional skills required.

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

The full text of the Proposed Rules is identical to that of the Emergency Rules of this Part, and can be found in this issue of the Illinois Register on page 1783:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Insurance Data Reporting Requirements

2) Code Citation: 50 Ill. Adm. Code 4203

3)

Section Numbers:	Proposed Action:
4203.20	Amendment
4203.30	Amendment
4203.40	Amendment
4203.50	Amendment
4203.60	Amendment
4203.70	Amendment
4203.80	Amendment
4203.90	Amendment
4203.100	Amendment
4203.110	Repeal
4203.210	Amendment
4203.220	Amendment
4203.230	Amendment
4203.300	Repeal
4203.310	Repeal
4203.APPENDIX A	Amendment
4203.APPENDIX B	Repeal

4) Statutory Authority: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/Art. XLII and 1204]

5) A Complete Description of the Subjects and Issues Involved: These changes will significantly improve the Cost Containment data collection process. All data will be collected on a Calendar Year basis. By eliminating the option of filing on an Accident Year or Policy Year basis, the companies should experience a significantly simplified collection process. Additionally, the standardized data will allow for improved market analysis.

For insurance companies required to report medical malpractice insurance data (also referred to as medical professional liability), the changes will streamline the data reporting requirements. This data will be on a report year basis for claims made policy types and an accident year basis for occurrence policy types.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Joe Clennon, Staff Attorney
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001

217/557-1396
217/524-9033 (facsimile)

or

Susan Anders, Rules Coordinator
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001

217/785-8220

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: Data reporting requirements and procedures are set forth throughout the rule.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2011

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE~~FINANCIAL AND PROFESSIONAL REGULATION~~
SUBCHAPTER vv: INSURANCE COST CONTAINMENT

PART 4203
INSURANCE DATA REPORTING REQUIREMENTS

SUBPART A: COST CONTAINMENT REPORTING

Section
4203.10 Applicability
4203.20 Purpose and Scope
4203.30 Data Collection Procedures
4203.40 General Submission Guidelines
4203.50 Required Data Types (Lines, Classes, and Coverage's)
4203.60 Line Item Matrix For Cost Containment Reporting
4203.70 Coding Conventions for~~For~~ Other Liability, Medical Malpractice, Earthquake, Commercial Auto Liability, Business Owners Packages, and Excess Insurance
4203.80 Coding Conventions for Homeowner and Residential Fire Insurance
4203.90 Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)
4203.100 Coding Conventions for Private Passenger Auto Physical Damage
4203.110 Record Layout for the Four Formats (Repealed)

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section
4203.200 Applicability
4203.210 Purpose and Scope
4203.220 Definitions
4203.230 Reports

SUBPART C: MARKET SURVEY FOR OCCURRENCE INSURANCE COVERAGE OF STATE RESPONSE ACTION CONTRACTORS

Section
4203.300 Purpose (Repealed)
4203.310 Declaration (Repealed)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting
4203.APPENDIX B Guidelines for Submission of Medical Malpractice Reporting (Repealed)

AUTHORITY: Implementing Article XLII and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/Art. XLII].

SOURCE: Adopted at 22 Ill. Reg. 4853, effective March 3, 1998; amended at 31 Ill. Reg. 2287, effective January 22, 2007; amended at 33 Ill. Reg. 2285, effective January 26, 2009; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: COST CONTAINMENT REPORTING

Section 4203.20 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the Director of the Illinois Department of ~~Financial and Professional Regulation Division of~~ Insurance (Director) pursuant to Section 1204(A) through (D) of the Illinois Insurance Code [215 ILCS 5/1204]. This Part will also collect data required to implement Article XXXIII of the Insurance Code [215 ILCS 5/Art. XXXIII]. In addition, this Part will establish the medium by which this information shall be transmitted to the Director.

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

Section 4203.30 Data Collection Procedures

a) Scope of Procedure
Each insurer shall report its business written separately for Illinois and multi-state (including Illinois) for each line, subline, or class, or endorsement specified by this Part. Where zip code reporting is required, each line, subline, class or endorsement shall be reported separately for each zip code. ~~Zip code reporting will be required for Illinois personal line business only.~~ Only data for the voluntary market will be reported.

b) Methods of Compiling Annual Experience
Experience for each class or type of business required in the data call will be provided on a calendar year basis. ~~will be provided for the applicable methods described in this subsection (b). The insurer or agent will report data for calendar year and calendar year premium-only data evaluated as of December 31. For calendar-accident and policy year data, the evaluation date will be March 31. The~~

~~statistical periods for reporting each type or class of business are defined as: 1) Calendar year~~ The calendar year data represents a comparison of losses with exposures and premiums in the same 12 month period. For the calendar year experience method, the insurer or agent will report evaluations as of December 31. Data will be reported for the current year minus one year. (For example, the 1996 report will contain data for 1995, evaluated as of December 31, 1995, the latest complete, calendar year experience year.)

~~2) Calendar-accident year~~
~~The accident year data represents a comparison of losses on claims occurring in a given 12 month period with the exposures and premiums in that same period. The insurer or agent will report data based upon evaluations as of March 31 of the year following the period close. Data will be reported for the current year minus two years. The insurer will report data separately, for the latest five year experience years. (For example, the 1996 report will contain data reported separately by year for the years 1990 through 1994, evaluated as of March 31, 1995, with 1994 the latest complete, calendar-accident year experience year.)~~

~~3) Policy year~~
~~The policy year data represents a comparison of losses occurring under policies having inception dates in a given calendar year with the exposures and premiums on those policies. The insurer or agent will report evaluations as of March 31 of the year following the close of the period. Data will be reported for the current year minus three years. The insurer will report data separately, for the latest five year experience years. (For example, the 1996 report will contain data reported separately by year for the years 1989 through 1993, evaluated as of March 31, 1995 with 1993, the latest, complete policy-year experience year.)~~

~~4) Calendar year premium only~~
~~For all classes that are reported on a calendar-accident or policy year basis, insurers will submit an additional and separate record for calendar year experience that includes written premium, earned premium, and written exposures. The data will be reported for the most recent calendar year and will be evaluated as of December 31. (For example, for the November 1997 report, insurers will report premiums and exposures for their 1996 calendar year experience for each class in addition to their calendar-accident and policy year data.) Insurers need not submit~~

~~additional records for any class that is reported using the calendar year method of compiling annual experience.~~

c) Experience Method By Line

1) For all~~those~~ lines~~ where calendar year experience is used, including private passenger automobile physical damage; homeowners (optional); earthquake-REQ (optional); residential fire (optional); and excess insurance (optional)~~, each insurer will report the premium and loss data for the latest experience year. (For example, 2008~~1995~~ data for reporting year 2009~~1996~~.)

~~2) For those lines where calendar-accident and policy year experience is used, insurers will report the latest five experience years for each line using the appropriate calendar-accident and policy year experience methods. (For example, in the 1996 report insurers will submit data for the years 1990 through 1994, for lines using the calendar-accident experience method and 1989 through 1993 for the policy year experience method.) Because there are several insurers that will not be able to comply with the five year requirement with the initial submittal, the Division of Insurance (Division) will allow the five year requirement to be phased in over the next three years. One additional year will be required each year until the five year requirement is satisfied. Insurers, however, should report as many of the five years as possible and are minimally required to report the latest experience year for both calendar-accident and policy years with the 1997 submittal. (For example, in 1997, a minimum of two years of data will be required. In the year 2000, and thereafter, five years of data will be required.)~~

~~3) Reports will be filed on an annual basis for the required lines using the applicable experience methods. The applicable experience method for each line is defined as follows:~~

~~Line or Type of Coverage~~	~~Experience Methods~~
~~Homeowners Multiple Peril[1]~~	~~Calendar year[2] or calendar-accident year and calendar year premium-only~~

~~Medical Malpractice~~	~~Policy year and calendar year premium-only~~
~~Earthquake (REQ)~~	~~Calendar year[2] or calendar-accident year and calendar year premium-only~~
~~Other Liability~~	~~Policy year and calendar year premium-only~~
~~PPA Liability~~	~~Calendar accident year and calendar year premium-only~~
~~PPA Physical Damage~~	~~Calendar year[2] only~~
~~Commercial Automobile Liability~~	~~Calendar accident year and calendar year premium-only~~
~~Residential Fire~~	~~Calendar year[2] or calendar-accident year and calendar year premium-only~~
~~Business Owners Packages~~	~~Calendar accident year and calendar year premium-only~~
~~Excess Insurance~~	~~Calendar year[2], calendar-accident year, or policy year and calendar year premium-only~~

~~[1] Includes earthquake endorsement to homeowners or residential fire (HEQ and 323 classification).~~

~~[2] A separate calendar year premium-only record is not required for classes that are already reported on calendar year basis.~~

2)~~4)~~ In reporting the required data, please note the following clarifications:

A) The "Other Liability" line includes classes from liquor liability, day care centers, and lawyers professional liability, and excess/umbrella coverage. ~~Products liability is excluded.~~

~~B)~~ ~~Residential fire excludes allied lines.~~

B)~~C)~~ Data from Beach Plans and Assigned Risk Plans will not be reported. (The Illinois FAIR Plan Association will submit Illinois-only data for homeowners.) Insurers will not report any FAIR Plan data.

d) Preparation and Completion of Statistical Reports

1) Insurers may report statistics directly, or through an agent. Agents reporting data for more than one insurer will report each insurer's data on separate records.

2) Insurers will report their data within the required time frame using the codes and record formats provided in Sections 4203.50 through 4203.100~~110~~.

~~3)~~ ~~Prior to submission of data, the insurer shall edit the data being reported. The Division has available and will provide an edit program to each insurer upon request.~~

3~~4)~~ Exemption requests:~~Submittal information must contain the following:~~

A) All companies requesting exemption from data submission requirements must notify the Department prior to each filing date. The notice ~~A cover letter, signed by the Illinois Cost Containment contact person, must accompany each filing. The cover letter should explain any special situations regarding the data submission that needs clarification. Please note that, for internal control, companies having no cost containment data to file must send a letter to the Division on each filing date, including the information listed in this subsection, and must state that they have no data to file. Agents must include in the cover letter a list of all companies for whom data is being submitted. This letter~~ must contain the following information:

i) Name of company or agent,

ii) FEIN (not applicable to agents),

iii) NAIC group number (not applicable to agents),

iv) Filing date (e.g., 11/25/96),

v) Address, City, State and Zip code,

vi) Contact person,

vii) Phone number of contact person,

viii) Email address for contact person~~Type of submittal (Initial-Full, Initial-Partial, Refile, or Amended)~~,

ix) Reason for exemption.~~Number of records in this submittal.~~

~~B)~~ ~~Data submitted pursuant to this Part must be reported on 3.5" IBM formatted diskettes unless otherwise authorized. The data on each diskette must be in ASCII, comma-delimited format. The Division will accept data that has been compressed with PKWARE's PKZIP product.~~

B)~~C)~~ All data for each line of business must be submitted as a complete submission. In the event data is resubmitted, all data previously submitted for that line of business by that insurer will be deleted and replaced by the resubmitted data. ~~The diskettes must be labeled with the title Illinois Cost Containment Data. The label must also contain the following information:~~

~~i)~~ ~~Name of company or agent,~~

~~ii)~~ ~~FEIN (not applicable to agent),~~

~~iii)~~ ~~NAIC group number (not applicable to agent),~~

~~iv)~~ ~~Filing date,~~

~~v)~~ ~~Number of diskettes in this submittal,~~

~~vi) Type of submission (Initial-Full, Initial-Partial, Refile, or Amended),~~

~~vii) Number of records in this submittal.~~

~~The following terms apply to the type of submission entry on the diskette label and the cover letter. An insurer's first data submittal to the Division for a reporting period is considered the initial submittal. If the insurer considers it a full submission, it will be identified as "Initial-Full". If the insurer does not consider it a full submittal, it should be identified as "Initial-Partial". The "Initial-Partial" identification will be used by the insurer in situations where it submits part of the data and an agent submits the remainder. Since agents most likely will never report an entire set of data for all its companies, the agents will code Field 2 with a 1, 2, 3, or 4 and will always identify their data as an Initial-Partial submittal. Thus, with this coding scheme, the only Initial-Full submittals will be submitted by insurers where Field 2 must be coded 6. For Initial-Partial submittals, Field 2 for all records must be coded 1, 2, 3, or 4 by agents and 5 by insurers. Resubmittals resulting from the receipt of a letter from the Division regarding edit errors are considered a Refile. A resubmittal of data initiated by the insurer or agent to correct data previously submitted, not the result of a Divisional edit letter, is considered an amended filing.~~

~~Example: Parent companies or multiple companies in the same group need not file a separate diskette for each company in that group; however, they must report data for each of the companies in their group separately and ensure that the FEIN for each company is accurate for each record.~~

C)~~D)~~ Insurers need not submit a record (for either Illinois only or multi-state) for any line, class, or endorsement if written premiums, earned premiums, and paid and outstanding losses in the Illinois-only data are all zeroes.

e) Reporting of Exposures
A count of the number of written exposures will be reported separately for each line, type of business~~,~~ and~~or~~ classification. Section 4203.50 provides the

exposure basis for each. ~~Note that for private passenger auto liability and commercial auto liability, the exposure count will apply only to the bodily injury component. For private passenger auto physical damage, the exposure count will apply only to the comprehensive component. For certain coverages (e.g., earthquake), the exposure count will be blank. These situations will be identified in the coding instructions in Sections 4203.70 through 4203.100.~~

f) Reporting of Premiums
The premium reported will be the premium charged for the policies within each classification. Excess insurance premiums will be reported separately as addressed in subsection (r). Premiums will be reported on both a written and earned basis.

g) Reporting of Losses
Separate fields are provided for both paid losses and outstanding losses. Losses will be reported net as to third party recoveries (under salvage and subrogation). Paid losses are defined as all sums paid to claimants or policyholders in direct settlement of losses covered by the policies. Outstanding losses are defined as the amounts of loss reserves established for paying claims for the reporting period that have not been paid as of the evaluation date. Losses covered by an excess policy will be reported separately as addressed in subsection (s).

h) Reporting of Allocated Loss Adjustment Expenses
Allocated loss adjustment expense (ALAE) includes all expenses of the company which can be identified with and hence allocated to a particular claim. Insurers will report the amount of paid and outstanding ALAE for the private passenger auto liability, medical malpractice, other liability and commercial auto liability lines. Also, ALAE will be collected for business owners insurance and excess insurance. In those situations where an insurer cannot separate indemnity and ALAE, the insurer will submit a separate record; however, the insurer will enter the combined loss and ALAE total in the paid loss or outstanding loss fields and will identify this option by coding the corresponding paid ALAE or outstanding ALAE fields with the word "combined".

i) Reporting Paid Claims Count
Insurers will report the count of their paid claims. A claim closed without a loss payment is not to be reported. A claim involving only allocated loss adjustment expense is not to be reported with a claim count. A claim count is to be reported only for those cases where a loss payment has been made or a loss reserve has

been established. A paid claim is defined as a claim for which a payment has been made. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

j) Reporting Outstanding Claims Count
Insurers will report the count of outstanding claims. An outstanding claim is defined as a claim for which a case loss reserve exists as of the evaluation date. In cases where a claim is partially paid with an associated case reserve still maintained, insurers have the option to report the claim count as either paid or outstanding. A case involving loss payments or loss reserves under more than one classification will have a claim count under each classification.

k) Run-off Business
Companies with no written or earned premiums, but with paid or outstanding losses in a line, class, subclass, or endorsement for Illinois-only data must report data for that line, class, subclass, or endorsement for both Illinois-only and multi-state. If the aforementioned situation occurs in only the multi-state data, the insurer will not be required to report that data.

l) Three Year Prepaid Policies
Premiums for three year prepaid policies shall be reported as three separate annual policies.

m) Other Prepaid Policies
The procedure, outlined in subsection (l), applies to other policies not having a one year term with proper recognition of the policy term and using a pro rata allocation formula. In all cases policy periods shall be annual or less.

n) Treatment of Installment Payments
Premiums for policies written on an installment basis will be reported as though they were prepaid policies.

o) Installment Charge Premium
Additional premium resulting from the application of installment charges shall be reported as premium.

p) Divisible Package Policies

Insurers will report premiums separately by each classification used in developing the total package premium.

q) Rounding Rule
Data will be reported in whole numbers. All decimals will be rounded to the nearest integer. (Decimals less than .5 will be rounded down to the nearest whole number while decimals .5 and above will be rounded up to the nearest whole number.)

r) Reporting Excess Insurance Premiums
Written and earned premiums for excess insurance will be entered in the appropriate fields for this type class. (See Section 4203.70.) Premiums for excess insurance are defined as that premium charged for coverage in excess of the primary policy limits added by a different policy (e.g., umbrella policy or through an endorsement to the policy).

s) Reporting Excess Insurance Losses
Paid losses and outstanding losses for excess insurance will be entered in the appropriate fields for this class. (See Section 4203.70.) An excess loss is defined as a loss resulting in an incurred cost to the insurer in excess of the primary policy limits and covered by a different policy or an endorsement to the policy. Examples include umbrella policies and excess limits endorsements.

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

Section 4203.40 General Submission Guidelines

a) Guidelines for Data Submission and Collection
There will be only one filing date each year. Data must be submitted no later than November 30 of each year prior to 2012. Commencing in 2012, data must be submitted no later than August 1 of each year. The submission will be submitted electronically~~mailed~~ to the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance, Market Analysis Unit~~Cost Containment Section~~, 320 W. Washington, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.

b) Penalties
Failure to comply with any of these specifications may subject the insurer to those

penalties described in Section 1204~~(E)~~ of the Illinois Insurance Code [215 ILCS 5/1204~~(E)~~].

c) Leading Zeros
Since fields are not fixed-length, leading zeros and spaces should be omitted.

d) Negative Numbers
Negative numbers will be submitted as a dash before the number (without a space between the negative and number). For example a negative one hundred dollar premium would be coded -100.

e) Data Reported by Illinois and Multi-State

1) All required data will be reported in the aggregate for:

A~~1)~~ Illinois only, and

B~~2)~~ multi-state including Illinois.

2) All data contained in this data call shall be submitted on a calendar year basis.~~AGENCY NOTE: To meet the calendar year premium-only requirement, insurers are to report their personal lines (i.e., homeowner, PPA liability, PPA physical damage and residential fire) data as Illinois-only by zip code and their non-personal lines data as Illinois-only. No multi-state records are necessary for reporting data under the calendar year premium-only method of compilation. Further, data that are already reported using the calendar year method do not need to be reported using the calendar year premium-only method. (For example, PPA physical damage.) For Illinois-only data that does not fall within the range of Illinois zip codes (60001 through 62999), the code 99999 will be used.~~

f) Required Data Elements
Data shall be reported for the following nine insurance elements:

1) Number of written exposures,

2) Amount of direct written premiums,

3) Amount of direct earned premiums,

4) Amount of paid losses,

5) Amount of outstanding losses,

6) Amount of paid allocated loss adjustment expenses,

7) Amount of outstanding allocated loss adjustment expenses,

8) Number of paid claims,

9) Number of outstanding claims.

~~AGENCY NOTE: For the calendar year premium-only method of compiling annual experience, only the number of written exposures, amount of direct written premiums, and amount of direct earned premiums are to be reported.~~

g) Required Lines or Coverages of Insurance
The Department~~Division~~ requires that data be submitted for classes within the following 10 lines or coverage types of insurance.

Coverage Type	Line of business
Residential Fire	01.0
Homeowners Multiple Peril	04.0
Business Owners Packages	04.0
Medical Malpractice	11.0
Earthquake	12.0
Other Liability	17.0
Private Passenger Automobile Liability	19.2
Commercial Automobile Liability	19.4
Private Passenger Automobile Physical Damage	21.1

~~1) Other Liability,~~

~~2) Medical Malpractice,~~

~~3) Commercial Automobile Liability (excludes no-fault),~~

~~4) Private Passenger Automobile Liability (excludes no-fault),~~

~~5) Homeowners Multiple Peril,~~

~~6) Business Owners Packages,~~

~~7) Private Passenger Auto Physical Damage,~~

~~8) Earthquake,~~

~~9) Excess Insurance,~~

~~10) Residential Fire.~~

h) Reported By Zip Code
All Illinois data reported for line 01.0, 04.0, 19.2 and 21.1 must be reported by zip code. All other data within the data call is to be reported on a statewide basis.~~In addition to records for multi-state data, Illinois-only personal lines data (homeowners, private passenger auto, and residential fire) will be reported by zip code by line by class. There will be one record for each zip code for each class in the homeowner, private passenger auto liability, private passenger physical damage, and residential fire lines. If an insurer reports a class on a calendar year basis by zip code, the insurer should not also report data by zip code on a calendar year premium-only basis. (For example, PPA physical damage.)~~

i) Reported By Form Type
There will be a separate record for each line, class, or type of coverage for each form type used in writing a policy. Note that an insurer may use any one or more of the form types within the same line or class of insurance. When multiple form types are used the insurer must generate a record for each of those form types.

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

Section 4203.50 Required Data Types (Lines, Classes, and Coverages)

Within the required lines of insurance identified in Section 4203.40(g), the Department~~Division~~ requires data for specified lines, classes or coverages. There are 9~~10~~ categories contained in the following table that summarize the data that must be filed in Illinois pursuant to this Part.

OTHER LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
DAY CARE CENTERS		
Day care center liability – day nurseries	82115	square feet
Day care center liability – day care centers	41714	person-months
Day care center liability individual insurer program not rated using one of the exposure bases noted above.[1]	81714	NA
LAWYERS PROFESSIONAL LIABILITY		
Lawyers professional liability – lawyers	81400	person-months
Lawyers professional liability – employed law clerks, investigators, abstractors, and paralegals	81420	person-months
Lawyer's professional liability individual insurance program not rated using one of the exposure bases noted above.[2]	81401	NA
LIQUOR LIABILITY		
Clubs	70412	receipts
Package stores, and other retail establishments	59211	receipts
Manufacturers, wholesalers, and distributors	50911	receipts
Restaurants, taverns, hotels, motels incl: package sales	58161	receipts
Temporary licenses	58168	no exposure
Owners or lessors of premises used by others	58169	no exposure
Liquor liability – not otherwise classified	11111	no exposure

Liquor liability individual insurer programs not rated using one of the exposure bases noted above.[1]	81111	NA
EXCESS INSURANCE		
Commercial Automobile	9772	NA
Personal Umbrella	99930	NA
Commercial Umbrella	99935	NA
Excess Insurance – All Other	88888	NA
OTHER		
All other coverage contained in line 17.1 and 17.2 of the company's state page exhibit for the filing year	OTHR	

Table:

[1] Individual insurer programs that are not rated using one of the exposure bases above with this specified class definition will be reported as classification codes 81111 and 81714, respectively.

[2] Individual insurer programs that are not rated using one of the exposure bases noted above with this specified class definition will be reported as classification code 81401.

MEDICAL MALPRACTICE

CLASS OR DATA TYPE	CLASS CODE MD[1]	CLASS CODE DO[2]	EXPOSURE BASE
CARDIAC SURGERY			
Surgery – cardiac	80141	NA	person-months
Surgery – cardiovascular disease	80150	84150	person-months

CARDIAC – OTHER			
Cardiovascular disease – minor surgery	80281	84281	person-months
Cardiovascular disease – no surgery	80255	84255	person-months
CRITICAL CARE MEDICINE			
Intensive care medicine. Applies to any general practitioner or specialist employed in intensive care hospital unit	80283	84283	person-months
DENTISTS			
Oral surgery with anesthesia	80210	NA	person-months
Oral surgery without anesthesia	80211	NA	person-months
EMERGENCY ROOM SURGERY			
Emergency medicine – including major surgery	80157	84157	person-months
EMERGENCY ROOM – OTHER			
Emergency room – no major surgery	80102	84102	person-months
GENERAL PRACTITIONER (FAMILY PRACTICE)			
Family physician or general practitioner – no surgery	80420	84420	person-months
Family physician or general practitioner – minor surgery	80421	84421	person-months
Surgery – general practice or family practice	80117	NA	person-months
GENERAL SURGERY			
Surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery.	80143	84143	person-months

NEUROSURGERY			
Surgery – neurology – including child	80152	84152	person-months
Neurology – including child – minor surgery	80288	84288	person-months
OBSTETRICS/GYNECOLOGY – SURGERY			
Surgery – gynecology	80167	84167	person-months
Surgery – obstetrics	80168	NA	person-months
Surgery – obstetrics – gynecology	80153	84153	person-months
OBSTETRICS/GYNECOLOGY – OTHER			
Gynecology – minor surgery	80277	84277	person-months
Gynecology – no surgery	80244	84244	person-months
ORTHOPEDIC SURGERY			
Surgery – orthopedic	80154	84154	person-months
PHYSICIANS, SURGEONS, AND DENTISTS			
Physicians, Surgeons, and Dentists not otherwise classified	94999	94999	person-months~~NA~~
Physicians, Surgeons, and Dentists individual programs not rated using one of the exposure bases noted above	90430	NA	person-months~~NA~~
PLASTIC SURGERY			
Surgery – plastic – not otherwise classified	80156	84156	person-months
Surgery – plastic – otorhinolaryngology	80155	84155	person-months
THORACIC~~THORASIC~~ SURGERY			
Surgery – thoracic	80144	84144	person-months

VASCULAR SURGERY

Surgery – vascular	80146	NA	person-months

OTHER

All other coverage contained in line 11.0 of the company's state page exhibit for the filing year	OTHR	person-months

Table:

[1] MD = Medical Doctor

[2] DO = Doctor of Osteopathy

COMMERCIAL AUTO LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Fleet and non-fleet combined trucks, tractors, and trailers – zone rated	1A 1B 1C	car-months (BI) receipts number of miles
Fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles	2A	car-months (BI)
Fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines	3A 3B 3C	car-months (BI) receipts number of miles

OTHER

All other coverage contained in line 19.4 of the company's state page exhibit for the filing year.	OTHR

PRIVATE PASSENGER AUTO LIABILITY

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
PPA Liability	NA	car-months (BI)
OTHER		
All other coverage contained in line 19.2 of the company's state page exhibit for the filing year	OTHR	car-months (BI)

HOMEOWNER MULTI-PERIL

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
HO-1	HO-1	house-months
HO-2	HO-2	house-months
HO-3	HO-3	house-months
HO-4	HO-4	house-months
HO-5	HO-5	house-months
HO-6	HO-6	house-months
HO-8	HO-8	house-months
Mobile Homes	Mobile	house-months
HOMEOWNER ENDORSEMENTS		
Home Day Care endorsement	323	house-months~~NA~~
Earthquake endorsement	HEQ	house-months~~NA~~
OTHER		
All other coverage contained in line 04.0 of the company's state page exhibit for the filing year	OTHR	house-months

BUSINESS OWNERS PACKAGE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Business Owners Package (BOP)~~.~~	77777	NA
Other coverage contained in line 05.0 of the company's state page exhibit for the filing year	OTHR	

PRIVATE PASSENGER AUTO PHYSICAL DAMAGE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
PPA Physical Damage	NA	car-months (comp)
Other coverage contained in line 21.1 of the company's state page exhibit for the filing year	OTHR ~~OTHER~~	

EARTHQUAKE (REQ ONLY)

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Residential Earthquake	REQ	NA
Other coverage contained in line 12.0 of the company's state page exhibit for the filing year	OTHR	

~~**SPECIAL CLASSIFICATIONS APPLICABLE TO EXCESS INSURANCE**~~

~~CLASS OR DATA TYPE~~	~~CLASS CODE~~	~~EXPOSURE BASE~~
~~Commercial Automobile~~	~~9772~~	~~NA~~

~~Personal Umbrella~~	~~99930~~	~~NA~~
~~Commercial Umbrella~~	~~99935~~	~~NA~~
~~Excess Insurance – All Other~~	~~88888~~	~~NA~~

RESIDENTIAL FIRE

CLASS OR DATA TYPE	CLASS CODE	EXPOSURE BASE
Business and Contents – owner-occupied, 1-4 units	9A	house-months
Contents only	9B	house-months
Building only – non-owner-occupied	9C	house-months
Other coverage contained in line 01.0 of the company's state page exhibit for the filing year	OTHR	house-months

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 4203.60 Line Item Matrix For Cost Containment Reporting

Revised Field #	Other Liability, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance & Commercial Auto	Homeowners & Residential Fire	Private Passenger Auto Liability	Private Passenger Physical Damage
1	FEIN	FEIN	FEIN	FEIN
2	Filing Method	Filing Method	Filing Method	Filing Method
3	Line of Business	Line of Business	Line of Business	Line of Business
4	State ID	State ID	State ID	State ID
5	Class Code	Class Code	Not used	Not used
6	Statistical Year	Statistical Year	Statistical Year	Statistical Year
7	Not used	Zip Code	Zip Code	Zip Code
8	Form Type	Not used	BI Written Premium	Comp Written Premium
9	Written Premium	Written Premium	BI Earned Premium	Comp Earned Premium
10	Earned Premium	Earned Premium	BI Paid Loss	Comp Paid Loss
11	Paid Losses	Paid Losses	BI OS Loss	Comp OS Loss
12	Outstanding Losses	Outstanding Losses	BI PD ALAE	# Comp Wr. Exposure
13	Paid ALAE	Written Exposures	BI OS ALAE	# Comp Paid Claims
14	OS ALAE	# Paid Claims	# BI Written Exposure	# Comp OS Claims
15	Written Exposures	# OS Claims	#BI Paid Claims	Collision Wr. Premium
16	# Paid Claims		#BI OS Claims	Collision Er. Premium
17	# OS Claims		PD Written Premium	Collision Paid Loss
18			PD Earned Premium	Collision OS Loss
19			PD Paid Loss	# Collision Paid Claims
20			PD OS Loss	# Collision OS Claims

21			PD Paid ALAE	Other Written Premium
22			PD OS ALAE	Other Earned Premium
23			# PD Paid Claims	Other Paid Loss
24			#PD OS Claims	Other OS Loss
25			UM/UIM Written Prem	# Other Paid Claims
26			UM/UIM Earned Prem	# Other OS Claims
27			UM/UIM Paid Loss	
28			UM/UIM OS Loss	
29			UM/UIM Paid ALAE	
30			UM/UIM OS ALAE	
31			# UM/UIM Paid Claims	
32			# UM/UIM OS Claims	
33			Med Pay Written Prem	
34			Med Pay Earned Prem	
35			Med Pay Paid Loss	
36			Med Pay OS Loss	
37			Med Pay Paid ALAE	
38			Med Pay OS ALAE	
39			# Med Pay Paid Claims	
40			# Med Pay OS Claims	
41			Other Written Prem	
42			Other Earned Prem	
43			Other Paid Loss	
44			Other OS Loss	

45			Other Paid ALAE	
46			Other OS ALAE	
47			# Other Paid Claims	
48			# Other OS Claims	
49			# SL Written Exposures	
50			SL Written Prem	
51			SL Earned Prem	
52			BI SL Paid Loss	
53			BI SL OS Loss	
54			BI SL Paid ALAE	
55			BI SL OS ALAE	
56			# BI SL Paid Claims	
57			# BI SL OS Claims	
58			PD SL Paid Loss	
59			PD SL OS Loss	
60			PD SL Paid ALAE	
61			PD SL OS ALAE	
62			# PD SL Paid Claims	
63			# PD SL OS Claims	

~~a)~~ ~~The following matrices will assist the insurer in providing data that meet the requirements of this Part. The row headings represent the geographical reporting methods. The column headings represent the lines and types of insurance that are to be reported. This matrix describes the geographic data requirement for each line.~~

~~**LINE ITEM MATRIX FOR REPORTING COST CONTAINMENT DATA**~~

~~Field~~	~~Other Liab.~~	~~Med. Mal.~~	~~Comm. Auto Liab.~~	~~PPA Liab.~~	~~Homeowners~~
~~Illinois-only~~	~~yes~~	~~yes~~	~~yes~~	~~no~~	~~no~~
~~IL-only by zip code~~	~~no~~	~~no~~	~~no~~	~~yes~~	~~yes~~
~~Multi-state~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes(*)~~
~~Calendar year premium-only (IL)~~	~~yes~~	~~yes~~	~~yes~~	~~no~~	~~no~~
~~Calendar year premium-only by zip code (IL)~~	~~no~~	~~no~~	~~no~~	~~yes~~	~~yes~~

~~(*) Excludes HEQ data. Data for earthquake written as an endorsement to homeowners or residential fire policies are not required on a multi-state basis.~~

	~~BOP~~	~~PPA Physical Damage~~	~~Earthquake (REQ)~~	~~Excess Ins~~	~~Residential Fire~~
~~Illinois-only~~	~~yes~~	~~no~~	~~yes~~	~~yes~~	~~yes~~
~~IL-only by zip code~~	~~no~~	~~yes~~	~~no~~	~~no~~	~~yes~~
~~Multi-state~~	~~yes~~	~~yes~~	~~no~~	~~yes~~	~~yes~~
~~Calendar year premium-only (IL)~~	~~yes~~	~~no~~	~~yes~~	~~yes~~	~~no~~
~~Calendar year premium-only by zip code (IL)~~	~~no~~	~~no (**)~~	~~no~~	~~no~~	~~yes~~

~~(**) PPA physical damage data is reported as calendar year data; thus no additional calendar year records a requested for this line.~~

~~b)~~ ~~The following matrix identifies the required fields for each line of insurance.~~

~~**OTHER LIABILITY, MEDICAL MALPRACTICE, COMMERCIAL AUTO LIABILITY, PPA LIABILITY, AND HOMEOWNERS**~~

~~Field~~	~~Other Liab.~~	~~Med. Mal.~~	~~Comm. Auto Liab.~~	~~PPA Liab.~~	~~Homeowners~~
~~FEIN~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Filing Method~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Line of Business~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Classification Code~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~State Identifier~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Zip Code~~	~~NA~~	~~NA~~	~~NA~~	~~yes~~	~~yes~~
~~Experienced Method~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Statistical Data Year~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Form Type~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~NA~~
~~Amount of Written Prem.~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~Amount of Earned Prem.~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~Amt. of Paid Losses~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~Amt. of Outstanding Losses~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~Amt. of Paid ALAE~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~NA~~
~~Amt. of Outstanding ALAE~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~NA~~
~~# of Written Exposures~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~# of Paid Claims~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~# of Outstanding Claims~~	~~yes~~	~~yes~~	~~yes~~	~~NA~~	~~yes~~
~~Amt. of PPA Liab. BI Written Prem.~~				~~yes~~	
~~Amt. of PPA Liab. BI Earned Prem.~~				~~yes~~	
~~Amt. of PPA Liab. BI Paid Losses~~				~~yes~~	
~~Amt. of PPA Liab. BI OS Losses~~				~~yes~~	
~~Amt. of PPA Liab. BI Paid ALAE~~				~~yes~~	
~~Amt. of PPA Liab. BI OS ALAE~~				~~yes~~	

~~# PPA Liab. BI Written Exposures~~	~~yes~~
~~# of PPA Liab. BI Paid Claims~~	~~yes~~
~~# of PPA Liab. BI OS Claims~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. Written Prem.~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. Earned Prem.~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. Paid Losses~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. OS Losses~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. Paid ALAE~~	~~yes~~
~~Amt. of PPA Liab. Prop. Dam. OS ALAE~~	~~yes~~
~~# of PPA Liab. Prop. Dam. Paid Claims~~	~~yes~~
~~# of PPA Liab. Prop. Dam. OS Claims~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM Written Prem.~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM Earned Prem.~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM Paid Losses~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM OS Losses~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM Paid ALAE~~	~~yes~~
~~Amt. of PPA Liab. UM/UIM OS ALAE~~	~~yes~~
~~# of PPA Liab. UM/UIM Paid Claims~~	~~yes~~

~~# of PPA Liab. UM/UIM OS Claims~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments Written Prem.~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments Earned Prem.~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments Paid Losses~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments OS Losses~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments Paid ALAE~~	~~yes~~
~~Amt. of PPA Liab. Med. Payments OS ALAE~~	~~yes~~
~~# of PPA Liab. Med. Payments Paid Claims~~	~~yes~~
~~# of PPA Liab. Med. Payments Outstanding Claims~~	~~yes~~
~~Amt. of PPA Liab. Other Written Prem.~~	~~yes~~
~~Amt. of PPA Liab. Other Earned Prem.~~	~~yes~~
~~Amt. of PPA Liab. Other Paid Losses~~	~~yes~~
~~Amt. of PPA Liab. Other OS Losses~~	~~yes~~
~~Amt. of PPA Liab. Other Paid ALAE~~	~~yes~~
~~Amt. of PPA Liab. Other Outstanding ALAE~~	~~yes~~
~~# of PPA Liab. Other~~	~~yes~~

~~Paid Claims~~	
~~# of PPA Liab. Other OS Claims~~	~~yes~~
~~# of PPA Liab. All SL Exposures~~	~~yes (1)~~
~~Amt. of PPA Liab. All SL Written Prem.~~	~~yes (1)~~
~~Amt. of PPA Liab. All SL Earned Prem.~~	~~yes (1)~~
~~Amt. of Paid Losses BI SL~~	~~yes (1)~~
~~Amt. of OS Losses BI-SL~~	~~yes (1)~~
~~Amt. of Paid ALAE BI SL~~	~~yes (1)~~
~~Amt. of OS ALAE BI-SL~~	~~yes (1)~~
~~# of Paid Claims BI SL~~	~~yes (1)~~
~~# of OS Claims BI SL~~	~~yes (1)~~
~~Amt. of Paid Losses PD SL~~	~~yes (1)~~
~~Amt. of OS Losses PD-SL~~	~~yes (1)~~
~~Amt. of Paid ALAE PD SL~~	~~yes (1)~~
~~Amt. of OS ALAE PD-SL~~	~~yes (1)~~
~~# of Paid Claims PD-SL~~	~~yes (1)~~
~~# of OS Claims PD SL~~	~~yes (1)~~

~~Table: (1) Applicable only to data for single limit policies.~~

~~BUSINESS OWNERS POLICY, PPA PHYSICAL DAMAGE, EARTHQUAKE, EXCESS INSURANCE, AND RESIDENTIAL FIRE~~

~~Field~~	~~BOP~~	~~PPA Physical Damage~~	~~Earthquake~~	~~Excess Ins~~	~~Res Fire~~
~~FEIN~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Filing Method~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Line of Business~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Classification Code~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~State Identifier~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Zip Code~~	~~NA~~	~~yes~~	~~NA~~	~~NA~~	~~yes~~
~~Experience Method~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Stat. Data Year~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
~~Form Type~~	~~yes~~	~~NA~~	~~NA~~	~~yes~~	~~NA~~
~~Amount of Written Premium~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~Amount of Earned Premium~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~Amount of Paid Losses~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~Amount of Outstanding Losses~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~Amt. of Paid ALAE~~	~~yes~~	~~NA~~	~~NA~~	~~yes~~	~~NA~~
~~Amt. of Outstanding ALAE~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~NA~~
~~# Exposures~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~yes~~
~~# of Paid Claims~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~# of Outstanding Claims~~	~~yes~~	~~NA~~	~~yes~~	~~yes~~	~~yes~~
~~Amt. of PPA PD Comp. Written Prem.~~		~~yes~~			
~~Amt. of PPA PD Comp. Earned Prem.~~		~~yes~~			
~~Amt. of PPA PD Comp. Paid Losses~~		~~yes~~			
~~Amt. of PPA PD Comp. OS Losses~~		~~yes~~			
~~# of PPA PD Comp. Exposures~~		~~yes~~			
~~# of PPA PD Comp. Paid Claims~~		~~yes~~			
~~# of PPA PD Comp.~~		~~yes~~			

~~OS Claims~~	
~~Amt. of PPA PD Collision Written Prem.~~	~~yes~~
~~Amt. of PPA PD Collision Earned Prem.~~	~~yes~~
~~Amt. of PPA PD Collision Paid Losses~~	~~yes~~
~~Amt. of PPA PD Collision OS Losses~~	~~yes~~
~~# of PPA PD Collision Paid Claims~~	~~yes~~
~~# of PPA PD Collision OS Claims~~	~~yes~~
~~Amt. of PPA PD Other Written Prem.~~	~~yes~~
~~# of PPA PD Other Earned Prem.~~	~~yes~~
~~Amt. of PPA PD Other Paid Losses~~	~~yes~~
~~Amt. of PPA PD Other OS Losses~~	~~yes~~
~~# of PPA PD Other Paid Claims~~	~~yes~~
~~# of PPA PD Other OS Claims~~	~~yes~~

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

Section 4203.70 Coding Conventions for~~For~~ Other Liability, Medical Malpractice, Earthquake, Commercial Auto Liability, Business Owners Packages, and Excess Insurance

This Section provides instructions for coding the fields for other liability, medical malpractice, earthquake, commercial auto liability, and Business Owners Packages (BOP).~~, and excess insurance records. For the calendar year premium-only requirement only Fields 1 through 10 and 15 (see Section 4203.110) are to be reported for the classes in other liability, medical malpractice, earthquake, commercial automobile liability, Business Owners Policy, and excess insurance. Insurers writing earthquake and excess insurance on calendar-accident year basis must also submit calendar year premium-only records.a)Data for commercial auto liability and~~

~~BOP are to be reported on a calendar-accident year basis. Data for medical malpractice and other liability are to be reported on a policy year basis. Data for earthquake (REQ) are to be reported using either the calendar year or the calendar-accident year method. Excess insurance data are to be reported either on a calendar year, calendar-accident year, or policy year basis.b)In the medical malpractice, other liability, commercial auto liability, BOP, and excess insurance the insurer will submit one record for each class for multi-state data and one record for each class for Illinois-only data. For earthquake (REQ), only Illinois-only data are required.c)For all classes reported under the calendar-accident or policy year methods of compiling annual experience, premium and exposure data are to be reported as calendar year premium-only for non-personal line classes or by calendar year premium-only by zip code for homeowner and residential fire, using the instructions for reporting calendar year premium-only data.d)Insurers should note that earthquake data refers to stand alone earthquake policies (non-commercial) (REQ) and should be reported separately from the earthquake data for homeowners and residential fire, addressed in Section 4203.80. If an insurer is unable to make this distinction, it will report all earthquake data under the stand alone earthquake class REQ. Also, for earthquake data, the form type, # of written exposures, and amount of paid ALAE, amount of outstanding ALAE fields for earthquake should be blank.e)~~ The following provides a detailed description of each data field:

a~~1)~~ FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen; for example 555555555.)

b~~2~~) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

c~~3)~~ Line of Business – This alpha-numeric field identifies the line or general classification to which the data belongs. Possible codes are:

5.0 = BOP (Business Owners Package)
11.0 = Medical Malpractice
12.0 = Earthquake

17.0 = Other/Excess Liability
19.4 = Commercial Auto Liability

~~1 = Other Liability~~
~~2 = Medical Malpractice~~
~~3 = Commercial Auto Liability~~
~~6 = BOP (Business Owners Package)~~
~~8 = Earthquake~~
~~9 = Excess Insurance~~

d~~4)~~ State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state
~~AGENCY NOTE: MS does not apply to earthquake (REQ).~~

e~~5)~~ **Class Code** – The data call requires specific data for each Type of Insurance and class code identified below.

05.0 BOP = (Business Owners Package)
Business Owners Package (B.O.P)

- 77777 = All other coverage contained in line 05.1 and 05.2

Other

- OTHR = All other coverage contained in line 05.1 and 05.2

11.0 (Medical Malpractice)

Cardiac – Other

- 80281 = cardiovascular disease – minor surgery by MD
- 84281 = cardiovascular disease – minor surgery by DO
- 80255 = cardiovascular disease – no surgery by MD
- 84255 = cardiovascular disease – no surgery by DO

Cardiac – Surgery

- 80141 = surgery – cardiac by MD

- 80150 = surgery – cardiovascular disease by MD
- 84150 = surgery – cardiovascular disease by DO

Critical Care Medicine

- 80283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by MD
- 84283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by DO

Dentists

- 80210 = Oral surgery with anesthesia
- 80211 = Oral surgery without anesthesia

Emergency Room – Other

- 80102 = emergency room – no major surgery by MD
- 84102 = emergency room – no major surgery by DO

Emergency Room – Surgery

- 80157 = emergency medicine – including major surgery by MD
- 84157 = emergency medicine – including major surgery by DO

General Surgery

- 80143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by MD
- 84143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by DO

Neurosurgery

- 80152 = surgery – neurology – including child by MD

- 84152 = surgery – neurology – including child by DO
- 80288 = neurology – including child – minor surgery by MD
- 84288 = neurology – including child – minor surgery by DO

Obstetrics/Gynecology – Other

- 80277 = gynecology – minor surgery by MD
- 84277 = gynecology – minor surgery by DO
- 80244 = gynecology – no surgery by MD
- 84244 = gynecology – no surgery by DO

Obstetrics/Gynecology – Surgery

- 80167 = surgery – gynecology by MD
- 84167 = surgery – gynecology by DO
- 80168 = surgery – obstetrics by MD
- 80153 = surgery – obstetrics – gynecology by MD
- 84153 = surgery – obstetrics – gynecology by DO

Orthopedic Surgery

- 80154 = surgery – orthopedic by MD
- 84154 = surgery – orthopedic by DO

Physicians and Surgeons

- 80420 = family physician or general practitioner – no surgery by MD
- 84420 = family physician or general practitioner – no surgery by DO
- 80421 = family physician or general practitioner – minor surgery by MD
- 84421 = family physician or general practitioner – minor surgery DO
- 80117 = surgery – general practice or family practice by MD

Physicians, Surgeons, and Dentists

- 94999 = physicians, surgeons, and dentists classes not specifically listed
- 90430 = physicians, surgeons, and dentists individual insurer programs not rated using one of the exposure bases noted above

Plastic Surgery

- 80156 = surgery – plastic – not otherwise classified by MD
- 84156 = surgery – plastic – not otherwise classified by DO
- 80155 = surgery – plastic – otorhinolaryngology by MD
- 84155 = surgery – plastic – otorhinolaryngology by DO

Vascular Surgery

- 80146 = surgery – vascular by MD
- 80144 = surgery – thoracic by MD
- 84144 = surgery – thoracic by DO

OTHER

- OTHR = All other coverage contained in line 11.0

12.0 (Earthquake)

- REQ = Residential Earthquake
- OTHR = All other coverage contained in line 12.0

17.0 (Other Liability)

Day care

- 82115 = day care center liability – day nurseries
- 41714 = day care center liability – day care centers
- 81714 = day care center liability individual insurance not rated using one of the exposure bases noted above.

Lawyer

- 81400 = lawyers professional liability – lawyers
- 81420 = lawyers professional liability – employed law clerks, investigators, abstractors and paralegals
- 81401 = lawyers professional liability individual insurance not rated using one of the exposure bases noted above.

Liquor

- 70412 = clubs
- 59211 = package stores and other retail establishments
- 50911 = manufacturers, wholesalers, and distributors
- 58161 = restaurants, taverns, hotels, motels including package sales
- 58168 = temporary licenses
- 58169 = owners or lessors of premises used by others
- 11111 = liquor liability – not otherwise classified
- 81111 = liquor liability individual insurer programs not rated using one of the exposure bases noted above.[1]

Excess Coverage

- 9772 = commercial auto
- 99930 = personnel umbrella
- 99935 = commercial umbrella
- 88888 = excess insurance – all other

Other

- OTHR = All other coverage contained in line 17.1 and 17.2

19.4 = Commercial Auto Liability

- 1A = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (car-months (BI))
- 1B = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (receipts)
- 1C = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (number of miles)
- 2A = fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles (car-months (BI))
- 3A = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (car-months (BI))
- 3B = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (receipts)
- 3C = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (number of miles)

• OTHR = All other coverage contained in line 19.4

~~Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. Possible codes are:~~

~~C = Calendar year~~
~~A = Calendar-accident year~~
~~P = Policy year~~
~~X = Calendar year premium-only~~

f~~6)~~ Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, for the November 1996 annual data filing, the statistical data year will be coded 1995 for lines that use the calendar year experience method. ~~For lines using the calendar-accident and policy year experience methods, the statistical data year field will be coded for one of the years 1990-1994 and for one of the years 1989-1993, respectively.)~~

g~~7)~~ Field Not Currently Used
~~Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for Illinois-only data and one record for multi-state data for the medical malpractice, other liability, commercial auto liability, Business Owners Package (BOP), and excess insurance. For earthquake data, Illinois-only data are required but multi-state data are not required. Possible codes for Field 7 by line of business or type of coverage are:~~

~~**Other Liability**~~

~~Day care~~

- ~~82115 = day care center liability – day nurseries~~
- ~~41714 = day care center liability – day care centers~~
- ~~81714 = day care center liability individual insurance not rated using one of the exposure bases noted above.~~

~~Lawyer~~

- ~~81400 = lawyers professional liability – lawyers~~
- ~~81420 = lawyers professional liability – employed law clerks, investigators, abstractors and paralegals~~
- ~~81401 = lawyers professional liability individual insurance not rated using one of the exposure bases noted above.~~

~~Liquor~~

- ~~70412 = clubs~~
- ~~59211 = package stores, and other retail establishments~~
- ~~50911 = manufacturers, wholesalers, and distributors~~
- ~~58161 = restaurants, taverns, hotels, motels including package sales~~
- ~~58168 = temporary licenses~~
- ~~58169 = owners or lessors of premises used by others~~
- ~~11111 = liquor liability – not otherwise classified~~
- ~~81111 = liquor liability individual insurer programs not rated using one of the exposure bases noted above.~~[1]

~~Medical Malpractice~~

~~Cardiac – Other~~

- ~~80281 = cardiovascular disease – minor surgery by MD~~
- ~~84281 = cardiovascular disease – minor surgery by DO~~
- ~~80255 = cardiovascular disease – no surgery by MD~~
- ~~84255 = cardiovascular disease – no surgery by DO~~

~~Cardiac – Surgery~~

- ~~80141 = surgery – cardiac by MD~~
- ~~80150 = surgery – cardiovascular disease by MD~~
- ~~84150 = surgery – cardiovascular disease by DO~~

~~Critical Care Medicine~~

- ~~80283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by MD~~

- ~~84283 = intensive care medicine – applies to any general practitioner or specialist employed in intensive care hospital unit by DO~~

~~Dentists~~

- ~~80210 = Oral surgery with anesthesia~~
- ~~80211 = Oral surgery without anesthesia~~

~~Emergency Room – Other~~

- ~~80102 = emergency room – no major surgery by MD~~
- ~~84102 = emergency room – no major surgery by DO~~

~~Emergency Room – Surgery~~

- ~~80157 = emergency medicine – including major surgery by MD~~
- ~~84157 = emergency medicine – including major surgery by DO~~

~~General Surgery~~

- ~~80143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by MD~~
- ~~84143 = surgery – general – not otherwise classified. Does not apply to family or general practitioner or to any specialist who occasionally performs major surgery by DO~~

~~Neurosurgery~~

- ~~80152 = surgery – neurology – including child by MD~~
- ~~84152 = surgery – neurology – including child by DO~~
- ~~80288 = neurology – including child – minor surgery by MD~~
- ~~84288 = neurology – including child – minor surgery by DO~~

~~Obstetrics/Gynecology – Other~~

- ~~80277 = gynecology – minor surgery by MD~~
- ~~84277 = gynecology – minor surgery by DO~~

- ~~80244 = gynecology – no surgery by MD~~
- ~~84244 = gynecology – no surgery by DO~~

~~Obstetrics/Gynecology – Surgery~~

- ~~80167 = surgery – gynecology by MD~~
- ~~84167 = surgery – gynecology by DO~~
- ~~80168 = surgery – obstetrics by MD~~
- ~~80153 = surgery – obstetrics – gynecology by MD~~
- ~~84153 = surgery – obstetrics – gynecology by DO~~

~~Orthopedic Surgery~~

- ~~80154 = surgery – orthopedic by MD~~
- ~~84154 = surgery – orthopedic by DO~~

~~Physicians and Surgeons~~

- ~~80420 = family physician or general practitioner – no surgery by MD~~
- ~~84420 = family physician or general practitioner – no surgery by DO~~
- ~~80421 = family physician or general practitioner – minor surgery by MD~~
- ~~84421 = family physician or general practitioner – minor surgery DO~~
- ~~80117 = surgery – general practice or family practice by MD~~

~~Physicians, Surgeons, and Dentists~~

- ~~94999 = physicians, surgeons, and dentists classes not specifically listed~~
- ~~90430 = physicians, surgeons, and dentists individual insurer programs not rated using one of the exposure bases noted above~~

~~Plastic Surgery~~

- ~~80156 = surgery – plastic – not otherwise classified by MD~~
- ~~84156 = surgery – plastic – not otherwise classified by DO~~

- ~~80155 = surgery – plastic – otorhinolaryngology by MD~~
- ~~84155 = surgery – plastic – otorhinolaryngology by DO~~

~~Vascular Surgery~~

- ~~80146 = surgery – vascular by MD~~
- ~~80144 = surgery – thoracic by MD~~
- ~~84144 = surgery – thoracic by DO~~

~~**Commercial Auto Liability**~~

- ~~1A = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (car-months (BI))~~
- ~~1B = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (receipts)~~
- ~~1C = fleet and non-fleet combined trucks, tractors, and trailers – zone rated (number of miles)~~
- ~~2A = fleet and non-fleet combined trucks, tractors, and trailers – all other, regardless of miles (car-months (BI))~~
- ~~3A = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (car-months (BI))~~
- ~~3B = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (receipts)~~
- ~~3C = fleet and non-fleet taxicabs, and public livery, regardless of mileage, including limousines (number of miles)~~

~~**Business Owners Package**~~

- ~~77777 = business owners package (BOP)~~

~~**Earthquake**~~

- ~~REQ = residential earthquake (stand alone policies)~~

~~**Excess Insurance**~~

- ~~9772 = commercial auto~~
- ~~99930 = personnel umbrella~~
- ~~99935 = commercial umbrella~~

- ~~88888 = excess insurance – all other~~

h~~8~~) Form Type – This alpha-numeric field reflects the form type that was used in providing coverage. The insurer will report a separate record for each form type for each class and~~,~~ geographic location (Illinois-only or multi-state)~~, and zip code, if required~~. Possible codes are:

C = claims-made
O = occurrence
T = claims-made tail coverage

~~For the earthquake data, the form type field should be left blank.~~

i~~9~~) Amount of Written Premium – This field reflects the amount of total written premiums corresponding to each of the class codes.

j~~10~~) Amount of Earned Premium – This field reflects the total amount of earned premiums corresponding to each of the class codes.

k~~11~~) Amount of Paid Losses – This field reflects the amount of paid losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of paid losses. If the insurer is unable to separate paid losses from ALAE, the insurer will follow the instructions provided in Section 4203.30(h).

l~~12~~) Amount of Outstanding Losses – This field reflects the amount of outstanding losses corresponding to each of the class codes. Please see Section 4203.30(g) for the definition of outstanding losses and Section 4203.30(h) for special instructions for those situations where separating outstanding losses and outstanding ALAE are not possible.

m~~13~~) Amount of Paid ALAE – This field reflects the amount of paid ALAE for each of the class codes. If an insurer is unable to separate paid ALAE from the paid losses, the combined paid losses and paid ALAE will be reported in the paid losses field for the line and the code "combined" will appear in the paid ALAE field. For the earthquake data, the amount of paid ALAE field should be blank.

n~~14~~) Amount of Outstanding ALAE – This field reflects the amount of

outstanding allocated loss adjustment expenses for each of the class codes. If an insurer is unable to separate outstanding ALAE from the outstanding losses, the combined outstanding losses and outstanding ALAE will be reported in the outstanding losses field for the line and the code "combined" will appear in the ALAE field. For the earthquake data, the amount of outstanding ALAE field should be blank.

o~~15~~) Number of Written Exposures – This field reflects the count of written exposures for each of the class codes. The field "number of exposures" for BOP, earthquake, and excess insurance will be left blank.

p~~16~~) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes. Please see Section 4203.30(i) for the definition of paid claims.

q~~17~~) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes. Please see Section 4203.30(j) for the definition of outstanding claims.

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

Section 4203.80 Coding Conventions for Homeowner and Residential Fire Insurance

This Section provides instructions for coding 15 fields included in the homeowner and residential fire insurance line. All ~~For the calendar year premium-only records of homeowner and residential fire lines, only Fields 1 through 10 and 13 are to be reported. Insurers writing homeowner and residential fire on a calendar-accident year basis must also submit calendar year premium-only records. And finally,~~ homeowner and residential fire records will be submitted by zip code.

a) Data for the homeowner and residential fire lines will be reported on ~~either~~ a calendar year ~~or calendar-accident year~~ basis. Only voluntary business will be reported.

b) In the homeowner line, the insurer will code one record for each class for multi-state data and one record for each class for each zip code for Illinois-only data. It is not necessary to submit a record that sums the data for all the zip codes in each class. ~~If an insurer reports homeowner or residential fire data using the calendar-accident method of compiling annual experience, it must also report the data~~

~~under the calendar year premium-only method by zip code.~~

~~e)~~ ~~If an insurer is unable to separate a homeowner endorsement for earthquake (classification code HEQ) from the residential earthquake data (classification code REQ), the data should be reported as part of REQ using the instructions for reporting earthquake data in Section 4203.70. In like manner, earthquake data from an endorsement to a residential fire policy should be reported under the HEQ code.~~

c~~d~~) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The possible codes are:

04.0~~5~~ = Homeowners
01.0~~10~~ = Residential Fire

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Class Code – Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for multi-state data and one record for each class by zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:

04.0 = Homeowners
- HO-1
- HO-2
- HO-3
- HO-4
- HO-5
- HO-6
- HO-8
- Mobile
- 323 = Day care endorsement
- HEQ = Homeowner earthquake endorsement
- OTHR = All other coverage contained in line 04.0

01.0 = Residential Fire
- 9A = residential fire, building & contents (owner-occupied 1-4 units)
- 9B = residential fire (contents only)
- 9C = residential fire (building only for non-owner-occupied)
- OTHR = All other coverage contained in line 01.0

~~Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The possible codes for these lines are:~~

~~C = Calendar year~~
~~A = Calendar-accident year~~
~~X = Calendar year premium-only~~

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 1996 annual filing for the calendar year method will be coded 1995 ~~and for the calendar-accident year method will be coded for one of the years 1990-1994~~.)

7) Zip Code – This alpha-numeric field identifies the zip code where the homeowner exposure is located. Possible codes are:

Actual zip code	=	The range for Illinois zip codes (60001 through 62999).
99999	=	Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE: There should be one record for each represented zip code for each of the classes HO-1, HO-2, HO-3, HO-4, HO-5, HO-6, HO-8, mobile, 323, 9A, 9B, and 9C for Illinois-only data and one record for each class reported for multi-state data. ~~For the HEQ class, reporting for Illinois-only data by zip code is required while multi-state reporting is not required. Insurers reporting homeowner or residential fire data using the calendar-accident method of compiling annual experience must also report premium and exposure data using the calendar year premium-only method by zip code. For multi-state data, the zip code field will be blank.~~

8) Field Not Currently Used~~Classification Code – This alpha-numeric field identifies the class of insurance being reported in the line. The insurer should report one record for multi-state data and one record for each class by zip code for Illinois-only data. It is not necessary to report a record that sums all zip code data for a class. Possible codes for the classification field are:~~

~~• HO-1~~

~~• HO-2~~

~~• HO-3~~

~~• HO-4~~

~~• HO-5~~

~~• HO-6~~

- ~~HO-8~~
- ~~Mobile~~
- ~~323 = Day care endorsement~~
- ~~HEQ = Homeowner earthquake endorsement~~
- ~~9A = residential fire, building & contents (owner-occupied 1-4 units)~~
- ~~9B = residential fire (contents only)~~
- ~~9C = residential fire (building only for non-owner-occupied)~~

9) Amount of Written Premium – This field reflects the amount of written premiums corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

10) Amount of Earned Premium – This field reflects the amount of earned premium corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

11) Amount of Paid Losses – This field reflects the paid losses corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section 4203.30(g) for the definition of paid losses.

12) Amount of Outstanding Losses – This field reflects the outstanding losses corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C.

13) Number of Written Exposures – This field reflects the count of exposures for each of the class codes HO-1 through HO-8, mobile homes, 9A, 9B, and 9C.~~(Note that class 323 and HEQ should be left blank for this field.)~~

14) Number of Paid Claims – This field reflects the paid claims count corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section 4203.30(i) for the

definition of paid claims.

15) Number of Outstanding Claims – This field reflects the outstanding claims count corresponding to each of the class codes HO-1 through HO-8, mobile homes, 323, HEQ, 9A, 9B, and 9C. Please see Section 4203.30(j) for the definition of outstanding claims.

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

Section 4203.90 Coding Conventions for Private Passenger Auto Liability Insurance (Excluding PIP)

This Section provides instructions for coding the 63 fields in the private passenger auto liability records, excluding PIP. All ~~For the calendar year premium-only records, the private passenger auto liability, Fields 1 through 9, 14, 17, 18, 25, 26, 33, 34, 41, 42, 49, 50 and 51 are to be reported. And finally,~~ private passenger auto liability records will be submitted by zip code.

a) Data for the private passenger automobile liability line will be reported on a calendar ~~accident~~ year basis and will include only the voluntary market. No-fault data will be excluded.

b) In the private passenger auto liability line, the insurer will submit one record for the line for multi-state data and one record for each zip code for Illinois-only data. It is not necessary to submit a record which sums the Illinois-only data for all the zip codes. Insurers are also required to report premium and exposure data by zip code using the calendar year ~~premium-only~~ method of compiling annual experience.

c) The applicable bodily injury and property damage data for split limit policies will be reported in Fields 8-48. The applicable data for single limit policies will be reported in Fields 49-63. Written exposures, written premium, and earned premium for single limit policies will be reported in Fields 49-51. Losses, loss adjustment expenses, and claims counts will be reported for bodily injury and property damage using the instructions in Fields 51-63.

d) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the

hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code is:

19.24 = Private passenger auto liability

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Field Not Currently Used~~Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The code for the private passenger auto liability line is:~~

~~A = Calendar-accident year~~
~~X = Calendar year premium-only~~

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year field for the November 1996 annual filing, will be coded one of the years 1990-1994.)

7) Zip Code – This alpha-numeric field identifies the zip code where the automobile exposure is rated (auto is garaged). Possible codes are:

Actual zip code	=	The range for Illinois zip codes (60001 through 62999).
99999	=	Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE: There should be one record for each represented zip code for private passenger auto liability for Illinois-only data and one record for the multi-state data. Each insurer will report premium and exposure data by zip code for private passenger automobile liability. For multi-state data, the zip code field will be blank.

8) Amount of PPA Liability Bodily Injury (BI) Written Premium – This field reflects the amount of written premiums for BI.

9) Amount of PPA Liability BI Earned Premium – This field reflects the amount of earned premiums for BI.

10) Amount of PPA Liability BI Paid Losses – This field reflects the paid losses for BI. Please see Section 4203.30(g) for the definition of paid losses.

11) Amount of PPA Liability BI Outstanding Losses – This field reflects the outstanding losses for BI. Please see Section 4203.30(g) for the definition of outstanding losses.

12) Amount of PPA Liability BI Paid ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

13) Amount of PPA Liability BI Outstanding ALAE – This field reflects the ALAE for BI. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

14) Number of PPA Liability BI Written Exposures – This field reflects the count of written exposures for the line. PPA liability exposures are based

on the bodily injury component.

15) Number of PPA Liability BI Paid Claims – This field reflects the paid claims count for BI. Please see Section 4203.30(i) for the definition of paid claims.

16) Number of PPA Liability BI Outstanding Claims – This field reflects the outstanding claims count for BI. Please see Section 4203.30(j) for the definition of outstanding claims.

17) Amount of PPA Liability Property Damage Written Premium – This field reflects the amount of written premiums for property damage liability.

18) Amount of PPA Liability Property Damage Earned Premium – This field reflects the amount of earned premiums for property damage liability.

19) Amount of PPA Liability Property Damage Paid Losses – This field reflects the paid losses for property damage liability. Please see Section 4203.30(g) for the definition of paid losses.

20) Amount of PPA Liability Property Damage Outstanding Losses – This field reflects the outstanding losses for property damage liability. Please see Section 4203.30(g) for the definition of outstanding losses.

21) Amount of PPA Paid Liability Property Damage ALAE – This field reflects ALAE for property damage liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined paid loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

22) Amount of PPA Outstanding Liability Property Damage ALAE – This field reflects outstanding ALAE for property damage liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined outstanding loss and outstanding ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

23) Number of PPA Liability Property Damage Paid Claims – This field reflects the paid claims count for property damage liability. Please see

Section 4203.30(l) for the definition of paid claims.

24) Number of PPA Liability Property Damage Outstanding Claims – This field reflects the outstanding claims count for property damage liability. Please see Section 4203.30(j) for the definition of outstanding claims.

25) Amount of PPA Liability UM/UIM Written Premium – This field reflects the written premiums for UM/UIM.

26) Amount of PPA Liability UM/UIM Earned Premium – This field reflects the earned premiums for UM/UIM.

27) Amount of PPA Liability UM/UIM Paid Losses – This field reflects the paid losses for UM/UIM. Please see Section 4203.30(g) for the definition of paid losses.

28) Amount of PPA Liability UM/UIM Outstanding Losses – This field reflects the outstanding losses for UM/UIM. Please see Section 4203.30(g) for the definition of outstanding losses.

29) Amount of PPA Liability UM/UIM Paid ALAE – This field reflects the ALAE for UM/UIM liability. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

30) Amount of PPA Liability UM/UIM Outstanding ALAE – This field reflects the outstanding ALAE for UM/UIM liability. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the outstanding ALAE field.

31) Number of PPA Liability UM/UIM Paid Claims – This field reflects the paid claims count for UM/UIM liability. Please see Section 4203.30(i) for the definition of paid claims.

32) Number of PPA Liability UM/UIM Outstanding Claims – This field reflects the outstanding claims count for UM/UIM liability. Please see Section 4203.30(j) for the definition of outstanding claims.

33) Amount of PPA Liability Medical Payments Written Premium – This field reflects the amount of written premiums for medical payments.

34) Amount of PPA Liability Medical Payments Earned Premium – This field reflects the amount of earned premiums for medical payments.

35) Amount of PPA Liability Medical Payments Paid Losses – This field reflects the paid losses for medical payments. Please see Section 4203.30(g) for definition of paid losses.

36) Amount of PPA Liability Medical Payments Outstanding Losses – This field reflects the outstanding losses for medical payments. Please see Section 4203.30(g) for the definition of outstanding losses.

37) Amount of PPA Liability Medical Payments Paid ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate paid ALAE from the paid loss, the "combined" loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

38) Amount of PPA Liability Medical Payments Outstanding ALAE – This field reflects ALAE for medical payments. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the paid ALAE field.

39) Number of PPA Liability Medical Payments Paid Claims – This field reflects the paid claims count for medical payments. Please see Section 4203.30(i) for the definition of paid claims.

40) Number of PPA Liability Medical Payments Outstanding Claims – This field reflects the outstanding claims count for medical payments. Please see Section 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE: Fields 41-48 will be blank for the majority of private passenger auto liability insurers. The purpose of the other component is to capture any private passenger auto liability data from insurers that do not fall within bodily injury, property damage, UM/UIM, or medical payments.

41) Amount of PPA Liability Other Written Premium – This field reflects the amount of written premiums for other (not fitting any other private passenger auto liability field).

42) Amount of PPA Liability Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting any other private passenger auto liability field).

43) Amount of PPA Liability Other Paid Losses – This field reflects the paid losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of paid losses.

44) Amount of PPA Liability Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting any other private passenger auto liability field). Please see Section 4203.30(g) for the definition of outstanding losses.

45) Amount of PPA Liability Other Paid ALAE – This field reflects the paid ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

46) Amount of PPA Liability Other Outstanding ALAE – This field reflects the outstanding ALAE for other (not fitting any other private passenger auto liability field). If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

47) Number of PPA Liability Other Paid Claims – This field reflects the paid claims count for other (not fitting any other liability field). Please see Section 4203.30(i) for the definition of paid claims.

48) Number of PPA Liability Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting any other liability field). Please see Section 4203.30(j) for the definition of outstanding claims.

AGENCY NOTE: Fields 49-63 provide the fields for an insurer to report its private passenger auto liability policies written with a single limit. If none were written for the experience period, these fields will be left blank.

49) Number of PPA Liability Single Limit (SL) Written Exposures – This field reflects the count of exposures written under single limit policies.

50) Amount of PPA Liability for Single Limit (SL) Written Premium – This field reflects the amount of written premiums for policies written under single limit policies.

51) Amount of PPA Liability for SL Earned Premium – This field reflects the amount of earned premiums for policies written under single limit policies.

52) Amount of PPA Liability BI Paid Losses for SL Policies – This field reflects the amount of paid losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.

53) Amount of PPA Liability BI Outstanding Losses for SL Policies – This field reflects the amount of outstanding losses for bodily injury under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.

54) Amount of PPA Liability BI Paid ALAE for SL Policies – This field reflects the paid ALAE for bodily injury under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

55) Amount of PPA Liability BI Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for bodily injury under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

56) Number of PPA Liability BI Paid Claims for SL Policies – This field reflects the paid claims count for bodily injury under single limit policies.

Please see Section 4203.30(i) for the definition of paid claims.

57) Number of PPA Liability BI Outstanding Claims for SL Policies – This field reflects the outstanding claims count for bodily injury under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

58) Amount of PPA Liability Property Damage (PD) Paid Losses for SL Policies – This field reflects the paid losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of paid losses.

59) Amount of PPA Liability PD Outstanding Losses for SL Policies – This field reflects the outstanding losses for property damage under single limit policies. Please see Section 4203.30(g) for the definition of outstanding losses.

60) Amount of PPA Liability PD Paid ALAE for SL Policies – This field reflects the paid ALAE for property damage under single limit policies. If an insurer is unable to separate paid ALAE from the paid loss, the combined loss and ALAE will be reported in the paid loss field for the line and the code "combined" will appear in the paid ALAE field.

61) Amount of PPA Liability PD Outstanding ALAE for SL Policies – This field reflects the outstanding ALAE for property damage under single limit policies. If an insurer is unable to separate outstanding ALAE from the outstanding loss, the combined loss and ALAE will be reported in the outstanding loss field for the line and the code "combined" will appear in the outstanding ALAE field.

62) Number of PPA Liability PD Paid Claims – This field reflects the paid claims count for property damage under single limit policies. Please see Section 4203.30(i) for the definition of paid claims.

63) Number of PPA Liability PD Outstanding Claims – This field reflects the outstanding claims count for property damage under single limit policies. Please see Section 4203.30(j) for the definition of outstanding claims.

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

Section 4203.100 Coding Conventions for Private Passenger Auto Physical Damage

This Section provides instructions for coding the 26 fields included in the private passenger auto physical damage records. ~~Insurers writing private passenger auto physical damage will not submit calendar year premium-only records.~~

a) Private passenger auto physical damage data are to be reported on a calendar year basis for only the voluntary market.

b) In the private passenger physical damage line, the insurer will code one record for the line for multi-state data and one record for the line for each zip code represented in the Illinois-only data. It is not necessary to submit a record that sums the Illinois-only data for all the zip codes. ~~No calendar year premium-only records are required.~~

c) The following provides a detailed description of each data field:

1) FEIN – This alpha-numeric field reflects the Federal Employer Identification Number assigned to the insurer. (Do not include the hyphen, for example 555555555.)

2) Filing Method – This one-character alpha-numeric field identifies the source of the data as either an agent or an insurance company. Possible codes are:

1 = American Association of Insurance Services (AAIS)
2 = Insurance Services Office, Inc. (ISO)
3 = National Association of Independent Insurers (NAII)
4 = National Independent Statistical Service (NISS)
5 = Company Direct – Partial
6 = Company Direct – 100 Percent
7 = Other

3) Line of Business – This alpha-numeric field identifies the general business line to which the data belongs. The code for private passenger auto physical damage is:

21.1~~7~~ = Private passenger auto physical damage

4) State Identifier – This field identifies the geographical source of the data. Possible codes are:

12 = Illinois only
MS = Multi-state

5) Field Not Currently Used~~Experience Method – This one-character alpha-numeric field designates the experience method for the statistical data year reported. The code for the private passenger auto physical damage line is:~~

~~C = Calendar year~~

6) Statistical Data Year – This four-character alpha-numeric field reflects the experience year. (For example, the statistical data year for the November 1996 annual filing, will be coded 1995.)

7) Zip Code – This alpha-numeric field identifies the zip code where the Illinois-only exposure is written. Possible codes are:

Actual zip code	=	The range for Illinois zip codes (60001 through 62999).
99999	=	Code for Illinois-only data where zip code does not fall within the range for Illinois zip codes (60001 through 62999).

AGENCY NOTE: There should be one record for each represented zip code for private passenger auto physical damage for Illinois-only data. It is unnecessary to submit a record that sums the data for all the zip codes. For multi-state data, the zip code field should be blank.

8) Amount of PPA Physical Damage Comprehensive (Comp) Written Premium – This field reflects the amount of written premiums for comprehensive.

9) Amount of PPA Comprehensive Earned Premium – This field reflects the amount of earned premiums for comprehensive.

10) Amount of PPA Comprehensive Paid Losses – This field reflects the paid

losses for comprehensive. Please see Section 4203.30(g) for the definition of paid losses.

11) Amount of PPA Comprehensive Outstanding Losses – This field reflects the outstanding losses for comprehensive. Please see Section 4203.30(g) for the definition of outstanding losses.

12) Number of PPA Comprehensive Written Exposures – This field reflects the written exposure count for private passenger auto physical damage – using the comprehensive component.

13) Number of PPA Comprehensive Paid Claims – This field reflects the paid claims count for comprehensive. Please see Section 4203.30(i) for the definition of paid claims.

14) Number of PPA Comprehensive Outstanding Claims – This field reflects the outstanding claims count for comprehensive. Please see Section 4203.30(j) for the definition of outstanding claims.

15) Amount of PPA Collision Written Premium – This field reflects the amount of written premiums for collision.

16) Amount of PPA Collision Property Damage Earned Premium – This field reflects the amount of earned premiums for collision.

17) Amount of PPA Collision Paid Losses – This field reflects the paid losses for collision. Please see Section 4203.30(g) for the definition of paid losses.

18) Amount of PPA Collision Outstanding Losses – This field reflects the outstanding losses for collision. Please see Section 4203.30(g) for the definition of outstanding losses.

19) Number of PPA Collision Paid Claims – This field reflects the paid claims count for collision. Please see Section 4203.30(i) for the definition of paid claims.

20) Number of PPA Collision Outstanding Claims – This field reflects the outstanding claims count for collision. Please see Section 4203.30(j) for

the definition of paid claims.

AGENCY NOTE: Fields 21-26 will be blank for the majority of private passenger auto physical damage insurers. The purpose of the other category is to capture any private passenger auto physical damage data from insurers that do not fall within the comprehensive or collision components.

21) Amount of PPA Other Written Premium – This field reflects the amount of written premiums for other (not fitting in comp or collision).

22) Amount of PPA Other Earned Premium – This field reflects the amount of earned premiums for other (not fitting in comp or collision).

23) Amount of PPA Other Paid Losses – This field reflects the paid losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of paid losses.

24) Amount of PPA Other Outstanding Losses – This field reflects the outstanding losses for other (not fitting in comp or collision). Please see Section 4203.30(g) for the definition of outstanding losses.

25) Number of PPA Other Paid Claims – This field reflects the paid claims count for other (not fitting in comp or collision). Please see Section 4203.30(i) for the definition of paid claims.

26) Number of PPA Other Outstanding Claims – This field reflects the outstanding claims count for other (not fitting in comp or collision.) Please see Section 4203.30(j) for the definition of outstanding claims.

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

Section 4203.110 Record Layout for the Four Formats (Repealed)

~~The following table should assist users and data processing personnel in understanding the requirements of this Part. This Section provides the required fields for each line or type of insurance. Special attention should be given to the classes that are reported on a calendar year premium-only basis.~~

- ~~The calendar year premium-only records for other liability, medical malpractice,~~

~~earthquake (REQ), BOP, excess insurance, and commercial auto liability will have entries only in Fields 1-10 and 15. Please follow the specific instructions for each of these 11 fields. (Note that insurers that use a calendar year method of annual compilation for reporting earthquake (REQ) or excess insurance classes need not submit calendar year premium-only records for these classes.)~~

- ~~The calendar year premium-only records for homeowner and residential fire will have entries only in Fields 1-10 and 13. Please follow the specific instructions for each of these 11 fields. (Note that calendar year premium-only records are not required for these lines if insurers use the calendar year method of annual compilation for reporting this data.)~~

- ~~For the private passenger auto liability line, Fields 1-9, 14, 17, 18, 25, 26, 33, 34, 41, 42, 49, 50, and 51 are to be reported. Please follow the specific instructions for each of these 21 fields.~~

- ~~Since private passenger auto physical damage is reported on a calendar year basis, no calendar year premium-only records are required.~~

- ~~Zip code reporting is required for homeowner, residential fire, and private passenger liability for the calendar year premium-only records.~~

~~Due to space limitations, the following abbreviations were used in this table:~~

~~Wr Prem~~	~~=~~	~~Written Premium~~
~~OS~~	~~=~~	~~Outstanding~~
~~BI~~	~~=~~	~~Bodily Injury~~
~~Med Pay~~	~~=~~	~~Medical Payments~~
~~SL~~	~~=~~	~~Single Limit~~
~~E Prem~~	~~=~~	~~Earned Premium~~
~~ALAE~~	~~=~~	~~Allocated Loss Adjustment Expenses~~
~~PD~~	~~=~~	~~Property Damage~~
~~UM/UIM~~	~~=~~	~~Uninsured/Underinsured Motorists~~
~~Comp~~	~~=~~	~~Comprehensive~~
~~Pd~~	~~=~~	~~Paid~~
~~Coll~~	~~=~~	~~Collision, Other Liab, Medical~~

~~Other Liab, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance, and Commercial Auto Liab~~	~~Homeowners Res Fire~~	~~Priv Pass Auto Liability~~	~~Priv Pass Auto Physical Damage~~
~~1. FEIN #~~	~~FEIN #~~	~~FEIN #~~	~~FEIN #~~
~~2. Filing Method~~	~~Filing Meth~~	~~Filing Meth~~	~~Filing Meth~~
~~3. Line of Business~~	~~Line of Bus~~	~~Line of Bus~~	~~Line of Bus~~
~~4. State ID~~	~~State ID~~	~~State ID~~	~~State ID~~
~~5. Experience Method~~	~~Exp Meth~~	~~Exp Meth~~	~~Exp Meth~~
~~6. Statistical Data Yr~~	~~Stat Data Yr~~	~~Stat Data Yr~~	~~Stat Data Yr~~
~~7. Classification Code~~	~~Zip Code[3]~~	~~Zip Code[3]~~	~~Zip Code[3]~~
~~8. Form Type[1]~~	~~Class Code~~	~~Amt BI Wr Prem~~	~~Amt Comp Wr Prem~~
~~9. Amt of Wr Prem~~	~~Amt Wr Prem~~	~~Amt BI E Prem~~	~~Amt of Comp E Prem~~
~~10. Amt of E Prem~~	~~Amt E Prem~~	~~Amt BI Pd Loss~~	~~Amt of Comp Pd Loss~~
~~11. Amt of Pd Losses~~	~~Amt Pd Loss~~	~~Amt BI OS Loss~~	~~Amt of Comp OS Loss~~
~~12. Amt of OS losses~~	~~Amt OS Loss~~	~~Amt BI Pd ALAE~~	~~Amt of Comp Wr Exp~~
~~13. Amt of Pd ALAE[1]~~	~~# of Wr Exp~~	~~Amt BI OS ALAE~~	~~# of Comp Pd Claims~~
~~14. Amt of OS ALAE[1]~~	~~# Pd Claims~~	~~# BI Wr Exp~~	~~# of Comp OS Claims~~
~~15. # of Wr Exposures[2)]~~	~~# OS Claims~~	~~# of BI Pd Claims~~	~~Amt of Coll Wr Prem~~
~~16. # of Pd Claims~~		~~# of BI OS Claims~~	~~Amt of Coll EPrem~~
~~17. # of OS Claims~~		~~Amt of PD Wr Prem~~	~~Amt of Coll Pd Loss~~
~~18.~~		~~Amt of PD E Prem~~	~~Amt of Coll OS Loss~~
~~19.~~		~~Amt of PD Pd Loss~~	~~# of Coll Pd Claims~~
~~20.~~		~~Amt of PD OS Loss~~	~~# of Coll OS Claims~~
~~21.~~		~~Amt of PD Pd ALAE~~	~~Amt Other Wr Prem~~
~~22.~~		~~Amt of PD OS ALAE~~	~~Amt of Other E Prem~~
~~23.~~		~~# of PD Pd Claims~~	~~Amt of Other Pd Loss~~
~~24.~~		~~# of PD OS Claims~~	~~Amt of Other OS Loss~~
~~25.~~		~~Amt UM/UIM Wr Prem~~	~~# of Other Pd LClaims~~
~~26.~~		~~Amt UM/UIM E Prem~~	~~# of Other OS Claims~~
~~27.~~		~~Amt UM/UIM Pd Loss~~	
~~28.~~		~~Amt UM/UIM OS Loss~~	
~~29.~~		~~Amt Um/UIM Pd ALAE~~	
~~30.~~		~~Amt UM/UIM OS ALAE~~	
~~31.~~		~~# of UM/UIM Pd Claims~~	
~~32.~~		~~# of UM/UIM OS Claims~~	
~~33.~~		~~Amt of Med Pay Wr Prem~~	

~~Other Liab, Medical Malpractice, Earthquake (REQ), BOP, Excess Insurance, and Commercial Auto Liab~~	~~Homeowners Res Fire~~	~~Priv Pass Auto Liability~~	~~Priv Pass Auto Physical Damage~~
~~34.~~		~~Amt of Med Pay E Prem~~	
~~35.~~		~~Amt of Med Pay Pd Losses~~	
~~36.~~		~~Amt of Med Pay OS Losses~~	
~~37.~~		~~Amt of Med Pay Pd ALAE~~	
~~38.~~		~~Amt of Med Pay OS ALAE~~	
~~39.~~		~~# of Med Pay Pd Claims~~	
~~40.~~		~~# of Med Pay OS Claims~~	
~~41.~~		~~Amt of Other Wr Prem~~	
~~42.~~		~~Amt of Other E Pem~~	
~~43.~~		~~Amt of Other Pd Losses~~	
~~44.~~		~~Amt of Other OS Losses~~	
~~45.~~		~~Amt of Other Pd ALAE~~	
~~46.~~		~~Amt of Other OS ALAE~~	
~~47.~~		~~# of Other Pd Claims~~	
~~48.~~		~~# of Other OS Claims~~	
~~49.~~		~~# of SL Wr Exposures~~	
~~50.~~		~~Amt of SL Wr Prem~~	
~~51.~~		~~Amt of SL E Prem~~	
~~52.~~		~~Amt of BI SL Pd Losses~~	
~~53.~~		~~Amt of BI SL OS Losses~~	
~~54.~~		~~Amt of BI SL Pd ALAE~~	
~~55.~~		~~Amt of BI SL OS ALAE~~	
~~56.~~		~~# of BI SL Pd Claims~~	
~~57.~~		~~# of BI SL OS Claims~~	
~~58.~~		~~Amt of PD SL Pd Losses~~	
~~59.~~		~~Amt of PD SL OS Losses~~	
~~60.~~		~~Amt of PD SL Pd ALAE~~	
~~61.~~		~~Amt of PD SL OS ALAE~~	
~~62.~~		~~# of PD SL Pd Claims~~	
~~63.~~		~~# of PD SL OS Claims~~	

~~Table:~~

~~[1] This field should be left blank for earthquake data.~~

~~[2] This field should be left blank for earthquake, BOP, and excess insurance data.~~

~~[3] This field should be left blank for multi-state data.~~

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

SUBPART B: MEDICAL MALPRACTICE REPORTING

Section 4203.210 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the ~~Secretary or~~ Director of ~~the Illinois Department of Financial and Professional Regulation-Division of~~ Insurance pursuant to Section 1204~~(C-5)~~ of the ~~Illinois Insurance~~ Code~~[215 ILCS 5/1204(C-5)]~~. ~~This Part will also establish the medium by which such information shall be transmitted to the Secretary or Director.~~

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

Section 4203.220 Definitions

Code means the Illinois Insurance Code [215 ILCS 5].

~~Consulting Actuary means independent or company actuary, appointed or retained by the company, to develop the company's rates, as required by Section 155.18 of the Code [215 ILCS 5/155.18] and to create supporting actuarial report and data, as required by Section 1204(C-5) of the Code [215 ILCS 5/1204(C-5)].~~

Department means the Illinois Department of Insurance~~Financial and Professional Regulation~~.

Director means the Director of the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance.

~~Division means the Department of Financial and Professional Regulation-Division of Insurance.~~

Insurance Claim means a formal or written demand for compensation under a medical malpractice liability insurance policy relating to allegations of liability on the part of one or more providers for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries. Insurance claim includes any instance for which benefits or compensation are payable, or eligible to be paid under any coverage under the policy.

~~Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.~~

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

Section 4203.230 Reports

~~a)~~All reports shall be completed, validated and filed in an electronic format in accordance with Appendix~~Appendices~~ A ~~and B~~ of this Part. There will be one filing date each year. Data must be submitted no later than April of each year. The submission will be submitted electronically to the Illinois Department of Insurance, Market Analysis Unit, 320 W. Washington Street, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.

~~b)~~ ~~All reports, including the consulting actuarial report and data supporting the company's most recently effective rate filing, shall be filed annually with the Secretary or Director by April 1.~~

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

SUBPART C: MARKET SURVEY FOR OCCURRENCE INSURANCE COVERAGE OF STATE RESPONSE ACTION CONTRACTORS

Section 4203.300 Purpose (Repealed)

~~The purpose of this Subpart is to demonstrate the existence of an occurrence liability insurance market within Illinois.~~

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

Section 4203.310 Declaration (Repealed)

~~The Director has found that a market exists, as of June 1, 2007, where one or more insurers are making liability insurance coverage available to response action contractors.~~

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 4203.APPENDIX A Filing Requirements for Medical Malpractice Reporting

General Instructions

- All ~~(C-5)(1)~~ reports shall include only direct Illinois medical malpractice insurance business~~ and be included in File 1, as referenced in Appendix B (Guidelines for Submission of Medical Malpractice Insurance Reporting)~~.

- ~~The (C-5)(2) Reserve Study requires information and data pertaining to only Illinois medical malpractice business written. Reserve Study Exhibit 2A shall be included in File 2 and Reserve Study Exhibit 2B shall be included in File 4, as referenced in Appendix B.~~

- ~~The (C-5)(2) Surplus Study requires information and data pertaining to the company's overall business, not specifically limited to Illinois medical malpractice business. Surplus Study Exhibit 2A shall be included in File 3 and Surplus Study Exhibit 2B shall be included in File 4, as referenced in Appendix B.~~

- ~~The (C-5)(2) Consulting Actuarial Report and Data Supporting the Company's Rate Filing requires information and data supporting the company's most recent rate filing. The Consulting Actuarial Report and Data Supporting the Company's Rate Filing shall be included in File 4, as referenced in Appendix B.~~

- ~~The Company Defined Items requires information about the data submitted and shall be included in File 4, as referenced in Appendix B.~~

- Each company must provide a Reconciliation as outlined in these Filing Requirements. ~~The Reconciliation shall be included in File 4, as referenced in Appendix B.~~

- Sample tables are provided to assist companies in understanding the required data elements. They are provided for illustrative purposes only.~~ **Do not submit your data in a file format consistent with the examples.** For file format, please follow the IT reporting guidelines as detailed in Appendix B.~~

- Reporting will be segregated by policy type. The policy types are as follows:

  1) Claims made policy type that includes prior acts coverage

  2) Occurrence policy type that includes extended reporting endorsements

- Reporting by claims made policy type will be aggregated by county.

- Illinois counties will be identified in the data submission by a three digit code. The following table lists the names of the 102 Illinois counties and the code designation for each:

County Name	County #
ADAMS	001
ALEXANDER	002
BOND	003
BOONE	004
BROWN	005
BUREAU	006
CALHOUN	007
CARROLL	008
CASS	009
CHAMPAIGN	010
CHRISTIAN	011
CLARK	012
CLAY	013
CLINTON	014
COLES	015
COOK	016
CRAWFORD	017
CUMBERLAND	018
DE KALB	019
DEWITT	020
DOUGLAS	021
DU PAGE	022
EDGAR	023
EDWARDS	024
EFFINGHAM	025
FAYETTE	026
FORD	027
FRANKLIN	028
FULTON	029
GALLATIN	030
GREENE	031

GRUNDY	032
HAMILTON	033
HANCOCK	034
HARDIN	035
HENDERSON	036
HENRY	037
IROQUOIS	038
JACKSON	039
JASPER	040
JEFFERSON	041
JERSEY	042
JO DAVIESS	043
JOHNSON	044
KANE	045
KANKAKEE	046
KENDALL	047
KNOX	048
LAKE	049
LA SALLE	050
LAWRENCE	051
LEE	052
LIVINGSTON	053
LOGAN	054
MCDONOUGH	055
MCHENRY	056
MCLEAN	057
MACON	058
MACOUPIN	059
MADISON	060
MARION	061
MARSHALL	062
MASON	063
MASSAC	064
MENARD	065
MERCER	066
MONROE	067
MONTGOMERY	068
MORGAN	069

MOULTRIE	070
OGLE	071
PEORIA	072
PERRY	073
PIATT	074
PIKE	075
POPE	076
PULASKI	077
PUTNAM	078
RANDOLPH	079
RICHLAND	080
ROCK ISLAND	081
SAINT CLAIR	082
SALINE	083
SANGAMON	084
SCHUYLER	085
SCOTT	086
SHELBY	087
STARK	088
STEPHENSON	089
TAZEWELL	090
UNION	091
VERMILION	092
WABASH	093
WARREN	094
WASHINGTON	095
WAYNE	096
WHITE	097
WHITESIDE	098
WILL	099
WILLIAMSON	100
WINNEBAGO	101
WOODFORD	102
OTHER	103

- For all reports requiring by county information, the company may group the data by policy issuing county or other method that is consistent with its ratemaking practices. The company must identify which method is used. The company must use a consistent

method to group the data in all by county reports. Data grouped by territory is unacceptable.

- Reporting by occurrence policy type will be aggregated by state and will include only Illinois data.

- Reports will contain 10 years of information on paid losses, paid allocated loss adjustment expenses, paid claim counts, incurred losses, incurred allocated loss adjustment expenses, incurred claim counts, earned exposures and earned premium, all on a direct reporting basis.

- ~~For all reports requiring "by county" information, the company may group the data by policy issuing county or other method that is consistent with its ratemaking practices. The company must identify which method is used. The company must use a consistent method to group the data in all "by county" reports. Data grouped by territory is unacceptable. Describe any changes made to the way in which the data has been grouped during the past ten years and the impact of the change(s) on the reports.~~

- ~~Individual policy exposures are exposures of policies covering individuals, i.e., physicians, surgeons, nurses, etc.~~

- ~~If reserving or claim payment practices have changed in the past ten years, describe the change(s) and the impact of the change(s) on the reports.~~

- ~~Policy types are as follows:~~

  - ~~Claims made includes prior acts coverage~~
  - ~~Occurrence includes extended reporting endorsements~~

  ~~Use these policy type definitions in all reports, unless otherwise denoted below.~~

- ~~Policy limit information shall include both per occurrence and aggregate limits. For reporting format of policy limits, see Appendix B, File Protocols, (B) File Formats.~~

- ~~The effective date of an extended reporting endorsement is the date the endorsement took effect.~~

- ~~A claim is a formal or written demand for compensation under a medical liability insurance policy relating to allegations of liability on the part of one or more providers~~

~~for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries. It includes any instance for which benefits or compensation are payable or eligible to be paid under any coverage under the policy. They shall be reported on a per defendant basis for the (C-5)(1)(c) reports and the Reserve Study.~~

- ~~Companies shall report their closed claim information consistent with the company practices of closing a claim and define what is considered a closed claim, i.e, a claim is defined as closed when it is assigned a closed date, when both indemnity plus expense reserves are $0, etc. Describe any change(s) made to this definition in the past ten years and the impact of the change(s) on the reports.~~

- ~~Consulting actuary means an independent or company actuary appointed or retained by the company to develop the company's rates, as required by Section 155.18 of the Code, and to create supporting actuarial report and data, as required by Section 1204(C-5) of the Code.~~

- Provide~~Please provide~~ the name, phone number and email address of the person responsible for filing this report with the Department~~Division~~ of Insurance.

- Reports should be submitted via either Excel worksheet or .txt file format. The submission shall be made electronically to the Illinois Department of Insurance, Market Analysis Unit, 320 W. Washington, Springfield, Illinois 62767-0001. Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.

Company Defined Items

- Describe any changes made to the way in which the data has been grouped during the past 10 years and the impact of the changes on the reports.

- Describe any changes made to reserving or claim payment practices in the past 10 years and the impact of the changes on the reports.

- Explain/define the corporate policies written by the company.

~~(C-5)(1)~~ Exhibits – Claims Made Policy Type

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- ~~(C-5)(1) Exhibits require information and data pertaining to only Illinois medical malpractice business written. The level of detail required in each exhibit varies.~~

- ~~(C-5)(1)(a)~~ Direct paid losses ~~and allocated loss adjustment expenses~~ by ~~policy type,~~ county ~~and policy limit~~ for each of the past 10~~ten~~ report~~policy~~ years. For claims made policy type, ~~The amount of~~ direct paid losses ~~paid~~ and ~~the amount of~~ direct paid allocated loss adjustment expenses ~~paid~~ shall be reported separately. ~~Amounts for policies covering individuals shall be reported separately from amounts for policies covering corporate exposures.~~

- Direct paid allocated loss adjustment expenses by county for each of the past 10 report years. For claims made policy type, direct paid losses and direct paid allocated loss adjustment expenses shall be reported separately.

- Direct paid claim counts by county for each of the past 10 report years.

- ~~(C-5)(1)(a)~~ Direct incurred losses ~~and allocated loss adjustment expenses~~ by ~~policy type,~~ county ~~and policy limit~~ for each of the past 10~~ten~~ report~~policy~~ years. For claims made policy type, direct incurred losses and direct incurred allocated loss adjustment expenses shall be reported separately. ~~The amount of direct losses incurred and the amount of direct allocated loss adjustment expenses incurred shall be reported separately. Amounts for policies covering individuals shall be reported separately from amounts for policies covering corporate exposures.~~

  - Incurred losses equal paid losses plus case reserves.
  - Total incurred losses ~~and allocated loss adjustment expenses~~ are required, not just incurred on open claims.
  - An accurate estimate for the claims related to that report~~policy~~ year and county is required. Average incurred severities are unacceptable.
  - ~~If you have less than five exposures in a policy year in a county and the number of open claims in that county is greater than zero and the county is considered a sparsely populated county*, then the loss and expense amount data for that county may be grouped into an "Other" category. This is instead of being separately listed by individual county.~~

    ~~For example:~~

~~Policy Year 2002~~

	~~Number of Exposures~~	~~Number of Claims~~	~~Actual Incurred Losses~~
~~Bond~~	~~2~~	~~1~~	~~$50,000~~
~~Lawrence~~	~~3~~	~~0~~	~~$0~~
~~Marshall~~	~~1~~	~~1~~	~~$60,000~~
~~Scott~~	~~5~~	~~1~~	~~$75,000~~

~~In this example, Bond and Marshall Counties meet all requirements so actual loss and expense data could be summed and reported in an "Other" category. For Lawrence County, in which the number of claims is not greater than zero, and Scott County, in which the number of exposures is not less than five, the loss and expense amount data would be reported separately for those counties, respectively, and Bond and Marshall Counties will each show $0 for incurred loss and expense in the (C-5)(1)(a) exhibits.~~

~~So, in this example, the (C-5)(1)(a) incurred losses exhibit would be filed as follows:~~

~~Policy Year 2002~~

~~County~~	~~Incurred Losses~~
~~Bond~~	~~$0~~
~~Lawrence~~	~~$0~~
~~Marshall~~	~~$0~~
~~Scott~~	~~$75,000~~
~~Other~~	~~$110,000 ($50,000 in Bond Co + $60,000 in Marshall Co~~

~~*The following counties are considered sparsely populated counties: Alexander, Bond, Brown, Calhoun, Carroll, Cass, Clark, Clay, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Ford, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Jasper, Johnson, Lawrence, Marshall, Mason, Massac, Menard, Mercer, Moultrie, Piatt, Pike, Pope, Pulaski, Putnam, Richland, Schuyler, Scott, Stark, Union, Wabash, Warren, Washington, Wayne, White.~~

- Direct incurred allocated loss adjustment expenses by county for each of the past 10 report years. For claims made policy type, direct incurred losses and direct incurred allocated loss adjustment expenses shall be reported separately.

  - Total incurred allocated loss adjustment expenses are required, not just incurred on open claims.

- Direct incurred claim counts by county for each of the past 10~~ten~~ report years.
- Direct earned exposures by county for each of the past 10~~ten~~ report years.
- Direct earned premium by county for each of the past 10~~ten~~ report years.

Examples of Reports for Claims Made Policy Type:

Paid Losses

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Paid ALAE

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Paid Counts

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	##	##	##	##	##	##	##	##	##	##
002	##	##	##	##	##	##	##	##	##	##
003	##	##	##	##	##	##	##	##	##	##
004	##	##	##	##	##	##	##	##	##	##
005	##	##	##	##	##	##	##	##	##	##
006	##	##	##	##	##	##	##	##	##	##
007	##	##	##	##	##	##	##	##	##	##
…	##	##	##	##	##	##	##	##	##	##

Incurred Losses

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Incurred ALAE

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Incurred Counts

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	##	##	##	##	##	##	##	##	##	##
002	##	##	##	##	##	##	##	##	##	##
003	##	##	##	##	##	##	##	##	##	##
004	##	##	##	##	##	##	##	##	##	##
005	##	##	##	##	##	##	##	##	##	##
006	##	##	##	##	##	##	##	##	##	##
007	##	##	##	##	##	##	##	##	##	##
…	##	##	##	##	##	##	##	##	##	##

Earned Exposures

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Earned Premium

	Current Year	1 Year Prior	2 Year Prior	3 Year Prior	4 Year Prior	5 Year Prior	6 Year Prior	7 Year Prior	8 Year Prior	9 Year Prior
001	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

002	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
003	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
004	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
005	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
006	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
007	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
…	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$

Exhibits – Occurrence Policy Type

- Exhibits require information and data pertaining to only Illinois medical malpractice liability business written. This data should be aggregated to state level detail.

- Direct paid losses and allocated loss adjustment expenses for each of the past 10 accident years by evaluation date. For occurrence policy type, direct paid losses and direct paid allocated loss adjustment expenses will be reported together. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct paid claim counts for each of the past 10 accident years by evaluation date. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct incurred losses and incurred allocated loss adjustment expenses for each of the past 10 accident years by evaluation date. For occurrence type policies, direct incurred losses and incurred allocated loss adjustment expenses shall be reported together. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct incurred claim counts for each of the past 10 accident years by evaluation date. This data array shall be reported in accordance with NAIC Annual Statement Schedule P Instructions. The difference between a company's Schedule P and this requirement is that this array should contain direct Illinois medical malpractice data.

- Direct earned exposures by accident year for each of the past 10 years.

- Direct earned premium by accident year for each of the past 10 years.

Examples of Reports for Occurrence Policy Type:

Paid Losses and ALAE

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year
9 Year Prior	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
8 Year Prior		$$	$$	$$	$$	$$	$$	$$	$$	$$
7 Year Prior			$$	$$	$$	$$	$$	$$	$$	$$
6 Year Prior				$$	$$	$$	$$	$$	$$	$$
5 Year Prior					$$	$$	$$	$$	$$	$$
4 Year Prior						$$	$$	$$	$$	$$
3 Year Prior							$$	$$	$$	$$
2 Year Prior								$$	$$	$$
1 Year Prior									$$	$$
Current Year										$$

Paid Counts

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year
9 Year Prior	##	##	##	##	##	##	##	##	##	##
8 Year Prior		##	##	##	##	##	##	##	##	##
7 Year Prior			##	##	##	##	##	##	##	##
6 Year Prior				##	##	##	##	##	##	##
5 Year Prior					##	##	##	##	##	##
4 Year Prior						##	##	##	##	##
3 Year Prior							##	##	##	##
2 Year Prior								##	##	##
1 Year Prior									##	##
Current Year										##

Incurred Losses and ALAE

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year
9 Year Prior	$$	$$	$$	$$	$$	$$	$$	$$	$$	$$
8 Year Prior		$$	$$	$$	$$	$$	$$	$$	$$	$$
7 Year Prior			$$	$$	$$	$$	$$	$$	$$	$$
6 Year Prior				$$	$$	$$	$$	$$	$$	$$
5 Year Prior					$$	$$	$$	$$	$$	$$
4 Year Prior						$$	$$	$$	$$	$$
3 Year Prior							$$	$$	$$	$$
2 Year Prior								$$	$$	$$
1 Year Prior									$$	$$
Current Year										$$

Incurred Counts

Years in which losses were incurred	9 Year Prior	8 Year Prior	7 Year Prior	6 Year Prior	5 Year Prior	4 Year Prior	3 Year Prior	2 Year Prior	1 Year Prior	Current Year
9 Year Prior	##	##	##	##	##	##	##	##	##	##
8 Year Prior		##	##	##	##	##	##	##	##	##
7 Year Prior			##	##	##	##	##	##	##	##
6 Year Prior				##	##	##	##	##	##	##
5 Year Prior					##	##	##	##	##	##
4 Year Prior						##	##	##	##	##
3 Year Prior							##	##	##	##
2 Year Prior								##	##	##
1 Year Prior									##	##
Current Year										##

Earned Exposures

Years in which losses were incurred	Direct and Assumed

9 Year Prior
8 Year Prior
7 Year Prior
6 Year Prior
5 Year Prior
4 Year Prior
3 Year Prior
2 Year Prior
1 Year Prior
Current Year

Earned Premium

Years in which losses were incurred	Direct and Assumed
9 Year Prior	
8 Year Prior	
7 Year Prior	
6 Year Prior	
5 Year Prior	
4 Year Prior	
3 Year Prior	
2 Year Prior	
1 Year Prior	
Current Year	

- ~~(C-5)(1)(b) Earned exposures by ISO specialty code, policy type, policy year, county, policy limit and claims made age for each of the past ten policy years. Earned individual policy exposures shall be reported separately from corporate policy exposures, as consistent with ratemaking practices of the company.~~

  - ~~Each company shall provide an explanation/definition of the corporate policies written.~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- ~~(C-5)(1)(c)(i) – Claims Made Policies – Base class and territory equivalent exposures by report year by relative accident year. Individual policy exposures shall be reported separately from corporate policy exposures, as consistent with ratemaking practices of the company.~~

  - ~~As illustrated in the sample table below, each two-dimensional grid shows report year exposures broken down by the relative accident years that contribute to them.~~
  - ~~For each cell in the grid, the exposures are from Relative Accident Year (X), where X = (Report Year - Retroactive Date Year) + 1.~~
  - ~~For example, the exposures in the cell for the 1995 Report Year column and Relative Accident Year 2 row would be from Retroactive Date 1994, where Relative Accident Year = (1995 – 1994) + 1.~~
  - ~~The class and territory equivalents are calculated based on the latest filed relativities. Describe any change(s) made to the company's base class and/or territory in the past ten years and the impact of the change(s) on the exhibits.~~
  - ~~Each company shall use the base class and territory that is consistent with its most recent rate filing. Each company shall also define its base class and territory.~~
  - ~~Below is an illustration to assist companies in understanding the required claims made data elements and possible uses of the data. It is for illustrative purposes only. **Do not submit your data in this format.** For file format, please refer to Appendix B, File 1 – Exhibit 1ci.~~

~~Base Class and Territory Equivalent Exposures for Claims Made (By Report Year By Relative Accident Year)~~

~~Relative AY~~	~~1995~~	~~1996~~	~~1997~~	~~1998~~	~~1999~~	~~2000~~	~~2001~~	~~2002~~	~~2003~~	~~2004~~
~~1~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~2~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~3~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~4~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~5~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~6~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~7~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~8~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~9~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~10~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~

- ~~(C-5)(1)(c)(i) – Occurrence Policies – Base class and territory equivalent exposures by accident year. Individual policy exposures shall be reported separately from corporate policy exposures, as consistent with ratemaking practices of the company.~~

- ~~As illustrated in the sample table below, each two-dimensional grid shows earned exposures by accident year.~~
- ~~The class and territory equivalents are calculated based on the latest filed relativities. Describe any change(s) made to the company's base class and/or territory in the past ten years and the impact of the change(s) on the exhibits.~~
- ~~Each company shall use the base class and territory that is consistent with its most recent rate filing. Each company shall also define its base class and territory.~~
- ~~If adjustments are made to exposures for extended reporting endorsements, then describe the adjustments made and their impact on the exhibit.~~
- ~~Below is an illustration to assist companies in understanding the required occurrence data elements. It is for illustrative purposes only. **Do not submit your data in this format**. For file format, please refer to Appendix B, File 1 – Exhibit 1ci.~~

~~Base Class and Territory Equivalent Exposures for Occurrence (By Accident Year)~~

~~AY~~	~~1995~~	~~1996~~	~~1997~~	~~1998~~	~~1999~~	~~2000~~	~~2001~~	~~2002~~	~~2003~~	~~2004~~
~~Exposures~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~

- ~~(C-5)(1)(c)(ii) Cumulative loss array by accident year by calendar year of development for occurrence business, which includes:~~

  - ~~Frequency of the following types of claims:~~
    - ~~Open – Number of claims outstanding~~
    - ~~Closed with indemnity (CWI) – Cumulative number of claims closed with indemnity~~
    - ~~Closed with expense (CWE) – Cumulative number of claims closed with expense only~~
    - ~~Closed with no pay (CNP) – Cumulative number of claims closed with no payment~~
  - ~~Paid severity of:~~
    - ~~Indemnity paid on closed claims – Cumulative amount of indemnity paid on CWI~~
    - ~~Allocated loss adjustment expense (ALAE) paid on claims closed with indemnity (CWI) and/or claims closed with expense (CWE) – Cumulative amount of ALAE paid on CWI and CWE~~
    - ~~Indemnity paid on open claims – Cumulative amount of indemnity paid on open claims~~

- ALAE paid on open claims – Cumulative amount of ALAE paid on open claims
- Reserves:
  - Indemnity reserves on open claims – Total aggregate indemnity case reserve
  - ALAE reserves on open claims – Total aggregate ALAE case reserve
- This exhibit requires actual loss and allocated loss adjustment expense dollar amounts at different stages of calendar year development. Average, undeveloped amounts are unacceptable.
- The amounts reported must coincide with the actual claims in that accident year, at the corresponding year of development.

- (C-5)(1)(c)(iii) Cumulative loss array by report year by calendar year of development for claims made business, which includes:

  - Frequency of the following types of claims:
    - Open – Number of claims outstanding
    - Closed with indemnity (CWI) – Cumulative number of claims closed with indemnity
    - Closed with expense (CWE) – Cumulative number of claims closed with expense only
    - Closed with no pay (CNP) – Cumulative number of claims closed with no payment
  - Paid severity of:
    - Indemnity paid on closed claims – Cumulative amount of indemnity paid on CWI
    - Allocated loss adjustment expense (ALAE) paid on claims closed with indemnity (CWI) and/or claims closed with expense (CWE) – Cumulative amount of ALAE paid on CWI and CWE
    - Indemnity paid on open claims – Cumulative amount of indemnity paid on open claims
    - ALAE paid on open claims – Cumulative amount of ALAE paid on open claims
  - Reserves:
    - Indemnity reserves on open claims – Total aggregate indemnity case reserve
    - ALAE reserves on open claims – Total aggregate ALAE case reserve

- ~~This exhibit requires actual loss and allocated loss adjustment expense dollar amounts at different stages of calendar year development. Average, undeveloped amounts are unacceptable.~~
- ~~The amounts reported must coincide with the actual claims in that report year, at the corresponding year of development.~~

- ~~(C-5)(1)(c)(iv) Maturity year and tail factors used in the most recent rate filing – If a different tail factor is used for each maturity year, list each tail factor with the corresponding maturity year. If another method is used, list and describe factors and method used.~~

- ~~(C-5)(1)(c)(v) Factors used in the most recent rate filing:~~

  - ~~Expense – Companies are required to define what expenses are included in this factor.~~
  - ~~Contingency~~
  - ~~DDR~~
  - ~~Commission~~
  - ~~Tax~~
  - ~~Impact of territory and/or class relativity changes (or off-balance) – The factor used in the rate filing that balances the individual relativity changes to the overall change requested~~
  - ~~Miscellaneous – Any other factors used in the rate filing to establish rates could include, but is not limited to, the following: profit load, reinsurance load, investment income, schedule debits, schedule credits, other. Companies are required to list and define each factor individually.~~

~~(C-5)(2) Exhibits~~

- ~~(C-5)(2)(a) Reserve Study requires information and data pertaining to only Illinois medical malpractice business written. The Reserve Study is made of two exhibits.~~

- ~~Exhibit 2A Reserves shall contain the data elements described below in the format prescribed in Appendix B.~~

- ~~Exhibit 2A Reserves is required on a going forward basis, in order to accumulate ten years of data similar to Schedule P of the NAIC Annual Statement.~~

- ~~Each of the data elements required in Exhibit 2A shall be reported in accordance with NAIC Annual Statement Schedule P Instructions, but in the level of detail defined here. Note that some of the data required for the NAIC Annual Statement Schedule P filing are not required in Reserve Study Exhibit 2A.~~
- ~~Exhibit 2A information shall be provided separately for occurrence plus extended reporting endorsement business/DDR and claims made plus prior acts business and for each of the following types of health care providers:~~
  - ~~Physicians, Surgeons and Osteopaths~~
  - ~~Hospitals~~
  - ~~Other Health Care Professionals, including Dentists~~
  - ~~Other Health Care Facilities~~
- ~~All data requested shall be by Year in Which Premiums Were Earned and Losses Incurred.~~
- ~~Provide the following data elements in accordance with NAIC Schedule P Part 1 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 1:~~
  - ~~Direct and Assumed Premiums Earned~~
  - ~~Direct and Assumed Loss Payments~~
  - ~~Direct and Assumed Defense and Cost Containment Payments~~
  - ~~Direct and Assumed Adjusting and Other Payments~~
  - ~~Total Direct and Assumed Losses and Loss Expenses Paid, which equal Direct and Assumed Loss Payments plus Direct and Assumed Defense and Cost Containment Payments plus Direct and Assumed Adjusting and Other Payments~~
  - ~~Direct and Assumed Case Basis Losses Unpaid~~
  - ~~Direct and Assumed Bulk and IBNR Losses Unpaid~~
  - ~~Direct and Assumed Case Basis Defense and Cost Containment Unpaid~~
  - ~~Direct and Assumed Bulk and IBNR Defense and Cost Containment Unpaid~~
  - ~~Direct and Assumed Adjusting and Other Unpaid~~
  - ~~Total Direct and Assumed Losses and Loss Expenses Unpaid, which equal Direct and Assumed Case Basis Losses Unpaid plus Direct and Assumed Bulk and IBNR Losses Unpaid plus Direct and Assumed Case Basis Defense and Cost Containment Unpaid plus Direct and Assumed Bulk and IBNR Defense and Cost Containment Unpaid plus Direct and Assumed Adjusting and Other Unpaid~~
  - ~~Total Direct and Assumed Losses and Loss Expenses Incurred, which equal Total Direct and Assumed Losses and Loss Expenses Paid plus Total Direct and Assumed Losses and Expenses Unpaid~~

- ~~Direct and Assumed Loss and Loss Expense Percentage (Direct and Assumed Incurred Losses/Direct and Assumed Premiums Earned)~~

- ~~Provide the following in accordance with NAIC Schedule P Part 2 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 2:~~
  - ~~Incurred Direct and Assumed Losses and Defense and Cost Containment Expenses Reported at Year End~~
- ~~Provide the following in accordance with NAIC Schedule P Part 3 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 2:~~
  - ~~Cumulative Direct and Assumed Paid Losses and Defense and Cost Containment Expenses Reported at Year End~~
- ~~Provide the following in accordance with NAIC Schedule P Part 4 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 2:~~
  - ~~Bulk and IBNR Reserves on Direct and Assumed Losses and Defense and Cost Containment Expenses Reported at Year End~~
- ~~Provide the following in accordance with NAIC Schedule P Part 5 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 3:~~
  - ~~Cumulative Number of Claims Closed with Loss Payment Direct and Assumed at Year End~~
  - ~~Number of Claims Outstanding Direct and Assumed at Year End~~
  - ~~Cumulative Number of Claims Reported Direct and Assumed at Year End~~
- ~~Provide the following in accordance with NAIC Schedule P Part 6 Instructions, in the file format prescribed in Appendix B File 2 – Exhibit 2A Reserve Part 4:~~
  - ~~Cumulative Premiums Earned Direct and Assumed at Year End~~
- ~~Adjusting and Other Expense Payments and Reserves shall be allocated to the accident years in which the losses were incurred based on the number of claims reported, as defined in Schedule P, in those years. If this method is not used, provide a detailed explanation of the method used to assign Adjusting and Other Expenses among the accident years.~~
- ~~If Bulk and IBNR Reserves are projected based on Illinois only data, use these reserves in the appropriate columns and data triangles. If Bulk and IBNR Reserves are projected based on any other data, use an actuarial approach to allocate these reserves. Describe the method used and the assumptions underlying the method.~~
- ~~If other assumptions are necessary to complete these filing requirements, disclose all assumptions used and why these assumptions are necessary.~~
- ~~Below is an illustration to assist companies in understanding the required data elements and possible uses of the data. It is for illustrative purposes only. **Do not submit your data in this format.** For file format, please refer to Appendix B, File 2 – Exhibit 2A Reserves.~~

	~~Exhibit 2A Reserve Part 2~~ ~~Incurred Direct and Assumed Losses and Defense~~ ~~& Cost Containment~~ ~~Expenses Reported at Year End~~									
~~Years in Which Premiums Were Earned and Losses Were Incurred~~	~~1995~~	~~1996~~	~~1997~~	~~1998~~	~~1999~~	~~2000~~	~~2001~~	~~2002~~	~~2003~~	~~2004~~
~~1995~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~1996~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~1997~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~1998~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~1999~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~2000~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~2001~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~	~~XXX~~
~~2002~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~	~~XXX~~
~~2003~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~	~~XXX~~
~~2004~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~XXX~~
~~Total~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~

- ~~Exhibit 2B Reserve Study shall contain a written response to each question below in the format prescribed in Appendix B, File 4 – Exhibit 2B Description.~~

  ~~1.~~ ~~Provide a general description of the actuarial methodologies used to determine and monitor carried loss and loss adjustment expense reserves for the medical malpractice business written, including frequency of reviews.~~

  ~~2.~~ ~~Discuss the adequacy of medical malpractice loss and loss adjustment expense reserves as of the most recent year-end and identify and describe any material changes in the past five years in amounts of carried reserves and in reserving methods. If a material unfavorable trend exists, indicate what actions were taken~~

~~to address the issue. Identify the materiality standard used to respond to this question and provide the basis for this standard.~~

~~3. Compare company trends to industry trends, with regards to the medical malpractice line of business and include information about the specific business written by the company and, if necessary, reasons why company trends are different from the industry.~~

- ~~(C-5)(2)(a) Surplus Study requires information and data pertaining to the company. This section does not require information and data specific to Illinois or the medical malpractice line of business. The Surplus Study is made of two exhibits.~~

- ~~Exhibit 2A Surplus shall contain the data elements described below in the format prescribed in Appendix B.~~

  - ~~Provide each of the following amounts for the past five years:~~
    - ~~Net Income, which is net income after dividends to policyholders and after federal and foreign income taxes incurred~~
    - ~~Change in Net Unrealized Capital Gains or (Losses)~~
    - ~~Change in Net Deferred Income Tax~~
    - ~~Change in Non-admitted Assets~~
    - ~~Change in Provision for Reinsurance~~
    - ~~Capital/Surplus Changes and Adjustments, which is the net result of all capital and surplus contributions and transfers~~
    - ~~Dividends to Stockholders~~
    - ~~Other Changes to Surplus – use as many lines as necessary to break out and describe any other changes in surplus.~~
    - ~~Total Change, which is the sum of the changes listed above~~
  - ~~Provide each of the following ratios for the past five years:~~
    - ~~Total Net Written Premium/Surplus~~
    - ~~Medical Malpractice Direct Written Premium/Total Direct Written Premium~~
    - ~~Total Net Reserves/Surplus~~
    - ~~Medical Malpractice Net Reserves/Surplus~~
    - ~~Medical Malpractice Net Reserves/Total Net Reserves~~
  - ~~Note the following definition~~
    - ~~Net Reserves are net loss and loss adjustment expense reserves.~~

- ~~Exhibit 2B Surplus Study shall contain a written response to each item below in the format prescribed in Appendix B, File 4 – Exhibit 2B Description.~~

  ~~1. Provide a general discussion regarding the adequacy of surplus reported on Annual Statement, page 3 (Liabilities, Surplus and Other Funds), line 35, Surplus as regards policyholders, as of the last year-end.~~

  ~~2. Identify and describe any material events or known material trends, favorable or unfavorable, in the insurer's surplus account in the past five years. This description should include any significant changes in the surplus ratios shown on Exhibit A. If a material unfavorable trend exists, indicate the courses of remedial actions already taken or that are available to the insurer and the effects or potential effects of each. Identify the materiality standard used to respond to this item and provide the basis for this standard.~~

- ~~The Consulting Actuarial Report and Data Supporting the Company's Rate Filing shall be included in File 4, as referenced in Appendix B. Each company shall file the actuarial report providing justification and data supporting the most recent medical malpractice rate filing.~~

~~**Company Defined Items**~~

~~1. For all reports requiring "by county" information, the company may group the data by policy issuing county or other method that is consistent with its ratemaking practices. The company must identify which method is used. The company must use a consistent method to group the data in all "by county" reports. Data grouped by territory is unacceptable. Describe any changes made to the way in which the data has been grouped during the past ten years and the impact of the change(s) on the reports.~~

~~2. Describe any change(s) made to reserving or claim payment practices in the past ten years and the impact of the change(s) on the reports.~~

~~3. Define closed claim, i.e., is a claim closed when it is assigned a closed date, or when both indemnity plus expense reserves are $0, or in some other instance? Describe any change(s) made to this definition in the past ten years and the impact of the change(s) on the reports.~~

~~4. Explain/define the corporate policies written by the company.~~

~~5. Each company shall use the base class and territory that is consistent with its most recent rate filing. Please define your company's base class and territory. Describe any change(s) made to the base class and/or territory in the past ten years and the impact of the change(s) on the reports.~~

~~6. Describe any adjustment(s) made to exposures for extended reporting endorsements and the impact of the adjustment(s) on the reports.~~

~~7. For the maturity year and tail factors disclosure, list each tail factor with the corresponding maturity year if a different tail factor is used for each maturity year. If another method is used, list and describe factors and method used.~~

~~8. Define what expenses are included in the expense factor.~~

~~9. List and define individually any "other" factors used in the rate filing to establish rates. This could include but is not limited to the following: profit load, reinsurance load, investment income, schedule debits/credits, etc.~~

~~10. Describe any methods and/or assumptions used in creating Reserve Study Exhibit A and why these assumptions are necessary.~~

Reconciliation

Each company shall take steps to determine the data submitted under these requirements is accurate, reasonable, and appropriately reconciles to the most recently filed annual statutory financial statement.

Describe the process used to reconcile the 1204 data, filed under this requirement, to the annual statutory financial statement. Please include the magnitude of any discrepancies, a description of the differences, and the reasons~~reason(s)~~ for the differences.

The company's senior financial officer and a qualified actuary must certify that the data filed under these requirements is accurate and reasonably reconciles with the most recently filed annual statutory financial statement.

Re-filing of Data

In the event that a company files inaccurate or incomplete data or there is some other problem with the data that is filed, a company may need to re-file its data with the Department~~Division~~.

When this occurs, either at the request of the Department~~Division~~ or upon initiation by the company, the company shall provide the Department~~Division~~ with a narrative discussion of the reason for the re-file. This narrative shall be in the form of an email directed to appropriate Casualty Actuarial Section staff if the data is re-filed using ~~file transfer protocol or in~~ the form of a letter accompanying any re-filed CD-ROM.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 4203.APPENDIX B Guidelines for Submission of Medical Malpractice Reporting (Repealed)

~~State of Illinois~~
~~Department of Financial and Professional Regulation~~
~~Division of Insurance~~

~~Guidelines for the Submission of Medical Malpractice Insurance Information Pursuant to Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204]~~

~~**To assist insurers and other reporting entities in the submission of medical malpractice insurance information as required by the State of Illinois and outlined in Section 1204, the Illinois Department of Financial and Professional Regulation-Division of Insurance (DOI) offers these instructions containing submission guidelines and other useful information.**~~

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~~Guidelines for the Submission of Medical Malpractice Insurance Information Pursuant to Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204]~~

~~OVERVIEW~~

~~Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204] requires medical malpractice insurers to file insurance information with the Illinois Department of Financial and Professional Regulation's Division of Insurance. Section 1204 mandates that every medical malpractice insurer shall file an annual submission with the Director of the Division of Insurance. The purpose of this document is to provide uniform guidelines to assist medical malpractice insurers in the proper and timely submission.~~

~~FILE PROTOCOLS~~

~~A) File Types~~

~~There will be three types of files contained in an insurer's submission.~~

~~1. CONTROL FILE~~

~~As its name implies, this file will contain control information that allows DOI to track the submission, such as the insurer FEIN, NAIC control code and company contact information. There will only be one control file with each submission.~~

~~2. DATA FILE~~

~~These files will contain Exhibit 1, Exhibit 2a Reserve and Exhibit 2a Surplus data records as defined in this document. There will be one of each of these files for each reporting year in a submission.~~

~~3. WORD/PDF DOCUMENT~~

~~This document will contain answers to the Exhibit 2b Reserve and Exhibit 2b Surplus questions. Additionally, it will contain the Consulting Actuarial Report and Data Supporting the Company's Rate Filing, a listing and descriptions of Company Defined Items and a narrative description regarding the Reconciliation of the data as set forth in Appendix A Filing Requirements for Medical Malpractice Reporting.~~

~~The record layouts, which are displayed following these guidelines, are based on the actuarial specifications set forth in this document. Each record in the control and data file will end in a standard carriage return/line feed (CRLF). A separate file will be created for each year of data submitted.~~

~~The document containing the responses to the Exhibit 2b Reserve and Surplus Study questions, the Consulting Actuarial Report and Data Supporting the Company's Rate Filing, Company Defined Items and the Reconciliation narrative will be stored either in a Microsoft® Word compatible format or in portable document format (PDF) compatible with Adobe® Acrobat Reader 6.0 or greater.~~

~~**B) File Formats**~~

~~1. TEXT FORMATTING~~

~~The control file and data files will be stored in ASCII formatted, non-delimited text files. Text fields will be non-delimited and may be mixed case. Text fields may also contain spaces.~~

~~2. DECIMAL FORMATTING~~

~~In any field where the number formatting is designated to be Dec (3, 2) or Dec (5,3), the number is considered to be a percentage item. For example, a percentage of 23.5% in a field designated Dec (3,2) should be shown in the field as 02350.~~

~~In Exhibit 1civ of the file that holds Exhibit 1 data, there is a field that holds the corresponding tail factor for the Maturity Year. This is a numeric, non-percentage field formatted as Dec (1,3). For example, a tail factor of 0.925 would be shown in the field as 0925.~~

~~3. LIMITS FORMATTING~~

~~For reporting policy limits, both occurrence and aggregate limits are to be provided. The format for reporting limits is as follows: occurrence limit/aggregate limit with the ending ($000) omitted. For example, a limit of $1,000,000 per occurrence and $3,000,000 aggregate would be reported as "1000/3000". This field will be read as text, so leading zeros are not necessary.~~

~~**FILE NAMING CONVENTIONS**~~

~~**A) STANDARD FILES**~~

~~1. DATA FILES~~

~~Data file names will be based on the type of exhibit data and the reporting year contained in the file. For example,~~

~~***EXHIBIT1_123456789_1998.TXT***~~

~~will contain Exhibit 1 data for the 1998 calendar reporting year from an insurer with a FEIN of 12-3456789. A file named~~

~~***EXHIBIT2a_Surplus_987654321_2001.TXT***~~

~~will contain Exhibit 2a Surplus Study actuarial data from the 2001 calendar reporting year from an Insurer with a FEIN designation of 98-7654321. Note that all data files will carry a .txt extension.~~

~~2. CONTROL FILES~~

~~The control file contains insurer-specific company and contact information vital for a successful data submission. The file name will classify it as a control file and specify the FEIN to identify the submitting company. A file named~~

~~***Control_123456789.txt***~~

~~will be recognized as the file containing control information for the insurer with FEIN ID 12-3456789.~~

~~3. WORD/PDF DOCUMENT~~

~~This will be word processor file in a format compatible with Microsoft® Word or in portable document format (PDF) compatible with Adobe® Acrobat Reader 6.0 or greater. Since it will contain responses to Exhibit 2b Reserve and Surplus Study questions, the Word document will be named~~

~~***EXHIBIT2b_123456789.DOC***~~

~~which will identify the file as the Exhibit 2b Reserve and Surplus Study file for the company with FEIN ID 12-3456789, and the .doc extension will classify the file as a Word document. In the event that Adobe® Acrobat Reader 6.0 or greater is the chosen format, the file will be named~~

~~***EXHIBIT2b_123456789.PDF***~~

~~which will identify it as the Exhibit 2b Reserve and Surplus Study file for the company with FEIN ID 12-3456789, and the .pdf extension will classify the file as an Adobe® Acrobat Reader document.~~

~~**B) ZIP FILES**~~

~~Since most submissions will contain a large number of files, if you have file archiving software, such as **WinZip®** **or PKZip®**, the control, data and documentation files may be archived in a zipped or self-expanding zipped file to shorten the upload process. In the event this process is utilized, the naming convention will be~~

~~***Control_999999999.zip*** for a zipped archive file~~
~~Or~~
~~***Control_999999999.exe*** for a self-expanding archive file~~

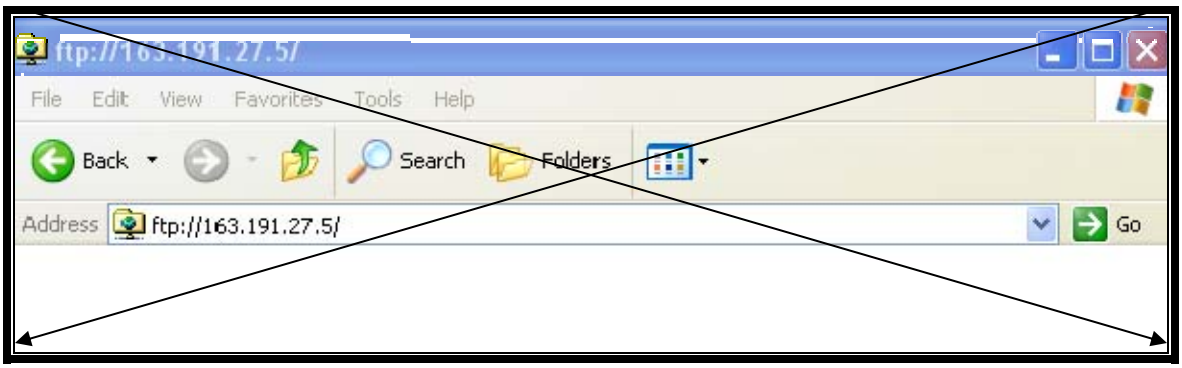
~~where 999999999 is the insurer's nine digit FEIN ID.~~

~~**SUBMISSION OF MEDIA**~~

~~Media may be submitted electronically using file transfer protocol or by mail on CD-ROM. Insurers may choose which of the two methods best suits their needs.~~

~~**A) Electronic Submission – Browser**~~

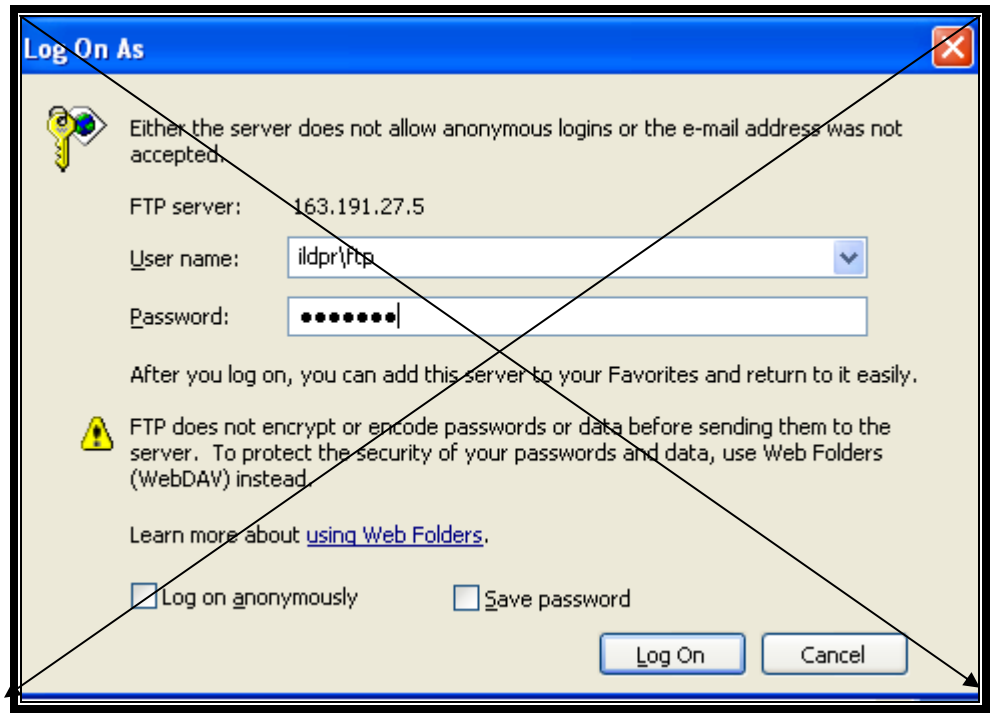
~~1. Start your web browser (this example uses Internet Explorer). Type ftp://163.191.27.5 in the address line and click Go or press **Enter**~~



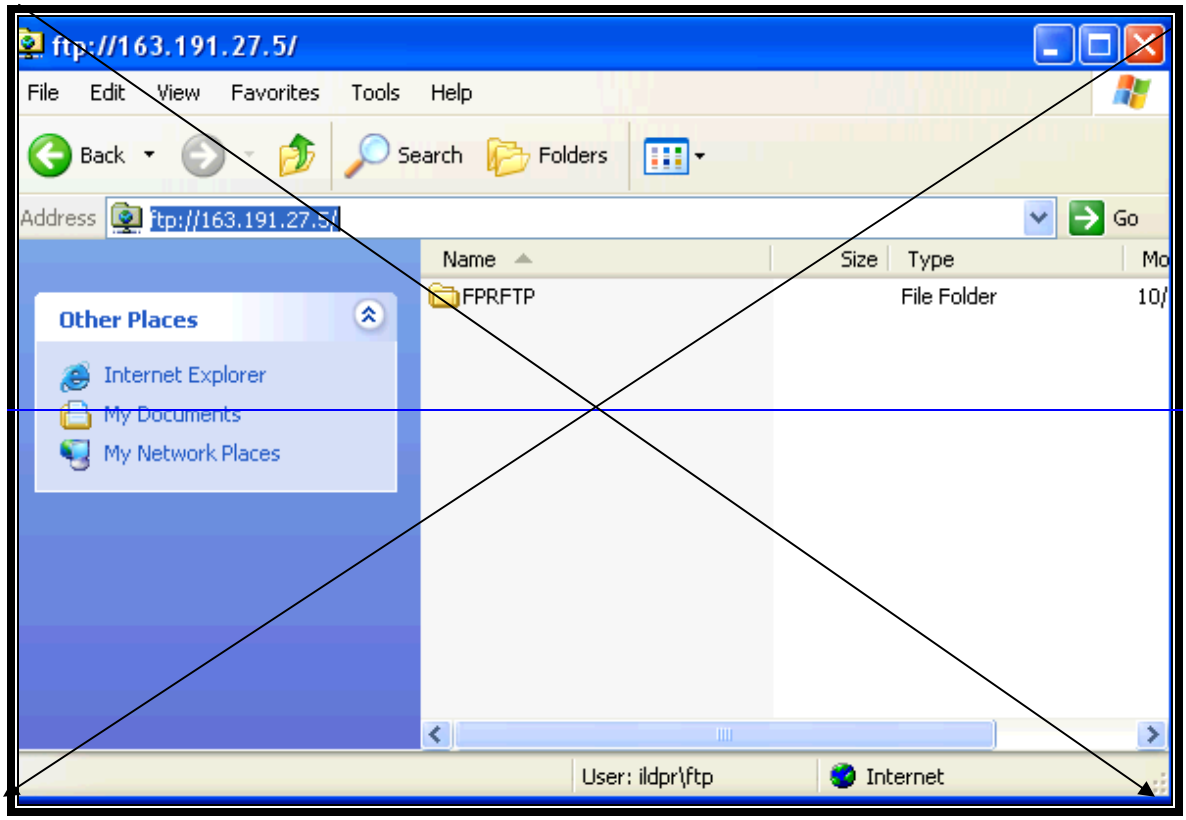
~~2. A pop up box will appear for the login process. If your browser is using a pop up blocker, you will need to enable pop ups and will probably be prompted to do so. In the User name box, type **ildpr\ftp** then press **Tab** to move to the password box. For your password, type **fprftp** (exactly as written – the password is case sensitive). Now click the **Log On** button.~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS



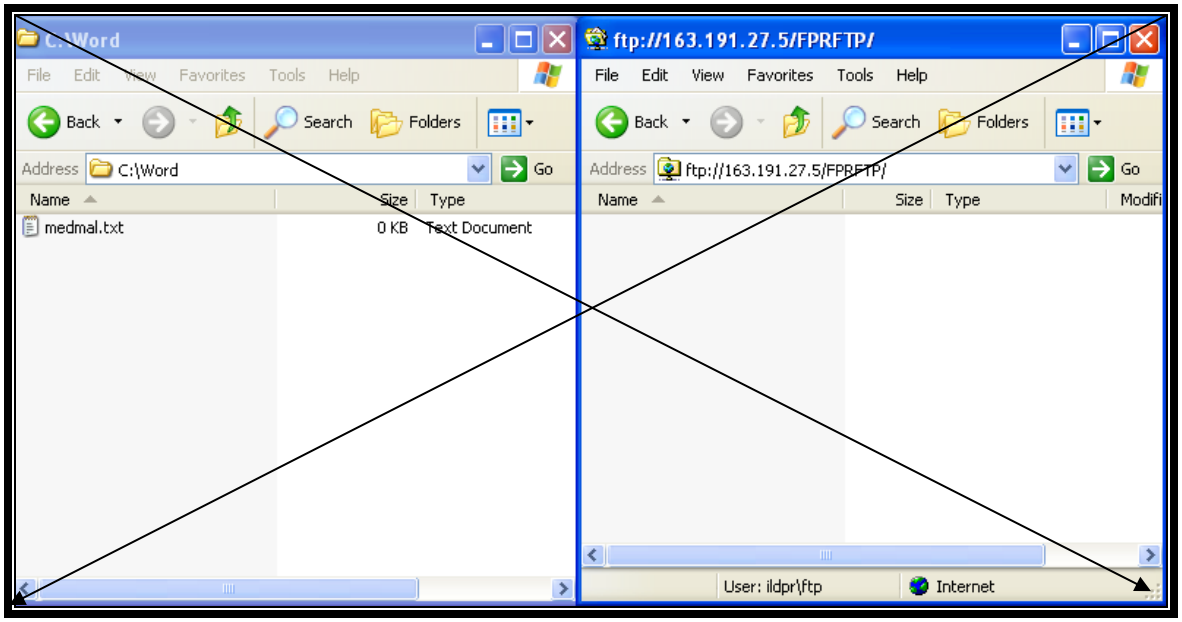
~~3. When you see the folder **FPRFTP** in the browser window, you know you have connection. Double click the folder to open it.~~



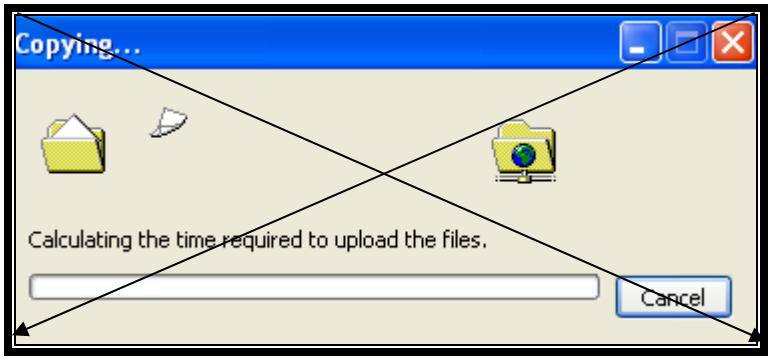
~~4. Go to the file to upload on your computer. The screen shots below show a file on a local computer in a folder called **C:\Word** on the left and the FTP site on the right. Click on your file, hold down the left mouse button and drag to the FTP window. If multiple files need to be transferred, they can be done as a group.~~

DEPARTMENT OF INSURANCE

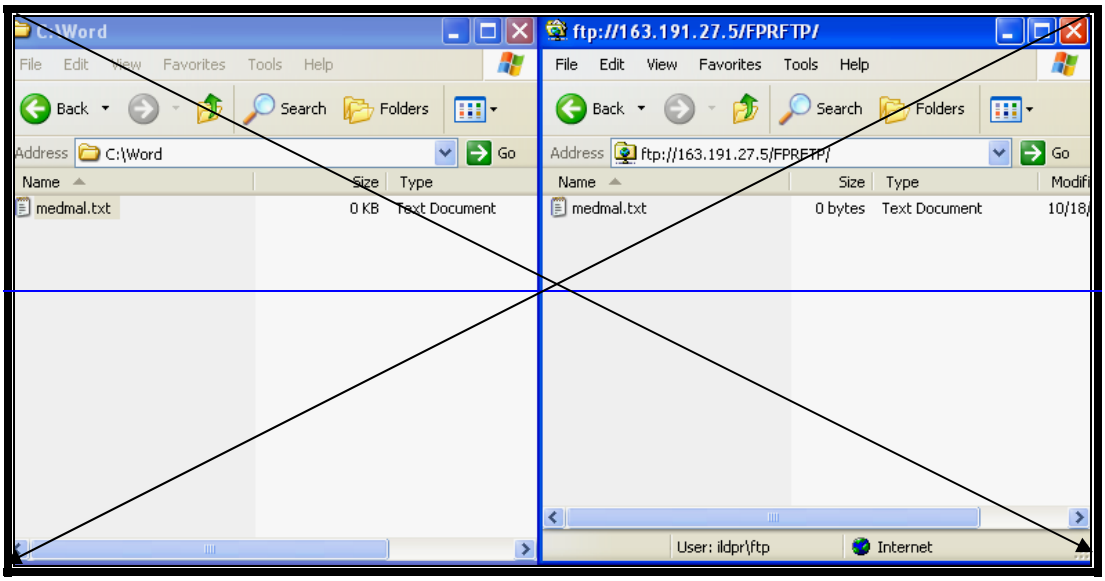
NOTICE OF PROPOSED AMENDMENTS



~~The status box shows the file copying:~~

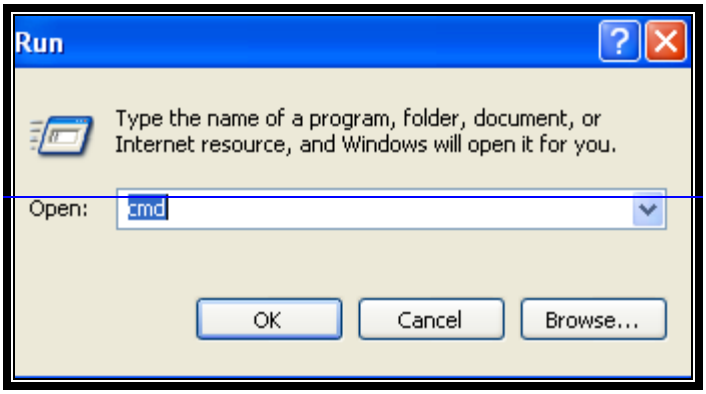


~~5. When the files appear in both windows, the upload was successful. Click on the ☒ in the upper corners of both windows to close.~~

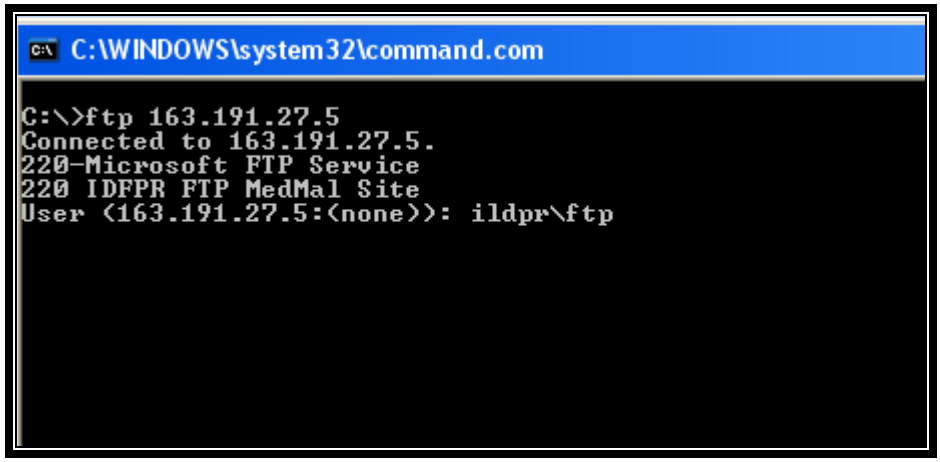


~~**B)**~~ ~~**Electronic Submission – DOS**~~

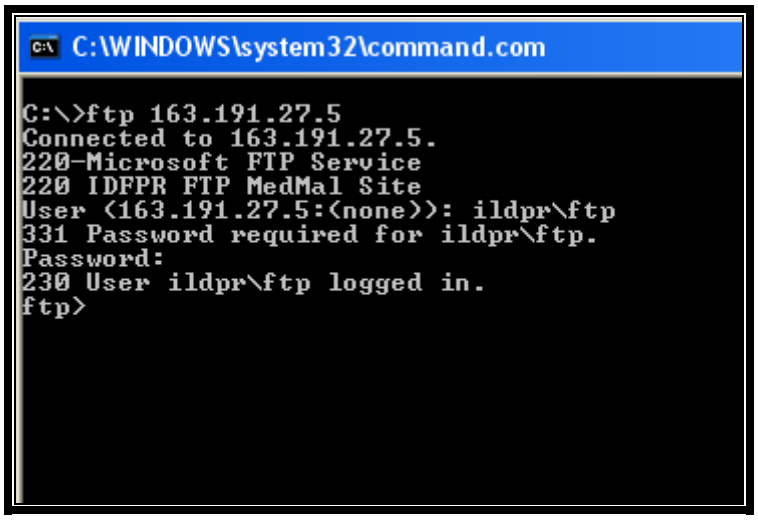
~~1.~~ ~~FTP file transfer can also be achieved using the DOS command line. Click on **Start**, and then **Run**. On the **Open**: line, type **cmd** and click **OK**.~~



~~2.~~ ~~At the **C:\>** prompt, type **ftp** followed by a space, then type **163.191.27.5**. Press **Enter**.~~



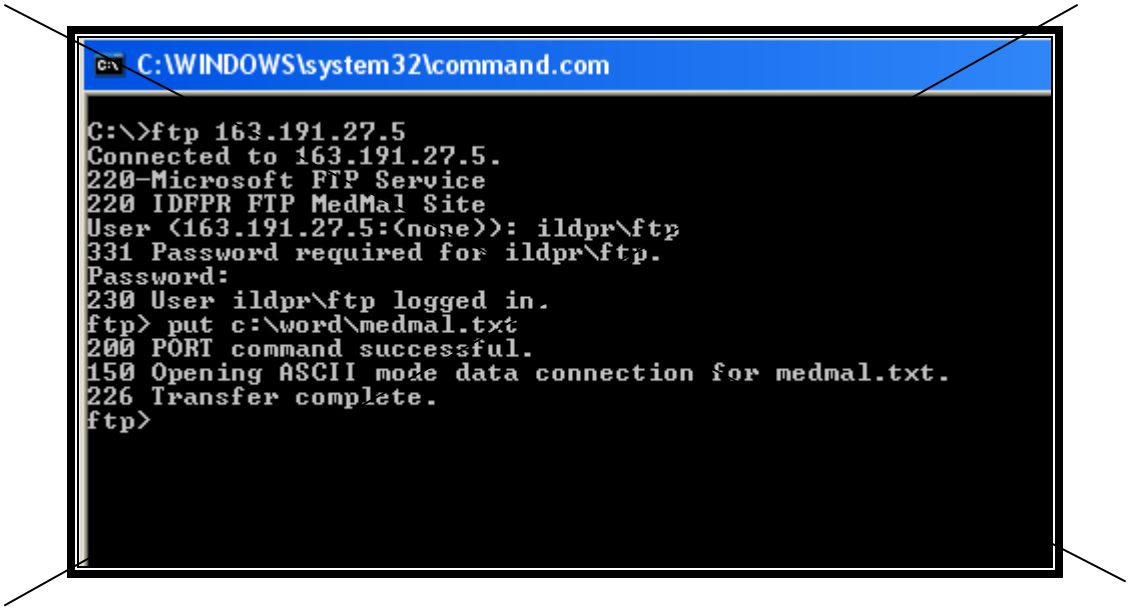
~~3.~~ ~~When prompted for the User name, type **ildpr\ftp** and press **Enter**. At the password prompt, type **Ftp&Fpr** (remember, the password is case-sensitive and will not appear on screen) and press **Enter**. Once signed in you will be at an **ftp**> prompt.~~



~~4.~~ ~~This process utilizes a file transfer command called "Put" to upload your file. Type **put** followed by the complete path and file name of the file you wish to transfer. This example shows the file named **medmal.txt** in the **C:\word** folder being transferred. Type the command as follows:~~

~~**put c:\word\medmal.txt**~~

~~then press **Enter**. You will get a message acknowledging when the transfer is complete.~~



~~This transfer method works best when using a zip file or self-expanding zip file archive.~~

~~After the transfer is complete, type the command **quit** at the **ftp**> prompt, and you will be returned to your **C:**\> prompt. Type **exit**, then press **Enter** to close the session.~~

~~**C) Mail Submission**~~

~~Data submitted by mail should be on recordable compact disc media (CD-R) in a sturdy mailer in order to prevent damage to the media during shipping. The media should be readable by software running under the Microsoft® Windows operating system. The sealed media should be mailed to:~~

~~Illinois Department of Financial and Professional Regulation~~

~~Division of Insurance~~

~~1204 Data~~

~~320 W. Washington~~

~~Springfield IL 62786~~

~~Attn: Casualty Actuarial Section~~

~~If submitting by mail, we recommend sending the media by certified mail, return receipt requested. This will provide a record of delivery.~~

~~**TYPE CATEGORIES**~~

~~Certain data elements being collected require a **DOI** defined code. These elements will be designated by the word (Code) following their name in the record layout later in this document. The category types, codes and their descriptions are as follows:~~

~~**POLICY TYPE**~~

~~**CMPA=**~~	~~Claims Made Including Prior Acts~~
~~**OERE =**~~	~~Occurrence Including Extended Reporting Endorsements~~

~~**EXPOSURE TYPE**~~

~~**INDL =**~~	~~Individual Policies~~
~~**CORP =**~~	~~Corporate Policies~~

~~**HEALTH CARE INSURER TYPE**~~

~~**PHSU =**~~	~~Physicians, Surgeons and Osteopaths~~
~~**HOSP =**~~	~~Hospitals~~
~~**OHCP =**~~	~~Other Health Care Professionals (including Dentists)~~
~~**OHCF =**~~	~~Other Health Care Facilities~~

~~**LOSS TYPE**~~

~~**PYPL =**~~	~~Policy Year Paid Losses~~
~~**PYPA =**~~	~~Policy Year Paid Allocated Loss Adjustment Expenses~~
~~**PYPL =**~~	~~Policy Year Incurred Losses~~
~~**PYIA =**~~	~~Policy Year Incurred Allocated Loss Adjustment Expenses~~

~~**RESERVE STUDY LOSS TYPE**~~

~~**ILDC =** Incurred Direct and Assumed Loss and Defense & Cost Containment Expenses Reported at Yr. End~~
~~**PLDC =** Cumulative Direct and Assumed Paid Loss & Defense & Cost Containment Expenses Reported at Yr. End~~
~~**IBNR =** Bulk and IBNR Reserves on Direct and Assumed Loss and Defense & Cost Containment Expense Reported at Yr. End~~

~~**CLAIM TYPE**~~

~~**CCWP =** Cumulative Number of Claims Closed with Loss Payment, Direct & Assumed at Yr. End~~
~~**COUT =** Number of Claims Outstanding, Direct & Assumed at Yr. End~~
~~**CREP =** Cumulative Number of Claims Reported, Direct & Assumed at Yr. End~~

~~**COUNTY CODES**~~

~~Illinois counties will be identified in the data submission by a three digit code. The following table lists the names of the 102 Illinois counties and the code designation for each:~~

~~County Name~~	~~County #~~
~~ADAMS~~	~~001~~
~~ALEXANDER~~	~~002~~
~~BOND~~	~~003~~
~~BOONE~~	~~004~~
~~BROWN~~	~~005~~
~~BUREAU~~	~~006~~
~~CALHOUN~~	~~007~~
~~CARROLL~~	~~008~~
~~CASS~~	~~009~~
~~CHAMPAIGN~~	~~010~~
~~CHRISTIAN~~	~~011~~
~~CLARK~~	~~012~~
~~CLAY~~	~~013~~
~~CLINTON~~	~~014~~
~~COLES~~	~~015~~
~~COOK~~	~~016~~

~~CRAWFORD~~	~~017~~
~~CUMBERLAND~~	~~018~~
~~DE KALB~~	~~019~~
~~DEWITT~~	~~020~~
~~DOUGLAS~~	~~021~~
~~DU PAGE~~	~~022~~
~~EDGAR~~	~~023~~
~~EDWARDS~~	~~024~~
~~EFFINGHAM~~	~~025~~
~~FAYETTE~~	~~026~~
~~FORD~~	~~027~~
~~FRANKLIN~~	~~028~~
~~FULTON~~	~~029~~
~~GALLATIN~~	~~030~~
~~GREENE~~	~~031~~
~~GRUNDY~~	~~032~~
~~HAMILTON~~	~~033~~
~~HANCOCK~~	~~034~~
~~HARDIN~~	~~035~~
~~HENDERSON~~	~~036~~
~~HENRY~~	~~037~~
~~IROQUOIS~~	~~038~~
~~JACKSON~~	~~039~~
~~JASPER~~	~~040~~
~~JEFFERSON~~	~~041~~
~~JERSEY~~	~~042~~
~~JO DAVIESS~~	~~043~~
~~JOHNSON~~	~~044~~
~~KANE~~	~~045~~
~~KANKAKEE~~	~~046~~
~~KENDALL~~	~~047~~
~~KNOX~~	~~048~~
~~LAKE~~	~~049~~
~~LA SALLE~~	~~050~~

~~LAWRENCE~~	~~051~~
~~LEE~~	~~052~~
~~LIVINGSTON~~	~~053~~
~~LOGAN~~	~~054~~
~~MCDONOUGH~~	~~055~~
~~MCHENRY~~	~~056~~
~~MCLEAN~~	~~057~~
~~MACON~~	~~058~~
~~MACOUPIN~~	~~059~~
~~MADISON~~	~~060~~
~~MARION~~	~~061~~
~~MARSHALL~~	~~062~~
~~MASON~~	~~063~~
~~MASSAC~~	~~064~~
~~MENARD~~	~~065~~
~~MERCER~~	~~066~~
~~MONROE~~	~~067~~
~~MONTGOMERY~~	~~068~~
~~MORGAN~~	~~069~~
~~MOULTRIE~~	~~070~~
~~OGLE~~	~~071~~
~~PEORIA~~	~~072~~
~~PERRY~~	~~073~~
~~PIATT~~	~~074~~
~~PIKE~~	~~075~~
~~POPE~~	~~076~~
~~PULASKI~~	~~077~~
~~PUTNAM~~	~~078~~
~~RANDOLPH~~	~~079~~
~~RICHLAND~~	~~080~~
~~ROCK ISLAND~~	~~081~~
~~SAINT CLAIR~~	~~082~~
~~SALINE~~	~~083~~
~~SANGAMON~~	~~084~~

~~SCHUYLER~~	~~085~~
~~SCOTT~~	~~086~~
~~SHELBY~~	~~087~~
~~STARK~~	~~088~~
~~STEPHENSON~~	~~089~~
~~TAZEWELL~~	~~090~~
~~UNION~~	~~091~~
~~VERMILION~~	~~092~~
~~WABASH~~	~~093~~
~~WARREN~~	~~094~~
~~WASHINGTON~~	~~095~~
~~WAYNE~~	~~096~~
~~WHITE~~	~~097~~
~~WHITESIDE~~	~~098~~
~~WILL~~	~~099~~
~~WILLIAMSON~~	~~100~~
~~WINNEBAGO~~	~~101~~
~~WOODFORD~~	~~102~~
~~OTHER~~	~~103~~

~~RECORD LAYOUTS~~

~~Each record in the files should follow the format contained in the following tables:~~

~~Control File – ASCII Formatted~~

~~*FILE NAME: CONTROL_999999999.TXT*~~ ~~*WHERE 999999999 = INSURER FEIN*~~			
~~*DESCRIPTION*~~	~~*START*~~	~~*END*~~	~~*LENGTH*~~
~~FEIN Number~~	~~1~~	~~10~~	~~10~~
~~NAIC Company Code~~	~~11~~	~~15~~	~~5~~
~~Contact last name~~	~~16~~	~~55~~	~~40~~
~~Contact first name~~	~~56~~	~~80~~	~~25~~
~~Contact 10 digit telephone (numbers only)~~	~~81~~	~~90~~	~~10~~
~~Contact telephone extension (if any)~~	~~91~~	~~96~~	~~6~~
~~Contact email address~~	~~97~~	~~146~~	~~50~~

~~File 1 – Exhibit 1 = ASCII Formatted~~

~~*File Name: Exhibit1_999999999_xxxx.txt*~~

~~*where 999999999 = Insurer FEIN*~~

~~*And*~~

~~*xxxx = Reporting Year*~~

~~*DESCRIPTION*~~	~~*START*~~	~~*END*~~	~~*LENGTH*~~
~~FEIN Number~~	~~1~~	~~10~~	~~10~~
~~NAIC Company Code~~	~~11~~	~~15~~	~~5~~
~~**Exhibit 1a**~~			
~~Policy Year Loss Type (Code)~~	~~16~~	~~19~~	~~4~~
~~Policy Year~~	~~20~~	~~23~~	~~4~~
~~Policy Type (Code)~~	~~24~~	~~27~~	~~4~~
~~County (Code)~~	~~28~~	~~30~~	~~3~~
~~Loss Amount~~	~~31~~	~~40~~	~~10~~
~~Limit~~	~~41~~	~~52~~	~~12~~
~~Exposure Type (Code)~~	~~53~~	~~56~~	~~4~~
~~**Exhibit 1b**~~			
~~Policy Year~~	~~57~~	~~60~~	~~4~~
~~Policy Type (Code)~~	~~61~~	~~64~~	~~4~~
~~ISO Code~~	~~65~~	~~69~~	~~5~~
~~County~~	~~70~~	~~89~~	~~20~~
~~Amount~~	~~90~~	~~95~~	~~6~~
~~Limit~~	~~96~~	~~107~~	~~12~~
~~Claims Made Age~~	~~108~~	~~109~~	~~2~~
~~Exposure Type (Code)~~	~~110~~	~~113~~	~~4~~
~~**Exhibit 1ci**~~			
~~Policy Type (Code)~~	~~114~~	~~117~~	~~4~~
~~Accident Year~~	~~118~~	~~121~~	~~4~~
~~Report Year~~	~~122~~	~~125~~	~~4~~
~~Relative Accident Year~~	~~126~~	~~127~~	~~2~~
~~Amount~~	~~128~~	~~133~~	~~6~~
~~Exposure Type (Code)~~	~~134~~	~~137~~	~~4~~

~~Exhibit 1eii~~			
~~Accident Year~~	~~138~~	~~141~~	~~4~~
~~Calendar Year of Development~~	~~142~~	~~145~~	~~4~~
~~Open Claims (OC)~~	~~146~~	~~150~~	~~5~~
~~Claims Closed with Indemnity (CWI)~~	~~151~~	~~155~~	~~5~~
~~Claims Closed with Expense (CWE)~~	~~156~~	~~160~~	~~5~~
~~Claims Closed with No Payment (CNP)~~	~~161~~	~~165~~	~~5~~
~~Indemnity Paid on CWI~~	~~166~~	~~175~~	~~10~~
~~Allocated Loss Adjustment Expense (ALAE) Paid on CWI and/or CWE~~	~~176~~	~~184~~	~~9~~
~~Indemnity Reserves on OC~~	~~185~~	~~194~~	~~10~~
~~ALAE Reserves on OC~~	~~195~~	~~203~~	~~9~~
~~Indemnity Paid on OC~~	~~204~~	~~213~~	~~10~~
~~ALAE Paid on OC~~	~~214~~	~~222~~	~~9~~
~~Exhibit 1eiii~~			
~~Report Year~~	~~223~~	~~226~~	~~4~~
~~Calendar Year of Development~~	~~227~~	~~230~~	~~4~~
~~Open Claims (OC)~~	~~231~~	~~235~~	~~5~~
~~Claims Closed with Indemnity (CWI)~~	~~236~~	~~240~~	~~5~~
~~Claims Closed with Expense (CWE)~~	~~241~~	~~245~~	~~5~~
~~Claims Closed with No Payment (CNP)~~	~~246~~	~~250~~	~~5~~
~~Indemnity Paid on CWI~~	~~251~~	~~260~~	~~10~~
~~Allocated Loss Adjustment Expense (ALAE) Paid on CWI and/or CWE~~	~~261~~	~~269~~	~~9~~
~~Indemnity Reserves on OC~~	~~270~~	~~279~~	~~10~~
~~ALAE Reserves on OC~~	~~280~~	~~288~~	~~9~~
~~Indemnity Paid on OC~~	~~289~~	~~298~~	~~10~~
~~ALAE paid on OC~~	~~299~~	~~307~~	~~9~~
~~Exhibit 1eiv~~			
~~Maturity Year~~	~~308~~	~~309~~	~~2~~
~~Corresponding tail factor for maturity year – Dec(1,3)~~	~~310~~	~~313~~	~~4~~
~~Exhibit 1ev~~			
~~Expense = Dec (3,2)~~	~~314~~	~~318~~	~~5~~
~~Contingency = Dec (3,2)~~	~~319~~	~~323~~	~~5~~
~~DDR = Dec (3,2)~~	~~324~~	~~328~~	~~5~~
~~Commission = Dec (3,2)~~	~~329~~	~~333~~	~~5~~

~~Tax – Dec (3,2)~~	~~334~~	~~338~~	~~5~~
~~Impact of territory and/or class relativity changes (off balance) – Dec (3,2)~~	~~339~~	~~343~~	~~5~~
~~Miscellaneous factors used to establish rates – Dec (3,2).~~	~~344~~	~~348~~	~~5~~
~~Named miscellaneous factor – the factor that generated the current record. Repeats – there will be a new record for each occurrence of a named miscellaneous factor. A named miscellaneous factor will be one of the following:~~ ~~a)profit~~ ~~b)reinsload~~ ~~c)invincome~~ ~~d)debits~~ ~~e)credits~~ ~~f)other~~	~~349~~	~~363~~	~~15~~

~~File 2 – Exhibit 2a Reserves – ASCII Formatted~~

~~DESCRIPTION~~	~~START~~	~~END~~	~~LENGTH~~
~~FEIN Number~~	~~1~~	~~10~~	~~10~~
~~NAIC Company Code~~	~~11~~	~~15~~	~~5~~
~~**Exhibit 2A Reserve Part 1**~~			
~~Health Care Insurer Type (Code)~~	~~16~~	~~19~~	~~4~~
~~Policy Type (Code)~~	~~20~~	~~21~~	~~2~~
~~Year Premium Earned~~	~~22~~	~~25~~	~~4~~
~~Direct and Assumed Premiums Earned~~	~~26~~	~~32~~	~~7~~
~~Direct and Assumed Loss Payments~~	~~33~~	~~39~~	~~7~~
~~Direct and Assumed Defense and Cost Containment Payments~~	~~40~~	~~45~~	~~6~~
~~Direct and Assumed Adjusting and Other Payments~~	~~46~~	~~50~~	~~5~~
~~Total Direct and Assumed Losses and Loss Expenses Paid~~	~~51~~	~~57~~	~~7~~
~~Direct and Assumed Case Basis Losses Unpaid~~	~~58~~	~~64~~	~~7~~
~~Direct and Assumed Bulk and IBNR Losses Unpaid~~	~~65~~	~~69~~	~~5~~
~~Direct and Assumed Case Basis Defense and Cost Containment Unpaid~~	~~70~~	~~75~~	~~6~~

~~Direct and Assumed Bulk and IBNR Defense and Cost Containment Unpaid~~	~~76~~	~~80~~	~~5~~
~~Direct and Assumed Adjusting and Other Unpaid~~	~~81~~	~~85~~	~~5~~
~~Total Direct and Assumed Losses and Loss Expenses Unpaid~~	~~86~~	~~92~~	~~7~~
~~Total Direct and Assumed Losses and Loss Expenses Incurred~~	~~93~~	~~99~~	~~7~~
~~Direct and Assumed Loss and Loss Expense Percentage – Dec (3,2)~~	~~100~~	~~104~~	~~5~~
~~**Exhibit 2A Reserve Part 2**~~			
~~Calendar Year of Development~~	~~105~~	~~108~~	~~4~~
~~Reserve Study Loss Type (Code)~~	~~109~~	~~112~~	~~4~~
~~Reserve Study Loss Type Amount~~	~~113~~	~~119~~	~~7~~
~~**Exhibit 2A Reserve Part 3**~~			
~~Claim Type (Code)~~	~~120~~	~~123~~	~~4~~
~~Claim Type Amount~~	~~124~~	~~128~~	~~5~~
~~**Exhibit 2A Reserve Part 4**~~			
~~Cumulative Premiums Earned Direct and Assumed at Yr. End~~	~~129~~	~~135~~	~~7~~

~~File 3 – Exhibit 2a Surplus – ASCII Formatted~~

~~*File Name: Exhibit2A_Surplus_999999999_xxxx.txt*~~

~~*where 999999999 = Insurer FEIN*~~

~~*And*~~

~~*xxxx = Reporting Year*~~

~~DESCRIPTION~~	~~START~~	~~END~~	~~LENGTH~~
~~FEIN Number~~	~~1~~	~~10~~	~~10~~
~~NAIC Company Code~~	~~11~~	~~15~~	~~5~~
~~Surplus Year~~	~~16~~	~~19~~	~~4~~
~~Net Income Amount~~	~~20~~	~~28~~	~~9~~
~~Change in Net Unrealized Capital Gains~~	~~29~~	~~37~~	~~9~~
~~Change in Net Deferred Income Tax~~	~~38~~	~~44~~	~~7~~
~~Change in Nonadmitted Assets~~	~~45~~	~~51~~	~~7~~
~~Change in the Provision for Reinsurance~~	~~52~~	~~58~~	~~7~~
~~Capital/Surplus Changes and Adjustments~~	~~59~~	~~65~~	~~7~~
~~Dividends to Stockholders~~	~~66~~	~~73~~	~~8~~
~~Other Changes to Surplus repeats – a new record will be generated for each occurrence of "Other Changes to Surplus"~~	~~74~~	~~82~~	~~9~~
~~Total Change in Surplus for the Year – the sum of the preceding eight columns~~			

~~a)Net Income Amount~~			
~~b)Change in Net Unrealized Capital Gains~~			
~~c)Change in Net Deferred Income Tax~~			
~~d)Change in Nonadmitted Assets~~			
~~e)Change in the Provision for Reinsurance~~			
~~f)Capital/Surplus Changes and Adjustments~~			
~~g)Dividends to Stockholders~~			
~~h)Other Changes to Surplus~~	~~83~~	~~94~~	~~12~~
~~Total Net Written Premium to Surplus Ratio – Dec (5,3)~~	~~95~~	~~102~~	~~8~~
~~Medical Malpractice Direct Written Prem to Total Direct Written Prem – Dec (5,3)~~	~~103~~	~~110~~	~~8~~
~~Total Net Reserves to Surplus Ratio – Dec (5,3)~~	~~111~~	~~118~~	~~8~~
~~Medical Malpractice Net Reserves to Surplus Ratio – Dec (5,3)~~	~~119~~	~~126~~	~~8~~
~~Medical Malpractice Net Reserves to Total Net Reserves Ratio – Dec (5,3)~~	~~127~~	~~134~~	~~8~~

~~File 4 – Exhibit 2b – Word/PDF Document~~

~~*FILE NAME: EXHIBIT2B_999999999.DOC*~~ ~~*OR*~~ ~~*EXHIBIT2B_999999999.PDF*~~ ~~*WHERE 999999999 = INSURER FEIN*~~
~~*DESCRIPTION*~~
~~This document will be stored in a file format compatible with either Microsoft® Word or Adobe® Acrobat Reader 6.0 or greater. The document will contain general and specific information about the insurer's **Exhibit 2B Reserve Study**, **Exhibit 2B Surplus Study**, **Consulting Actuarial Report and Data Supporting the Company's Rate Filing, Company Defined Items** and **Reconciliation**. This information will be in the form of a narrative response/description based on the Filing Requirements instructions.~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Number: 720.111 — Proposed Action: Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the docket R12-7 rulemaking of which the amendment to Part 720 is a single segment. Also affected are 35 Ill. Adm. Code 722 and 728, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, proposing amendments in docket R12-7, which opinion and order is available from the address below.

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

R12-7	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2011 through June 30, 2011.

The R12-7 docket amends rules in Parts 720, 722, and 728. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

June 13, 2011 (76 Fed. Reg. 34147)	By a direct final rule, USEPA amended the land disposal restrictions (LDRs) applicable to carbamate wastes effective August 12, 2011. The amendments establish an alternative standard that allows the use of best demonstrated available technologies (BDAT) for treating carbamate wastes instead of applying the existing numerical concentration limits for contaminants. The amendments further removed carbamate regulated constituents from the table of the Universal Treatment

	Standards (UTS).
June 22, 2011 (76 Fed. Reg. 36363)	By a direct final rule, USEPA amended the hazardous waste manifest printing requirements effective August 22, 2011. The amendments allow the use of red or other contrasting color ink for copy distribution notations on the manifest form.

Specifically, the amendment to Part 720 implements segments of various federal requirements by updating the incorporations by reference of numerous federal requirements to include amendments to those requirements that occurred during the period through June 30, 2011.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 5, 2012 opinion and order in docket R12-7.

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

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes. The specific purpose of this amendment is to update the version of various federal regulations incorporated by reference for the purpose of implementing various federal hazardous waste provisions. The amendments update the incorporations by reference update all references through June 30, 2011.

11) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R12-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R12-7:

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

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

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

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

existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory agenda on which this rulemaking was summarized: July 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: DEFINITIONS AND REFERENCES

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

720.143 Legitimate Recycling of Hazardous Secondary Materials

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

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

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

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

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

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

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

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

"Accreditation Council for Graduate Medical Education: Glossary of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.
BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address: http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.
BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System," July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142.
BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

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

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

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

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

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

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

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

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

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

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

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

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

Method 0050 (December 1996) (Isokinetic HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO_2 Evolution (Modified Sturm Test), " referenced in 35 Ill. Adm. Code 724.414.

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

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

USDOD. Available from the United States Department of Defense:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.
BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) Federal Statutes:

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

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

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

referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3)

Section Numbers:	Proposed Action:
722.121	Amendment
722.123	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete description of the subjects and issues involved: The amendments to Part 722 are a single segment of the docket R12-7 rulemaking that also affects 35 Ill. Adm. Code 720 and 728, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R12-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, proposing amendments in docket R12-7, which opinion and order is available from the address below.

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

Tables appear in the Board's opinion and order of January 5, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 5, 2012 opinion and order in docket R12-7.

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

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R12-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R12-7:

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

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

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory agenda on which this rulemaking was summarized: July 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

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

SUBPART B: THE MANIFEST

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS

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

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140 Recordkeeping

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

SUBPART E: EXPORTS OF HAZARDOUS WASTE

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

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

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

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

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

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

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

722.APPENDIX A Hazardous Waste Manifest

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

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

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

SUBPART B: THE MANIFEST

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

a) USEPA approval of manifest.

1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section.

2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

b) A registrant must submit an initial application to the USEPA Director of the Office of Resource Conservation and Recovery that contains the following information:

1) The name and mailing address of registrant;

2) The name, telephone number, and email address of contact person;

3) A brief description of registrant's government or business activity;

4) The USEPA identification number of the registrant, if applicable;

5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:

A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;

B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer

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

C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);

6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;

7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and

8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

c) USEPA will review the application submitted under subsection (b) of this Section and either approve it or request additional information or modification before approving it.

d) Submission of document samples.

1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section.

2) The registrant must submit a description of the manifest samples as follows:

A) The paper type (i.e., manufacturer and grade of the manifest paper);

B) The paper weight of each copy;

C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

D) The method of binding the copies.

3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (e) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section. It also must print the forms

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

f) Paper manifests and continuation sheets must be printed according to the following specifications:

1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or~~and~~ faxed, except that the marginal words indicating copy distribution must be printed with a distinct~~in red~~ ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

A) Page 1 (top copy): "Designated facility to destination State (if required)."

B) Page 2: "Designated facility to generator State (if required)."

C) Page 3: "Designated facility to generator."

D) Page 4: "Designated facility's copy."

E) Page 5: "Transporter's copy."

F) Page 6 (bottom copy): "Generator's initial copy."

7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

A) Manifest Form 8700-22.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

B) Manifest Form 8700-22A.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

g) Use of approved manifests.

1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section. A registered source may be any of the following:

A) A state agency;

B) A commercial printer;

C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or

D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

h) Manifest revisions.

1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies

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

2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) of this Section, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.

i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples

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

k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.

m) Effects of non-compliance.

1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

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

Section 722.123 Use of the Manifest

a) The generator shall do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;

3) Retain one copy, in accordance with Section 722.140(a); and

4) Send one copy of the manifest to the Agency within two working days.

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

1) The next non-rail transporter, if any;

2) The designated receiving facility, if the waste is transported solely by rail; or

3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

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

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

facility.

f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

B) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2) The generator must provide a copy of the manifest to the transporter;

3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and

4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3)

Section Numbers:	Proposed Action:
728.Table T	Amendment
728.Table U	Amendment

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27

5) A complete description of the subjects and issues involved: The amendments to Part 728 are a single segment of the docket R12-7 rulemaking that also affects 35 Ill. Adm. Code 720 and 722, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R12-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, proposing amendments in docket R12-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 728 implement segments of the federal amendments of June 13, 2011. The amendments revise the land disposal restrictions (LDRs) applicable to carbamate wastes to allow the use of best demonstrated available technologies (BDAT) for treating carbamate wastes instead of applying the existing numerical concentration limits for contaminants.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R12-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 5, 2012 opinion and order in docket R12-7.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R12-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R12-7:

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

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

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

from the Board's Website at http:\\www.ipcb.state.il.us.

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory agenda on which this rulemaking was summarized: July 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope, and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for Case-by-Case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109 Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
728.110 First Third (Repealed)
728.111 Second Third (Repealed)
728.112 Third Third (Repealed)
728.113 Newly Listed Wastes
728.114 Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130 Waste-Specific Prohibitions: Wood Preserving Wastes
728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

Metals and Containing PCBs
728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 Adjustment of Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HTMR
728.148 Universal Treatment Standards
728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
728.APPENDIX H National Capacity LDR Variances for UIC Wastes

728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by RCRA Waste Code
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. _____, effective _____.

Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code

Waste Description and Treatment or Regulatory Subcategory[1]

Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
Common Name	CAS[2] Number	Concentration[3] in mg/ℓ; or Technology Code[4]	Concentration[5] in mg/kg unless noted as " mg/ℓ TCLP"; or Technology Code[4]

D001[9]

Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST

D001[9]

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) – Greater than or equal to 10 percent total organic carbon.

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM

D002[9]

Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003[9]

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT

D003[9]

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT

D003[9]

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards[8]

D003[9]

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total)[7]	57-12-5	–	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

D004[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Arsenic	7440-38-2	1.4 and meet Section 728.148 standards[8]	5.0 mg/ℓ TCLP and meet Section 728.148 standards[8]

D005[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Barium	7440-39-3	1.2 and meet Section 728.148 standards[8]	21 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards[8]	0.11 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]

Cadmium-Containing Batteries Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM

D006[9]

Radioactively contaminated cadmium-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	Macroencapsulation in accordance with Section 728.145

D007[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards[8]	0.60 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Lead	7439-92-1	0.69 and meet Section 728.148 standards[8]	0.75 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD

D008[9]

Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number

EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]

All D009 wastewaters.

Mercury	7439-97-6	0.15 and meet Section 728.148 standards[8]	NA

D009[9]

Elemental mercury contaminated with radioactive materials.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM

D009[9]

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	IMERC

D009[9]

Radioactively contaminated mercury-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	Macroencapsulation in accordance with Section 728.145

D010[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP and meet Section 728.148 standards[8]

D011[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP and meet Section 728.148 standards[8]

D011[9]

Radioactively contaminated silver-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Silver	7440-22-4	NA	Macroencapsulation in accordance with Section 728.145

D012[9]

Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]

D013[9]

Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

α-BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
β-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
δ-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]

γ-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]

D014[9]

Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards[8]

D015[9]

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards[8]

D016[9]

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-D (2,4-dichlorophenoxyacetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards[8]

D017[9]

Wastes that are TC for 2,4,5-TP (Silvex) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards[8]

D018[9]

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Benzene	71-43-2	0.14 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D019[9]

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D020[9]

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards[8]	0.26 and meet Section 728.148 standards[8]

D021[9]

Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D022[9]

Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chloroform	67-66-3	0.046 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D023[9]

Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D024[9]

Wastes that are TC for m-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D025[9]

Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D026[9]

Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards[8]	11.2 and meet Section 728.148 standards[8]

D027[9]

Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D028[9]

Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D029[9]

Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D030[9]

Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards[8]	140 and meet Section 728.148 standards[8]

D031[9]

Wastes that are TC for heptachlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]

D032[9]

Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D033[9]

Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D034[9]

Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards[8]	30 and meet Section 728.148 standards[8]

D035[9]

Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards[8]	36 and meet Section 728.148 standards[8]

D036[9]

Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards[8]	14 and meet Section 728.148 standards[8]

D037[9]

Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D038[9]

Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pyridine	110-86-1	0.014 and meet Section 728.148 standards[8]	16 and meet Section 728.148 standards[8]

D039[9]

Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D040[9]

Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D041[9]

Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D042[9]

Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D043[9]

Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene,

trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0

Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F010

Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F012

Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST[11]	CMBST[11]
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025 – Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0

Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 – Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001

TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k) fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b) fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Hexachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Pentachlorodibenzofurans	NA	0.000035 or CMBST[11]	0.001 or CMBST[11]
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Tetrachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F037

Petroleum refinery primary oil/water/solids separation sludge – any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26

p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
Diethyl phthalate	84-66-2	0.20	28
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13

Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13

Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.0025
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8

Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K005

Wastewater treatment sludge from the production of chrome green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA

K007

Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K008

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K009

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K010

Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA

Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST

K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST

K027

Centrifuge and distillation residues from toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2

K037

Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10

K038

Wastewater from the washing and stripping of phorate production.

Phorate	298-02-2	0.021	4.6

K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST

K040

Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6

K041

Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K043

2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

K044

Wastewater treatment sludges from the manufacturing and processing of explosives.

NA	NA	DEACT	DEACT

K045

Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT

K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K047

Pink or red water from TNT operations.

NA	NA	DEACT	DEACT

K048

Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA

Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28

Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	NA	5.0 mg/ℓ TCLP
Barium	7440-39-3	NA	21 mg/ℓ TCLP
Beryllium	7440-41-7	NA	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	NA	5.7 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP
Thallium	7440-28-0	NA	0.20 mg/ℓ TCLP
Zinc	7440-66-6	NA	4.3 mg/ℓ TCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting-Calcium sulfate (Low Lead) Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K069

Emission control dust or sludge from secondary lead smelting-Non-Calcium sulfate (High Lead) Subcategory.

NA	NA	NA	RLEAD

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA

K073

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

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K084

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

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0

m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	26.1 mg/ℓ
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Cyanide (Total)[7]	57-12-5	1.2	590
Cyanide (Amenable)[7]	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098

Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K099

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K101

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

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

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

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA

K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
NA	NA	CARBN; or CMBST	CMBST

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST

K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0

Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15

K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15

K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K141

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

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4

Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4

Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2- Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0

Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes~~. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	98-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl[10]	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Benzene	71-43-2	0.14	10
Carbaryl[10]	63-25-21	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10

Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)~~

~~Benomyl~~	~~17804-35-2~~	~~0.056~~	~~1.4~~
Benzene	71-43-2	0.14	10
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST

Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.[10]

Benzene	71-43-2	0.14	10
Butylate[10]	2008-41-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
EPTC (Eptam)[10]	759-94-4	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Molinate[10]	2212-67-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Pebulate[10]	1114-71-2	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Vernolate[10]	1929-77-7	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15[11]
Arsenic	7440-38-2	1.4	5.0[11]
Carbon disulfide	75-15-0	3.8	4.8[11]
Dithiocarbamates (total)[10]	137-30-4	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

Lead	7439-92-1	0.69	0.75[11]
Nickel	7440-02-0	3.98	11[11]
Selenium	7782-49-2	0.82	5.7[11]

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

Wastewater treatment sludge from the production of ethylene dicholoride or vinyl choloride monomer.

1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
All pentachlorodibenzo-p-dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]
All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Arsenic	7440-36-0	1.4	5.0 mg/ℓ TCLP

K175

Wastewater treatment sludge from the production of vinyl choloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury[12]	7439-97-6	NA	0.025 mg/ℓ TCLP
PH[12]		NA	pH ≤ 6.0

K175

All K175 wastewaters.

Mercury	7439-97-6	0.15	NA

K176

Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP

K177

Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K178

Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.

1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]

HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP

K181

Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in Section 721.132(c) which are equal to or greater than the corresponding Section 721.132(c) levels, as determined on a calendar-year basis.

Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
4-Chloroaniline	106-47-8	0.46	16
p-Cresidine	120-71-8	0.010	0.66
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66

1,2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
1,3-Phenylenediamine	108-45-2	0.010	0.66

P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent.

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P002

1-Acetyl-2-thiourea.

1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P003

Acrolein.

Acrolein	107-02-8	0.29	CMBST

P004

Aldrin.

Aldrin	309-00-2	0.021	0.066

P005

Allyl alcohol.

Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P006

Aluminum phosphide.

Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P007

5-Aminomethyl-3-isoxazolol.

5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P008

4-Aminopyridine.

4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P009

Ammonium picrate.

Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P010

Arsenic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P011

Arsenic pentoxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P012

Arsenic trioxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P013

Barium cyanide.

Barium	7440-39-3	NA	21 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P014

Thiophenol (Benzene thiol).

Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P015

Beryllium dust.

Beryllium	7440-41-7	RMETL;or RTHRM	RMETL; or RTHRM
P016			
Dichloromethyl ether (Bis(chloromethyl)ether).			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017			
Bromoacetone.			
Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018			
Brucine.			
Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb).			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021			

Calcium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P022

Carbon disulfide.

Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide; alternate[6] standard for nonwastewaters only	75-15-0	NA	4.8 mg/ℓ TCLP

P023

Chloroacetaldehyde.

Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P024

p-Chloroaniline.

p-Chloroaniline	106-47-8	0.46	16

P026

1-(o-Chlorophenyl)thiourea.

1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P027

3-Chloropropionitrile.

3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P028

Benzyl chloride.

Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P029

Copper cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P030

Cyanides (soluble salts and complexes).

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P031

Cyanogen.

Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST

P033

Cyanogen chloride.

Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST

P034

2-Cyclohexyl-4,6-dinitrophenol.

2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P036

Dichlorophenylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P037

Dieldrin.

Dieldrin	60-57-1	0.017	0.13

P038

Diethylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P039

Disulfoton.

Disulfoton	298-04-4	0.017	6.2

P040

O,O-Diethyl-O-pyrazinyl-phosphorothioate.

O,O-Diethyl-O-pyrazinylphosphorothioate	297-97-2	CARBN; or CMBST	CMBST

P041

Diethyl-p-nitrophenyl phosphate.

Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST

P042

Epinephrine.

Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P043

Diisopropylfluorophosphate (DFP).

Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST

P044

Dimethoate.

Dimethoate	60-51-5	CARBN; or CMBST	CMBST

P045

Thiofanox.

Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P046

α,α-Dimethylphenethylamine.

α,α-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P047

4,6-Dinitro-o-cresol.

4,6-Dinitro-o-cresol	543-52-1	0.28	160

P047

4,6-Dinitro-o-cresol salts.

NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P048

2,4-Dinitrophenol.

2,4-Dinitrophenol	51-28-5	0.12	160

P049

Dithiobiuret.

Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P050

Endosulfan.

Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13

P051

Endrin.

Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13

P054

Aziridine.

Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P056

Fluorine.

Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR

P057

Fluoroacetamide.

Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P058

Fluoroacetic acid, sodium salt.

Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P059

Heptachlor.

Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

P060

Isodrin.

Isodrin	465-73-6	0.021	0.066

P062

Hexaethyl tetraphosphate.

Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST

P063

Hydrogen cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P064

Isocyanic acid, ethyl ester.

Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC

P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC

P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P065

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P065

All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA

P066

Methomyl.

Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P067

2-Methyl-aziridine.

2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P068

Methyl hydrazine.

Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST

P069

2-Methyllactonitrile.

2-Methyllactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P070

Aldicarb.

Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P071

Methyl parathion.

Methyl parathion	298-00-0	0.014	4.6

P072

1-Naphthyl-2-thiourea.

1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P073

Nickel carbonyl.

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

P074

Nickel cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

P075

Nicotine and salts.

Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P076

Nitric oxide.

Nitric oxide	10102-43-9	ADGAS	ADGAS

P077

p-Nitroaniline.

p-Nitroaniline	100-01-6	0.028	28

P078

Nitrogen dioxide.

Nitrogen dioxide	10102-44-0	ADGAS	ADGAS

P081

Nitroglycerin.

Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P082			
N-Nitrosodimethylamine.			
N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084			
N-Nitrosomethylvinylamine.			
N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085			
Octamethylpyrophosphoramide.			
Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST	CMBST
P087			
Osmium tetroxide.			
Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088			
Endothall.			

Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P089

Parathion.

Parathion	56-38-2	0.014	4.6

P092

P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC; or RMERC

P092

P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

P092

P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P092

P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P092

All P092 (phenyl mercuric acetate) wastewaters.

Mercury	7439-97-6	0.15	NA

P093

Phenylthiourea.

Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P094

Phorate.

Phorate	298-02-2	0.021	4.6

P095

Phosgene.

Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P096

Phosphine.

Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P097

Famphur.

Famphur	52-85-7	0.017	15

P098

Potassium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P099

Potassium silver cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP

P101

Ethyl cyanide (Propanenitrile).

Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360

P102

Propargyl alcohol.

Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P103

Selenourea.

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP

P104

Silver cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP

P105

Sodium azide.

Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P106

Sodium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P108

Strychnine and salts.

Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P109

Tetraethyldithiopyrophosphate.

Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110			
Tetraethyl lead.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
P111			
Tetraethylpyrophosphate.			
Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112			
Tetranitromethane.			
Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113			
Thallic oxide.			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114			
Thallium selenite.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
P115			

Thallium (I) sulfate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

P116

Thiosemicarbazide.

Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P118

Trichloromethanethiol.

Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P119

Ammonium vanadate.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL

P120

Vanadium pentoxide.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL

P121

Zinc cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P122

Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent.

Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P123

Toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

P127

Carbofuran.[10]

Carbofuran	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST

P128

Mexacarbate.[10]

Mexacarbate	315-18-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P185

Tirpate.[10]

Tirpate	26419-73-8	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P188

Physostigimine salicylate.[10]

Physostigmine salicylate	57-64-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P189

Carbosulfan.[10]

Carbosulfan	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P190

Metolcarb.[10]

Metolcarb	1129-41-5	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P191

Dimetilan.[10]

Dimetilan	644-64-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P192

Isolan.[10]

Isolan	119-38-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P194

Oxamyl.[10]

Oxamyl	23135-22-0	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P196

Manganese dimethyldithiocarbamates (total).[10]

Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

P197

Formparanate.[10]

Formparanate	17702-57-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P198

Formetanate hydrochloride.[10]

Formetanate hydrochloride	23422-53-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P199

Methiocarb.[10]

Methiocarb	2032-65-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P201

Promecarb.[10]

Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P202

m-Cumenyl methylcarbamate.[10]

m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P203

Aldicarb sulfone.[10]

Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P204

Physostigmine.[10]

Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P205

Ziram.[10]			
Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
U001			
Acetaldehyde.			
Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002			
Acetone.			
Acetone	67-64-1	0.28	160
U003			
Acetonitrile.			
Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate[6] standard for nonwastewaters only	75-05-8	NA	38
U004			
Acetophenone.			
Acetophenone	98-86-2	0.010	9.7
U005			
2-Acetylaminofluorene.			

2-Acetylaminofluorene	53-96-3	0.059	140
U006			
Acetyl chloride.			
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007			
Acrylamide.			
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008			
Acrylic acid.			
Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009			
Acrylonitrile.			
Acrylonitrile	107-13-1	0.24	84
U010			
Mitomycin C.			

Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011			
Amitrole.			
Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012			
Aniline.			
Aniline	62-53-3	0.81	14
U014			
Auramine.			
Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015			
Azaserine.			
Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U016

Benz(c)acridine.

Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U017

Benzal chloride.

Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U018

Benz(a)anthracene.

Benz(a)anthracene	56-55-3	0.059	3.4

U019

Benzene.

Benzene	71-43-2	0.14	10

U020

Benzenesulfonyl chloride.

Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U021

Benzidine.

Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U022

Benzo(a)pyrene.

Benzo(a)pyrene	50-32-8	0.061	3.4

U023

Benzotrichloride.

Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U024

bis(2-Chloroethoxy)methane.

bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2

U025

bis(2-Chloroethyl)ether.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0

U026

Chlornaphazine.

Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027			
bis(2-Chloroisopropyl)ether.			
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
U028			
bis(2-Ethylhexyl)phthalate.			
bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
U029			
Methyl bromide (Bromomethane).			
Methyl bromide (Bromomethane)	74-83-9	0.11	15
U030			
4-Bromophenyl phenyl ether.			
4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031			
n-Butyl alcohol.			
n-Butyl alcohol	71-36-3	5.6	2.6
U032			
Calcium chromate.			

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

U033

Carbon oxyfluoride.

Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U034

Trichloroacetaldehyde (Chloral).

Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U035

Chlorambucil.

Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U036

Chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26

U037

Chlorobenzene.

Chlorobenzene	108-90-7	0.057	6.0
U038			
Chlorobenzilate.			
Chlorobenzilate	510-15-6	0.10	CMBST
U039			
p-Chloro-m-cresol.			
p-Chloro-m-cresol	59-50-7	0.018	14
U041			
Epichlorohydrin (1-Chloro-2,3-epoxypropane).			
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042			
2-Chloroethyl vinyl ether.			
2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043			
Vinyl chloride.			
Vinyl chloride	75-01-4	0.27	6.0
U044			
Chloroform.			

Chloroform	67-66-3	0.046	6.0
U045			
Chloromethane (Methyl chloride).			
Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046			
Chloromethyl methyl ether.			
Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047			
2-Chloronaphthalene.			
2-Chloronaphthalene	91-58-7	0.055	5.6
U048			
2-Chlorophenol.			
2-Chlorophenol	95-57-8	0.044	5.7
U049			
4-Chloro-o-toluidine hydrochloride.			
4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U050

Chrysene.

Chrysene	218-01-9	0.059	3.4

U051

Creosote.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U052

Cresols (Cresylic acid).

o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2

U053

Crotonaldehyde.

Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055			
Cumene.			
Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056			
Cyclohexane.			
Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057			
Cyclohexanone.			
Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate[6] standard for nonwastewaters only	108-94-1	NA	0.75 mg/ℓ TCLP
U058			
Cyclophosphamide.			
Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST

U059

Daunomycin.

Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U060

DDD.

o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087

U061

DDT.

o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087

U062

Diallate.

Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U063

Dibenz(a,h)anthracene.

Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064			
Dibenz(a,i)pyrene.			
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066			
1,2-Dibromo-3-chloropropane.			
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067			
Ethylene dibromide (1,2-Dibromoethane).			
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068			
Dibromomethane.			
Dibromomethane	74-95-3	0.11	15
U069			
Di-n-butyl phthalate.			
Di-n-butyl phthalate	84-74-2	0.057	28
U070			

o-Dichlorobenzene.

o-Dichlorobenzene	95-50-1	0.088	6.0

U071

m-Dichlorobenzene.

m-Dichlorobenzene	541-73-1	0.036	6.0

U072

p-Dichlorobenzene.

p-Dichlorobenzene	106-46-7	0.090	6.0

U073

3,3'-Dichlorobenzidine.

3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U074

1,4-Dichloro-2-butene.

cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U075

Dichlorodifluoromethane.

Dichlorodifluoromethane	75-71-8	0.23	7.2

U076

1,1-Dichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0

U077

1,2-Dichloroethane.

1,2-Dichloroethane	107-06-2	0.21	6.0

U078

1,1-Dichloroethylene.

1,1-Dichloroethylene	75-35-4	0.025	6.0

U079

1,2-Dichloroethylene.

trans-1,2-Dichloroethylene	156-60-5	0.054	30

U080

Methylene chloride.

Methylene chloride	75-09-2	0.089	30

U081

2,4-Dichlorophenol.

2,4-Dichlorophenol	120-83-2	0.044	14
U082			
2,6-Dichlorophenol.			
2,6-Dichlorophenol	87-65-0	0.044	14
U083			
1,2-Dichloropropane.			
1,2-Dichloropropane	78-87-5	0.85	18
U084			
1,3-Dichloropropylene.			
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
U085			
1,2:3,4-Diepoxybutane.			
1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086			
N,N'-Diethylhydrazine.			
N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087			

O,O-Diethyl-S-methyldithiophosphate.

O,O-Diethyl-S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST

U088

Diethyl phthalate.

Diethyl phthalate	84-66-2	0.20	28

U089

Diethyl stilbestrol.

Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U090

Dihydrosafrole.

Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U091

3,3'-Dimethoxybenzidine.

3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U092

Dimethylamine.

Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U093

p-Dimethylaminoazobenzene.

p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST

U094

7,12-Dimethylbenz(a)anthracene.

7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U095

3,3'-Dimethylbenzidine.

3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U096

α, α-Dimethyl benzyl hydroperoxide.

α, α-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097			
Dimethylcarbamoyl chloride.			
Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098			
1,1-Dimethylhydrazine.			
1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099			
1,2-Dimethylhydrazine.			
1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101			
2,4-Dimethylphenol.			
2,4-Dimethylphenol	105-67-9	0.036	14
U102			
Dimethyl phthalate.			

Dimethyl phthalate	131-11-3	0.047	28
U103			
Dimethyl sulfate.			
Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105			
2,4-Dinitrotoluene.			
2,4-Dinitrotoluene	121-14-2	0.32	140
U106			
2,6-Dinitrotoluene.			
2,6-Dinitrotoluene	606-20-2	0.55	28
U107			
Di-n-octyl phthalate.			
Di-n-octyl phthalate	117-84-0	0.017	28
U108			
1,4-Dioxane.			
1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate[6] standard for nonwastewaters only	123-91-1	12.0	170

U109

1,2-Diphenylhydrazine.

1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate[6] standard for wastewaters only	122-66-7	0.087	NA

U110

Dipropylamine.

Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U111

Di-n-propylnitrosamine.

Di-n-propylnitrosamine	621-64-7	0.40	14

U112

Ethyl acetate.

Ethyl acetate	141-78-6	0.34	33

U113

Ethyl acrylate.

Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U114

Ethylenebisdithiocarbamic acid salts and esters.

Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U115

Ethylene oxide.

Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate[6] standard for wastewaters only	75-21-8	0.12	NA

U116

Ethylene thiourea.

Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U117

Ethyl ether.

Ethyl ether	60-29-7	0.12	160

U118

Ethyl methacrylate.

Ethyl methacrylate	97-63-2	0.14	160

U119

Ethyl methane sulfonate.

Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U120

Fluoranthene.

Fluoranthene	206-44-0	0.068	3.4

U121

Trichloromonofluoromethane.

Trichloromonofluoromethane	75-69-4	0.020	30

U122

Formaldehyde.

Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U123

Formic acid.

Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U124

Furan.

Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U125

Furfural.

Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U126

Glycidylaldehyde.

Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U127

Hexachlorobenzene.

Hexachlorobenzene	118-74-1	0.055	10

U128

Hexachlorobutadiene.

Hexachlorobutadiene	87-68-3	0.055	5.6

U129

Lindane.

α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC (Lindane)	58-89-9	0.0017	0.066

U130

Hexachlorocyclopentadiene.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

U131

Hexachloroethane.

Hexachloroethane	67-72-1	0.055	30

U132

Hexachlorophene.

Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U133

Hydrazine.

Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U134

Hydrogen fluoride.

Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR

U135

Hydrogen sulfide.

Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U136

Cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

U137

Indeno(1,2,3-cd)pyrene.

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

U138

Iodomethane.

Iodomethane	74-88-4	0.19	65
U140			
Isobutyl alcohol.			
Isobutyl alcohol	78-83-1	5.6	170
U141			
Isosafrole.			
Isosafrole	120-58-1	0.081	2.6
U142			
Kepone.			
Kepone	143-50-8	0.0011	0.13
U143			
Lasiocarpine.			
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144			
Lead acetate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U145			
Lead phosphate.			

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U146			
Lead subacetate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U147			
Maleic anhydride.			
Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148			
Maleic hydrazide.			
Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149			
Malononitrile.			
Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150			
Melphalan.			

Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U151

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

U151

All U151 (mercury) wastewater.

Mercury	7439-97-6	0.15	NA

U151

Elemental Mercury Contaminated with Radioactive Materials.

Mercury	7439-97-6	NA	AMLGM

U152

Methacrylonitrile.

Methacrylonitrile	126-98-7	0.24	84

U153

Methanethiol.

Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U154

Methanol.

Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate[6] set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/ℓ TCLP

U155

Methapyrilene.

Methapyrilene	91-80-5	0.081	1.5

U156

Methyl chlorocarbonate.

Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U157

3-Methylcholanthrene.

3-Methylcholanthrene	56-49-5	0.0055	15

U158

4,4'-Methylene bis(2-chloroaniline).

4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30

U159

Methyl ethyl ketone.

Methyl ethyl ketone	78-93-3	0.28	36

U160

Methyl ethyl ketone peroxide.

Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U161

Methyl isobutyl ketone.

Methyl isobutyl ketone	108-10-1	0.14	33

U162

Methyl methacrylate.

Methyl methacrylate	80-62-6	0.14	160

U163

N-Methyl-N'-nitro-N-nitrosoguanidine.

N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U164

Methylthiouracil.

Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U165

Naphthalene.

Naphthalene	91-20-3	0.059	5.6

U166

1,4-Naphthoquinone.

1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U167

1-Naphthylamine.

1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168			
2-Naphthylamine.			
2-Naphthylamine	91-59-8	0.52	CMBST
U169			
Nitrobenzene.			
Nitrobenzene	98-95-3	0.068	14
U170			
p-Nitrophenol.			
p-Nitrophenol	100-02-7	0.12	29
U171			
2-Nitropropane.			
2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172			
N-Nitrosodi-n-butylamine.			
N-Nitrosodi-n-butylamine	924-16-3	0.40	17
U173			

N-Nitrosodiethanolamine.

N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U174

N-Nitrosodiethylamine.

N-Nitrosodiethylamine	55-18-5	0.40	28

U176

N-Nitroso-N-ethylurea.

N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U177

N-Nitroso-N-methylurea.

N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U178

N-Nitroso-N-methylurethane.

N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179			
N-Nitrosopiperidine.			
N-Nitrosopiperidine	100-75-4	0.013	35
U180			
N-Nitrosopyrrolidine.			
N-Nitrosopyrrolidine	930-55-2	0.013	35
U181			
5-Nitro-o-toluidine.			
5-Nitro-o-toluidine	99-55-8	0.32	28
U182			
Paraldehyde.			
Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183			
Pentachlorobenzene.			
Pentachlorobenzene	608-93-5	0.055	10
U184			

Pentachloroethane.

Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate[6] standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0

U185

Pentachloronitrobenzene.

Pentachloronitrobenzene	82-68-8	0.055	4.8

U186

1,3-Pentadiene.

1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U187

Phenacetin.

Phenacetin	62-44-2	0.081	16

U188

Phenol.

Phenol	108-95-2	0.039	6.2

U189

Phosphorus sulfide.

Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U190

Phthalic anhydride.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

U191

2-Picoline.

2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U192

Pronamide.

Pronamide	23950-58-5	0.093	1.5

U193

1,3-Propane sultone.

1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194			
n-Propylamine.			
n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196			
Pyridine.			
Pyridine	110-86-1	0.014	16
U197			
p-Benzoquinone.			
p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200			
Reserpine.			
Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201			

Resorcinol.			
Resorcinol.	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203			
Safrole.			
Safrole	94-59-7	0.081	22
U204			
Selenium dioxide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U205			
Selenium sulfide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U206			
Streptozotocin.			
Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207			
1,2,4,5-Tetrachlorobenzene.			

1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208 1,1,1,2- Tetrachloroethane.			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209			
1,1,2,2-Tetrachloroethane.			
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210			
Tetrachloroethylene.			
Tetrachloroethylene	127-18-4	0.056	6.0
U211			
Carbon tetrachloride.			
Carbon tetrachloride	56-23-5	0.057	6.0
U213			
Tetrahydrofuran.			
Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214			
Thallium (I) acetate.			

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U215

Thallium (I) carbonate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U216

Thallium (I) chloride.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U217

Thallium (I) nitrate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U218

Thioacetamide.

Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U219

Thiourea.

Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220			
Toluene.			
Toluene	108-88-3	0.080	10
U221			
Toluenediamine.			
Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222			
o-Toluidine hydrochloride.			
o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223			
Toluene diisocyanate.			
Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225			
Bromoform (Tribromomethane).			
Bromoform (Tribromomethane)	75-25-2	0.63	15

U226
1,1,1-Trichloroethane.

1,1,1-Trichloroethane	71-55-6	0.054	6.0

U227

1,1,2-Trichloroethane.

1,1,2-Trichloroethane	79-00-5	0.054	6.0

U228

Trichloroethylene.

Trichloroethylene	79-01-6	0.054	6.0

U234
1,3,5-Trinitrobenzene.

1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U235

tris-(2,3-Dibromopropyl)-phosphate.

tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10

U236

Trypan Blue.

Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U237

Uracil mustard.

Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U238

Urethane (Ethyl carbamate).

Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U239

Xylenes.

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

U240

2,4-D (2,4-Dichlorophenoxyacetic acid).

2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10

2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243			
Hexachloropropylene.			
Hexachloropropylene	1888-71-7	0.035	30
U244			
Thiram.			
Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246			
Cyanogen bromide.			
Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247			
Methoxychlor.			
Methoxychlor	72-43-5	0.25	0.18
U248			
Warfarin, & salts, when present at concentrations of 0.3 percent or less.			

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U249

Zinc phosphide, Zn_3P_2, when present at concentrations of 10 percent or less.

Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U271

Benomyl.[10]

Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U278

Bendiocarb.[10]

Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U279

Carbaryl.[10]

Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST

U280

Barban.[10]

Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U328			
o-Toluidine.			
o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U353			
p-Toluidine.			
p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359			
2-Ethoxyethanol.			
2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364			

Bendiocarb phenol.[10]

Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U367

Carbofuran phenol.[10]

Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U372
Carbendazim.[10]

Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U373

Propham.[10]

Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U387

Prosulfocarb.[10]

Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U389

Triallate.[10]

Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U394

A2213.[10]

A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U395

Diethylene glycol, dicarbamate.[10]

Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U404

Triethylamine.[10]

Triethylamine	101-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

U409

Thiophanate-methyl.[10]

Thiophanate-methyl	23564-05-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U410

Thiodicarb.[10]

Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U411

Propoxur.[10]

Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/ℓ and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards." "fb" inserted between waste codes denotes "followed by," so that the first-listed treatment is followed by the second-listed treatment. A semicolon (;) separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or based on combustion

in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in

accordance with Table F of this Part, unless the waste is placed in either of the following types of facilities:

a) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or

b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (2011)~~(2010)~~.

NA means not applicable.

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

Section 728.TABLE U Universal Treatment Standards (UTS)

Regulated Constituent-Common Name	CAS[1] No.	Wastewater Standard Concentration[2] (in mg/ℓ)	Nonwastewater Standard Concentration[3] (in mg/kg unless noted as "mg/ℓ TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
~~Aldicarb sulfone[6]~~	~~1646-88-4~~	~~0.056~~	~~0.28~~
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
~~Barban[6]~~	~~101-27-9~~	~~0.056~~	~~1.4~~
~~Bendiocarb[6]~~	~~22781-23-3~~	~~0.056~~	~~1.4~~
~~Benomyl[6]~~	~~17804-35-2~~	~~0.056~~	~~1.4~~
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8

Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
~~Butylate[6]~~	~~2008-41-5~~	~~0.042~~	~~1.4~~
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
~~Carbaryl[6]~~	~~63-25-2~~	~~0.006~~	~~0.14~~
~~Carbenzadim[6]~~	~~10605-21-7~~	~~0.056~~	~~1.4~~
~~Carbofuran[6]~~	~~1563-66-2~~	~~0.006~~	~~0.14~~
Carbofuran phenol[6]	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
~~Carbosulfan[6]~~	~~55285-14-8~~	~~0.028~~	~~1.4~~
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30

Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
~~m-Cumenyl methylcarbamate~~[6]	~~64-00-6~~	~~0.056~~	~~1.4~~
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28

p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
~~Dithiocarbamates (total)~~[6]	~~137-30-4~~	~~0.028~~	~~28~~
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
~~EPTC~~[6]	~~759-94-4~~	~~0.042~~	~~1.4~~
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4

~~Formetanate hydrochloride[6]~~	~~23422-53-9~~	~~0.056~~	~~1.4~~
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP
Methapyrilene	91-80-5	0.081	1.5
~~Methiocarb[6]~~	~~2032-65-7~~	~~0.056~~	~~1.4~~
~~Methomyl[6]~~	~~16752-77-5~~	~~0.028~~	~~0.14~~
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36

Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
~~Metolcarb~~[6]	~~1129-41-5~~	~~0.056~~	~~1.4~~
~~Mexacarbate~~[6]	~~315-18-4~~	~~0.056~~	~~1.4~~
~~Molinate~~[6]	~~2212-67-1~~	~~0.042~~	~~1.4~~
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005
~~Oxamyl~~[6]	~~23135-22-0~~	~~0.056~~	~~0.28~~
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)[8]	1336-36-3	0.10	10
~~Pebulate~~[6]	~~1114-71-2~~	~~0.042~~	~~1.4~~
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001

Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
~~Physostigmine[6]~~	~~57-47-6~~	~~0.056~~	~~1.4~~
~~Physostigmine salicylate[6]~~	~~57-64-7~~	~~0.056~~	~~1.4~~
~~Promecarb[6]~~	~~2631-37-0~~	~~0.056~~	~~1.4~~
Pronamide	23950-58-5	0.093	1.5
~~Propham[6]~~	~~122-42-9~~	~~0.056~~	~~1.4~~
~~Propoxur[6]~~	~~114-26-1~~	~~0.056~~	~~1.4~~
~~Prosulfocarb[6]~~	~~52888-80-9~~	~~0.042~~	~~1.4~~
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
~~Thiodicarb[6]~~	~~59669-26-0~~	~~0.019~~	~~1.4~~
~~Thiophanate-methyl[6]~~	~~23564-05-8~~	~~0.056~~	~~1.4~~
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
~~Triallate[6]~~	~~2303-17-5~~	~~0.042~~	~~1.4~~
Tribromomethane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19

1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
~~Triethylamine[6]~~	~~101-44-8~~	~~0.081~~	~~1.5~~
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
~~Vernolate[6]~~	~~1929-77-7~~	~~0.042~~	~~1.4~~
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[4]	57-12-5	1.2	590
Cyanides (Amenable)[4]	57-12-5	0.86	30
Fluoride[5]	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/ℓ TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium[7]	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP
Vanadium[5]	7440-62-2	4.3	1.6 mg/ℓ TCLP
Zinc[5]	7440-66-6	2.61	4.3 mg/ℓ TCLP

[1] CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

[2] Concentration standards for wastewaters are expressed in mg/ℓ are based on analysis of composite samples.

[3] Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

[4] Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/ SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

[5] These constituents are not “underlying hazardous constituents” in characteristic wastes, according to the definition at Section 728.102(i).

[6] This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which USEPA has removed and marked "reserved."~~already expired by its own terms.~~ This statement maintains structural consistency with the corresponding federal regulations.

[7] This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

[8] This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (2011)~~(2010)~~.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Assisted Living and Shared Housing Establishment Code

2) Code Citation: 77 Ill. Adm. Code 295

3)

Section Numbers:	Proposed Action:
295.100	Repeal
295.200	Amend
295.300	Amend
295.500	Amend
295.600	Amend
295.700	Amend
295.1100	Amend
295.1110	New
295.3040	Amend
295.7010	Amend

4) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]

5) A Complete Description of the Subjects and Issues Involved: The Assisted Living and Shared Housing Establishment Code is being amended to implement PA 93-141. This legislation amended the Assisted Living and Shared Housing Act to add a provision for floating licenses and to clarify requirements concerning care for residents with Alzheimer's disease and dementia, hospice care, and unlicensed establishments. The Alzheimer's and dementia, hospice care, and unlicensed establishments amendments were adopted on October 21, 2004 (28 Ill. Reg. 14593).

For floating licenses, in this rulemaking, Section 295.200 (Definitions), Section 295.500 (Application for License), and Section 295.7010 (Establishment Records) are being amended and Section 295.1110 (Floating Licenses) is being added. The Department also is amending Section 295.300 (Incorporated and Referenced Material), Section 295.600 (Issuance of Initial Regular License), Section 295.700 (Issuance of a Renewal License), and Section 295.1100 (Alzheimer's Special Care Disclosure).

Section 245.3040 is being amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955). Additionally, references to the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board have been stricken because PA 96-975 eliminated the Advisory Board.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Assisted Living and Shared Housing Establishments

B) Reporting, bookkeeping or other procedures required for compliance: Establishments will have to maintain records of floating licenses.

C) Types of professional skills necessary for compliance: Assisted Living Managers

14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 295
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

SUBPART A: GENERAL PROVISIONS

Section
295.100 Purpose of the Act and this Part (Repealed)
295.200 Definitions
295.300 Incorporated and Referenced Materials
295.400 License Requirement
295.500 Application for License
295.600 Issuance of an Initial Regular License
295.700 Issuance of a Renewal License
295.800 Probationary License
295.900 Denial of a License
295.1000 Revocation, Suspension, or Refusal to Renew a License
295.1010 Transfer of Ownership
295.1020 Information to Be Made Available to the Resident by the Licensee
295.1030 Information to Be Made Available to the Public by the Department
295.1040 Technical Infractions
295.1050 Violations
295.1060 Remedies and Sanctions
295.1070 Annual On-Site Review and Complaint Investigation Procedures
295.1080 Waivers
295.1090 Complaints
295.1100 Alzheimer's Disease and Related Dementias Special Care Disclosure
295.1110 Floating Licenses

SUBPART B: POLICIES

Section
295.2000 Residency Requirements
295.2010 Termination of Residency
295.2020 Notice of Closure
295.2030 Establishment Contracts

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

295.2040 Disaster Preparedness
295.2050 Incident and Accident Reporting
295.2060 Quality Improvement Program
295.2070 Negotiated Risk Agreement

SUBPART C: PERSONNEL

Section
295.3000 Personnel Requirements, Qualifications and Training
295.3010 Manager's Qualifications
295.3020 Employee Orientation and Ongoing Training
295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
295.3040 Health Care Worker Background Check

SUBPART D: RESIDENT CARE AND SERVICES

Section
295.4000 Physician's Assessment
295.4010 Service Plan
295.4020 Mandatory Services
295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
295.4040 Communicable Disease Policies
295.4050 Tuberculin Skin Test Procedures
295.4060 Alzheimer's and Dementia Programs

SUBPART E: MEDICATIONS

Section
295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

SUBPART F: RESIDENT RIGHTS

Section
295.6000 Resident Rights
295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
295.6030 Resident's Representative

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section
295.7000 Resident Records
295.7010 Establishment Records

SUBPART H: FOOD SERVICE

Section
295.8000 Food Service

SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

Section
295.9000 Physical Plant
295.9005 Units
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments
295.9030 Furnishings
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. 7968, effective May 12, 2008; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 295.100 Purpose of the Act and this Part (Repealed)

~~a)~~ ~~*The purpose of the Act is to permit the development and availability of assisted living establishments and shared housing establishments based on a social model*~~

that promotes the dignity, individuality, privacy, independence, autonomy, and decision-making ability and the right to negotiated risk of those persons; to provide for the health, safety, and welfare of those residents residing in assisted living and shared housing establishments in this State; to promote continuous quality improvement in assisted living; and to encourage the development of innovative and affordable assisted living establishments and shared housing with service establishments for elderly persons of all income levels. It is the public policy of this State that assisted living is an important part of the continuum of long term care. In support of the goal of aging in place within the parameters established by the Act, assisted living and shared housing establishments shall be operated as residential environments with supportive services designed to meet the individual resident's changing needs and preferences. The residential environment shall be designed to encourage family and community involvement. The services available to residents, either directly or through contracts or agreements, are intended to help residents remain as independent as possible. Assisted living, which promotes resident choice, autonomy, and decision-making, should be based on a contract model designed to result in a negotiated agreement between the resident or the resident's representative and the provider, clearly identifying the services to be provided. This model assumes that residents are able to direct services provided for them and will designate a representative to direct these services if they themselves are unable to do so. This model supports the principle that there is an acceptable balance between consumer protection and resident willingness to accept risk and that most consumers are competent to make their own judgments about the services they are obtaining. Regulation of assisted living establishments and shared housing establishments must be sufficiently flexible to allow residents to age in place within the parameters of the Act. The administration of the Act and services provided must therefore ensure that the residents have the rights and responsibilities to direct the scope of services they receive and to make individual choices based on their needs and preferences. These establishments shall be operated in a manner that provides the least restrictive and most homelike environment and that promotes independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in residential surroundings. It is not the intent of the State that establishments licensed under this Act be used as halfway houses for alcohol and substance abusers. (Section 5 of the Act)

b) The purpose of this Part is to establish standards for assisted living and shared housing establishments. The standards support the concept of aging in place and promote the availability of appropriate services for elderly and disabled persons in

~~a homelike environment that enhances the dignity, independence, individuality, privacy, choice and decision-making ability of the resident.~~

~~c)~~ ~~This Part requires assisted living and shared housing establishments to address standards in the delivery of services to residents and to design the physical environment to support dignity, independence, individuality, privacy, choice, and the decision-making abilities of individual residents.~~

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

Section 295.200 Definitions

~~The following terms have the meaning ascribed to them here whenever the term is used in this Part:~~

Abuse – any physical or mental injury or sexual assault inflicted on a resident, other than by accidental means, in an establishment.

Act – the Assisted Living and Shared Housing Act ~~(Public Act 91-656, effective January 1, 2001)~~.

Activities of daily living – eating, dressing, bathing, toileting, transferring, or personal hygiene. (Section 10 of the Act)

Adequate – enough in either quantity or quality, as determined by a reasonable person. This determination shall~~must~~ be consistent with current professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative warning~~Warning~~ – a notice to an establishment issued by the Department under Section 295.1060 of this Part that indicates that a situation, condition or practice in the establishment violates the Act or this Part at the level of a Type 3 violation.

Applicant – the individual, partnership, corporation, association, or other person that owns or operates an assisted living or shared housing establishment and applies~~makes application~~ for a license.

Appropriate – indicates~~term used to indicate~~ that a requirement is to be applied according to the needs of a particular individual or situation, as determined by a reasonable person. This determination shall~~must~~ be consistent with current professional standards of the subject under review.

Assessment – see Physician's assessment~~Assessment~~.

Assisted living establishment or establishment – a home, building, residence, or any other place where sleeping accommodations are provided for at least three unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes~~*purpose*~~ *of the Act:*

services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home; community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

a physical environment that is a homelike setting that includes the following and such other elements as established by the Department~~ in conjunction with the Assisted Living and Shared Housing Advisory Board~~: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2~~tw~~o residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted living establishment or establishment does not mean any of the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care facility~~establishment~~ licensed under the Nursing Home Care Act or facility licensed under the MR/DD Community Act. However, a facility licensed under either of those Acts~~long term care establishment~~ may convert distinct parts of the facility~~establishment~~ to assisted living. If the facility~~long term care establishment~~ elects to do so, the facility~~establishment~~ shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

A facility~~An establishment~~ for child care as defined in the Child Care Act of 1969.

A community living facility~~establishment~~ as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets~~tenants~~ of a well-recognized church or religious denomination.

A facility~~An establishment~~ licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

The portion of a~~A~~ life care facility~~establishment~~ as defined in the Life Care Facilities Act not licensed as an assisted living establishment under the Act; a life care facility~~establishment~~ may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice facility~~establishment~~ licensed under the Hospice Program Licensing Act.

A shared housing establishment.

A supportive living facility~~establishment~~ as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Chemical restraint – any drug that is used for discipline or convenience and is not required to treat medical symptoms.

Comprehensive assessment – see Physician's assessment.

Contract – a legal document containing all information required by Section 90 of the Act between the resident or his/her representative and the establishment, outlining the rights and responsibilities of both parties.

Department – the Department of Public Health. (Section 10 of the Act)

Developmental disability – a severe, chronic disability of a person that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Dietitian~~Dietician~~ – a person who is a licensed dietitian~~dietician~~ as provided in the Dietetic and Nutrition Services Practice Act.

Direct care – the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

Direct care staff – any person who provides assistance with nursing care or assistance with feeding, dressing, movement, bathing or other personal needs to a resident.

Direct supervision – oversight of the establishment by the manager.

Emergency situation – imminent danger of death or serious physical harm to a resident of an establishment. (Section 10 of the Act)

Evaluation or establishment evaluation – a determination by the establishment of a resident's abilities and needs, which takes into account the physician's assessment pursuant to Section 295.4000.

Financial exploitation – the act of obtaining control over the resident or his/her property through deception or intimidation with the intent of depriving the resident of the use, benefit or possession of his/her property.

Financial viability – having sufficient assets to provide mandatory services and utilities for at least a three-month period of time.

Floating License – an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700 that authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and Section 295.1110. A floating license applies to *any number of individual living units within the establishment up to, but not including, total capacity*. (Section 32 of the Act)

Full time – on duty a minimum of 36 hours, four days per week.

Governing body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an establishment and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian – a person appointed under the Probate Act of 1975 as a guardian of the person or guardian of the estate, or both, of a resident.

Home health agency – a public agency or private organization that is licensed to provide home health services under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

Intermittent~~Intermittent~~ health-related services – health-related services provided episodically, irregularly, or for a limited time period.

License – any of the following types of licenses issued to an applicant or licensee by the Department:

Probationary license – a license issued to an applicant or licensee that has not held a license under the~~*the*~~ *Act prior to its application or pursuant to a license transfer in accordance with Section 50 of* the~~*the*~~ *Act.*

Regular license – a license issued by the Department to an applicant or licensee that is in substantial compliance with the~~*the*~~ *Act and this Part.* (Section 10 of the Act)

Licensed health care professional – a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse who holds a valid Illinois license under the applicable licensure statute. (Section 10 of the Act)

Licensee – a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment. (Section 10 of the Act)

Manager – the individual in charge of overseeing and responsible for the day-to-day operation of the establishment.

Mandatory services – include the following:

3 meals per day available to the residents prepared by the establishment or an outside contractor;

housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

personal laundry and linen services available to the residents provided or

arranged for by the establishment;

security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

assistance with activities of daily living as required by each resident. (Section 10 of the Act)

Medication administration – refers to a licensed health care professional employed by the establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerine patches. (Section 70 of the Act)

Medication reminders – reminding residents to take pre-dispensed, self administered medication, observing the resident, and documenting whether or not the resident took the medication. (Section 70 of the Act)

Neglect – a failure by the establishment to provide services, as outlined in the service delivery contract; a failure to notify the appropriate health care professional that an assessment is necessary in accordance with the service plan; a failure to modify a service plan, as appropriate, based on a new physician's assessment; or a failure to terminate the residency of an individual whose needs can no longer be met by the establishment, which failure results in an avoidable decline in function.

Negotiated risk – the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks. (Section 10 of the Act)

Negotiated risk agreement – a binding agreement, in compliance with Section 295.2070 of this Part, describing conditions or situations that could put the

resident at risk of harm or injury, and describing the resident's agreement with the establishment for how those conditions or situations are to be handled.

Nonmedical services – optional services such as, but not limited to, transportation; social, recreational, educational, and religious services; and shopping.

Nurse – a registered nurse or a licensed practical nurse as defined in the Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act ~~[225 ILC 65]~~.

Operator – the person responsible for the control, maintenance and governance of the establishment, its personnel and physical plant.

Optional services – may include but are not limited to *medication reminders, supervision of self-administered medication, medication administration and nonmedical services.* (Section 70 of the Act)

Other resident injury – occurs when a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Owner – the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the~~the~~ Act. (Section 10 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physical restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily and that restricts freedom of movement or normal

access to one's body.

Physician – a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches. (Section 10 of the Act)

Physician's assessment – *a comprehensive assessment that includes an evaluation of the resident's or prospective resident's physical, cognitive, and psychosocial condition, completed by a physician~~completed by a physician~~.* (Section 15 of the Act)

Residency termination – the relocation or transfer of a resident from an establishment.

Resident – a person residing in an assisted living or shared housing establishment. (Section 10 of the Act)

Resident's representative – a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department. (Section 10 of the Act)

Risk management – the process by which an establishment assesses and addresses potential liability.

Self – the individual or the individual's designated representative. (Section 10 of the Act)

Service plan – a written plan developed and mutually agreed upon by the provider and the resident; which shall be~~is~~ reviewed annually, or more often as the resident's condition, preferences, or service needs change; and which *shall serve~~and which serves~~ as a basis for the service delivery contract between the provider and the resident.* (Section 15 of the Act)

Severe mental illness – a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association,

1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders. (Section 75(a)(6) of the Act)

Shared housing establishment or establishment – a publicly or privately operated free-standing residence for 16~~12~~ or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

Shared housing establishment or establishment does not mean the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care facility~~establishment~~ licensed under the Nursing Home Care Act or a facility licensed under the MR/DD Community Care Act. A facility licensed under either of those Acts~~long term care establishment~~ may, however, convert sections of the facility ~~establishment~~ to assisted living. If the facility~~long term care establishment~~ elects to do so, the facility~~establishment~~ shall retain the Certificate of Need for its nursing beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

A facility~~An establishment~~ for child care as defined in the Child Care Act of 1969.

A community living facility~~establishment~~ as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets*~~tenets~~ of a well-recognized church or religious denomination.*

A facility~~An establishment~~ licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care facility~~establishment~~ as defined in the Life Care Facilities Act; a life care facility~~establishment~~ may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice facility~~establishment~~ licensed under the Hospice Program Licensing Act.

An assisted living facility~~establishment~~.

A supportive living facility~~establishment~~ as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Sheltered care facility – a location licensed as a sheltered care facility under the Nursing Home Care Act.

Significant change in the resident's condition – a change in the resident's condition that is substantial enough to indicate to a reasonable person that current supports and services are insufficient, taking into account the resident's wishes as addressed in any negotiated risk agreements in effect. A significant change is not

a temporary change in the individual's health with a predictable course, such as a cold ~~or flu,~~ or the gradual deterioration in the ability to carry out activities of daily living that accompanies the aging process.

Substantial compliance – meeting requirements, except for unimportant omissions or defects, given the particular circumstances involved.

Substantial failure – the failure to meet requirements, other than unimportant omissions or defects, given the particular circumstances involved.

Sufficient – same as adequate.

Supervision of self-administered medication – assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional. (Section 70 of the Act)

Total assistance – staff or another individual performs the entire activity of daily living without participation by the resident. (Section 10 of the Act)

Unit – a separate and physically identifiable space that is used for occupancy.

Valid license – a license that is unsuspended, unrevoked, and unexpired.

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

Section 295.300 Incorporated and Referenced Materials

a) The following private and professional association standards are incorporated in this Part.

1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 32, New Residential Board and Care Occupancies

(2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169.

2) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders~~Disorder~~, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1000 Wilson Blvd., Suite 1825, Arlington, Virginia 22209~~1400 K Street, N.W., Washington, D.C. 20005~~.

b) The following federal guidelines are incorporated in this Part: ADA Accessibility Guidelines (ADAAG), July 2004~~January 1998~~, which may be obtained from the U.S. Access Board, 1331~~133~~ F Street NW, Suite 1000, Washington, D.C. 20004-1111.

c) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any editions or amendments~~additions or deletions~~ subsequent to the date specified.

d) The following statutes and State rules are referenced in this Part:

1) Federal statutes:
Americans with Disabilities Act (42 USC 12101 et seq.)

2) State of Illinois statutes:

A) Medical Practice Act of 1987 [225 ILCS 60]

B) Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65]

C) Child Care Act of 1969 [225 ILCS 10]

D) Hospital Licensing Act [210 ILCS 85]

E) Nursing Home Care Act [210 ILCS 45]

F) MR/DD Community Care Act [210 ILCS 47]

G)~~F)~~ Probate Act of 1975 [755 ILCS 5]

H)~~G)~~ Illinois Public Aid Code [305 ILCS 5]

I)~~H)~~ Illinois Administrative Procedure Act [5 ILCS 100]

J)~~I)~~ Health Care Worker Background Check Act [225 ILCS 46]

~~J) Criminal Code of 1961 [720 ILCS 5]~~

~~K) Cannabis Control Act [720 ILCS 550]~~

K)~~L)~~ Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

L)~~M)~~ Health Care Surrogate Act [755 ILCS 40]

~~N) Illinois Controlled Substances Act [720 ILCS 570]~~

M)~~O)~~ Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

N)~~P)~~ Hospice Program Licensing Act [210 ILCS 60]

O)~~Q)~~ Freedom of Information Act [5 ILCS 140]

P)~~R)~~ Alzheimer's Disease and Related Dementias Special Care Disclosure Act [210 ILCS 4]

Q)~~S)~~ Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]

R)~~T)~~ Code of Civil Procedure [735 ILCS 5]

S)~~U)~~ Dietetic and Nutrition Services Practice Act [225 ILCS 30]

T)~~V)~~ Community Living Facilities Licensing Act [210 ILCS 35]

U)~~W)~~ Supportive Residences Licensing Act [210 ILCS 65]

V)~~X)~~ Life Care Facilities Act [210 ILCS 40]

~~Y)~~ ~~Uniform Conviction Information Act [20 ILCS 2635]~~

~~Z)~~ ~~Criminal Jurisprudence Act [720 ILCS 115]~~

~~AA)~~ ~~Wrongs to Children Act [720 ILCS 150]~~

3) State of Illinois rules:

A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

B) Department of Public Health

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)

iii) Private Sewage Disposal Code (77 Ill. Adm. Code 905)

iv) Drinking Water Systems Code (77 Ill. Adm. Code 900)

v) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

vi) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

vii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

viii) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

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

Section 295.500 Application for License

a) *An* applicant *shall provide the following information,* on forms provided by *the*

Department, to be considered for licensure:

1) *The business name, street address, mailing address, and telephone number of the establishment;*

2) *The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;*

3) *Financial information establishing that the project is financially feasible,* in one of the following forms:

   A) A surety bond in an amount equal to at least three months operating expenses;

   B) An independent certified public accountant's report expressing an opinion on the financial status of the establishment;

   C) An audited financial report certifying the financial status of the applicant;

   D) The entity's most recent bond rating (less than 2 years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;

   E) Evidence of operation for at least two~~2~~ years of a facility licensed under the Nursing Home Care Act, the MR/DD Community Care Act, or ~~under~~ the Assisted Living and Shared Housing Act; or

   F) If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial status.

4) *The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease*

agreement, if different from the owner or owners, and the name of the full-time manager;

5) *Verification that the establishment has entered or will enter into a service delivery contract as provided in Section* 295.2030, *as required under* the~~*the*~~ *Act, with each resident or resident's representative;*

6) *The name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in* the *Act* and this~~*this*~~ Part, *on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection* (a)(6) *shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;*

7) *The signature of the authorized representative of the owner or owners;*

8) *Proof of an ongoing quality improvement program in accordance with* Section 295.2060 of this Part;

9) *Information about the number and types of units and the maximum census;*

~~10) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part;~~

10)~~11)~~ *Information about the* mandatory and optional *services to be provided at the establishment;*

11)~~12)~~ *Proof of compliance with applicable State and local residential standards*, as evidenced by completion of the Department's Code Certification~~Certificate~~ of Compliance form;

12)~~13)~~ *A copy of the standard contract offered to residents;*

13)~~14)~~ *Documentation of adequate liability insurance;* (Section 30 of the Act)

~~15)~~ ~~If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment must maintain a bond or restricted account that guarantees the return of the resident's entrance fees and/or the unused portion of his or her deposit if the establishment ceases to operate;~~

14)~~16)~~ A completed Alzheimer's Disease and Related Dementias Special Care Disclosure form; and

15)~~17)~~ A schematic drawing of the establishment.

b) The application shall indicate a request for either standard licensure or floating licensure. An application for a floating license shall comply with Section 32 of the Act and Section 295.1110.

c) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part.

d) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment shall maintain a bond or restricted account that guarantees the return of the resident's entrance fees or the unused portion of his or her deposit if the establishment ceases to operate.

e)~~b)~~ To support regulatory activities necessary to implement the Act, applications shall be accompanied by a nonrefundable fee of:

1) $1,000 for an assisted living establishment and $10 per licensed unit; or

2) $500 for a shared housing establishment.

f)~~e)~~ If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. The~~Such~~ written notification will become a part of the licensee's file.

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

Section 295.600 Issuance of an Initial Regular License

a) *Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:*

1) *That the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under* the~~the~~ *Act*, ~~or~~ *the Nursing Home Care Act, or the MR/DD Community Care Act during the previous five years;*

2) *That the establishment is under the supervision of a full-time* manager *who* meets the requirements of Section 295.3010~~ of this Part~~;

3) *That the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24-hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population*;

4) *That all employees who are subject to~~direct care staff meet the requirements of~~ the Health Care Worker Background Check Act meet the requirements of that Act* and the requirements of the Health Care Worker Background Check Code*;*

5) *That the applicant is in substantial compliance with* the~~the~~ *Act and* this Part;

6) *That the applicant pays all required fees;* and

7) That, if the applicant establishment offers, advertises or markets to provide

specialized services for individuals with Alzheimer's disease and related dementias through an Alzheimer's special care program, *the applicant has provided an accurate disclosure document to the Department in accordance with the Alzheimer's Disease and Related Dementias Special Care Disclosure Act and in substantial compliance with Section 150 of* the *Act* and Section 295.4060.

b) The Department will~~shall~~ issue a regular license within 120 days after receipt of an application that meets the requirements of the Act and this Section. ~~This time frame may be extended during the period from January 1, 2001 to January 1, 2002.~~

c) The~~*The*~~ *license shall state the* ~~*number of resident units and*~~ *physical location of the establishment, the date the license was issued, and the expiration date* of the license~~*of the license*~~*.* The license shall also state the number of resident units.

d) *All* regular *licenses shall be valid for one year.*

e) *Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable.* (Section 35 of the Act)

f) *As a condition of licensure under* the *Act* and this Part, *the director of an establishment must participate in at least 20 hours of training every two years to assist him or her in better meeting the needs of the residents of the establishment and managing the operation of the establishment.*

g)~~f)~~ After the license is issued, the licensee shall advise the Department within 30 days after any changes in the information required in Section 295.500(a)(1), (2), (4), (6), (9), or (10)~~ of this Part~~.

h)~~g)~~ The license shall be posted in public view in the establishment.

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

Section 295.700 Issuance of a Renewal License

a) *At least 120 days, but not more than 150 days, prior to license expiration, the licensee shall submit an application for renewal of the license, in such form and containing such information as the Department requires.* The application shall be

accompanied by the fee prescribed in Section 295.500. *If the application is approved* and the establishment is in substantial compliance with all other licensure requirements, *the Department may renew the license for an additional period of 2 years at the request of the licensee~~license shall be renewed for an additional one-year period~~*.

b) *If a licensee whose license has been renewed for 2 years under this Section subsequently fails to meet any of the conditions set forth in* the Act and this Part, *then, in addition to any other sanctions that the Department may impose under* the *Act* and this Part, *the Department shall revoke the 2-year license and replace it with a one-year license until the licensee again meets all of the conditions set forth in* Section 45 of the Act and this Part.

c)~~b)~~ *If the application for renewal is not timely filed* in accordance with subsection (a) of this Section, *the Department shall so inform the licensee.*

d)~~c)~~ *If appropriate, the renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Disease and Related Dementias Special Care Disclosure Act* and Section 295.1100~~ of this Part~~. (Section 45 of the Act)

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

Section 295.1100 Alzheimer's Disease and Related Dementias Special Care Disclosure

An establishment that *offers*, advertises or markets *to provide care for persons with Alzheimer's disease and related dementias through an Alzheimer's special care* program *shall disclose to the* Department and~~*Department or*~~ *to a* ~~resident or~~ *potential* or actual resident *of the* establishment *the following information in writing*~~ *on request of the* Department or resident~~:

a) *The form of care or treatment that distinguishes the* establishment *as suitable for persons with Alzheimer's disease and related dementias;*

b) *The philosophy of the* establishment *concerning the care or treatment of persons with Alzheimer's disease and related dementias;*

c) *The* establishment's *pre-admission, admission, and discharge~~residency termination~~ procedures;*

d) *The* establishment's *assessment, care planning, and implementation guidelines in the care and treatment of persons with Alzheimer's disease and related dementias*, including whether residents~~individuals~~ are or are not monitored about eating, drinking, and personal hygiene; whether residents~~individuals~~ will be monitored for potentially dangerous behavior while in their rooms; and whether a resident representative will be contacted with concerns that might require a change in the service plan;

e) *The* establishment's *minimum and maximum staffing ratios, specifying the general licensed health care provider to* resident *ratio and the trainee health care provider to* resident *ratio;*

f) *The* establishment's *physical environment*, including whether doors are monitored;

g) *Activities available to* residents *at the* establishment;

h) *The role of family members in the care of* residents *at the* establishment; *and*

i) *The costs of care and treatment under the program.* (Section 15 of the Alzheimer's Disease and Related Dementias Special Care Disclosure Act)

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

Section 295.1110 Floating Licenses

a) A floating license is an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700, which applies to *any number of individual living units within the establishment up to, but not including, total capacity*. (Section 32 of the Act) A floating license authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and this Section.

b) A floating license may be requested, on forms provided by the Department, with either an initial licensure application or a renewal licensure application. The application *must specify the number of individual living units within the establishment* that are *to be licensed* (Section 32 of the Act) and shall include a list of the living units that will be designated as licensed living units under the floating license.

c) Sections 25 and 32 of the Act and Section 295.400 of this Part prohibit any person from *establishing, operating, maintaining, or offering an establishment as an assisted living establishment or shared housing establishment, as defined by* the *Act, unless and until he or she obtains a valid license, which remains unsuspended, unrevoked, and unexpired.* (Section 25 of the Act)

d) A location for which a floating license is requested shall, at all times, meet the following qualifications:

1) *80% of the residents are at least 55 years of age or older;*

2) The location *is operated as housing for the elderly*, as demonstrated by one of the following:

A) The location is currently operating entirely as housing for the elderly, is not providing assisted living services, and is not in violation of Section 295.400; or

B) Some of the living units are currently licensed as assisted living or shared housing, and the remaining living units are operated as housing for the elderly;

3) The location *meets the construction and operating standards contained in Section 20 of the* Act and Subpart I of this Part;

4) The location *must have staff adequate to meet the scheduled and unscheduled needs of the residents residing in licensed living units;* and

5) *All staff providing services to licensed living units must meet the requirements of* the *Act and* this Part. (Section 32 of the Act)

e) An establishment that is issued a floating license shall not designate more than the number of living units indicated on the license as licensed living units. To be designated as a licensed living unit, *the living unit and the living unit's resident* shall *meet the requirements of* the *Act and* this Part. (Section 32 of the Act)

f) *All mandatory services must be made available to residents of licensed living units*, in accordance with Section 10 of the Act and Section 295.4020 of this Part. *Residents of licensed living units may receive any optional services permitted under the establishment's license.*

g) *Establishments may provide services under* the *Act* and this Part *only in the individual living units designated as licensed units.* (Section 32 of the Act)

h) *Designation as a licensed unit may be temporary to accommodate a resident's changing needs without requiring a resident to move.* (Section 32 of the Act) A living unit that is temporarily designated as a licensed living unit shall meet the requirements of the Act and this Part.

i) *An establishment with a floating license must keep a current written list of those units designated under the floating license.* (Section 32 of the Act) The establishment shall provide the Department with a list of designated units in accordance with subsections (m) and (n).

j) *If a resident elects to receive* assisted living *services in a unit that is not licensed and the unit qualifies for licensure* under this Section, *the establishment must notify the resident that the unit must be licensed and the requirements of* the *Act* and this Part *must be met before* assisted living *services can be provided to residents in that unit.* (Section 32 of the Act)

k) The establishment shall maintain records in accordance with Sections 295.7000 and 295.7010 for all licensed living units and all residents residing in licensed living units.

l) *The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with* the Act and this Part. *Additional visits may be conducted without prior notice to the assisted living or shared housing establishment.* (Section 110(a) of the Act)

m) *Upon the initiation of an initial licensing inspection or annual inspection, the establishment shall provide to the Department a list of the units designated under the floating license in which residents are receiving services subject to* the *Act.* (Section 32 of the Act)

n) *Upon the initiation of a complaint investigation, the establishment shall provide to the Department a list of the units designated under the floating license in which residents* were *receiving services subject to* the *Act* at the time that the situation being investigated was alleged to have occurred. (Section 32 of the Act)

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

SUBPART C: PERSONNEL

Section 295.3040 Health Care Worker Background Check

An establishment shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code.

~~a) The establishment shall not *knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the* following *offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~

~~3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~

~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of~~

~~the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~

~~5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~

~~6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~

~~7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~

~~8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

~~9) Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~

~~10) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~

~~11) Criminal abuse or neglect of an elderly or disabled person (Section 12-21~~

~~of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~

~~12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~

~~13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~

~~14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~

~~15) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~

~~16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~

~~17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

~~18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~

~~19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~

~~20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of~~

~~1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~

~~21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~

~~22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));~~

~~23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~

~~24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~

~~25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~

~~26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 705, 705.1, 705.2, 707, and 709)); or~~

~~27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

~~b) The establishment shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) through (27) of this Section *unless the applicant,*~~

~~*employee* or employer *obtains a waiver pursuant to* this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

~~c) *An establishment shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the establishment becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in* subsections (a)(1) through (27) of this Section, *as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that an establishment has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Act)~~

~~d) For the purposes of this Section:~~

~~"*Applicant" means an individual seeking employment with* an establishment *who has received a bona fide conditional offer of employment.*~~

~~"*Conditional offer of employment" means a bona fide offer of employment by* an establishment *to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in* subsections (a)(1) through (27) of this Section.~~

~~"*Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.*~~

~~"*Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee.* (Section 15 of the Health Care Worker Background Check Act)~~

~~e) For purposes of the Health Care Worker Background Check Act, the establishment shall establish a policy defining which employees provide direct care. In making this determination, the establishment shall consider the following:~~

~~1) The employee's assigned job responsibilities as set forth in the employee's job description;~~

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's responsibilities include physical contact with residents.

f) When the establishment *makes a conditional offer of employment to an applicant* who is not exempt under subsection (w) of this Section *for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry and has had a UCIA criminal history record check within the last 2 months, the employer need not initiate another check.

g) The establishment *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)

h) The establishment may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) *The request for a UCIA criminal history record check shall be* made as *prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a* non-fingerprint-based UCIA criminal history record *check is made:*

1) *That the* establishment *shall request or have requested on* its *behalf a* non-fingerprint-based *UCIA criminal history record check pursuant to* the Health Care Worker Background Check *Act*.

2) *That the applicant or employee has a right to obtain a copy of the criminal record report from the* establishment, *challenge the accuracy and completeness of the report, and request a waiver* in accordance with this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a

~~record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.~~

~~4) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) through (27) of this Section *unless the applicant's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section.~~

~~5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) through (27) of this Section *unless the employee's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)~~

~~j) An establishment *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.* (Section 30(g) of the Health Care Worker Background Check Act)~~

~~k) *An applicant or employee whose* non-fingerprint-based *UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) through (27) of this Section *may request that the* establishment *or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)~~

~~l) *An* establishment *having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the* Health Care Worker Background Check *Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The* establishment *may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until*~~

~~*the results of the fingerprint-based background check are received*. (Section 30(d) of the Health Care Worker Background Check Act)~~

~~m) *An applicant, employee* or employer *may request a waiver* to subsection (a), (b) or (c) of this Section *by submitting the following to* the Department *within five working days after the receipt of the criminal records report:*~~

~~1) A completed *fingerprint-based UCIA criminal records check* form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and~~

~~2) A certified check, money order or establishment check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.~~

~~n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by* subsections (m)(1) and (2). (Section 40(a-5) of the Health Care Worker Background Check Act)~~

~~o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:~~

~~1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met obligations to the court and under terms of parole (i.e., probation has been successfully completed); and~~

~~2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.~~

~~p) The Department *may grant a waiver based on mitigating circumstances, which may include:*~~

~~1) *The age of the individual at which the crime was committed;*~~

~~2) *The circumstances surrounding the crime;*~~

~~3) *The length of time since the conviction;*~~

4) ~~*The applicant's or employee's criminal history since the conviction;*~~

5) ~~*The applicant's or employee's work history;*~~

6) ~~*The applicant's or employee's current employment references;*~~

7) ~~*The applicant's or employee's character references;*~~

8) ~~*Nurse Aide Registry records; and*~~

9) ~~*Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents*, which may include, but is not limited to, the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)~~

~~q)~~ ~~Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:~~

1) ~~Single disqualifying misdemeanor conviction = waiver consideration no earlier than one year after the conviction date;~~

2) ~~Two to three disqualifying misdemeanor convictions = waiver consideration no earlier than three years after of the most recent conviction date;~~

3) ~~More than three disqualifying misdemeanor convictions = waiver consideration no earlier than five years after of the most recent conviction date;~~

4) ~~Single disqualifying felony convictions = waiver consideration no earlier than three years after the conviction date;~~

5) ~~Two to three disqualifying felony convictions = waiver consideration no earlier than five years after the most recent conviction date;~~

6) ~~More than three disqualifying felony convictions = waiver consideration no earlier than ten years after the most recent conviction date.~~

r) ~~Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~

1) ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~

2) ~~Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~

3) ~~Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~

4) ~~Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);~~

5) ~~Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-4.1]);~~

6) ~~Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~

7) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~

8) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~

9) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~

10) ~~Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~

11) ~~Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~

12) ~~Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~

~~s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~

~~t) *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with* subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)~~

~~u) An establishment is *not obligated to employ or offer permanent employment to an applicant, or to retain an employee, who is granted a waiver*. (Section 40(f) of the Health Care Worker Background Check Act)~~

~~v) An establishment may retain the individual in a direct care position if the individual presents clear and convincing evidence to the establishment that the~~

~~non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) through (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:~~

~~1) certified court records;~~

~~2) written verification from the State's Attorney's office that prosecuted the conviction at issue;~~

~~3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~

~~4) a signed affidavit from the individual concerning the validity of the report; or~~

~~5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.~~

~~w) This Section *shall not apply to:*~~

~~1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*~~

~~2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*~~

~~3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents.* (Section 20 of the Health Care Worker Background Check Act)~~

~~x) *The* establishment *shall retain on file for a period of 5 years records of criminal records requests for all employees. The* establishment *shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the*~~

~~*duration of the individual's employment. The files shall be subject to inspection by the* Department. *A fine of $500 shall be imposed for failure to maintain these records.* (Section 50 of the Health Care Worker Background Check Act)~~

~~y) The establishment shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

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

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section 295.7010 Establishment Records

a) The establishment shall maintain the following records:

1)~~a)~~ Reports of known resident injury requiring a physician's intervention;

2)~~b)~~ Reports of abuse, neglect, or financial exploitation that are submitted to the Department pursuant to Section 295.6010;

3)~~c)~~ Incident and accident reports that are required to be submitted to the Department;

4)~~d)~~ Documentation of compliance with Section 295.3040 (Health Care Worker Background Check); and

5)~~e)~~ Quality improvement program.

b) An establishment holding a floating license shall maintain all records required by Section 295.7000 and this Section and any other documentation required by this Part. The records shall be maintained for no fewer than three years following the removal of a unit's designation as a licensed living unit. The records shall also include copies of the written *list of the units designated under the floating license* for each day of the three years. (Section 32 of the Act)

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004

2) Code Citation: 68 Ill. Adm. Code 1240

3)

Section Numbers:	Adopted Action:
1240.500	Amendment
1240.520	Amendment
1240.530	Amendment
1240.535	Amendment
1240.550	Amendment
1240.570	Amendment
1240.600	New Section
1240.610	New Section
1240.620	New Section
1240.630	New Section

4) Statutory Authority: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 446]

5) Effective Date of Amendments: February 3, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: April 22, 2011; 35 Ill. Reg. 6687

10) Has JCAR issued a Statement of Objection to these amendments? Yes

A) State of Objection: December 30, 2011; 35 Ill. Reg. 21075

B) Agency Response: February 3, 2012; 35 Ill. Reg. 1809

C) Date Agency Response Submitted for Approval to JCAR: January 24, 2012

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version: The most significant difference is a reduction in the fees in Section 1240.570; the application fee for a vendor has been reduced to $150 and the renewal fee to a rate of $50 per year. In addition, the requirement for branch office licensure for fingerprint vendor agencies has been eliminated, as has the prohibition on vendor applicants being fingerprinted by their employer. In Section 1240.620(a), "hardware" has been added to provisions concerning software agreements. Finally, Section 1240.535(c) concerning fingerprint vendor records has undergone a number of revisions, including the removal of social security numbers and documentation of legal status from work orders, elimination of the requirement to document the reason for a re-print request, and delaying, until January 1, 2014, implementation of the requirement that the work order include a photograph of the individual being fingerprinted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 95-613 amended the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 to provide for the licensure of fingerprint vendors; this rulemaking implements its provisions with the addition of Subpart G: Fingerprint Vendor. It includes sections for fingerprint vendor and fingerprint vendor agency licensure, standards, and training. Section 1240.620 encompasses the guidelines for standards of practice and details unethical, unauthorized and unprofessional conduct. The rule changes being made include some clean-up references but primarily identify the specific information needed for licensing and regulation of the fingerprint vendor profession, including agency licensure.

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, FINGERPRINT VENDOR, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section
1240.10 Application for Examination and Licensure – Private Detective

SUBPART B: PRIVATE ALARM

Section
1240.100 Application for Examination and Licensure – Private Alarm Contractor

SUBPART C: PRIVATE SECURITY

Section
1240.200 Application for Examination and Licensure – Private Security Contractor

SUBPART D: LOCKSMITH

Section
1240.300 Application for Examination and Licensure – Locksmith
1240.310 20-Hour Basic Training Course – Locksmith
1240.320 Recordkeeping Requirements – Locksmith

SUBPART E: PROPRIETARY SECURITY FORCE

Section
1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section
1240.500 Definitions
1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and Private Security Contractor
1240.510 Firearm Training Course
1240.515 Approval of Firearm Training Programs and Firearm Instructors
1240.520 Permanent Employee Registration Card
1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due

to Criminal History Record Information
1240.530 Firearm Authorization Cards
1240.535 Recordkeeping Requirements
1240.540 Reporting Requirements
1240.550 Renewals
1240.555 Endorsement
1240.560 Restoration
1240.561 Inactive Status
1240.565 Requests for Duplicate Certificates
1240.570 Fees
1240.575 Conduct of Hearings
1240.580 Investigation by the Division
1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

1240.600 Application for Licensure – Fingerprint Vendor
1240.610 Licensure – Fingerprint Vendor Agency
1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct
1240.630 Fingerprint Vendor – Training

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Section 2105-15(7) and 2105-100 (b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective

July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004; amended at 36 Ill. Reg. 1486, effective February 3, 2012.

SUBPART F: GENERAL

Section 1240.500 Definitions

"Act" means Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Board.

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

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

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

"ISP" means the Illinois State Police.

"Participation in agency affairs" – Participation in agency affairs includes but is not limited to responsibility for delivery of professional services and compliance with the Act, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee-in-charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. The address of the location where files are maintained shall be on file with the Division. If an agency does not maintain an office or jobsite within Illinois or the licensee-in-charge resides outside of the State, it may seek a variance from the requirement of this Part pursuant to Section 1240.585. In

determining whether a licensee-in-charge participates in agency affairs, the Division may consider those responsibilities identified in this Section, the number of employees under the direct supervision of the licensee-in-charge, and the employment relationship between the licensee-in-charge and the agency, including the existence of a contract for employment and any other relevant fact or circumstance.

"Qualified Instructor" – An individual employed or retained by a licensed agency under the Act who can provide the basic training as outlined in the Act. This shall include:

A licensed private detective, private alarm contractor, private security contractor or locksmith active and in good standing;

A registered employee, retained or employed by a licensed agency, who has a minimum of 5 years experience in the discipline being taught and has been conducting training classes in at least 3 of the past 5 years;

Registered employees of licensed agencies with a least 3 years full-time supervisory experience in the area in which the individual will conduct training;

Full time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education or the Illinois Community College Board to teach firearms training courses or security training courses.

A registered employee, retained or employed by a licensed agency, who has a baccalaureate degree in education, business, law enforcement or other related degree to provide training in the discipline to be taught or has 3 years previous experience as a corporate trainer or equivalent in another industry.

For private alarm contractors, a qualified instructor may also include factory trained and certified personnel on the types of systems or work being trained; National Institute of Certification in Engineering Technologies (NICET) certified personnel; or a Certified Protection Professional (CPP) as designated by the American Society for Industrial Security.

"Related to" – The immediate family living in the same household.

"Restored" – A court has declared an individual to be competent, as referenced in Section 35-30 of the Act.

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

"Traffic Offense" – As used in Section 35-30(1)(C) of the Act, does not include a misdemeanor or felony conviction related to vehicle usage.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.520 Permanent Employee Registration Card

a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:

1) One of the following:

A) Copy of the verification of~~Verification of electronic~~ fingerprint processing from ~~the~~ ISP~~Illinois Department of State Police~~ or from one of the ISP live scan~~Illinois State Police approved~~ vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division~~. Applicants shall contact one of the approved vendors for fingerprint processing~~;

B) Out-of-state residents unable to utilize the ISP electronic~~Illinois State Police~~ fingerprint process may submit to ~~one of the~~ ISP~~Illinois State Police approved vendors~~ one fingerprint card issued by ~~the~~ ISP~~Illinois State Police~~, accompanied by the fee specified by ~~the~~ ISP~~vendor~~; or

C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the applicant's employer;

2) The required registration fee specified in Section 1240.570, made payable to the Division of Professional Regulation.

b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:

1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;

2) verifying on the Division's website (www.idfpr.com) that the applicant has no criminal conviction pursuant to the ISP~~Illinois Division of State Police~~ criminal history check;

3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.

c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.

d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.

e) Exempt employees are as follows:

1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.

2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional

alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.

3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.

4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data.* (Section 30-5(10) of the Act)

5) Fingerprint Vendor

A) Persons who have no access to confidential or security information and who otherwise do not provide or operate fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of cashiers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.

B) *No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing*

fingerprint images and associated demographic data to ISP. (Section 31-20(d) of the Act)

6) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

7)~~6)~~ *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.* (Section 5-10 of the Act)

8)~~7)~~ All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.530 Firearm Authorization Cards

a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm authorization card unless employed by a proprietary security force in accordance with Section 1240.400.

b) Upon verification by the Division that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Division shall issue a card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.

c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.

d) No employee may carry a firearm until the requirements of this Section have been satisfied.

e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that employee must possess a separate firearm authorization card for each agency.

f) Individuals who are employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.

g) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.* (Section 5-10 of the Act)

h) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.

i) The Division shall not grant or authorize the issuance of a firearm authorization card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless:

1) the individual is licensed as a private detective, private alarm contractor or private security contractor; or

2) the individual is employed by a private detective agency, private alarm contractor agency or private security agency licensed under the Act who carries a weapon while engaged in the performance of his or her official duties providing detective, private security contracting or alarm contractor services within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services while possessing or carrying a firearm; or

3) the person is employed by an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of his or her official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.535 Recordkeeping Requirements

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:

1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;

2) The employee's statement required in Section 35-30(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 35-30(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6) Application for employment;

7) Certification of Completion of Basic and/or Refresher Training as provided in Section 1240.505 of this Part;

8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;

9) Copy of employee's permanent employee registration card and firearm authorization card and active Firearm Owner's Identification Card (FOID), if applicable;

10) Certification or certified copy of requalification (Section 1240.510);

11) Copy of the verification of fingerprint processing from ~~the~~ ISP~~Illinois Department of State Police~~ or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division~~Illinois State Police designated agents~~;

12) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the ISP~~Illinois Department of State Police~~ criminal history check for individuals employed prior to issuance of the permanent employee registration card; and

13) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed letter from the peace officer's chief of police or his/her designee

(or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

c) Fingerprint Vendors Records

1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;

2) The fingerprint vendor shall require each individual seeking to be fingerprinted to present a Primary, Secondary or Requesting Agency authorized form of identification in order to be fingerprinted by the fingerprint vendor. The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.

A) Primary Identification – The work order shall include the name, address, date of birth, aliases, telephone number and driver's license number or Secretary of State issued State identification number of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.

B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). In the absence of a driver's license or State identification number, the work order shall contain verification that the individual seeking to be fingerprinted provided at least two forms of identity verification described within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy

Compact Council at the Federal Bureau of Investigation's website (http://www.fbi.gov/about-us/cjis/cc), no later amendments or editions apply. A copy of the documentation used to establish identity verification shall be attached as part of the work order.

C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;

3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;

4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;

5) All work orders, including fee applicant submissions, shall be maintained for a minimum of two years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;

6) Each fee applicant submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;

7) Beginning January 1, 2014, all work orders, including fee applicant submissions, must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;

8) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;

9) Work order forms, including fee applicant submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;

10) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions (i.e., passport, adoption and employment related criminal background checks, etc.). The privacy statement within the consent form must be pre-approved by ISP.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.550 Renewals

a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.570 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.

b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date by paying the required fee.

c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew the card during the month preceding the expiration date by submitting the required fee to the Division.

d) It is the responsibility of each licensee and employee registration card holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 45-10 of the Act.

e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

1) The employee has been requalified on the firing range within one year preceding the renewal date; and

2) The employee continues to be employed by the agency to which the card was issued.

f) No employer shall, after the expiration of a firearm authorization card, employ the holder of the card in an armed capacity.

g) In addition to the other requirements of this Section, fingerprint vendor licensees shall provide the following in order to renew:

1) verification that the applicant's fingerprinting equipment and software meets all specifications outlined in Section 1240.600 and that the equipment has been scheduled for recertification if required by ISP, or the licensee has received notice from ISP that recertification is not required at the time of renewal. The licensed vendor shall maintain all correspondence or notices related to recertification of equipment that have been received from ISP for a period of 6 years since the last renewal of the vendor's license. The correspondence or notices shall be made available to the Division upon request. Current certification with ISP is a continuing requirement of licensure;

2) verification that the licensee currently maintains insurance in the type and amounts required in Section 1240.600. Insurance in the type and amounts required in Section 1240.600 shall be a continuing requirement for licensure;

3) the licensee shall provide proof, acceptable to the Division, that the requirements of subsections (g)(1) and (2) have been met.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.570 Fees

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

a) Application Fees

1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is $500. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application for a license as a fingerprint vendor is $150.

3) The fee for application for an agency certificate is $500.

4~~3~~) The fee for application for a branch office certificate is $200.

5~~4~~) The fee for issuance of a permanent employee registration card is $55.

6~~5~~) The fee for issuance of a firearm authorization card is $55.

7~~6~~) The fee for issuance of an armed proprietary security force registration is $20.

8) The fee for the ISP fingerprint training course is the fee, if any, charged by ISP.

9) The fee for ISP equipment certification or recertification is the fee, if any, charged by ISP.

b) Renewal Fees

1) The fee for the renewal of a license, except for fingerprint vendors, shall be calculated at the rate of $150 per year. The fee for the renewal of a fingerprint vendor license shall be calculated at the rate of $50 per year.

2) The fee for the renewal of an agency certificate is $450 for the renewal period (see Section 1240.550(b)).

3) The fee for the renewal of a branch office certificate is $200 for the renewal period (see Section 1240.550(b)).

4) The fee for the renewal of a permanent employee registration card is $45 for the renewal period (see Section 1240.550(c)).

5) The fee for the renewal of a firearm authorization card is $45 for the renewal period (see Section 1240.550(c)).

6) The fee for the renewal of an armed proprietary security force registration is $20 for the renewal period (see Section 1240.550(b)).

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.

2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration care, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is $10.

4) The fee for electronic fingerprint processing by one of the designated vendors is the cost of processing that shall be made payable to the vendor.

5) The fee for a certification of a licensee's record for any purpose is $20.

6) The fee to have the scoring of an examination administered by the Division reviewed and verified is $20, plus any fee charged by the testing service.

7) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

(Source: Amended at 36 Ill. Reg. 1486, effective February 3, 2012)

SUBPART G: FINGERPRINT VENDOR

Section 1240.600 Application for Licensure – Fingerprint Vendor

a) An applicant for licensure as a fingerprint vendor shall submit an application, on forms supplied by the Division, that shall include the following:

1) verification that the applicant is at least 18 years of age.

2) one of the following:

A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. Applicants shall not take fingerprints of themselves for processing;

B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP at 20 Ill. Adm. Code 1215.50; or

C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer.

3) certification issued by ISP that the applicant has successfully completed a fingerprint vendor training course conducted or authorized by ISP.

4) proof of at least $1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer. A fingerprint vendor employed by a licensed fingerprint vendor agency may provide proof that his or her actions as a fingerprint vendor are covered by the liability insurance of his or her employer.

5) the required fees specified in Section 1240.570.

6) certification issued by ISP that the applicant's fingerprinting equipment and software meets all specifications of ISP. Compliance with the ISP fingerprinting equipment and software specifications is a continuing requirement for licensure and shall be provided to Division personnel upon request.

7) proof that the applicant maintains an office location in Illinois and attestation that the applicant will operate from that location when providing fingerprint services unless authorized to provide services from a location other than the stated office location.

8) all other information the Division deems relevant to determine the applicant's qualifications under the Act and this Part.

b) Failure to maintain general liability insurance and failure to provide the Division with written proof of the insurance, upon request, shall result in cancellation of the license without a hearing.

c) In addition to any other requirements, an applicant for licensure shall meet the following:

1) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction;

2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;

3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent;

4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;

5) Has not been dishonorably discharged from the armed forces of the United States;

6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;

7) Has not violated any provision of the Act or this Part;

8) Pays all required licensure fees.

d) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.

e) The Division shall not grant or authorize the issuance of a firearm control card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless the person is authorized to carry a firearm under the Act or authorized in accordance with Section 1240.530(i).

(Source: Added at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.610 Licensure – Fingerprint Vendor Agency

a) An applicant for licensure as a fingerprint vendor agency shall, in accordance with Section 31-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) Business name and address of the fingerprint vendor agency. If fingerprint services are provided at a location other than the business address, a branch office license shall not be necessary;

2) Anyone doing business as (d/b/a) names used by the fingerprint vendor agency and proof of legal authorization to use that name;

3) The type of business (sole proprietorship, partnership, corporation, etc.):

A) If a partnership, a listing of all partners and their addresses;

B) If a corporation, a copy of the Articles of Incorporation and a listing of all members of the board of directors. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois and a list of all members of the board of directors shall be submitted;

C) If a limited liability company, a copy of the Articles of Organization and a listing of all members of the board of directors;

4) The name of the licensed fingerprint vendor who is and who shall remain responsible for the daily activities of the fingerprint vendor agency.

b) The device identification number (ID number) of all fingerprinting machines utilized by the fingerprint vendor agency and their locations;

c) An applicant for a fingerprint vendor agency shall name at least one officer or executive employee who is a licensed fingerprint vendor under the Act who is responsible for the daily activities of the fingerprint vendor agency, and any unlicensed officers or directors of the corporation or limited liability company

who have been determined by the Division to be persons of good moral character. Maintaining at least one officer or executive employee who is a licensed fingerprint vendor under the Act who shall be responsible for the daily activities of the fingerprint vendor agency shall be a continuing requirement of licensure.

d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct

a) The Division may *deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any license, registration,* or *permanent employee registration card, and may impose a fine* [225 ILCS 447/40-10(a)], based on a finding of unethical, unauthorized or unprofessional conduct, which shall include, but is not limited to, the following acts or practices:

1) Errors and omissions in work orders submitted for print verification or other information, including but not limited to ORI number errors;

2) Errors and omissions in work orders submitted for print verification or other information and not meeting the following standards or levels of performance:

A) Demographic field errors shall not exceed the acceptable accuracy rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;

B) Fingerprint quality rejects shall not exceed the acceptable error rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;

C) Fingerprint visual quality errors shall not exceed the acceptable review rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;

3) Failing to have a clause in all software and/or hardware agreements that a fingerprint vendor licensee enters into to obtain, repair, update and/or maintain fingerprint machines that require a software and/or hardware vendor to maintain the confidentiality of information that may be exposed to the software and/or hardware vendor in obtaining, repairing, updating and/or maintaining a fingerprint machine;

4) Unlicensed practice by any person employed by, authorized by, assisted by in any manner, or permitted by a licensed fingerprint vendor or licensed fingerprint vendor agency that provides fingerprinting services, including, but not limited to, rolling a print or any other activity defined as unlicensed practice;

5) Practicing or offering to practice on an expired or inactive license, constituting unlicensed or unauthorized practice;

6) Failure to maintain a record, for at least 3 years, listing the identification number of the machine used to fingerprint each individual and the location where the individual was fingerprinted;

7) A determination and notice from ISP that a licensee is in noncompliance with ISP procedures, policies or practices, causing ISP to terminate or otherwise limit that licensee's ability to submit fingerprints to ISP;

8) Failure by a licensee to obtain the required consent of any person being printed prior to providing any fingerprint services;

9) Providing, selling or offering to sell or provide any information for a fee or any other valuable consideration any information that has been obtained from a person for whom the licensee is providing or has provided fingerprint services;

10) Sending or providing fingerprint or other criminal history record information to any party other than to the designated authorized party. "Authorized party" is any party that is authorized by law to request a criminal history record check and receive the results; however, the authorized party shall not be the licensee nor shall fingerprint or other criminal history record information be returned to the licensee;

11) Providing or offering to provide services or using techniques for which one is not qualified by education, training and experience or providing or offering to provide services as a fingerprint vendor without proper licensure;

12) Revealing facts, data or information relating to a client or examinee without the expressed consent of the person to whom fingerprinting services are being offered or are being provided or as allowed by law. The release of information with "the expressed consent of the client" shall mean that the licensee, prior to the release of the information, has obtained written consent and made certain that the client understood the possible uses or distributions of the information;

13) Making gross or deliberate misrepresentations or misleading claims as to his/her qualifications;

14) Refusing to divulge to the Division, upon request, all information, records, techniques or procedures used in his/her activities or practice;

15) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;

16) Impersonating another person holding a license or allowing another person to use his/her license to provide fingerprint vendor services;

17) Submission to a third party of fraudulent information relating to any individual;

18) Providing or offering to provide fingerprint services when the licensee has a conflict of interest with the person to whom services are offered or

provided. "Conflict of Interest" shall include but is not limited to those situations in which a licensee currently has or may have had a social, business or other relationship of a nature that might impair, or give the appearance of impairing, the impartiality or independence of the licensee. The licensee may only continue to provide or offer to provide fingerprint services to the person after the licensee makes full disclosure of the potential conflict on the work order and explains the conflict of interest to the person to whom fingerprinting services are being offered or provided.

b) Any licensee who leases, subcontracts or uses any other similar type of arrangement to provide fingerprint scanning equipment or services to an individual or entity shall remain responsible for the actions of the lessee if the licensee maintains any role in the offering or providing of fingerprint services to the public beyond the mere lease of the equipment, including, but not be limited to, receiving criminal history record information or other personal information from or on behalf of a lessee, transferring fingerprints to ISP on behalf of a lessee, scheduling appointments for printing services for a lessee, or training the lessee's employees to provide or offer to provide fingerprinting services.

c) ISP shall not accept or process fingerprint requests from any licensee who the Division has revoked, suspended or otherwise disciplined in a manner prohibiting the licensee from taking fingerprints or providing fingerprint services. The Division shall provide to ISP notice of disciplinary measures taken.

d) A licensee shall conduct all fingerprint services in accordance with applicable local, State and federal law regarding privacy, confidentiality and information release, including but not limited to the Illinois Biometric Information Privacy Act [740 ILCS 14].

(Source: Added at 36 Ill. Reg. 1486, effective February 3, 2012)

Section 1240.630 Fingerprint Vendor – Training

a) Every person employed as a registered employee of a fingerprint vendor agency licensed under the Act shall complete, within 30 days after beginning employment, a course of basic training provided by the employing agency.

b) The training shall consist of a minimum of 20 hours related to the individual's employment. The training shall include, at a minimum, the following subject areas:

1) the agency's retention policy required by Section 1240.535(c);

2) the agency's confidentiality policy required by Section 1240.620(d);

3) responsibilities and duties required by the Act and this Part;

4) general information regarding a Personal Employee Registration Card (PERC), including but not limited to:

A) cause for revoking the card;

B) disciplinary sanctions;

C) renewal; and

5) the basic operation of a Livescan Machine.

c) Upon successful completion of the training prescribed in subsection (b), the employer shall issue to the trainee a Certification of Completion of Basic and/or Refresher Training Course, which shall be signed by the instructor teaching the course.

d) The Certification shall be the permanent record of training and shall be retained by the individual. During the term of the individual's employment with a licensed agency, the Certification or a certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the employee's file during the term of employment. Upon termination of employment, the original Certification shall be returned to the employee.

e) In the case of an employee who is employed by more than one employer, each employer shall require the employee to complete 20 hours training as required in this Section that is specific to that employer.

f) Training materials shall be made available to the Division, upon request, to allow the Divisions to verify that course content complies with this Section.

(Source: Added at 36 Ill. Reg. 1486, effective February 3, 2012)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Cares Rx Program

2) Code Citation: 89 Ill. Adm. Code 119

3)

Section Numbers:	Adopted Action:
119.20	Amendment
119.30	Amendment
119.50	Amendment
119.60	Amendment
119.90	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 23, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 22, 2011; 35 Ill. Reg. 12187

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: A nonsubstantive technical change was made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency amendments currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking implements changes to the Illinois Cares Rx (ICRx) program that reduce program liability. The income limit of approximately 250% of Federal Poverty Level (FPL) has been changed to an income

limit of 200% of FPL. The rulemaking further eliminates the ICRx Rebate program that provides a $25 monthly rebate to participants who have private coverage, coverage through the VA, or a non-coordinating Part D plan. These amendments also allow for changes to cost-sharing and basic benefit, which covers drugs to treat 11 disease states. Further, the amendments implement the new statutory income limit established in Public Act 96-804.

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

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 119
ILLINOIS CARES RX PROGRAM

Section

119.10 Definitions
119.20 Eligibility
119.30 Low Income Subsidy
119.40 Automatic Enrollment of Program Beneficiaries
119.50 Assignment and Coordination of Benefits
119.60 Covered Services
119.70 Prior Authorization and Preferred Drug List (PDL)
119.80 Illinois Cares Rx Basic Covered Prescription Drugs
119.90 Co-Payments and Cost Sharing
119.100 Pharmacy Payment
119.110 Inspection and Disclosure of Records
119.120 Establishment of Liens
119.130 Penalties
119.140 Penalties (Repealed)

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and implementing and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Executive Order 2004-3.

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 13816, effective October 1, 2004, for a maximum of 150 days; adopted at 29 Ill. Reg. 4069, effective February 25, 2005; emergency amendment at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules' Objection at 30 Ill. Reg. 5436, effective February 28, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10274, effective May 26, 2006; amended at 31 Ill. Reg. 5537, effective March 26, 2007; emergency amendment at 32 Ill. Reg. 373, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7717, effective May 5, 2008; emergency amendment at 33 Ill. Reg. 1220, effective January 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 5765, effective May 1, 2009; amended at 34 Ill. Reg. 6788, effective May 1, 2010; emergency amendment at 35 Ill. Reg. 15163, effective September 1, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 1516, effective January 23, 2012.

Section 119.20 Eligibility

a) Illinois Cares Rx Eligibility Qualifications
To be eligible for Illinois Cares Rx pharmaceutical benefits, an individual must meet all of the following requirements:

1) Be:

A) 65 years of age or older; or

B) a disabled person.

2) Be domiciled in Illinois at the time of filing an application, and during the coverage period.

3) Be~~Except for individuals choosing Illinois Cares Rx Rebate, be~~ enrolled in a Coordinating Medicare Part D PDP if eligible for Medicare Part D.

4) Apply~~Except for individuals choosing Illinois Cares Rx Rebate, apply~~ for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicates the individual would not be eligible for any low income subsidy.

5) Have a maximum household income at or below 200% of the Federal Poverty Level (FPL).~~For 2006 and 2007 applications postmarked on or before December 31, 2008, have a maximum household income as described in subsection (a)(5)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(5)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.~~

~~A) less than $21,218 for a household containing one person;~~

~~B) less than $28,480 for a household containing two persons; or~~

~~C) less than $35,740 for a household containing three or more persons.~~

~~6) For 2008 applications postmarked on or before December 31, 2009, have a maximum household income as described in subsection (a)(6)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(6)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.~~

~~A) less than $22,218 for a household containing one person;~~

~~B) less than $29,480 for a household containing two persons; or~~

~~C) less than $36,740 for a household containing three or more persons.~~

~~7) For 2009 applications submitted during calendar year 2010, and for applications submitted during subsequent years, have a maximum household income as described in subsection (a)(7)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(7)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.~~

~~A) less than $27,610 for a household containing one person;~~

~~B) less than $36,635 for a household containing two persons; or~~

~~C) less than $45,657 for a household containing three or more persons.~~

~~8) Individuals eligible for SeniorCare on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Plus for coverage year 2006; individuals eligible for Circuit Breaker Pharmaceutical Assistance on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Basic for coverage year 2006.~~

b) Illinois Cares Rx Plus Eligibility Qualifications
To be eligible for Illinois Cares Rx Plus pharmaceutical benefits as described in Section 119.60(a), an individual must meet all of the eligibility requirements described in subsection (a) and meet the following requirements:

1) Be Medicare-eligible; or

2) Meet the following requirements:

A) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to 89 Ill. Adm. Code 120.310; and

B) Be 65 years of age or older.~~; and~~

~~C) Have a maximum household income at or below 200 percent of FPL guidelines published annually by the U.S. Department of Health and Human Services. For applications received after January 1, 2010, this amount shall be adjusted upward to disregard 19.53 percent of household income, an amount equivalent to the 2005 through 2009 Social Security and Supplemental Security Income Cost of Living Adjustments.~~

c) Proof of Eligibility Qualifications
An applicant must submit proof of his or her eligibility qualifications as described in subsections (a) and (b).

1) Examples of proof of date of birth include:

A) a baptismal record; or

B) a birth certificate; or

C) a driver's license; or

D) an identification card from the Secretary of State's office; or

E) an insurance policy; or

F) naturalization papers.

2) Examples of proof of disability include:

A) proof that an applicant is eligible to receive disability benefits under the federal Social Security Act of 1935 (see 42 USC 423); or

B) issuance of an Illinois Disabled Person Identification Card stating that an applicant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A]; or

C) status of an applicant as a disabled person determined by a physician designated by the Department on Aging using the same standards as used by the Social Security Administration with the costs of any required examination paid by the applicant (see 42 USC 423); or

D) receipt by an applicant of Railroad (see 45 USC 231), Civil Service, or Veterans' total disability benefits (see 38 USC 101). (See 320 ILCS 25/3.14.)

3) Applicants age 64 and older who are ineligible for Medicare must submit proof of citizenship as set forth in section 6036 of the federal Deficit Reduction Act of 2005. This requirement becomes inapplicable if federal funding for these individuals becomes unavailable.

d) Income
Income shall be based on income for the full calendar year prior to the year the applicant filed an application for pharmaceutical benefits, unless the applicant requests consideration of projected income as described in subsections (d)(1)(A), (B), (C), (D) and (E).

1) Projected Income

A) An applicant may request that projected income for the coverage year be used as current income in determining eligibility at the time an application is filed if projected income for the coverage year will be lower than current income for the coverage year. The application must include an itemized listing of current income for the coverage year and projected income for the coverage year,

together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

B) An applicant whose application has been denied for exceeding maximum household income eligibility qualifications may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in re-determining eligibility if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

C) A beneficiary whose application has been approved for Illinois Cares Rx Basic may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in redetermining the eligibility for Illinois Cares Rx Plus if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable a beneficiary to qualify for Illinois Cares Rx Plus.

D) Amended applications for pharmaceutical assistance benefits must be filed on the appropriate paper forms approved by the Department on Aging prior to the expiration of the coverage year for the coverage year at issue.

E) A beneficiary may not use projected income for two consecutive years, except in the case of hardship such as death, change in marital status or retirement.

2) Countable Income
The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility.

3) Assets shall not be considered.

~~4) For applications processed after January 1, 2007, but received on or before December 31, 2007, 6.91 percent of the household income is exempt from consideration in determining eligibility. For 2007 applications, postmarked on or before December 31, 2008, 10.44 percent of the household income is exempt from consideration in determining eligibility. For 2008 applications postmarked on or before December 31, 2009, 12.98 percent of the household income is exempt from consideration in determining eligibility.~~

4~~5~~) Illinois Cares Rx Plus participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for Illinois Cares Rx benefits.

e) An individual who is eligible for medical assistance with a spenddown may participate in Illinois Cares Rx, if that individual meets all of the eligibility requirements for participation in the program.

f) An individual who receives benefits from any of the Medicare Savings programs, the Qualified Medicare Beneficiary (QMB) program, the Specified Low Income Medicare Beneficiary (SLIB) program, or the Qualified Individual (QI) program may participate in Illinois Cares Rx, if that individual meets all of the eligibility requirements for participation in the program.

g) Application Process

1) An application for pharmaceutical assistance benefits under the Act must be filed on the appropriate paper or electronic forms approved by the Department on Aging.

2) Individuals shall apply by completing and submitting an application as specified by the Illinois Department on Aging.

3) Spouses who live together in the same residence may apply on the same application as long as the application contains both signatures.

4) After eligibility is determined by the Illinois Department on Aging, notice of the outcome shall be sent to the applicant.

5) An individual enrolled in Illinois Cares Rx shall receive coverage under his or her own name and unique Recipient Identification Number.

h) Enrollment Periods

1) Enrollment shall be effective the first of the month no later than the second month after the date when the applicant was determined to be eligible for the program.

2) The initial coverage period shall continue from the effective date of the enrollment through the end of the calendar year following the year in which the beneficiary filed the application for Illinois Cares Rx benefits.

3) Individuals must reapply annually.

4) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the calendar year.

i) Authorization of Illinois Cares Rx
Once an individual has been determined eligible for Illinois Cares Rx, an Illinois Cares Rx identification card shall be sent to the individual~~, unless the individual elects to participate in the Illinois Cares Rx Rebate Program~~.

j) Illinois Cares Rx coverage shall terminate:

1) at the end of a participant's coverage period unless the participant reapplies timely and is found to continue to be eligible;

2) when a participant no longer resides in Illinois;

3) when a participant becomes an inmate of a public institution;

4) upon a participant's death;

5) upon discovery that the initial determination of the participant's eligibility was incorrect; or

6) when a participant ~~not enrolled in Illinois Cares Rx Rebate~~ fails to apply for any low income subsidy available under Medicare Part D, except in cases where the Department has deemed the individual to be compliant based on the Department's data.

k) Appeal Rights
Any applicant or beneficiary aggrieved by action of the Department on Aging under the Act, whether in the denial of an application or amended application may request in writing that the Department on Aging reconsider its action, setting out the facts on which the request is based. The Department on Aging will consider the request and either affirm or modify its action.

(Source: Amended at 36 Ill. Reg. 1516, effective January 23, 2012)

Section 119.30 Low Income Subsidy

a) To be eligible for Illinois Cares Rx, ~~except for Illinois Cares Rx Rebate,~~ Medicare-eligible enrollees must apply for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicate the individual would not be eligible for any low-income subsidy (LIS) as described in 89 Ill. Adm. Code 127.

b) Eligibility of individuals who do not apply for LIS, except in cases where Department data clearly indicate the individual would not be eligible for any LIS, may be terminated at the end of the month following the month in which written notice of termination was given to the individual.

c) If the beneficiary provides proof of application for LIS prior to the scheduled termination date, eligibility will not be terminated.

(Source: Amended at 36 Ill. Reg. 1516, effective January 23, 2012)

Section 119.50 Assignment and Coordination of Benefits

a) Acceptance of benefits under Illinois Cares Rx~~, except for the Illinois Cares Rx Rebate,~~ constitutes assignment of benefits from any private plan of assistance, including any insurance plan, public assistance program, or third party for covered prescription drugs under this program.

b) The Department shall charge or collect payments from any private plan of assistance, including any insurance plan, public assistance program, or third party for any claims assigned by a beneficiary.

(Source: Amended at 36 Ill. Reg. 1516, effective January 23, 2012)

Section 119.60 Covered Services

a) Illinois Cares Rx Plus

1) For an individual enrolled in a Coordinating Medicare Part D Plan~~, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program,~~ coverage under the Illinois Cares Rx Plus Program shall consist of:

A) Payment to the individual's Coordinating Medicare Part D PDP for premium and deductible and cost sharing expenses, except for applicable cost sharing and co-payments set forth in Section 119.90 for pharmaceutical products covered by the individual's Medicare Part D PDP.

B) Payment to a pharmacy for pharmaceutical products excluded by Medicare Part D but covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code, subject to applicable cost sharing and co-payments set forth in Section 119.90.

2) For an individual not eligible for Medicare Part D, ~~except for an individual who elects to participate in the Illinois Cares Rx Rebate Program,~~ covered services under the Illinois Cares Rx Plus Program shall consist of payment

to a pharmacy for pharmaceutical products that are covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code, subject to applicable cost sharing and co-payments set forth in Section 119.90.

3) For a Medicare-eligible individual who is enrolled in a non-coordinating Medicare Part D PDP~~ and not enrolled in the Illinois Cares Rx Rebate Program~~, payment of the monthly Part D premium for basic coverage.

b) Illinois Cares Rx Basic

Except~~Except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, and except~~ for those products prescribed as described in Section 119.80(k), covered services under the Illinois Cares Rx Basic Program shall consist of payment to a pharmacy for pharmaceutical products that are prescribed as described in Section 119.80, subject to applicable cost sharing and co-payments set forth in Section 119.90.

c) If a coordinating Medicare Part D PDP has an approved actuarially equivalent benefit design pursuant to section 1860D-2(a)(3)(B) of the Social Security Act, the Department may adjust the threshold at which a beneficiary begins paying 20 percent cost sharing if necessary for the PDP to coordinate administration of the Illinois Cares Rx benefit with the Medicare Part D benefit. The threshold may not be lower than $1,750.

~~d) An individual determined eligible for Illinois Cares Rx who is enrolled in a third-party plan that provides a pharmacy benefit or a Medicare Part D PDP that is not a Coordinating Medicare Part D PDP may choose the Illinois Cares Rx Rebate option in lieu of receiving the covered services set forth in subsection (a), (b) or (c) of this Section. An individual enrolled in Illinois Cares Rx Rebate receives his or her benefit in the form of a monetary payment (a monthly payment of $25) made to the individual. An individual who is enrolled in Medicare Part D and has been determined eligible for the full low income subsidy (LIS) may not choose the Illinois Cares Rx Rebate.~~

(Source: Amended at 36 Ill. Reg. 1516, effective January 23, 2012)

Section 119.90 Co-Payments and Cost Sharing

Unless a federal low-income subsidy results in lesser co-payments and cost sharing, a beneficiary enrolled in Illinois Cares Rx shall be responsible for payment of co-payments and cost sharing as follows:

a) Except for the cost-sharing described in subsection (c) of this Section, Medicare-eligible beneficiaries shall pay a co-payment equal to the greater of the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b) (2005), or $5 for each prescription of a Tier 1 drug, $20 for each prescription of a Tier 3 drug, and $15 for each prescription of a Tier 2 or 4 drug on the Medicare Part D plan's formulary. Beneficiaries shall pay $5 for each prescription of a generic drug and $15 for each prescription of a brand name drug when the drug is a Medicare Part D-excluded drug covered by the Department. Beneficiaries not eligible for Medicare shall pay a co-payment of $5 for each prescription of a generic drug and $15 for each prescription of a brand name drug when the drug is covered by the Department.~~The applicable co-payment shall be equal to that required by Medicare Part D for "other low income subsidy eligibles" pursuant to 42 CFR 423.782(b) (in 2006, those co-payments are $2 for each dispensing of a generic prescription and $5 for each dispensing of a brand name prescription). For individuals enrolled in Medicare Part D, co-payments are $15 for each dispensing of a non-preferred drug.~~

b) Except for cost sharing described in subsection (c), 25~~20~~ percent of the reimbursable amount of the prescription plus the applicable co-payment for each prescription dispensed after the Illinois Cares Rx benefit amount has reached $1,750 for the calendar year or the beneficiary has reached the Medicare Part D Coverage Gap phase.

c) Effective January 1, 2007, for individuals enrolled in Medicare Part D who have been identified to the Department as having a diagnosis of HIV or AIDS, the applicable co-payment for drugs that are listed on the ADAP formulary shall be equal to that required by Medicare Part D for "other low income subsidy eligibles" pursuant to 42 CFR 423.782(b). The co-payments described in this subsection ~~paragraph~~ are applicable throughout the Plan Year.

d) For those enrolled in Medicare Part D, the Illinois Cares Rx benefit amount is the total payments made by the PDP to pharmacies on behalf of the beneficiary, whether paid as a part of the Medicare benefit or the Illinois Cares Rx benefit. For those not eligible for Medicare Part D, the Illinois Cares Rx benefit amount is

the total payments made by the Department to pharmacies on behalf of the beneficiary.

e) A beneficiary also must pay to an authorized pharmacy an ancillary charge for any covered prescription drug that is a brand name product if the pharmacy is reimbursed at the generic price as provided in Section 119.100(b)(2) and (3).

(Source: Amended at 36 Ill. Reg. 1516, effective January 23, 2012)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3)

Section Numbers:	Adopted Action:
160.5	Amendment
160.10	Amendment
160.75	Amendment
160.134	Amendment
160.200	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 23, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 15, 2011; 35Ill. Reg. 11153

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: In Section 160.5, added "'Central Authority' means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country pursuant to section 459A of the Social Security Act (42 USC 659a)." to the definitions.

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 these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Sections:	Proposed Action:	Illinois Register Citation:
160.65	Amendment	35 Ill. Reg. 19403; December 2, 2011
160.70	Amendment	35 Ill. Reg. 19403; December 2, 2011

15) Summary and Purpose of Amendments: The amendments adhere to federal regulatory changes that require our rules to differentiate between "intergovernmental" and "interstate" for IV-D cases. Intergovernmental IV-D cases may include any combination of referrals between states, tribes and countries, while interstate IV-D cases are cases where the responsible relative lives and/or works in a different state than the custodial parent and child(ren).

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

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT SERVICES

SUBPART A: GENERAL PROVISIONS

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160.1 Incorporation by Reference
160.5 Definitions
160.10 Child Support Enforcement Program
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160.15 Fees for IV-D Non-TANF Cases
160.20 Assignment of Rights to Support
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SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

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SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64 Compromise of Assigned Obligations
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section
160.70 Enforcement of Support Orders
160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry
160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support for Intergovernmental~~For Interstate~~ Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section
160.200 Provision of Services in Intergovernmental IV-D Cases

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998;

emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011; amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective January 23, 2012.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"Application for IV-D services" refers to an application for child support enforcement services that is a signed, written request completed in accordance with the Department's requirements for a IV-D case as defined in Section 160.10(a)(9). An electronic signature is created when a web application is submitted and received via the internet.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and

Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services (DCFS), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Central Authority" means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country pursuant to section 459A of the Social Security Act (42 USC 659a).

"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

"Country" means a foreign country (or a political subdivision of a foreign country) declared to be a foreign reciprocating country pursuant to section 459A of the Social Security Act (42 USC 659a) and any foreign country (or political subdivision) with which the State of Illinois has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with federal law (section 459A(d) of the Social Security Act).

"Date of Collection" for distribution purposes in all cases refers to the date on which a collection is received by the Department as a result of withholding of an amount by the Department of Employment Security from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation; a

collection as a result of intercept of a federal income tax refund is received by the Department: or in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other instances, a support payment is received by the State Disbursement Unit.

"Intergovernmental IV-D case" refers to a IV-D case in which the responsible relative lives and/or works in a different jurisdiction than the custodial parent and children that has been referred by an initiating agency to a responding agency for services. An intergovernmental case may include any combination of referrals between states, tribes and countries. An intergovernmental IV-D case also may include cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Interstate IV-D case" refers to a IV-D case in which the responsible relative lives and/or works in a different state than the custodial parent and children that has

been referred by an initiating state to a responding state for services. An interstate IV-D case also may include cases in which a state is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 36 Ill. Reg. 1531, effective January 23, 2012)

Section 160.10 Child Support Enforcement Program

a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

1) children receiving Temporary Assistance for Needy Families (TANF);

2) children receiving AFDC MANG;

3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);

4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;

5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;

6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;

7) a spouse or former spouse when the former spouse/spouse lives with the child;

8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;

9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for IV-D services; and

10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance.~~;~~

~~11) persons similarly situated to subsections (a)(1) through (10) and receiving Title IV-D support services in other states; and~~

~~12) persons similarly situated to those described in subsections (a)(1) through (10) and receiving support services in other countries or subdivisions thereof that have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).~~

b) "IV-D cases" also include intergovernmental IV-D cases and interstate IV-D cases as those terms are defined in Section 160.5.

c) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

d~~e~~) The Division of Child Support Enforcement has sole responsibility for:

1) identifying and locating the absent parent;

2) establishing the parentage of a child born out of wedlock;

3) establishing support obligations;

4) enforcing and collecting support;

5) receiving and distributing support payments;

6) maintaining accurate records of location and support activities; and

7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).

c~~d~~) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

f~~e~~) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of non-cooperation.

g~~f~~) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies (see 45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (2003)).

h~~g~~) Whenever a family ceases to receive AFDC MANG assistance:

1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section; or

2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section.

i~~h~~) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Servicemembers Civil

Relief Act (SCRA) (50 App. USC 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.

j~~i~~) The Department may provide notice at any time to the parties to a judicial action that child support enforcement services are being provided by HFS under Article X of the Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the Clerk of the Court or the State Case Registry. After notice has been provided, HFS shall be entitled to notice of any further proceedings brought in the case. HFS will provide the clerk of the court with copies of the notices sent to the parties to file with the court file.

(Source: Amended at 36 Ill. Reg. 1531, effective January 23, 2012)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.75 Withholding of Income to Secure Payment of Support

a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15] shall apply in this Section.

b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice

1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:

A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income

withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and

B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and

C) the obligor's Social Security Number disclosed to the court as required by law; and

D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.

2) The income withholding notice prepared by the Department shall:

A) be in the standard format prescribed by the federal Department of Health and Human Services; and

B) state the date of entry of the order for support upon which the income withholding notice is based; and

C) direct any payor to withhold the dollar amount required for current support under the order for support; and

D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and

E) state the amount of the payor income withholding fee as provided by law; and

F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and

G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and

H) state the rights, remedies, and duties of the obligor, as provided by law; and

I) include the Social Security Number of the obligor; and

J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and

K) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and

L) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.

3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.

c) Service of Income Withholding Notice

1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the

Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.

4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.

d) Income Withholding After Accrual of Delinquency

1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown

on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section shall:

A) contain the information required under subsection (b)(2) of this Section; and

B) contain the total amount of the delinquency as of the date of the notice; and

C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and

D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section.

3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:

A) a dispute concerning the existence or amount of the delinquency; or

B) the identity of the obligor.

4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

e) Initiated Withholding

1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) of this Section and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section no longer ensures payment of support, and the reason or reasons why it does not.

2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) of this Section.

3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) of this Section (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):

A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section continues to ensure payment of support; or

B) the identity of the obligor.

f) Petitions to Modify, Suspend or Terminate an Order for Withholding

1) At any time the Department, through its legal representative, may petition the court to:

A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the

underlying order for support;

B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or

C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.

2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.

3) The Department may serve a notice on the payor to:

A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or

B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.

4) The notice provided for under subsection (f)(3) of this Section shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, and a copy shall be provided to the obligor and the obligee.

g) Additional Duties
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:

1) an offset under federal or State law; or

2) partial payment of the delinquency or arrearage or both.

h) Alternative Procedures for Service of an Income Withholding Notice

1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:

A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and

B) The obligor has accrued a delinquency after entry of the most recent order for support.

2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.

3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.

i) Notice to Payor
Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:

1) that the payor must begin deducting no later than the next payment of income that is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;

2) that the payor must pay the amount withheld to the State Disbursement

Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;

3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of $100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has expired;

4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;

5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;

6) that for withholding of income, the payor is entitled to a fee not to exceed $5 per month to be taken from the income to be paid to the obligor;

7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act (15 USC 1601). Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;

8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name

and address of the obligor's new payor, if known;

9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;

10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;

11) that the payor is subject to a fine of up to $200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;

12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;

13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and

14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.

j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:

1) that income withholding has commenced;

2) the information provided to the payor under subsection (i) of this Section;

3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section, as applicable;

4) that at any time the obligor may petition the court to:

A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or

B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or

C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or

D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:

i) the amount of current support;

ii) the amount of the arrearage;

iii) the periodic amount for payment of the arrearage; or

iv) the periodic amount for payment of the delinquency;

5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and

6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed $200.

k) Penalties
In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with

any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

1) enter judgment against the payor, or an officer or employee of the payor, as provided by law, and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;

2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

l) Intergovernmental~~Interstate~~ Income Withholding
Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another jurisdiction~~state~~.

m) Use of National Medical Support Notice to Enforce Health Insurance Coverage

1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.

2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.

3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice,

together with proofs of service on the employer and the obligor, with the clerk of the circuit court.

4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.

5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:

A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.

B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.

C) Health insurance coverage is not available because the obligor is

no longer employed by the employer.

6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.

7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.

8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.

9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.

10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would

have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.

11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

n) Refund of Improperly Withheld Amounts
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 36 Ill. Reg. 1531, effective January 23, 2012)

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.134 Distribution of Child Support for Intergovernmental~~For Interstate~~ Cases

Child support payments which are received on behalf of an initiating agency~~state~~ shall be forwarded to the initiating agency~~state~~ within two business days after the date of initial receipt in this State.

(Source: Amended at 36 Ill. Reg. 1531, effective January 23, 2012)

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section 160.200 Provision of Services in Intergovernmental IV-D Cases

a) The Department's Central Registry for Intergovernmental IV-D Cases shall receive, transmit, and respond to inquiries on all incoming intergovernmental IV-D cases.

b) Within 10 working days after receipt of an intergovernmental IV-D case, the Central Registry shall:

1) Ensure that the documentation submitted with the case has been reviewed to determine completeness;

2) Forward the case for necessary action either to the State Parent Locator Service for location services or to the appropriate office for processing;

3) Acknowledge receipt of the case and request any missing documentation; and

4) Inform the initiating agency where the case was sent for action.

c) If the documentation received with an incoming case is incomplete and cannot be remedied by the Central Registry without the assistance of the initiating agency, the Central Registry shall forward the case for any action that can be taken pending necessary action by the initiating agency.

d) The Central Registry shall respond to inquiries from initiating agencies within 5 working days after receipt of the request for a case status review.

e) As the responding State IV-D agency, the Department shall:

1) Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected not to use remedies that may be available under the law of that jurisdiction;

2) Within 75 calendar days after receipt of an intergovernmental form and documentation from the Central Registry:

A) Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent;

B) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation;

C) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;

3) Within 10 working days after locating the noncustodial parent in a different state, the Department shall return the forms and documentation, including the new location, to the initiating agency or, if directed by the initiating agency, forward or transmit the forms and documentation to the Central Registry in the state where the noncustodial parent has been located and notify the Department's Central Registry where the case has been sent;

4) Within 10 working days after locating the noncustodial parent in a different county within the State, forward or transmit the forms and documentation to the appropriate county and notify the initiating agency and the Department's Central Registry of its action;

5) If the initiating agency's request is for a determination of controlling order:

A) Cause a controlling order determination to be made within 30 calendar days after receipt of the request or location of the noncustodial parent, whichever occurs later; and

B) Notify the initiating state agency, the controlling order state and any state where a support order in the case was issued or registered of the controlling order determination and any reconciled arrearages within 30 calendar days after receipt of the determination;

6) Provide any necessary services that it would provide in intrastate IV-D cases, including:

A) Establishing paternity;

B) Establishing a child support obligation;

C) Reporting past-due support to consumer reporting agencies;

D) Processing and enforcing orders referred by an initiating agency, whether pursuant to UIFSA or other legal processes, using appropriate remedies applied in intrastate cases, and submit the case for federal enforcement techniques as the Department determines to be appropriate, such as administrative offset under 31 CFR 285.1 and passport denial;

E) Collecting and monitoring any support payments from the noncustodial parent and forwarding payments to the location specified by the initiating agency. The Department shall include sufficient information to identify the case, indicate the date of collection, and include the Department's case identifier and locator code, as defined in accordance with instructions issued by the federal Office of Child Support Enforcement; and

F) Reviewing and adjusting child support orders;

7) Provide timely notice to the initiating agency in advance of any court or administrative hearing that may result in establishment or modification of an order;

8) Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency;

9) Within 10 working days after receipt after instructions for case closure from an initiating state agency, stop the Department's income withholding notice and close the intergovernmental IV-D case, unless the Department and the initiating state reach an alternative agreement on how to proceed;

10) Notify the initiating agency when a case is closed; and

11) Pay the costs it incurs in processing intergovernmental IV-D cases as the responding IV-D agency, including the costs of genetic testing.

f) As the initiating Illinois IV-D agency, the Department shall:

1) Determine whether there is a support order or orders in effect in a case using the Federal and State Case Registries, State records, information

provided by the recipient of services, and other relevant information available to the Department;

2) Determine in which state a determination of controlling order and reconciliation of arrearages may be made when multiple orders exist;

3) Determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use the Department's one-state remedies to establish paternity and establish, modify and enforce a support order, including medical support and income withholding;

4) Within 20 calendar days after completing the actions required in subsections (f)(1) through (3) and, if appropriate, receipt of any necessary information needed to process the case:

A) Seek through intrastate judicial or administrative action, or refer the case to the appropriate responding state IV-D agency, determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and

B) Refer any intergovernmental IV-D case to the appropriate State Central Registry, Tribal IV-D program, or Central Authority of a country for action, if one-state remedies are not appropriate;

5) Provide the responding agency sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the responding agency;

6) Within 30 calendar days after receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided;

7) Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on past due support under an initiating state order being enforced in the responding jurisdiction;

8) Submit all past-due support amounts owed in IV-D cases that meet the certification requirements under Section 160.70(b) for federal tax refund intercept;

9) Send a request for review of a child support order to another state in accordance with the provisions of Section 160.65(j);

10) Distribute and disburse any support collections received in accordance with the provisions of Subpart F;

11) Notify the responding agency within 10 working days after case closure that the Department has closed its case pursuant to the provisions of 45 CFR 303.11 and the basis for case closure;

12) Instruct the responding agency to close its interstate case and to stop any withholding order or notice the responding agency has sent to an employer before the Department transmits a withholding notice, with respect to the same case, to the same or another employer unless the Department and the responding agency reach an alternative agreement on how to proceed; and

13) If the Department has closed its case pursuant to at 45 CFR 303.11 and has not notified the responding agency to close its corresponding case, make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute and disburse any payment received from a responding agency.

g) General responsibilities. The Department shall:

1) Periodically review program performance or intergovernmental IV-D cases to evaluate effectiveness of procedures established under this Section;

2) Use federally-approved forms in intergovernmental IV-D cases, unless a country has provided alternative forms as part of its chapter in the federal publication titled A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries. The Department shall provide the number of complete sets of required documents needed by the responding agency, if one is not sufficient under the responding agency's law;

3) Transmit requests for information and provide requested information electronically to the greatest extent possible;

4) Within 30 working days after receiving a request, provide any order and payment record information requested by a state IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the state IV-D agency when the information will be provided;

5) Notify the other agency within 10 working days after receipt of new information on an intergovernmental case; and

6) Cooperate with requests for the following limited services:

A) Quick locate;

B) Service of process;

C) Assistance with genetic testing;

D) Teleconferenced hearings;

E) Administrative reviews;

F) High-volume automated administrative enforcement in interstate cases under Section 160.70(i); and

G) Providing copies of court and administrative orders and payment records.

(Source: Added at 36 Ill. Reg. 1531, effective January 23, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Child Care

2) Code Citation: 89 Ill. Adm. Code 50

3)

Section Numbers:	Adopted Action:
50.230	Amendment
50.310	Amendment
50.320	Amendment

4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and Public Act 97-422

5) Effective Date of Amendments: January 17, 2012

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

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any 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 the Illinois Register: August 12, 2011; 35 Ill. Reg. 13024

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.

12) Have all 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? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
50.230	Amendment	35 Ill. Reg. 6281; April 15, 2011

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

50.310	Amendment	35 Ill. Reg. 6281; April 15, 2011
50.320	Amendment	35 Ill. Reg. 6281; April 15, 2011
50.710	New Section	35 Ill. Reg. 17560; November 4, 2011
50.720	New Section	35 Ill. Reg. 17560; November 4, 2011
50.730	New Section	35 Ill. Reg. 17560; November 4, 2011
50.740	New Section	35 Ill. Reg. 17560; November 4, 2011
50.750	New Section	35 Ill. Reg. 17560; November 4, 2011
50.250	Amendment	35 Ill. Reg. 18475; November 14, 2011
50.260	Repeal	35 Ill. Reg. 18475; November 14, 2011
50.610	Amendment	35 Ill. Reg. 18475; November 14, 2011
50.640	Amendment	35 Ill. Reg. 18475; November 14, 2011
50.650	Amendment	35 Ill. Reg. 18475; November 14, 2011

15) Summary and Purpose of Rulemaking: Currently, parents who have been approved for child care benefits are required to help pay for the cost of their child care. The amount of the parent co-payment fee is based on the household's gross monthly income, the size of the family, and the number of children receiving child care.

Public Act 97-422 requires the Department of Human Services to establish, by rule, a co-payment scale that provides for cost sharing by families that receive child care services, including parents whose only income is from public assistance. It also provides that the co-payment shall be based on family income and family size and may be based on other factors as appropriate (rather than based on family income, family size, and the number of children in care). Public Act 97-422 also provides that co-payments may be waived for families whose incomes are at or below the federal poverty level (rather than co-payments shall not be increased due solely to a change in the methodology for counting family income).

Pursuant to provisions of 305 ILCS 5/9A-11, this rulemaking indexes the child care income eligibility guidelines so that the threshold for child care benefits is no less than 185% of the most current federal poverty level for each family size effective July 1, 2011. The amount of the parent co-payment fee is based on family income and family size. The number of children receiving child care is no longer used in the determination of the parent co-payment fee.

This rulemaking also establishes that if all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is five (5) years to thirteen (13) years and is enrolled in

school. These changes will allow clients who are employed or in school to continue to receive child care assistance.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section
50.101 Incorporation by Reference
50.105 Definitions
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section
50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility
50.235 Income Eligibility Criteria
50.240 Qualified Provider (Repealed)
50.250 Additional Service to Secure or Maintain Child Care
50.260 Job Search

SUBPART C: PAYMENT FEES

Section
50.310 Fees for Child Care Services
50.320 Maximum Monthly Income and Parent Fee by Family Size and~~,~~ Income Level ~~and Number of Children Receiving Full-time Care~~

SUBPART D: PROVIDER REQUIREMENTS

Section
50.400 Purpose
50.410 Qualified Provider

50.420 Provider Registration and Certification Requirements
50.430 Provider Background Checks
50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section
50.510 Great START Program
50.520 Method of Providing the Wage Supplement
50.530 Eligibility
50.540 Employer Responsibility
50.550 Notification of Eligibility
50.560 Phase-in of Wage Supplement Scale
50.570 Wage Supplement Scale
50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section
50.610 Child Care Collaboration Program
50.620 Approvable Models of Collaboration
50.630 Requirements for Approval in the Child Care Collaboration Program
50.640 Notification of Eligibility
50.650 Rules and Reporting for the Child Care Collaboration Program

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25

Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.

b) Parents and other relatives eligible to receive child care services include:

1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the

Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.

2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	$2,268~~2,429~~
3	$2,857~~3,052~~
4	$3,446~~3,675~~
5	$4,035~~4,299~~
6	$4,624~~4,922~~
7	$5,213~~5,545~~
8	$5,802~~6,169~~
9	$6,391
10	$6,980

~~The above income eligibility guidelines are set at 200% of the most current federal poverty level for each family size.~~ The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate's Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size. All education programs under this Part must be administered by an educational

institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation.

A) Below Post-Secondary Education Eligibility and Participation Requirements
This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

B) Vocational Education Eligibility and Participation Requirements
This category of education prepares the individual for a specific job, and includes all programs that prepare the client for a specific type of work. The program may be offered by a public community college, public or private university, or private business/technical school. The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a

specific job or to obtain a license required by some occupations. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

C) Post-Secondary Education

i) This category of education includes all undergraduate college level courses that result in an Associate's or Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:

•~~i)~~ be enrolled in a program accredited under requirements of State law as stated in subsection (b)(3) of this Section.

•~~ii)~~ not already have an Associate's or Bachelor's Degree, if requesting child care to earn an Associate's Degree. Child care will not be approved for attainment of a second Associate's Degree.

•~~iii)~~ not already have a Bachelor's Degree, if requesting child care to earn a Bachelor's Degree. Child care will not be approved for attainment of a second Bachelor's Degree.

•~~iv)~~ not be in an advanced degree program (beyond a Bachelor's Degree). Child care will not be

approved for education beyond the attainment of a Bachelor's Degree.

ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a cumulative 2.5 grade point average (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a cumulative 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If the client's cumulative GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another semester. If the cumulative GPA is below 2.5 or 2.0 two semesters in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:

i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria.

ii) The child or children for whom care is requested must be under the age of six, except during the summer or school

breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.

E) Study Time
Child care services may be granted for up to one hour of study time per week for each hour of course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time shall not be granted to add additional days of care.

4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.

c) All families must be residents of Illinois.

d) Payment for child care services to eligible parents may begin:

1) if care was provided at the time and all eligibility factors are met, on either:

A) the date of the parent's signature; or

B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or

2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 36 Ill. Reg. 1564, effective January 17, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: PAYMENT FEES

Section 50.310 Fees for Child Care Services

All parents must share in the cost of child care as illustrated in Section 50.320, except relatives (other than parents) who receive a child-only TANF or GA benefit for children needing care due to the relatives' employment. If all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is 5 to 13 years and is enrolled in school.

(Source: Amended at 36 Ill. Reg. 1564, effective January 17, 2012)

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size and~~,~~ Income Level ~~and Number of Children Receiving Full-time Care~~

~~The monthly co-pays in Table A are subject to the availability of funds under the American Recovery and Reinvestment Act (ARRA) and will be effective May 1, 2010 through September 30, 2011, or as long as ARRA funds are available. Once ARRA funds are exhausted, the monthly co-pays in Table B are effective.~~

Family Size 2	
Monthly Income	Monthly Co-Pay
$ 0 - 613	$ 1.00
614 - 736	7.00
737 - 859	13.00
860 - 981	19.00
982 - 1,104	27.00
1,105 - 1,226	36.00
1,227 - 1,349	47.00
1,350 - 1,471	58.00
1,472 - 1,594	71.00
1,595 - 1,717	85.00
1,718 - 1,839	100.00
1,840 - 1,962	117.00
1,963 - 2,084	134.00
2,085 - 2,207	153.00

Family Size 3	
Monthly Income	Monthly Co-Pay
$ 0 - 773	$ 1.00
774 - 927	9 .00
928 - 1,081	16.00
1,082 - 1,236	24.00
1,237 - 1,390	34.00
1,391 - 1,545	46.00
1,546 - 1,699	59.00
1,700 - 1,853	73.00
1,854 - 2,008	89.00
2,009 - 2,162	107.00
2,163 - 2,317	126.00
2,318 - 2,471	147.00
2,472 - 2,626	169.00
2,627 - 2,780	192.00

2,208 - 2,268	173.00	2,781 - 2,857	218.00

Family Size 4	
Monthly Income	Monthly Co-Pay
$ 0 - 932	$ 1.00
933 - 1,118	11.00
1,119 - 1,304	19.00
1,305 - 1,490	29.00
1,491 - 1,677	41.00
1,678 - 1,863	55.00
1,864 - 2,049	71.00
2,050 - 2,235	88.00
2,236 - 2,422	108.00
2,423 - 2,608	129.00
2,609 - 2,794	152.00
2,795 - 2,980	176.00
2,981 - 3,167	203.00
3,168 - 3,353	232.00
3,354 - 3,446	262.00

Family Size 5	
Monthly Income	Monthly Co-Pay
$ 0 - 1,091	$ 1.00
1,092 - 1,309	13.00
1,310 - 1,527	23.00
1,528 - 1,745	34.00
1,746 - 1,963	48.00
1,964 - 2,181	65.00
2,182 - 2,399	83.00
2,400 - 2,617	103.00
2,618 - 2,836	126.00
2,837 - 3,054	150.00
3,055 - 3,272	177.00
3,273 - 3,490	206.00
3,491 - 3,708	238.00
3,709 - 3,926	271.00
3,927 - 4,035	306.00

Family Size 6	
Monthly Income	Monthly Co-Pay

Family Size 7	
Monthly Income	Monthly Co-Pay

$ 0 - 1,250	$ 1.00
1,251 - 1,500	15.00
1,501 - 1,750	26.00
1,751 - 2,000	39.00
2,001 - 2,250	55.00
2,251 - 2,500	74.00
2,501 - 2,750	95.00
2,751 - 2,999	118.00
3,000 - 3,249	144.00
3,250 - 3,499	172.00
3,500 - 3,749	203.00
3,750 - 3,999	236.00
4,000 - 4,249	272.00
4,250 - 4,499	310.00
4,500 - 4,624	351.00

$ 0 - 1,409	$ 1.00
1,410 - 1,691	17.00
1,692 - 1,973	29.00
1,974 - 2,254	44.00
2,255 - 2,536	62.00
2,537 - 2,818	83.00
2,819 - 3,100	107.00
3,101 - 3,381	133.00
3,382 - 3,663	162.00
3,664 - 3,945	194.00
3,946 - 4,227	229.00
4,228 - 4,508	266.00
4,509 - 4,790	306.00
4,791 - 5,072	349.00
5,073 - 5,213	395.00

Family Size 8	
Monthly Income	Monthly Co-Pay
$ 0 - 1,568	$ 1.00
1,569 - 1,882	19.00
1,883 - 2,196	32.00
2,197 - 2,509	49.00
2,510 - 2,823	69.00
2,824 - 3,136	93.00
3,137 - 3,450	119.00
3,451 - 3,763	148.00
3,764 - 4,077	180.00
4,078 - 4,391	216.00
4,392 - 4,704	254.00
4,705 - 5,018	296.00
5,019 - 5,331	341.00
5,332 - 5,645	389.00
5,646 - 5,802	440.00

Family Size 9	
Monthly Income	Monthly Co-Pay
$ 0 - 1,728	$ 1.00
1,729 - 2,073	20.00
2,074 - 2,418	36.00
2,419 - 2,764	54.00
2,765 - 3,109	76.00
3,110 - 3,455	102.00
3,456 - 3,800	131.00
3,801 - 4,145	163.00
4,146 - 4,491	199.00
4,492 - 4,836	238.00
4,837 - 5,182	280.00
5,183 - 5,527	326.00
5,528 - 5,873	375.00
5,874 - 6,218	428.00
6,219 - 6,391	484.00

Family Size 10

Monthly Income	Monthly Co-Pay
$ 0 - 1,887	$ 1.00
1,888 - 2,264	22.00
2,265 - 2,641	39.00
2,642 - 3,018	59.00
3,019 - 3,396	83.00
3,397 - 3,773	111.00
3,774 - 4,150	143.00
4,151 - 4,527	178.00
4,528 - 4,905	217.00
4,906 - 5,282	260.00
5,283 - 5,659	306.00
5,660 - 6,036	356.00
6,037 - 6,414	410.00
6,415 - 6,791	467.00
6,792 - 6,980	528.00

~~TABLE A~~

~~Family Size 2~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~
~~$ 0 - 122~~	~~$ 1.00~~
~~123 - 243~~	~~1.00~~
~~244 - 365~~	~~1.00~~
~~366 - 486~~	~~1.00~~
~~487 - 608~~	~~1.00~~
~~609 - 729~~	~~7.00~~
~~730 - 850~~	~~9.00~~
~~851 - 972~~	~~10.00~~
~~973 - 1,093~~	~~11.00~~
~~1,094 - 1,215~~	~~12.00~~
~~1,216 - 1,336~~	~~27.00~~
~~1,337 - 1,457~~	~~36.00~~
~~1,458 - 1,579~~	~~43.00~~
~~1,580 - 1,700~~	~~51.00~~

~~1,701 - 1,822~~	~~59.00~~
~~1,823 - 1,943~~	~~68.00~~
~~1,944 - 2,065~~	~~77.00~~
~~2,066 - 2,186~~	~~87.00~~
~~2,187 - 2,307~~	~~98.00~~
~~2,308 - 2,429~~	~~109.00~~

~~Family Size 3~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 Children Monthly Co-Pay~~
~~$ 0 - 153~~	~~$ 1.00~~	~~$ 2.00~~
~~154 - 306~~	~~1.00~~	~~2.00~~
~~307 - 458~~	~~1.00~~	~~2.00~~
~~459 - 611~~	~~1.00~~	~~2.00~~
~~612 - 763~~	~~1.00~~	~~2.00~~
~~764 - 916~~	~~9.00~~	~~10.00~~
~~917 - 1,069~~	~~11.00~~	~~12.00~~
~~1,070 - 1,221~~	~~12.00~~	~~13.00~~
~~1,222 - 1,374~~	~~14.00~~	~~15.00~~
~~1,375 - 1,526~~	~~15.00~~	~~16.00~~
~~1,527 - 1,679~~	~~34.00~~	~~35.00~~
~~1,680 - 1,831~~	~~46.00~~	~~47.00~~
~~1,832 - 1,984~~	~~55.00~~	~~56.00~~
~~1,985 - 2,137~~	~~64.00~~	~~65.00~~
~~2,138 - 2,289~~	~~74.00~~	~~75.00~~
~~2,290 - 2,442~~	~~85.00~~	~~86.00~~
~~2,443 - 2,594~~	~~97.00~~	~~98.00~~
~~2,595 - 2,747~~	~~110.00~~	~~111.00~~
~~2,748 - 2,900~~	~~123.00~~	~~124.00~~
~~2,901 - 3,052~~	~~137.00~~	~~138.00~~

~~Family Size 4~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 184~~	~~$ 1.00~~	~~$ 2.00~~
~~185 - 368~~	~~1.00~~	~~2.00~~
~~369 - 552~~	~~1.00~~	~~2.00~~

~~553 - 735~~	~~1.00~~	~~2.00~~
~~736 - 919~~	~~1.00~~	~~2.00~~
~~920 - 1,103~~	~~11.00~~	~~12.00~~
~~1,104 - 1,287~~	~~13.00~~	~~14.00~~
~~1,288 - 1,470~~	~~15.00~~	~~16.00~~
~~1,471 - 1,654~~	~~17.00~~	~~18.00~~
~~1,655 - 1,838~~	~~18.00~~	~~19.00~~
~~1,839 - 2,022~~	~~40.00~~	~~41.00~~
~~2,023 - 2,205~~	~~55.00~~	~~56.00~~
~~2,206 - 2,389~~	~~66.00~~	~~67.00~~
~~2,390 - 2,573~~	~~77.00~~	~~78.00~~
~~2,574 - 2,757~~	~~90.00~~	~~91.00~~
~~2,758 - 2,940~~	~~103.00~~	~~104.00~~
~~2,941 - 3,124~~	~~117.00~~	~~118.00~~
~~3,125 - 3,308~~	~~132.00~~	~~133.00~~
~~3,309 - 3,492~~	~~148.00~~	~~149.00~~
~~3,493 - 3,675~~	~~165.00~~	~~166.00~~

~~Family Size 5~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 215~~	~~$ 1.00~~	~~$ 2.00~~
~~216 - 430~~	~~1.00~~	~~2.00~~
~~431 - 645~~	~~1.00~~	~~2.00~~
~~646 - 860~~	~~1.00~~	~~2.00~~
~~861 - 1,075~~	~~1.00~~	~~2.00~~
~~1,076 - 1,290~~	~~13.00~~	~~14.00~~
~~1,291 - 1,505~~	~~15.00~~	~~16.00~~
~~1,506 - 1,720~~	~~17.00~~	~~18.00~~
~~1,721 - 1,935~~	~~19.00~~	~~20.00~~
~~1,936 - 2,150~~	~~22.00~~	~~23.00~~
~~2,151 - 2,365~~	~~47.00~~	~~48.00~~
~~2,366 - 2,579~~	~~64.00~~	~~65.00~~
~~2,580 - 2,794~~	~~77.00~~	~~78.00~~
~~2,795 - 3,009~~	~~90.00~~	~~91.00~~
~~3,010 - 3,224~~	~~105.00~~	~~106.00~~
~~3,225 - 3,439~~	~~120.00~~	~~121.00~~
~~3,440 - 3,654~~	~~137.00~~	~~138.00~~

~~3,655 - 3,869~~	~~155.00~~	~~156.00~~
~~3,870 - 4,084~~	~~174.00~~	~~175.00~~
~~4,085 - 4,299~~	~~193.00~~	~~194.00~~

~~Family Size 6~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 247~~	~~$ 1.00~~	~~$ 2.00~~
~~248 - 493~~	~~1.00~~	~~2.00~~
~~494 - 739~~	~~1.00~~	~~2.00~~
~~740 - 985~~	~~1.00~~	~~2.00~~
~~986 - 1,231~~	~~1.00~~	~~2.00~~
~~1,232 - 1,477~~	~~15.00~~	~~16.00~~
~~1,478 - 1,723~~	~~17.00~~	~~18.00~~
~~1,724 - 1,969~~	~~20.00~~	~~21.00~~
~~1,970 - 2,215~~	~~22.00~~	~~23.00~~
~~2,216 - 2,461~~	~~25.00~~	~~26.00~~
~~2,462 - 2,707~~	~~54.00~~	~~55.00~~
~~2,708 - 2,953~~	~~74.00~~	~~75.00~~
~~2,954 - 3,200~~	~~88.00~~	~~89.00~~
~~3,201 - 3,446~~	~~103.00~~	~~104.00~~
~~3,447 - 3,692~~	~~120.00~~	~~121.00~~
~~3,693 - 3,938~~	~~138.00~~	~~139.00~~
~~3,939 - 4,184~~	~~157.00~~	~~158.00~~
~~4,185 - 4,430~~	~~177.00~~	~~178.00~~
~~4,431 - 4,676~~	~~199.00~~	~~200.00~~
~~4,677 - 4,922~~	~~221.00~~	~~222.00~~

~~Family Size 7~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 278~~	~~$ 1.00~~	~~$ 2.00~~
~~279 - 555~~	~~1.00~~	~~2.00~~
~~556 - 832~~	~~1.00~~	~~2.00~~
~~833 - 1,109~~	~~1.00~~	~~2.00~~
~~1,110 - 1,387~~	~~1.00~~	~~2.00~~
~~1,388 - 1,664~~	~~17.00~~	~~18.00~~

~~1,665 - 1,941~~	~~19.00~~	~~20.00~~
~~1,942 - 2,218~~	~~22.00~~	~~23.00~~
~~2,219 - 2,496~~	~~25.00~~	~~26.00~~
~~2,497 - 2,773~~	~~28.00~~	~~29.00~~
~~2,774 - 3,050~~	~~61.00~~	~~62.00~~
~~3,051 - 3,327~~	~~83.00~~	~~84.00~~
~~3,328 - 3,605~~	~~99.00~~	~~100.00~~
~~3,606 - 3,882~~	~~116.00~~	~~117.00~~
~~3,883 - 4,159~~	~~135.00~~	~~136.00~~
~~4,160 - 4,436~~	~~155.00~~	~~156.00~~
~~4,437 - 4,714~~	~~177.00~~	~~178.00~~
~~4,715 - 4,991~~	~~200.00~~	~~201.00~~
~~4,992 - 5,268~~	~~224.00~~	~~225.00~~
~~5,269 - 5,545~~	~~250.00~~	~~251.00~~

~~Family Size 8~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 309~~	~~$ 1.00~~	~~$ 2.00~~
~~310 - 617~~	~~1.00~~	~~2.00~~
~~618 - 926~~	~~1.00~~	~~2.00~~
~~927 - 1,234~~	~~1.00~~	~~2.00~~
~~1,235 - 1,543~~	~~1.00~~	~~2.00~~
~~1,544 - 1,851~~	~~19.00~~	~~20.00~~
~~1,852 - 2,159~~	~~22.00~~	~~23.00~~
~~2,160 - 2,468~~	~~25.00~~	~~26.00~~
~~2,469 - 2,776~~	~~28.00~~	~~29.00~~
~~2,777 - 3,085~~	~~31.00~~	~~32.00~~
~~3,086 - 3,393~~	~~68.00~~	~~69.00~~
~~3,394 - 3,701~~	~~93.00~~	~~94.00~~
~~3,702 - 4,010~~	~~110.00~~	~~111.00~~
~~4,011 - 4,318~~	~~130.00~~	~~131.00~~
~~4,319 - 4,627~~	~~150.00~~	~~151.00~~
~~4,628 - 4,935~~	~~173.00~~	~~174.00~~
~~4,936 - 5,244~~	~~197.00~~	~~198.00~~
~~5,245 - 5,552~~	~~222.00~~	~~223.00~~
~~5,553 - 5,860~~	~~249.00~~	~~250.00~~
~~5,861 - 6,169~~	~~278.00~~	~~279.00~~

~~TABLE B~~

~~Family Size 2~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~
~~$ 0 - 327~~	~~$ 4.33~~
~~328 - 491~~	~~13.00~~
~~492 - 654~~	~~21.67~~
~~655 - 818~~	~~34.66~~
~~819 - 981~~	~~47.66~~
~~982 - 1,145~~	~~65.00~~
~~1,146 - 1,308~~	~~86.66~~
~~1,309 - 1,472~~	~~108.33~~
~~1,473 - 1,636~~	~~134.32~~
~~1,637 - 1,799~~	~~160.32~~
~~1,800 - 1,962~~	~~186.32~~
~~1,963 - 2,125~~	~~212.32~~
~~2,126 - 2,288~~	~~238.32~~
~~2,289 - 2,429~~	~~264.31~~

~~Family Size 3~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 Children Monthly Co-Pay~~
~~$ 0 - 423~~	~~$ 4.33~~	~~$ 8.67~~
~~424 - 606~~	~~13.00~~	~~17.33~~
~~607 - 808~~	~~21.67~~	~~30.33~~
~~809 - 1,010~~	~~34.66~~	~~52.00~~
~~1,011 - 1,212~~	~~47.66~~	~~69.33~~
~~1,213 - 1,414~~	~~65.00~~	~~95.33~~
~~1,415 - 1,616~~	~~86.66~~	~~147.32~~
~~1,617 - 1,818~~	~~108.33~~	~~190.65~~
~~1,819 - 2,020~~	~~134.32~~	~~233.98~~
~~2,021 - 2,222~~	~~160.32~~	~~277.31~~
~~2,223 - 2,424~~	~~186.32~~	~~320.64~~

~~2,425 - 2,626~~	~~212.32~~	~~363.97~~
~~2,627 - 2,828~~	~~238.32~~	~~407.30~~
~~2,829 - 3030~~	~~264.31~~	~~450.63~~
~~3,031 - 3,052~~	~~290.31~~	~~493.96~~

~~Family Size 4~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 481~~	~~$ 4.33~~	~~$ 8.67~~
~~482 - 722~~	~~13.00~~	~~17.33~~
~~723 - 962~~	~~21.67~~	~~30.33~~
~~963 - 1,203~~	~~34.66~~	~~52.00~~
~~1,204 - 1,443~~	~~47.66~~	~~69.33~~
~~1,444 - 1,684~~	~~65.00~~	~~95.33~~
~~1,685 - 1,924~~	~~86.66~~	~~147.32~~
~~1,925 - 2,165~~	~~108.33~~	~~190.65~~
~~2,166 - 2,405~~	~~134.32~~	~~233.98~~
~~2,406 - 2,646~~	~~160.32~~	~~277.31~~
~~2,647 - 2,887~~	~~186.32~~	~~320.64~~
~~2,888 - 3,128~~	~~212.32~~	~~363.97~~
~~3,129 - 3,369~~	~~238.32~~	~~407.30~~
~~3,370 - 3,610~~	~~264.31~~	~~450.63~~
~~3,611 - 3,675~~	~~290.31~~	~~493.96~~

~~Family Size 5~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 558~~	~~$ 4.33~~	~~$ 8.67~~
~~559 - 837~~	~~13.00~~	~~17.33~~
~~838 - 1,116~~	~~21.67~~	~~30.33~~
~~1,117 - 1,395~~	~~34.66~~	~~52.00~~
~~1,396 - 1,674~~	~~47.66~~	~~69.33~~
~~1,675 - 1,953~~	~~65.00~~	~~95.33~~

~~1,954 - 2,232~~	~~86.66~~	~~147.32~~
~~2,233 - 2,511~~	~~108.33~~	~~190.65~~
~~2,512 - 2,790~~	~~134.32~~	~~233.98~~
~~2,791 - 3,069~~	~~160.32~~	~~277.31~~
~~3,070 - 3,348~~	~~186.32~~	~~320.64~~
~~3,349 - 3,627~~	~~212.32~~	~~363.97~~
~~3,628 - 3,906~~	~~238.32~~	~~407.30~~
~~3,907 - 4,185~~	~~264.31~~	~~450.63~~
~~4,186 - 4,299~~	~~290.31~~	~~493.96~~

~~Family Size 6~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 635~~	~~$ 4.33~~	~~$ 8.67~~
~~636 - 952~~	~~13.00~~	~~17.33~~
~~953 - 1,270~~	~~21.67~~	~~30.33~~
~~1,271 - 1,587~~	~~34.66~~	~~52.00~~
~~1,588 - 1,905~~	~~47.66~~	~~69.33~~
~~1,906 - 2,222~~	~~65.00~~	~~95.33~~
~~2,223 - 2,540~~	~~86.66~~	~~147.32~~
~~2,541 - 2,857~~	~~108.33~~	~~190.65~~
~~2,858 - 3,175~~	~~134.32~~	~~233.98~~
~~3,176 - 3,492~~	~~160.32~~	~~277.31~~
~~3,493 - 3,809~~	~~186.32~~	~~320.64~~
~~3,810 - 4,126~~	~~212.32~~	~~363.97~~
~~4,127 - 4,443~~	~~238.32~~	~~407.30~~
~~4,444 - 4,760~~	~~264.31~~	~~450.63~~
~~4,761 - 4,922~~	~~290.31~~	~~493.96~~

~~Family Size 7~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 649~~	~~$ 4.33~~	~~$ 8.67~~

~~650 - 974~~	~~13.00~~	~~17.33~~
~~975 - 1,299~~	~~21.67~~	~~30.33~~
~~1,300 - 1,623~~	~~34.66~~	~~52.00~~
~~1,624 - 1,948~~	~~47.66~~	~~69.33~~
~~1,949 - 2,273~~	~~65.00~~	~~95.33~~
~~2,274 - 2,598~~	~~86.66~~	~~147.32~~
~~2,599 - 2,922~~	~~108.33~~	~~190.65~~
~~2,923 - 3,247~~	~~134.32~~	~~233.98~~
~~3,248 - 3,572~~	~~160.32~~	~~277.31~~
~~3,573 - 3,897~~	~~186.32~~	~~320.64~~
~~3,898 - 4,222~~	~~212.32~~	~~363.97~~
~~4,223 - 4,547~~	~~238.32~~	~~407.30~~
~~4,548 - 4,872~~	~~264.31~~	~~450.63~~
~~4,873 - 5,197~~	~~290.31~~	~~493.96~~
~~5,198 - 5,522~~	~~316.31~~	~~537.29~~
~~5,523 - 5,545~~	~~342.31~~	~~580.62~~

~~Family Size 8~~

~~Monthly Income~~	~~1 Child Monthly Co-Pay~~	~~2 or more Children Monthly Co-Pay~~
~~$ 0 - 664~~	~~$ 4.33~~	~~$ 8.67~~
~~665 - 996~~	~~13.00~~	~~17.33~~
~~997 - 1,328~~	~~21.67~~	~~30.33~~
~~1,329 - 1,660~~	~~34.66~~	~~52.00~~
~~1,661 - 1,992~~	~~47.66~~	~~69.33~~
~~1,993 - 2,323~~	~~65.00~~	~~95.33~~
~~2,324 - 2,655~~	~~86.66~~	~~147.32~~
~~2,656 - 2,987~~	~~108.33~~	~~190.65~~
~~2,988 - 3,319~~	~~134.32~~	~~233.98~~
~~3,320 - 3,651~~	~~160.32~~	~~277.31~~
~~3,652 - 3,983~~	~~186.32~~	~~320.64~~
~~3,984 - 4,315~~	~~212.32~~	~~363.97~~
~~4,316 - 4,647~~	~~238.32~~	~~407.30~~
~~4,648 - 4,979~~	~~264.31~~	~~450.63~~
~~4,980 - 5,311~~	~~290.31~~	~~493.96~~
~~5,312 - 5,643~~	~~316.31~~	~~537.29~~

~~5,644 - 5,975~~	~~342.31~~	~~580.62~~
~~5,976 - 6,169~~	~~368.31~~	~~623.95~~

(Source: Amended at 36 Ill. Reg. 1564, effective January 17, 2012)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code citation: 35 Ill. Adm. Code 702

3)

Section numbers:	Adopted action:
702.101	Amended
702.110	Amended
702.123	Amended
702.150	Amended
702.161	Amended

4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) Effective date of amendments: January 20, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in the Illinois Register: October 28, 2011; 35 Ill. Reg. 17190

10) Has JCAR issued a statement of objections to these amendments? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of January 5, 2012 in docket R11-14 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated October 6, 2011 in docket R11-14. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

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

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 28, 2011 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 5, 2012 in docket R11-14, as indicated in item 11 above. See the January 5, 2012 opinion and order in docket R11-14 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: The following briefly describes the subjects and issues involved in the docket R11-14 rulemaking of which the amendments to Part 702 are a single segment. Also affected are 35 Ill. Adm. Code 704, 705, and 730, which are covered by separate notices in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of October 6, 2011, proposing amendments in docket R11-14, which opinion and order is available from the address below.

This proceeding updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R11-14	Federal UIC amendments that occurred during the period July 1, 2010 through December 31, 2010.

The R11-14 docket amends rules in Parts 702, 704, 705, and 730. The amendments to the Parts are inter-related. The following table briefly summarizes the federal action in the update period:

December 10, 2010 (75 Fed. Reg. 77230)

Description of the USEPA action: USEPA designated carbon dioxide injection wells used for geosequestration of carbon as Class VI injection wells and established standards for permitting, design, and operation of Class VI wells.

The amendments to Part 702 are a single segment of the docket R11-14 rulemaking that also affects 35 Ill. Adm. Code 704, 705, and 730, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R11-14 rulemaking in this issue of the Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of October 6, 2011, proposing amendments in docket R11-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 702 implement the federal standards for Class VI carbon sequestration injection wells in Illinois.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R11-14 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 January 5, 2012 opinion and order in docket R11-14.

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

Please reference consolidated docket R11-14 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 January 5, 2012 at 312-814-3620. Alternatively, you may obtain a copy of the Board' 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

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

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702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
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SUBPART D: ISSUED PERMITS

Section
702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273,

effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012.

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

a) Coverage.

1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:

A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act [415 ILCS 5/Title V and Title X].

B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act [415 ILCS 5/Title III and Title X].

2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.

b) Structure.

1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:

A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.

B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.

C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code702 and 704, 35 Ill. Adm. Code 704 will control.

D) The regulations of 35 Ill. Adm. Code 705 establish procedures for issuance of RCRA and UIC permits by the Agency .

2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are indicated in the following table:

	RCRA AND UIC Subpart of 35 Ill. Adm. Code 702 ~~Subpart~~	RCRA Subpart of 35 Ill. Adm. Code 703 ~~Subpart~~	UIC Subpart of 35 Ill. Adm. Code 704 ~~Subpart~~
General	A	A	A
Prohibitions	–	B	B
Authorization by Rule	–	C	C
Permit Application	B	D	D
Special Forms of Permits	–	E	–
Permit Conditions	C	F	E
Issued Permits	D	–	H
Permit Modification	–	G	–
Remedial Action Plans	–	H	–
Intergration with	–	I	–

MACT Standards			
RCRA Standardized Permits	–	J	–
Requirements Applicable to Hazardous Waste Injection Wells	–	–	F
Financial Responsibilty for Class I Hazardous Waste Injection Wells	–	–	G
Requirements Applicable to Class V Injection Wells	–	–	I
Requirements Applicable to Class VI Injection Wells			J

c) Relation to other requirements.

1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.

2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:

RCRA	35 Ill. Adm. Code 720 through 728, 733, and 739
UIC	35 Ill. Adm. Code 730 and 738

BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1 (2011).

(Source: Amended at 36 Ill. Reg. 1588, effective January 20, 2012)

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate act and regulations, as such are defined in this Section. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

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

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency pursuant to35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act, whichever is applicable, and the applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or section~~Section~~ 1422 of the SDWA (42 USC 300h-1) (UIC).

"Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" (RCRA and UIC) means the Illinois Pollution Control Board.

"Cesspool" (UIC) means a drywell that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a Hazardous waste management facility pursuant to 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

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

"Corrective action management unit" or "CAMU" (RCRA) means an area within a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm. Code 724 for the purpose of implementing corrective action requirements pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC 6928(h)). A CAMU must only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility. BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as amended.

"Date of approval by USEPA of the Illinois UIC program" (UIC) means March 3, 1984.

"Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a permit. A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of draft permit. A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft permit. A proposed permit is not a draft permit.

"Drywell" (UIC) means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" (RCRA) means a device of which the following is true:

> It is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or 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 35 Ill. Adm. Code 720.110.

"Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC) means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in

the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" (RCRA) means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if the following occurs:

The owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction; and

Either of the following has transpired:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

"Existing injection well" (UIC) means an injection well that is not a new injection well.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Federal, State, and local approvals or permits necessary to begin physical construction" (RCRA) means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final authorization" (RCRA) means January 31, 1986, the date of approval by USEPA of the Illinois hazardous waste management program that has met the requirements of section~~Section~~ 3006(b) of RCRA (42 USC 6926(b)) and the applicable requirements of subpart A of 40 CFR 271.

"Fluid" (UIC) means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means fluid present in a formation under natural conditions, as opposed to introduced fluids, such as drilling mud.

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in a subsurface geologic formation. This term does not apply to carbon dioxide capture or transport.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste" (RCRA and UIC) means hazardous~~Hazardous~~ waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" or "HWM facility" (RCRA) means 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 (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means hazardous~~Hazardous~~ waste management facility.

"Improved sinkhole" (UIC) means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into

the subsurface.

"Injection well" (RCRA and UIC) means a well into which fluids are being injected.

"Injection zone" (UIC) means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"In operation" (RCRA) means a facility that is treating, storing, or disposing of hazardous waste.

"Interim authorization" (RCRA) means May 17, 1982, the date of approval by USEPA of the Illinois hazardous waste management~~Hazardous Waste Management~~ program that has met the requirements of section 3006(g)(2) of RCRA (42 USC 6926(g)(2)) and applicable requirements of 40 CFR 271.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the appropriate act and regulations.

"Major facility" means any RCRA or UIC facility or activity classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements pursuant to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved program.

"New HWM facility" (RCRA) means a hazardous waste management facility that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois. BOARD NOTE: See 40 CFR 147.700 (2011)~~(1998)~~ and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not on-site.

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private rights-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the rights-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA or UIC program.

"Permit" means an authorization, license, or equivalent control document issued to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action, such as a draft permit or a proposed permit.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box – the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means publicly owned treatment works.

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in table II, column 2 in appendix B to 10 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act [415 ILCS 5/21(f)].

"RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued for all RCRA standardized permits and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" (RCRA and UIC) means the Regional Administrator of the USEPA Region in which the facility is located or the Regional Administrator's designee.

BOARD NOTE: Illinois is in USEPA Region 5.

"Remedial action plan " or "RAP" (RCRA) means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" (UIC) means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance"(RCRA and UIC) means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate act and regulations.

"SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

"Septic system" (UIC) means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" (RCRA and UIC) means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" (RCRA and UIC) means "Standard Industrial Classification code." This is the code 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 35 Ill. Adm. Code 720.111.

"State" (RCRA and UIC) means the State of Illinois.

"State Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" (RCRA and UIC) means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) 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.

"Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" (UIC) means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" (RCRA) means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of

"hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" (UIC) means the Underground Injection Control program.

"Underground injection" (UIC) means a well injection.

"Underground source of drinking water" or "USDW" (RCRA and UIC) means an aquifer or its portion that is not an exempted aquifer and of which either of the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/ℓ total dissolved solids.

"USDW" (RCRA and UIC) means an underground source of drinking water.

"Wastewater treatment unit" (RCRA) means a device of which the following is true:

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater

treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3 and 270.2 (2011) ~~2005, as amended at 70 Fed. Reg. 53420 (Sept. 8, 2005)~~.

(Source: Amended at 36 Ill. Reg. 1588, effective January 20, 2012)

SUBPART B: PERMIT APPLICATIONS

Section 702.123 Information Requirements

An applicant for a RCRA or UIC Class I, III, or V permit must provide the following information to the Agency, using the application form provided by the Agency (additional information required of applicants is set forth in Subpart D of 35 Ill. Adm. Code 703 (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)). An applicant for a Class VI injection well permit must follow the criteria provided in 35 Ill. Adm. Code 730.182.

a) The activities conducted by the applicant that require it to obtain a permit under RCRA or UIC.

b) The name, mailing address, and location of the facility for which the application is submitted.

c) Up to four SIC codes that best reflect the principal products or services provided by the facility.

d) The operator's name, address, telephone number, ownership status, and status as

Federal, State, private, public, or other entity.

e) This subsection (e) corresponds with 40 CFR 144.31(e)(5) and 270.13(f), relating to facilities on Indian lands. The Board has replaced the corresponding federal text with this statement to maintain structural parity with the corresponding federal rules.~~The name, address, and phone number of the owner of the facility.~~

f) A listing of all permits or construction approvals received or applied for under any of the following programs:

1) The hazardous waste management program under RCRA, this Part, and 35 Ill. Adm. Code 703;

2) The UIC program under SDWA, this Part, and 35 Ill. Adm. Code 704;

3) The National Pollutant Discharge Elimination System (NPDES) program under the federal CWA (33 USC 1251 et seq.) and 35 Ill. Adm. Code 309;

4) The Prevention of Significant Deterioration (PSD) program under the federal Clean Air Act (42 USC 7401 et seq.);

5) The nonattainment program under the federal Clean Air Act;

6) The National Emission Standards for Hazardous Pollutants (NESHAPs) preconstruction approval under the federal Clean Air Act;

7) Any ocean dumping permits under the federal Marine Protection Research and Sanctuaries Act (33 UCS 1401 et seq.);

8) Any dredge or fill permits under Section 404 of CWA (33 USC 1344); and

9) Any other relevant environmental permits, including any State-issued permits.

g) A topographic map (or other map if a topographic map is unavailable) extending 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water

bodies, and drinking water wells listed in public records or which are otherwise known to the applicant within 402 meters (one-quarter mile) of the facility property boundary.

h) A brief description of the nature of the business.

BOARD NOTE: Derived from 40 CFR 144.31(e)(1) through (e)(8) ~~144.31(e)~~ and 270.13(a) through (f) and (k) through (m) (2011)~~270.13 (2005)~~.

(Source: Amended at 36 Ill. Reg. 1588, effective January 20, 2012)

SUBPART C: PERMIT CONDITIONS

Section 702.150 Monitoring and Records

a) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

b) The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by its permit; and records of all data used to complete the application for its permit for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Agency at any time.

c) Records of monitoring information must include all of the following information:

1) The date, exact place, and time of sampling or measurements;

2) The individuals who performed the sampling or measurements;

3) The dates analyses were performed;

4) The individuals who performed the analyses;

5) The analytical techniques or methods used; and

6) The results of such analyses.

d) The owner or operator of a Class VI injection well must retain records as specified in Subpart H of 35 Ill. Adm. Code 730, including Sections 730.184(g), 730.191(f), 730.192(d), 730.193(f), and 730.193(h).

BOARD NOTE: Derived from 40 CFR 144.51(j) and 270.30(j) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1588, effective January 20, 2012)

Section 702.161 Duration of Permits

a) Permit duration.

1) RCRA. A RCRA permit must be effective for a fixed term to be determined by the Agency on a case-by-case basis, but not to exceed 10~~ten~~ years.

2) UIC. A UIC permit for a Class I or Class V injection well must be effective for a fixed term to be determined by the Agency on a case-by-case basis, but not to exceed 10~~ten~~ years. A UIC permit for a Class III injection well must be issued for a period not to exceed five years; provided, however, that the Agency must, without requiring a new application, renew such permits for a period not to exceed five years per renewal, up to the operating life of the facility, unless the Agency determines that the permit should be modified, reissued, or a minor modification made, as provided in Sections 702.183 through 702.187, in which case the permittee must file a new permit application. A UIC permit for a Class VI injection well must be issued for a period not to exceed five years; provided, however, that the Agency must, without requiring a new application, renew a Class VI injection well permit for a period not to exceed five years per renewal, up to the operating life of the facility and the post-injection site care period, unless the Agency determines that the permit should be modified, reissued, or a minor modification made, as provided in Sections 702.183 through 702.187, in which case the permittee must file a new permit application.

b) Except as provided in Section 702.125, the term of a permit must not be extended by modification beyond the maximum duration specified in this Section.

c) The Agency may issue any permit for a duration that is less than the full

allowable term pursuant to this Section.

d) The Agency must review each RCRA permit for a land disposal facility no later than five years after the date of permit issuance or reissuance, and the Agency must modify the permit as necessary, as provided in Section 702.183 and 702.184.

BOARD NOTE: Derived from 40 CFR 144.36 and 270.50 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1588, effective January 20, 2012)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: UIC Permit Program

2) Code Citation: 35 Ill. Adm. Code 704

3)

Section Numbers:	Adopted Action:
704.102	Amended
704.103	Amended
704.104	Amended
704.106	Amended
704.122	Amended
704.123	Amended
704.125	New Section
704.128	New Section
704.129	New Section
704.142	Amended
704.150	Amended
704.162	Amended
704.181	Amended
704.182	Amended
704.184	Amended
704.189	Amended
704.190	Amended
704.260	Amended
704.262	Amended
704.264	Amended
704.280	Amended

4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) Effective date of amendments: January 20, 2012

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 January 5, 2012 in docket R11-14, 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: October 28, 2011; 35 Ill. Reg. 17215

10) Has JCAR issued a statement of objection to this rulemaking? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of January 5, 2012 in docket R11-14 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated October 6, 2011, in docket R11-14. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

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

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 28, 2011 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 5, 2012 in docket R11-14, as indicated in item 11 above. See the January 5, 2012 opinion and order in docket R11-14 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 704 are a single segment of the docket R11-14 rulemaking that also affects 35 Ill. Adm. Code 702, 705, and 730, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R11-14 rulemaking in this issue of the Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, adopting amendments in docket R11-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 704 implement the federal standards for Class VI carbon sequestration injection wells in Illinois.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R11-14 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 January 5, 2012 opinion and order in docket R11-14.

16) Information and questions regarding these adopted amendments shall be submitted to: Please reference consolidated docket R11-14 and direct inquiries to the following person:

Michael J. McCambridge
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 January 5, 2012 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 704
UIC PERMIT PROGRAM

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704.101 Content
704.102 Scope of the Permit or Rule Requirement
704.103 Identification of Aquifers
704.104 Exempted Aquifers
704.105 Specific Inclusions and Exclusions
704.106 Classification of Injection Wells
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704.147 Requiring a Permit
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SUBPART D: APPLICATION FOR PERMIT

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SUBPART E: PERMIT CONDITIONS

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704.188 Plugging and Abandonment
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SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

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SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

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704.211 Definitions
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704.213 Financial Assurance for Plugging and Abandonment
704.214 Trust Fund
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704.216 Surety Bond Guaranteeing Performance
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704.218 Plugging and Abandonment Insurance
704.219 Financial Test and Corporate Guarantee
704.220 Multiple Financial Mechanisms
704.221 Financial Mechanism for Multiple Facilities
704.222 Release of the Owner or Operator
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SUBPART H: ISSUED PERMITS

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704.260 Transfer
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SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

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704.281 Examples of Class V Injection Wells
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704.286 Definitions
704.287 Location in a Groundwater Protection Area or Another Sensitive Area
704.288 Additional Requirements
704.289 Closure of a Class V Injection Well

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended in R00-11/R01-1 at 24 Ill. Reg. 18612, effective December 7, 2000; amended in R01-30 at 25 Ill. Reg. 11139, effective August 14, 2001; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 605, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1613, effective January 20, 2012.

SUBPART A: GENERAL PROVISIONS

Section 704.102 Scope of the Permit or Rule Requirement

Although six~~five~~ classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705, and 730 regulates underground injection for only five~~four~~ classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class II wells (Section 704.106(b)) are not subject to the requirements found in 35 Ill. Adm. Code 702, 704, 705, and 730. The UIC permit program for Class II wells is regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division, pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 Ill. Adm. Code 240). The owner or operator of a Class I, Class III, Class IV, or Class V injection well must be authorized either by permit or by rule. In carrying out the mandate of the SDWA, this Part provides that no injection may be authorized by permit or by rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122), if the presence of that contaminant may cause a violation of any primary drinking water regulation under 35 Ill. Adm. Code 611, or if the presence of that

contaminant may adversely affect the health of persons (Section 704.122). Section 704.124 prohibits the construction, operation, or maintenance of a Class IV injection well. A Class V injection well is regulated under Subpart I of this Part. If remedial action appears necessary for a Class V injection well, an individual permit may be required (Subpart C of this Part) or the Agency must require remedial action or closure by order (see Section 704.122(c)).

BOARD NOTE: Derived from 40 CFR 144.1(g) preamble (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.103 Identification of Aquifers

During UIC program development, the Agency may identify aquifers and portions of aquifers that are actual or potential sources of drinking water. This identification will provide an aid to the Agency in carrying out its duty to protect all USDWs. An aquifer is a USDW if it fits the definition in 35 Ill. Adm. Code 702.110, even if it has not been identified by the Agency.

BOARD NOTE: See 35 Ill. Adm. Code 702.106. Derived from 40 CFR 144.1(g) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.104 Exempted Aquifers

The Board may designate "exempted aquifers" using criteria in 35 Ill. Adm. Code 730. Such an aquifer is one that would otherwise qualify as a USDW to be protected, but which has no real potential to be used as a source of drinking water. Therefore they are not USDWs. No aquifer is an ~~"~~exempted aquifer~~"~~ until it has been affirmatively designated under the procedures set forth in Section 704.123. An aquifer that does not fit the definition of a USDW is not an exempted aquifer. It is simply not subject to the special protection afforded a USDW. During initial Class VI injection well program development, the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells must not be expanded. All Class II to Class VI injection well aquifer exemption expansions previously issued must be incorporated into the Class VI injection well program descriptions required by USEPA pursuant to 40 CFR 145.23(f)(9).

BOARD NOTE: See 35 Ill. Adm. Code 702.105. Derived from 40 CFR 144.1(g) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.106 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I injection wells. Any of the following is a Class I injection well:

1) A well used by a generator of hazardous waste or the owner or operator of a hazardous waste management facility to inject hazardous waste beneath the lowermost formation containing a USDW within 402 meters (one-quarter mile) of the well bore.

2) Any other industrial and municipal disposal well that injects fluids beneath the lowermost formation containing a USDW within 402 meters (one-quarter mile) of the well bore.

3) A radioactive waste disposal well that injects fluids below the lowermost formation containing a USDW within 402 meters (one quarter-mile) of the well bore.

b) Class II injection wells. Any well that injects any of the following fluids is a Class II injection well:

1) Fluids that are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production, and which may be commingled with waste waters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) Fluids injected for enhanced recovery of oil or natural gas; and

3) Fluids injected for storage of hydrocarbons that are liquid at standard temperature and pressure.

c) Class III injection wells. Any well that injects fluids for the extraction of minerals, including the following:

1) The mining of sulfur by the Frasch process;

2) The in-situ production of uranium or other metals. This category includes

only in-situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included as a Class V injection well; and

3) Solution mining of salts or potash.

d) Class IV injection wells. Any of the following is a Class IV injection well:

1) A well used by a generator of hazardous waste or of radioactive waste, by the owner or operator of a hazardous waste management facility or by the owner or operator of a radioactive waste disposal site to dispose of hazardous wastes or radioactive wastes into a formation that contains a USDW within 402 meters (one-quarter mile) of the well.

2) A well used by a generator of hazardous waste or of radioactive waste, by the owner or operator of a hazardous waste management facility, or by the owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste above a formation that contains a USDW within 402 meters (one-quarter mile) of the well.

3) A well used by a generator of hazardous waste or the owner or operator of a hazardous waste management facility to dispose of hazardous waste that cannot be classified under any of subsections (a)(1), (d)(1), or (d)(2) of this Section (e.g., a well that is used to dispose of hazardous waste into or above a formation that contains an aquifer that has been exempted pursuant to 35 Ill. Adm. Code 730.104).

e) Class V injection wells. Any injection well that is not classified as a Class I, II, III, ~~or~~ IV, or VI injection well. Section 704.281 describes specific types of Class V injection wells.

f) Class VI injection wells.

1) An injection well that is not experimental in nature that is used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW;

2) An injection well that is used for geologic sequestration of carbon dioxide which has been granted a permit that includes alternative injection well depth requirements pursuant to Section 730.195; or

3) An injection well that is used for geologic sequestration of carbon dioxide which has received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 704.123(d) and 35 Ill. Adm. Code 730.104.

BOARD NOTE: Derived from 40 CFR 144.6 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART B: PROHIBITIONS

Section 704.122 Prohibition Against Movement of Fluid into USDW

a) No owner or operator may construct, operate, maintain, convert, plug, abandon or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into a USDW, if the presence of that contaminant could cause a violation of any national primary drinking water regulation under 35 Ill. Adm. Code 611 (derived from 40 CFR 141) or could otherwise adversely affect the health of persons. The applicant for a permit has the burden of showing that the requirement of this subsection (a) is met.

b) For a Class I, ~~or~~ III, or VI injection well, if any water quality monitoring of a USDW indicates the movement of any contaminant into the USDW, except as authorized under 35 Ill. Adm. Code 730, the Agency must prescribe such additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of a well authorized by permit, these additional requirements must be imposed by modifying the permit in accordance with 35 Ill. Adm. Code 702.183 through 702.185, or appropriate enforcement action may be taken if the permit has been violated, and the permit may be subject to revocation under 35 Ill. Adm. Code 702.186 if cause exists. In the case of wells authorized by rule, see Section 704.141 through 704.146.

c) For a Class V injection well, if at any time the Agency learns that a Class V injection well could cause a violation of any national primary drinking water

regulation under 35 Ill. Adm. Code 611 (derived from 40 CFR 141), it must undertake one of the following actions:

1) It must require the injector to obtain an individual permit;

2) It must issue a permit that requires the injector to take such actions (including, where necessary, closure of the injection well) as may be necessary to prevent the violation; or

3) It may initiate enforcement action.

d) Whenever the Agency learns that a Class V injection well may be otherwise adversely affecting the health of persons, it may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under subsection (c) of this Section.

e) Notwithstanding any other provision of this Section, the Agency may take emergency action upon receipt of information that a contaminant that is present in or is likely to enter a public water system or a USDW may present an imminent and substantial endangerment to the health of persons. The Agency may declare an emergency and affix a seal pursuant to Section 34 of the Act [415 ILCS 5/34].

BOARD NOTE: Derived from 40 CFR 144.12 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.123 Identification of USDWs and Exempted Aquifers

a) The Agency may identify (by narrative description, illustrations, maps, or other means) and must protect~~, except where exempted under subsection (b) of this Section,~~ as a USDW, any aquifer or part of an aquifer that meets the definition of a USDW set forth in 35 Ill. Adm. Code 702.110, except as one of the exceptions of subsections (a)(1) and (a)(2) of this Section applies. Other than Agency-approved aquifer exemption expansions that meet the criteria set forth in 35 Ill. Adm. Code 730.104, a new aquifer exemption must not be issued for a Class VI injection well. Even if an aquifer has not been specifically identified by the Agency, it is a USDW if it meets the definition in 35 Ill. Adm. Code 702.110. Identification of USDWs must be made according to criteria adopted by the Agency pursuant to 35 Ill. Adm. Code 702.106.

1) The Agency may not identify an aquifer or part of an aquifer as a USDW to the extent that there is an applicable aquifer exemption under subsection (b) of this Section.

2) The Agency may not identify an aquifer or part of an aquifer as a USDW to the extent that the aquifer or part of an aquifer is an expansion to the areal extent of an existing Class II enhanced oil recovery or is subject to an enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under subsection (d) of this Section.

b) Identification of an exempted aquifer.

1) The Agency may identify (by narrative description, illustrations, maps, or other means) and describe in geographic or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, any aquifer or part of an aquifer that the Agency desires the Board to designate as an exempted aquifer using the criteria in 35 Ill. Adm. Code 730.104, as described in this subsection (b).

2) No designation of an exempted aquifer may be final until approved by USEPA as part of the State program.

3) Subsequent to program approval, the Board may identify additional exempted aquifers.

4) Identification of exempted aquifers must be by rulemaking pursuant to 35 Ill. Adm. Code 102 and 702.105 and Sections 27 and 28 of the Act [415 ILCS 5/27 and 28], considering the criteria set forth in 35 Ill. Adm. Code 730.104.

c) For a Class III injection well, an applicant for a permit that necessitates an aquifer exemption under 35 Ill. Adm. Code 730.104(b)(1) must furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method, and a timetable of planned

development of the mining zone must be considered by the Board in addition to the information required by Section 704.161(c). Approval of the exempted aquifer must be by rulemaking pursuant to 35 Ill. Adm. Code 102 and 702.105 and Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]. Rules will not become final until approved by USEPA as a program revision.

d) Expansion to the Areal Extent of Existing Class II Aquifer Exemptions for Class VI Wells. The owner or operator of a Class II enhanced oil recovery or enhanced gas recovery well may request that the Agency approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. A request for areal expansion must be treated as a revision to the applicable federal UIC program under 40 CFR 147 or as a substantial program revision to an approved state UIC program under 40 CFR 145.32 and will not be final until approved by USEPA.

1) The request for an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts of aquifers that are requested to be designated as exempted using the criteria in 35 Ill. Adm. Code 730.104.

2) In making a determination to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the Agency must determine that the request meets the criteria for exemptions in 35 Ill. Adm. Code 730.104. In evaluating a request, the Agency must consider:

A) Any current and potential future use of the USDWs to be exempted as drinking water resources;

B) The predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the geologic sequestration project, as informed by computational modeling performed pursuant to 35 Ill. Adm. Code 730.184(c)(1), in order to ensure that the proposed injection

operation will not at any time endanger USDWs including non-exempted portions of the injection formation;

C) Whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review, pursuant to 35 Ill. Adm. Code 730.184(e); and

D) Any information submitted to support a request by the owner or operator for a permit that includes alternative injection well depth requirements pursuant to 35 Ill. Adm. Code 730.195, if appropriate.

BOARD NOTE: Derived from 40 CFR 144.7 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.125 Prohibition Against Non-Experimental Class V Injection Wells for Geologic Sequestration

The construction, operation, or maintenance of any non-experimental Class V geologic sequestration well is prohibited.

BOARD NOTE: Derived from 40 CFR 144.15 (2011).

(Source: Added at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.128 Requirements for Class VI Injection Wells

The owner or operator of a Class VI injection well must obtain a permit. A Class VI well cannot be authorized by rule to inject carbon dioxide.

BOARD NOTE: Derived from 40 CFR 144.18 (2011).

(Source: Added at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.129 Transitioning from a Class II Injection Well to a Class VI Injection Well

a) The owner or operator of a Class II injection well that is injecting carbon dioxide into an oil and gas reservoir for the primary purpose of long-term storage must apply for and obtain a Class VI injection well geologic sequestration permit when there is an increased risk to a USDW compared to usual Class II injection well operations. In determining if there is an increased risk to a USDW, the owner or operator must consider the factors specified for Agency consideration in subsection (b) of this Section.

b) The Agency must determine when there is an increased risk to a USDW from injecting carbon dioxide into an oil and gas reservoir for the primary purpose of long-term storage compared to usual Class II injection well operations and that a Class VI injection well permit is required. In order to make this determination, the Agency must consider the following factors:

1) Any increase in reservoir pressure within the injection zones;

2) Any increase in carbon dioxide injection rates;

3) Any decrease in reservoir production rates;

4) The distance between the injection zones and USDWs;

5) The suitability of the Class II injection well area of review delineation;

6) The quality of abandoned well plugs within the area of review;

7) The owner's or operator's plan for recovery of carbon dioxide after the cessation of injection;

8) The source and properties of injected carbon dioxide; and

9) Any additional site-specific factors that the Agency determines are necessary to determine whether the injection poses greater risk than usual Class II operations.

BOARD NOTE: Derived from 40 CFR 144.19 (2011).

(Source: Added at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.142 Prohibitions Against Injection into Wells Authorized by Rule

An owner or operator of a well authorized by rule pursuant to this Subpart C is prohibited from injecting into the well on the occurrence of any of the following:

a) Upon the effective date of an applicable permit denial;

b) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;

c) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148;

d) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149;

e) Upon a failure to provide alternative financial assurance pursuant to Section 704.150(d)(6);

f) 48 hours after receipt of a determination by the Agency pursuant to Section 704.150(f)(3) that the well lacks mechanical integrity, unless the Agency orders immediate cessation pursuant to Section 34 of the Act or as ordered by a court pursuant to Section 43 of the Act [415 ILCS 5/43];

g) Upon receipt of notification from the Agency that the transferee has not demonstrated financial assurance pursuant to Section 704.150(d);

h) For Class I and Class III injection wells: after March 3, 1989, unless a timely and complete permit application for a permit was pending the Agency's decision; or

i) This subsection (i) corresponds with 40 CFR 144.21(c)(9), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.

BOARD NOTE: Derived from 40 CFR 144.21(c) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.150 Requirements for Class I and III Injection Wells Authorized by Rule

The following requirements apply to the owner or operator of a Class I or Class III well authorized by rule under this Subpart C, as provided by Section 704.144.

a) The owner or operator must comply with all applicable requirements of this Subpart C and with Sections 704.121, 704.122, 704.124, 704.201, 704.202, and 704.203. Any noncompliance with these requirements constitutes a violation of the Act and SDWA and is grounds for enforcement action, except that the owner or operator need not comply with these requirements to the extent and for the duration such noncompliance is authorized by an emergency permit under Section 704.163.

b) Twenty-four hour reporting. The owner or operator must report any noncompliance that may endanger health or the environment, including either of the events described in subsection (b)(1) or (b)(2) of this Section, subject to the conditions of subsection (b)(3) of this Section:

1) Any monitoring or other information that indicates that any contaminant may cause an endangerment to a USDW; or

2) Any noncompliance or malfunction of the injection system that may cause fluid migration into or between USDWs~~USDW's~~.

3) Any information must be provided orally within 24 hours from the time the owner or operator becomes aware of the circumstances. A written submission must also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

c) Plugging and abandonment plan.

1) The owner or operator must prepare, maintain, and comply with a plan for

plugging and abandonment of the wells or project that meets the requirements of 35 Ill. Adm. Code 730.110. For purposes of this subsection (c), temporary intermittent cessation of injection operations is not abandonment.

2) Submission of plan.

A) The owner or operator must submit the plan on any forms prescribed by the Agency.

B) The owner or operator must submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by subsection (i) of this Section (i.e., 45 days prior to plugging, unless shorter notice is approved).

C) The plan must include the following information:

i) The nature and quantity and material to be used in plugging;

ii) The location and extent (by depth) of the plugs;

iii) Any proposed test or measurement to be made;

iv) The amount, size, and location (by depth) of casing to be left in the well;

v) The method and location where casing is to be parted; and

vi) The estimated cost of plugging the well.

D) After a cessation of operations of two years, the owner or operator must plug and abandon the well in accordance with the plan, unless the owner or operator performs both of the following actions:

i) It provides written notice to the Agency; and

ii) It describes actions or procedures, satisfactory to the

Agency that the owner or operator will take to ensure that the well will not endanger a USDW~~USDW's~~ during the period of temporary abandonment. These actions and procedures must include compliance with the technical requirements applicable to active injection wells, unless the operator obtains regulatory relief in the form of a variance or adjusted standard from the technical requirements pursuant to 35 Ill. Adm. Code 104 and Title IX of the Act [415 ILCS 5/Title IX].

E) The owner or operator of any well that has been temporarily abandoned (ceased operations for more than two years and which has met the requirements of subsections (c)(2)(D)(i) and (c)(2)(D)(ii)) of this Section must notify the Agency in writing prior to resuming operation of the well.

d) Financial responsibility.

1) The owner or operator or transferor of a Class I or Class III injection well is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner acceptable to the Agency until one of the following has occurred:

A) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) of this Section and 35 Ill. Adm. Code 730.110 and submission of a plugging and abandonment report has been made pursuant to subsection (k) of this Section;

B) The well has been converted in compliance with subsection (j) of this Section; or

C) The transferor has received notice from the Agency that the transferee has demonstrated financial responsibility for the well. The owner or operator must show evidence of such financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as a financial statement.

2) The owner or operator was to have submitted such evidence no later than March 3, 1985. Where the ownership or operational control of the well was transferred later than March 3, 1985, the transferee must submit such evidence no later than the date specified in the notice required pursuant to subsection (1)(2) of this Section.

3) The Agency may require the owner or operator to submit a revised demonstration of financial responsibility if the Agency has reason to believe that the original demonstration is no longer adequate to cover the cost of closing, plugging, and abandoning the well.

4) The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of Subpart G of this Part.

5) An owner or operator must notify the Agency by certified mail of the commencement of any voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code that names the owner or operator as debtor, within 10 business days after the commencement of the proceeding. Any party acting as guarantor for the owner or operator for the purpose of financial responsibility must so notify the Agency if the guarantor is named as debtor in any such proceeding.

6) In the event of commencement of a proceeding specified in subsection (d)(5) of this Section, an owner or operator that has furnished a financial statement for the purpose of demonstrating financial responsibility pursuant to this Section will be deemed to be in violation of this subsection (d) until an alternative financial assurance demonstration acceptable to the Agency is provided either by the owner or operator or by its trustee in bankruptcy, receiver, or other authorized party. All parties must be prohibited from injecting into the well until such alternative financial assurance is provided.

e) This subsection (e) corresponds with 40 CFR 144.28(e), which pertains exclusively to enhanced recovery and hydrocarbon storage wells (Class II wells). Those wells are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, rather than by the Board and the Agency. This statement maintains structural consistency with USEPA rules.

f) Operating requirements.

1) No person must cause or allow injection between the outermost casing protecting USDWs and the well bore.

2) Maintenance of mechanical integrity.

A) The owner or operator of a Class I or Class III injection well authorized by rule under this Subpart C must establish and maintain mechanical integrity, as defined in 35 Ill. Adm. Code 730.106, until either of the following has occurred:

i) The well is properly plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) of this Section and 35 Ill. Adm. Code 730.110 and a plugging and abandonment report is submitted pursuant to subsection (k); or

ii) The well is converted in compliance with subsection (j) of this Section.

B) The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.

3) Cessation upon Lack of Mechanical Integrity.

A) When the Agency determines that a Class I (non-hazardous) or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, the Agency must give written notice of its determination to the owner or operator.

B) Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency's determination.

C) The Agency may allow plugging of the well in accordance with 35 Ill. Adm. Code 730.110, or require the owner or operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the

movement of fluid into or between USDWs caused by the lack of mechanical integrity.

D) The owner or operator may resume injection upon receipt of written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.

4) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.

5) For a Class I injection well, unless an alternative to a packer has been approved under 35 Ill. Adm. Code 730.112(c), the owner or operator must fill the annulus between the tubing and the long string of casings with a fluid approved by the Agency and maintain a pressure, also approved by the Agency, on the annulus. The owner or operator of a Class I well completed with tubing and packer must fill the annulus between tubing and casing with a non-corrosive fluid and maintain a positive pressure on the annulus. For any other Class I injection well, the owner or operator must insure that the alternative completion method will reliably provide a comparable level of protection of USDWs.

6) Injection pressure for Class I and III injection wells.

A) Except during stimulation, the owner or operator must not exceed an injection pressure at the wellhead that must be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the injection zone; and

B) The owner or operator must not inject at a pressure that will initiate fractures in the confining zone or cause the movement of injection or formation fluids into a USDW.

g) Monitoring Requirements. The owner or operator must perform the monitoring as described in this subsection (g). Monitoring of the nature of the injected fluids must comply with applicable analytical methods cited in tables IA (List of

Approved Biological Methods), IB (List of Approved Inorganic Test Procedures), IC (List of Approved Test Procedures for Non-Pesticide Organic Compounds), ID (List of Approved Test Procedures for Pesticides), IE (List of Approved Radiologic Test Procedures), and IF (List of Approved Methods for Pharmaceutical Pollutants) of 40 CFR 136.3 (Identification of Test Procedures) (1993) or in appendix III of 40 CFR 261 (Chemical Analysis Test Methods) (1992), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), or with other methods that have been approved by the Agency.

1) The owner or operator of a Class I injection well must undertake the following actions:

A) It must analyze the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics;

B) It must install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing; and

C) It must install and use monitoring wells within the area of review, if required by the Agency, to monitor any migration of fluids into and pressure in the USDWs. The type, number, and location of the wells; the parameters to be measured; and the frequency of monitoring must be approved by the Agency.

2) This subsection (g)(2) corresponds with 40 CFR 144.28(g)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.

3) The owner or operator of a Class III injection well must undertake the following actions:

A) It must provide to the Agency a qualitative analysis and ranges in concentrations of all constituents of injected fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete.

i) The owner or operator may request confidentiality pursuant to Sections 7 and 7.1 of the Act and 35 Ill. Adm. Code 130.

ii) If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations that must not be exceeded.

iii) In such a case the owner or operator must retain records of the undisclosed concentration and provide them upon request to the Agency as part of any enforcement investigation;

B) It must monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;

C) It must monitor the fluid level in the injection zone semi-monthly, where appropriate; and

D) All Class III injection wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates to the Agency that manifold monitoring is comparable to individual well monitoring.

h) Reporting requirements. The owner or operator must submit reports to the Agency as follows:

1) For a Class I injection well, quarterly reports on all of the following:

A) The physical, chemical, and other relevant characteristics of the injection fluids;

B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure;

C) The results from groundwater monitoring wells prescribed in subsection (f)(1)(C) of this Section;

D) The results of any test of the injection well conducted by the owner or operator during the reported quarter if required by the Agency; and

E) Any well work over performed during the reported quarter.

2) This subsection (h)(2) corresponds with 40 CFR 144.28(h)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.

3) For a Class III injection well, all of the following:

A) Quarterly reporting on all monitoring, as required in subsections (f)(2)(A), (f)(2)(B), and (f)(2)(C) of this Section;

B) Quarterly reporting of the results of any periodic tests required by the Agency that are performed during the reported quarter; and

C) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.

i) Retention of records. The owner or operator must retain records of all monitoring information, including the following:

1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement or report. This period may be extended by request of the Agency at any time; and

2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The owner or operator must retain the records after the

three year retention period unless it delivers the records to the Agency or obtains written approval from the Agency to discard the records.

j) Notice of abandonment. The owner or operator must notify the Agency at least 45 days before conversion or abandonment of the well.

k) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either:

1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency; or

2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on any form supplied by the Agency, specifying the different procedures used.

l) Change of ownership.

1) The owner or operator must notify the Agency of a transfer of ownership or operational control of the well at least 30 days in advance of the proposed transfer.

2) The notice must include a written agreement between the transferor and the transferee containing a specific date when the financial responsibility demonstration of subsection (d) of this Section will be met by the transferee.

3) The transferee is authorized to inject unless it receives notification from the Agency that the transferee has not demonstrated financial responsibility pursuant to subsection (d) of this Section.

m) Requirements for a Class I hazardous waste injection well. The owner or operator of any Class I injection well injecting hazardous waste must comply with Section 704.203. In addition the owner or operator must properly dispose of, or decontaminate by removing all hazardous waste residues, all injection well

equipment.

BOARD NOTE: Derived from 40 CFR 144.28 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART D: APPLICATION FOR PERMIT

Section 704.162 Area Permits

a) The Agency may issue a permit on an area basis, rather than for each injection well individually, provided that the permit is for injection wells for which each of the following is~~following are~~ true:

1) The injection wells~~They~~ are described and identified by location in permit applications, if they are existing injection wells, except that the Agency may accept a single description of multiple injection wells with substantially the same characteristics;

2) The injection wells~~They~~ are within the same well field, facility site, reservoir, project, or similar unit in the same state;

3) The injection wells~~They~~ are operated by a single owner or operator; ~~and~~

4) The injection wells~~They~~ are used to inject other than hazardous waste; and~~.~~

5) The injection wells are other than Class VI injection wells.

b) Area permits must specify both of the following:

1) The area within which underground injections are authorized; and

2) The requirements for construction, monitoring, reporting, operation and abandonment for all wells authorized by the permit.

c) The area permit may authorize the permittee to construct and operate, convert, or plug and abandon new injection wells within the permit area provided the following conditions are fulfilled:

1) The permittee notifies the Agency at such time as the permit requires;

2) The additional well satisfies the criteria in subsection (a) of this Section and meets the requirements specified in the permit under subsection (b) of this Section; and

3) The cumulative effects of drilling and operation of additional injection wells are considered by the Agency during evaluation of the area permit application and are acceptable to the Agency.

d) If the Agency determines that any well constructed pursuant to subsection (c) of this Section does not satisfy the requirements of subsections (c)(1) and (c)(2) of this Section, the Agency may modify the permit under 35 Ill. Adm. Code 702.183 through 702.185, seek revocation under 35 Ill. Adm. Code 702.186, or take enforcement action. If the Agency determines that cumulative effects are unacceptable, the permit may be modified under 35 Ill. Adm. Code 702.183 through 702.185.

BOARD NOTE: Derived from 40 CFR 144.33 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART E: PERMIT CONDITIONS

Section 704.181 Additional Conditions

The following conditions apply to all UIC permits, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, and these conditions must be incorporated into all permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

a) In addition to 35 Ill. Adm. Code 702.141 (duty to comply): the permittee needs~~need~~ not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in a temporary emergency permit under Section 704.163.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 144.51(a) (2011)~~(2005)~~.

b) In addition to 35 Ill. Adm. Code 702.150(b) (monitoring and records): the permittee must retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188 or under Subpart G of 35 Ill. Adm. Code 730, as appropriate. The owner or operator must continue to retain the records after the three-year retention period, unless the owner or operator delivers the records to the Agency or obtains written approval from the Agency to discard the records.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 144.51(j)(2)(ii) (2011)~~(2005)~~.

c) In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes), the following limitation applies: except for all new wells authorized by an area permit under Section 704.162(c), a new injection well may not commence injection until construction is complete, and both of the following must occur:

1) The permittee must have submitted notice of completion of construction to the Agency; and

2) Inspection review must have occurred, as follows:

A) The Agency has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

B) The permittee has not received notice from the Agency of its intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in subsection (c)(1) of this Section, in which case prior inspection or review is waived, and the permittee may commence injection. The Agency must include in its notice a reasonable time period in which it will inspect the well.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 144.51(m) (2011)~~(2005)~~.

d) Reporting noncompliance.

1) Twenty-four hour reporting. The permittee must report any noncompliance that may endanger health or the environment, including the following:

A) Any monitoring or other information that indicates that any contaminant may cause an endangerment to a USDW; and

B) Any noncompliance with a permit condition or malfunction of the injection system that may cause fluid migration into or between USDWs.

2) Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must also be provided within five days after the time the permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates, times, and, if the noncompliance has not been corrected, the anticipated time is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance of the noncompliance.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 144.51(1)(6) (2011)~~(2005)~~.

e) The permittee must notify the Agency at such times as the permit requires before conversion or abandonment of the well or, in the case of area permits, before closure of the project.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 144.51(n) (2011)~~(2005)~~.

f) A Class I or Class III injection well permit must include, and a Class V permit may include, conditions that meet the applicable requirements of 35 Ill. Adm. Code 730.110 to ensure~~insure~~ that plugging and abandonment of the well will not allow the movement of fluids into or between USDWs. Where the plan meets the requirements of 35 Ill. Adm. Code 730.110, the Agency must incorporate the plan into the permit as a permit condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate, the Agency may require the applicant to revise the plan, prescribe conditions meeting the

requirements of this subsection (f), or deny the permit. A Class VI injection well permit must include conditions that meet the requirements set forth in 35 Ill. Adm. Code 730.192. Where the plan meets the requirements of 35 Ill. Adm. Code 730.192, the Agency must incorporate the plan into the permit as a permit condition. For purposes of this subsection (f), temporary or intermittent cessation of injection operations is not abandonment.

BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 144.51(o) (2011)~~(2005)~~.

g) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either of the following:

1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency;

2) Where actual plugging differed from the plan previously submitted, an updated version of the plan on the form supplied by the Agency specifying the differences.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 144.51(p) (2011)~~(2005)~~.

h) Duty to establish and maintain mechanical integrity.

1) The owner or operator of a Class I ~~or~~ Class III, or Class VI injection well permitted under this Part and 35 Ill. Adm. Code 702 must establish mechanical integrity prior to commencing injection or on a schedule determined by the Agency. Thereafter the owner or operator of a Class I, Class II, or Class III injection well must maintain~~, and thereafter~~ mechanical integrity~~,~~ as required by ~~defined in~~ 35 Ill. Adm. Code 730.108, and the owner or operator of a Class VI injection well must maintain mechanical integrity as required by Section 730.189. The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be

made.

2) When the Agency determines that a Class I or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108 or 730.189 (for a Class VI injection well), the Agency~~it~~ must give written notice of its determination to the owner or operator. Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency determination. The Agency may allow plugging of the well pursuant to 35 Ill. Adm. Code 730.110 or require the permittee to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.

3) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection, if the owner or operator has made a satisfactory showing that there is no movement of fluid into or between USDWs.

BOARD NOTE: Subsection (h) of this Section is derived from 40 CFR 144.51(q) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.182 Establishing UIC Permit Conditions

In addition to the conditions established under 35 Ill. Adm. Code 702.160 and Section 704.181, each UIC permit must include conditions meeting the requirements of the following Sections, when applicable. A permit for the owner or operator of a Class VI injection well must include conditions meeting the requirements of Subpart H of 35 Ill. Adm. Code 730.

BOARD NOTE: Derived from 40 CFR 144.52(a) preamble (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.184 Corrective Action

UIC permits must require by condition corrective action as set forth in Section 704.193 and 35 Ill. Adm. Code 730.107 and 730.184.

BOARD NOTE: Derived from 40 CFR 144.52(a)(2) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.189 Financial Responsibility

a) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Agency until one of the following occurs:

1) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to Section 704.181(f) and 35 Ill. Adm. Code 730.110 and 730.192, and the permittee has submitted a plugging and abandonment report pursuant to Section 704.181(g);

2) The well has been converted in compliance with Section 704.181(e); or

3) The transferor of a permit has received notice from the Agency that the owner or operator receiving transfer of the permit (the new permittee) has demonstrated financial responsibility for the well.

b) The permittee must show evidence of financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as financial statements or other materials acceptable to the Agency. The Agency may on a periodic basis require the holder of a life-time permit to submit an estimate of the resources needed to plug and abandon the well revised to reflect inflation of such costs, and a revised demonstration of financial responsibility if necessary. For a Class VI injection well, the permittee must show evidence of financial responsibility to the Agency by the submission of an instrument that fulfills the requirements of 35 Ill. Adm. Code 730.185(a), such as a financial statement or other materials necessary for an Agency evaluation of the adequacy of the submitted financial assurance.

c) The owner or operator of a Class I~~well injecting~~ hazardous waste injection well must comply with the financial responsibility requirements set forth in~~of~~ Subpart

G of this Part. The owner or operator of a Class VI injection well must comply with the financial responsibility requirements set forth in 35 Ill. Adm. Code 730.185.

BOARD NOTE: Derived from 40 CFR 144.52(a)(7) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.190 Mechanical Integrity

A permit for any Class I or Class III injection well or injection project that lacks mechanical integrity must include~~, or for any Class V injection well may include,~~ a condition that prohibits ~~prohibiting~~ injection operations until the ~~permittee shows to the satisfaction of the~~ Agency has determined pursuant to 35 Ill. Adm. Code 730.108 ~~under 35 Ill. Adm. Code 730.108~~ that the well has mechanical integrity. A permit for any Class V injection well may include such a condition if the Agency determines that the condition is necessary to prevent a violation of the Act or Board regulations. A permit for any Class VI injection well must include a provision that prohibits injection operations until the Agency determines pursuant to 35 Ill. Adm. Code 730.189 that the well has mechanical integrity.

BOARD NOTE: Derived from 40 CFR 144.52(a)(8) (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART H: ISSUED PERMITS

Section 704.260 Transfer

a) Transfer by modification. Except as provided in subsection (b) of this Section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under Sections 704.261 through 704.264) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred must comply with all the terms and conditions specified in such permit.

b) Automatic transfers. As an alternative to transfers under subsection (a) of this Section, any UIC permit for a well not injecting hazardous or injecting carbon dioxide for geologic sequestration waste may be automatically transferred to a

new permittee if each of the following conditions are fulfilled:

1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date in subsection (b)(2) of this Section;

2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them and the notice demonstrates that the financial responsibility requirements of Section 704.189 will be met by the new permittee and that the new permittee agrees to comply with all the terms and conditions specified in the permit to be transferred under subsection (b) of this Section; and

3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify ~~or reissue~~ the permit. A modification under this subsection (b) may also be a minor modification under Section 704.264. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection (b)(2) of this Section.

BOARD NOTE: Derived from 40 CFR 144.38 (2011), as amended at 75 Fed. Reg. 77303 (Dec. 10, 2010)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.262 Causes for Modification

a) The following are causes for modification of a permit. For a Class I hazardous waste injection well or a Class III or Class IV injection well, any of the following may be cause for reissuance of the permit, as well as for permit modification. For all other injection wells, the following may be cause for reissuance of the permit, as well as for permit modification, when the permittee requests or agrees:

1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance that justify the application of permit conditions that are different or absent in the existing permit.

2) Information. Permits other than for a Class III injection well may be modified during their terms for this cause only if the information was not

available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For an area permit, this cause must include any information indicating that cumulative effects on the environment are unacceptable.

3) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued. A permit other than for a Class I hazardous waste injection well or a Class III or Class VI injection well may be modified during their terms for this cause only as follows:

A) The Agency may modify the permit when standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.

B) The permittee may request modification when all of the following occur:

i) The permit condition requested to be modified was based on a provision of 35 Ill. Adm. Code 730;

ii) The Board has revised, withdrawn, or modified that provision on which the permit condition was based; and

iii) The permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within 90 days after the~~afterthe~~ effective date of the changed statute or amended standards or regulations on which the request is based.

C) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations on which the permit condition was based or if a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within 90 days after judicial remand.

4) Compliance schedules. The Agency determines good cause exists for

modification of a compliance schedule, such as an act of God, strike, flood, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

5) Basis for modification of Class VI permits. Additionally, for Class VI injection wells, whenever the Agency determines that permit changes are necessary based on any of the following:

A) A reevaluation of the area of review undertaken pursuant to Section 730.184(e)(1);

B) Any amendments to the testing and monitoring plan made pursuant to Section 730.190(j);

C) Any amendments to the injection well plugging plan made pursuant to Section 730.192(c);

D) Any amendments to the post-injection site care and site closure plan made pursuant to Section 730.193(a)(3);

E) Any amendments to the emergency and remedial response plan made pursuant to Section 730.194(d); or

F) A review of monitoring or testing results conducted in accordance with permit requirements.

b) The following are causes to modify or, alternatively, to reissue a permit:

1) The Agency has received notification (as required in the permit, see 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (35 Ill. Adm. Code 702.182(b)), but it must not be reissued after the effective date of the transfer, except upon the request of the new permittee.

2) A determination that the waste being injected is a hazardous waste, as defined in 35 Ill. Adm. Code 721.103, either because the definition has been revised, or because a previous determination has been changed.

BOARD NOTE: Derived from 40 CFR 144.39 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

Section 704.264 Minor Modifications

Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this Section must be made for cause and with a 35 Ill. Adm. Code 705 draft permit and public notice as required in Sections 704.261 through 704.263. Minor modifications may only involve the following changes:

a) Correcting typographical errors;

b) Requiring more frequent monitoring or reporting by the permittee;

c) Changing an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

d) Allowing for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency; or

~~e) Making other limited changes, as follows:~~

e)~~1)~~ Changing quantities or types of fluids injected that are within the capacity of the facility as permitted and which~~, in the judgment of~~ the Agency has determined~~,~~ would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

f)~~2)~~ Changing construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 704.182 (establishing UIC permit conditions), provided that any such alteration must comply with this Part and 35 Ill. Adm. Code 702 and 730.

g)~~3)~~ Amending a plugging and abandonment plan that has been updated under Section 704.181(e).

h) Amending a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan, where the Agency determines that the modifications merely clarify or correct the plan.

BOARD NOTE: Derived from 40 CFR 144.41 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section 704.280 Definition of a Class V Injection Well

Section 704.106 defines the six~~five~~ classes of injection wells, including a Class V injection well, as regulated under this Subpart I. Typically, Class V injection wells are shallow wells used to place a variety of fluids directly below the land surface. However, if the fluids placed in the ground qualify as a hazardous waste under RCRA, the well is either a Class I or Class IV injection well, not a Class V injection well. Similarly, a carbon sequestration well is a Class VI injection well (or a Class II injection well under specified circumstances), not a Class V injection well. Examples of Class V injection wells are described in Section 704.281.

BOARD NOTE: Derived from 40 CFR 144.80 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1613, effective January 20, 2012)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Procedures for Permit Issuance

2) Code citation: 35 Ill. Adm. Code 705

3) Section Number: 705.163 — Adopted Action: Amended

4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27

5) Effective date of amendment: January 20, 2012

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 January 5, 2012 in docket R11-14, 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: October 28, 2011; 35 Ill. Reg. 17256

10) Has JCAR issued a statement of objection to this rulemaking? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of January 5, 2012 in docket R11-14 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated October 6, 2011, in docket R11-14. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections and clarifications to the text of the rules. The changes are intended to have no substantive effect. The intent is to add clarity to the

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

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 28, 2011 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 5, 2012 in docket R11-14, as indicated in item 11 above. See the January 5, 2012 opinion and order in docket R11-14 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

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

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendment: The amendment to Part 704 is a single segment of the docket R11-14 rulemaking that also affects 35 Ill. Adm. Code 702, 705, and 730, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R11-14 rulemaking in this issue of the Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, adopting amendments in docket R11-14, which opinion and order is available from the address below.

Specifically, the amendment to Part 705 implements the federal standards for Class VI carbon sequestration injection wells in Illinois.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R11-14 that list numerous corrections that are not based on current federal amendments. The tables

contain deviations from the literal text of the federal amendments underlying this amendment, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections should refer to the January 5, 2012 opinion and order in docket R11-14.

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

Please reference consolidated docket R11-14 and direct inquiries to the following person:

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

312/814-6924

Request copies of the Board's opinion and order of January 5, 2012 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 705
PROCEDURES FOR PERMIT ISSUANCE

SUBPART A: GENERAL PROVISIONS

Section
705.101 Scope and Applicability
705.102 Definitions
705.103 Computation of Time
705.104 Electronic Reporting

SUBPART B: PERMIT APPLICATIONS

Section
705.121 Permit Application
705.122 Completeness
705.123 Incomplete Applications
705.124 Site Visit
705.125 Effective Date
705.126 Decision Schedule
705.127 Consolidation of Permit Processing
705.128 Modification or Reissuance of Permits

SUBPART C: APPLICATION REVIEW

Section
705.141 Draft Permits
705.142 Statement of Basis
705.143 Fact Sheet
705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

SUBPART D: PUBLIC NOTICE

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

705.161 When Public Notice Must Be Given
705.162 Timing of Public Notice
705.163 Methods of Public Notice
705.164 Contents of Public Notice
705.165 Distribution of Other Materials

SUBPART E: PUBLIC COMMENT

Section
705.181 Public Comments and Requests for Public Hearings
705.182 Public Hearings
705.183 Obligation to Raise Issues and Provide Information
705.184 Reopening of Public Comment Period

SUBPART F: PERMIT ISSUANCE

Section
705.201 Final Permit Decision
705.202 Stay of Permit Conditions upon Appeal
705.203 Stay for New Application or upon Untimely Application for Renewal (Repealed)
705.204 Stay upon Reapplication or for Modification (Repealed)
705.205 Stay Following Interim Status (Repealed)
705.210 Agency Response to Comments
705.211 Administrative Record for Final Permits or Letters of Denial
705.212 Appeal of Agency Permit Determinations

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section
705.300 General Information About RCRA Standardized Permits
705.301 Applying for a RCRA Standardized Permit
705.302 Issuance of a RCRA Standardized Permit
705.303 Public Participation in the RCRA Standardized Permit Process
705.304 Modifying a RCRA Standardized Permit

705.APPENDIX A Procedures for Permit Issuance
705.APPENDIX B Modification Process
705.APPENDIX C Application Process
705.APPENDIX D Application Review Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

705.APPENDIX E Public Comment Process
705.APPENDIX F Permit Issuance or Denial

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. 3675, effective February 14, 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012.

SUBPART D: PUBLIC NOTICE

Section 705.163 Methods of Public Notice

Public notice of activities described in Section 705.161(a) must be given by the following methods:

a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

1) The applicant.

2) Any other agency or entity that the Agency knows is required by State or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including USEPA, other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).

3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States.

4) Persons on a mailing list developed by doing as follows:

A) Including those who request in writing to be on the list;

B) Including participants in past permit proceedings in that area; and

C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in governmental publications

D) The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.

5) For RCRA permits only to the following entities:

A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

B) To each State agency having any authority under State law with respect to the construction or operation of such facility.

6) For Class I injection well UIC permits only, to the Illinois Department of Natural Resources, Office of Mines and Minerals.

7) For a Class VI injection well, mailing or e-mailing a notice to the Illinois Department of Natural Resources, Office of Mines and Minerals, Division of Gas and Oil and to the Agency, Divisions of Public Water Supply and Land Pollution Control.

8)~~7)~~ Any other person or entity that the Agency has reason to believe would be particularly interested in or affected by the proposed action.

b) Publication of notice must be made as follows:

1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or

activity.

2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

BOARD NOTE: Derived from ~~See~~ 40 CFR 124.10(c) (2011)~~(2002)~~.

(Source: Amended at 36 Ill. Reg. 1653, effective January 20,2012)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Underground Injection Control Operating Requirements

2) Code Citation: 35 Ill. Adm. Code 730

3)

Section Numbers:	Adopted Action:
730.101	Amended
730.103	Amended
730.104	Amended
730.105	Amended
730.121	Amended
730.172	Amended
730.181	New Section
730.182	New Section
730.183	New Section
730.184	New Section
730.185	New Section
730.186	New Section
730.187	New Section
730.188	New Section
730.189	New Section
730.190	New Section
730.191	New Section
730.192	New Section
730.193	New Section
730.194	New Section
730.195	New Section

4) Statutory authority: 415 ILCS 5/7.2, 13, and 27

5) Effective date of amendments: January 20, 2012

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 January 5, 2012 in docket R11-14, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

9) Notice of proposal published in the Illinois Register: October 28, 2011; 35 Ill. Reg. 17256

10) Has JCAR issued a statement of objection to this rulemaking? No

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version: A table that appears in the Board's opinion and order of January 5, 2012 in docket R11-14 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated October 6, 2011, in docket R11-14. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

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

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 28, 2011 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 5, 2012 in docket R11-14, as indicated in item 11 above. See the January 5, 2012 opinion and order in docket R11-14 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 730 are a single segment of the docket R11-14 rulemaking that also affects 35 Ill. Adm. Code 702, 705, and 730, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R11-14 rulemaking in this issue of the Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of January 5, 2012, adopting amendments in docket R11-14, which opinion and order is available from the address below.

Specifically, the amendments to Part 730 implement the federal standards for Class VI carbon sequestration injection wells in Illinois.

Tables appear in the Board's opinion and order of January 5, 2012 in docket R11-14 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 January 5, 2012 opinion and order in docket R11-14.

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

Please reference consolidated docket R11-14 and direct inquiries to the following person:

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

312/814-6924

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Request copies of the Board's opinion and order of January 5, 2012 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at http://www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 730
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section
730.101 Applicability, Scope, and Effective Date
730.102 Laws Authorizing Regulations
730.103 Definitions
730.104 Criteria for Exempted Aquifers
730.105 Classification of Injection Wells
730.106 Area of Review
730.107 Corrective Action
730.108 Mechanical Integrity
730.109 Criteria for Establishing Permitting Priorities
730.110 Plugging and Abandoning Wells

SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I NON-HAZARDOUS WASTE INJECTION WELLS

Section
730.111 Applicability
730.112 Construction Requirements
730.113 Operating, Monitoring, and Reporting Requirements
730.114 Information to be Considered by the Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II INJECTION WELLS

Section
730.121 Adoption of Criteria and Standards Applicable to Class II Injection Wells by the Illinois Department of Natural Resources, Office of Mines and Minerals

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III INJECTION WELLS

Section
730.131 Applicability
730.132 Construction Requirements
730.133 Operating, Monitoring, and Reporting Requirements
730.134 Information to be Considered by the Agency

SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS

Section
730.151 Applicability
730.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WASTE INJECTION WELLS

Section
730.161 Applicability and Definitions
730.162 Minimum Criteria for Siting
730.163 Area of Review
730.164 Corrective Action for Wells in the Area of Review
730.165 Construction Requirements
730.166 Logging, Sampling, and Testing Prior to New Well Operation
730.167 Operating Requirements
730.168 Testing and Monitoring Requirements
730.169 Reporting Requirements
730.170 Information to be Evaluated
730.171 Closure
730.172 Post-Closure Care
730.173 Financial Responsibility for Post-Closure Care

SUBPART H: CRITERIA AND STANDARDS APPLICABLE TO CLASS VI WELLS

Section
730.181 Applicability
730.182 Required Class VI Injection Well Permit Information

730.183 Minimum Criteria for Siting
730.184 Area of Review and Corrective Action
730.185 Financial Responsibility
730.186 Injection Well Construction Requirements
730.187 Logging, Sampling, and Testing Prior to Injection Well Operation
730.188 Injection Well Operating Requirements
730.189 Mechanical Integrity
730.190 Testing and Monitoring Requirements
730.191 Reporting Requirements
730.192 Injection Well Plugging
730.193 Post-Injection Site Care and Site Closure
730.194 Emergency and Remedial Response
730.195 Alternative Class VI Injection Well Depth Requirements

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19 at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended in R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391, effective December 20, 1994; amended in R95-4 at 19 Ill. Reg. 10047, effective June 27, 1995; amended in R00-11/R01-1 at 24 Ill. Reg. 18680, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1281, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1661, effective January 20, 2012.

SUBPART A: GENERAL

Section 730.101 Applicability, Scope, and Effective Date

a) This Part sets forth technical criteria and standards for the Underground Injection Control (UIC) Program. This Part must be read in conjunction with 35 Ill. Adm. Code 702, 704, and 705, which also apply to the UIC program. 35 Ill. Adm. Code 702 and 704 prescribe the regulatory requirements for the UIC permit program. 35 Ill. Adm. Code 704 further outlines hazardous waste management requirements and sets forth the financial assurance requirements applicable to Class I hazardous waste injection wells and requirements applicable to certain types of Class V injection wells. 35 Ill. Adm. Code 705 describes the procedures the Agency must use for issuing UIC permits.

b) On and after February 1, 1984, any underground injection that is not authorized by rule or by permit is unlawful.

c) Electronic reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3 and 145.11(a)(33)(2011)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently discontinued or that is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Act" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, 42 USC 6901).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions, or modifications to the forms. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182-703.188 and 703.200 (contents of Part B of the RCRA application).

"Aquifer" means a geologic formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" means the area surrounding an "injection well" described according to the criteria set forth in Section 730.106 or, in the case of an area

permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water, gas, or other fluid from entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole or forced behind the casing.

"Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geologic formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

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

"Conventional mine" means an open pit or underground excavation for the production of minerals.

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Administrator's designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

"Effective date of the UIC program" means February 1, 1984.

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

"EPA" or "USEPA" means the United States Environmental Protection Agency.

"Exempted aquifer" means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures of 35 Ill. Adm. Code 704.123, 704.104, and 702.105.

"Existing injection well" means an "injection well" other than a "new injection well."

"Experimental technology" means a technology that has not been proven feasible under the conditions in which it is being tested.

"Facility or activity" means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the "State" RCRA or UIC program.

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or other fluid substance that emerges from an orifice, pump or turbine or which passes along a conduit or channel.

"Fluid" means material or substance that flows or moves, whether in a semisolid, liquid sludge, gas, or any other form or state.

"Formation" means a body of rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mappable on

the earth's surface or traceable in the subsurface.

"Formation fluid" means fluid present in a formation under natural conditions as opposed to introduced fluids, such as drilling mud.

"Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721.

"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 facility" or "HWM facility" means 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 (for example, one or more landfills, surface impoundments, or combination of them).

"HWM facility" means Hazardous waste management facility.

"Illinois" means the State of Illinois.

"Improved sinkhole" means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" means a well into which fluids are being injected.

"Injection zone" means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under RCRA, UIC, or the Environmental Protection Act.

"Packer" means a device lowered into a well that can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license, or equivalent control document issued by the Agency to implement the requirements of this Part and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status (Subpart C of 35 Ill. Adm. Code 703), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action, such as a draft permit or a proposed permit.

"Plugging" means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration, and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations that are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

"Point of injection," for a Class V injection well, means the last accessible sampling point prior to waste fluids being released into the subsurface environment through the well. For example, the point of injection of a Class V septic system might be the distribution box – the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste that contains radioactive material in concentrations that exceed those listed in Table II, column 2 in appendix B to 10 CFR 20 (Water Effluent Concentrations), incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

"Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"SDWA" means the Safe Drinking Water Act (42 USC 300(f) et seq.).

"Septic system" means a well that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sole or principal source aquifer" means an aquifer that has been designated by the Administrator pursuant to Section 1424(a) or (e) of SDWA (42 USC 300h-3(a) or (e)).

"State" means the State of Illinois.

"Stratum" (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" or "TDS" means the total dissolved (filterable) solids, as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act (42 USC 300h through 300h-8), including the approved Illinois program.

"Underground injection" means a "well injection."

"Underground source of drinking water" or "USDW" means an aquifer or its portion of which the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/ℓ total dissolved solids; and

It is not an exempted "aquifer."

"USDW" means underground source of drinking water.

"Well" means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.

"Well injection" means the subsurface emplacement of fluids through a well.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected, thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing, and hydraulic fracturing.

BOARD NOTE: Derived from 40 CFR 146.3 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.104 Criteria for Exempted Aquifers

An aquifer or a portion of an aquifer~~thereof~~ that meets the criteria for an "underground source of drinking water" in Section 730.103 is ~~may be determined by the Board pursuant to 35 Ill. Adm. Code 704.103, 704.123, and 702.105 to be~~ an "exempted aquifer" for a Class I, Class III or Class V injection well if the Board determines pursuant to 35 Ill. Adm. Code 704.123 that the aquifer ~~it~~ meets the criteria of either subsections (a) and (b) or (a) and (c) of this Section. For a Class VI injection well, the Board must determine that the well meets the criteria of subsection (d) of this Section.

a) The aquifer~~It~~ does not currently serve as a source of drinking water; and

b) The aquifer~~It~~ cannot now and will not in the future serve as a source of drinking water because one or more of the following is true of the aquifer:

1) The aquifer~~It~~ is mineral, hydrocarbon, or geothermal energy producing, or a permit applicant can demonstrate, as part of a permit application for a Class II or III injection well, that the aquifer contains minerals or hydrocarbons that are expected to be commercially producible considering their quantity and location;

2) The aquifer~~It~~ is situated at a depth or location that makes recovery of water for drinking water purposes economically or technologically impractical;

3) The aquifer~~It~~ is so contaminated that it would be economically or technologically impractical to render that water fit for human

consumption; or

4) The aquifer~~It~~ is located over a Class III injection well mining area subject to subsidence or catastrophic collapse; or

c) The total dissolved solids content of the groundwater in the aquifer is more than 3,000 and less than 10,000 mg/ℓ, and the aquifer is not reasonably expected to supply a public water system.

d) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well is expanded for the exclusive purpose of Class VI injection for geologic sequestration pursuant to 35 Ill. Adm. Code 704.123(d) if the Agency determines that the aquifer meets the following criteria:

1) The aquifer does not currently serve as a source of drinking water;

2) The total dissolved solids content of the ground water in the aquifer is greater than 3,000 mg/ℓ and less than 10,000 mg/ℓ; and

3) The aquifer is not reasonably expected to supply a public water system.

BOARD NOTE: Derived from 40 CFR 146.4 (2011).

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I injection wells. A Class I injection well is any of the following:

1) A Class I hazardous waste injection well that is used by a generator of hazardous waste or an owner or operator of a hazardous waste management facility to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

2) An industrial or municipal disposal well that injects fluids beneath the lowermost formation containing an underground source of drinking water

within 402 meters (one-quarter mile) of the well bore.

3) A radioactive waste disposal well that injects fluids below the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

b) Class II injection wells. A Class II injection well is one that injects any of the following types of fluids:

1) Fluids that are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) Fluids that are used for enhanced recovery of oil or natural gas; and

3) Fluids that are used for storage of hydrocarbons that are liquid at standard temperature and pressure.

c) Class III injection wells. A Class III injection well is one that injects fluid for extraction of minerals, including one used in any of the following activities:

1) Mining of sulfur by the Frasch process;

2) In situ production of uranium or other metals. This category includes only in situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V; or

3) Solution mining of salts or potash.

BOARD NOTE: Class III injection well would include a well used for the recovery of geothermal energy to produce electric power, but does not include a well used in heating or aquaculture that falls under Class V.

d) Class IV injection wells. A Class IV injection well is any of the following:

1) A well used by a generator of hazardous waste or of radioactive waste, by an owner or operator of a hazardous waste management facility, or by an

owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste into a formation that contains an underground source of drinking water within 402 meters (one-quarter mile) of the well.

2) A well used by a generator of hazardous waste or of radioactive waste, by an owner or operator of a hazardous waste management facility, or by an owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste above a formation that contains an underground source of drinking water within 402 meters (one-quarter mile) of the well.

3) A well used by a generator of hazardous waste or an owner or operator of a hazardous waste management facility to dispose of hazardous waste that cannot be classified pursuant to subsection (a)(1), (d)(1), or (d)(2) of this Section (e.g., wells used to dispose of hazardous wastes into or above a formation that contains an aquifer that has been exempted pursuant to Section 730.104).

e) Class V injection wells. A Class V injection well is any not included in Class I, Class II, Class III, ~~or~~ Class IV, or Class VI. Specific types of Class V injection wells include the following:

1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer;

2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

3) Cooling water return flow wells used to inject water previously used for cooling;

4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

5) Dry wells used for the injection of wastes into a subsurface formation;

6) Recharge wells used to replenish the water in an aquifer;

7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to nonresidential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;

10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

11) Radioactive waste disposal wells other than Class IV injection wells;

12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture, or production of electric power;

13) Wells used for solution mining of conventional mines such as stopes leaching;

14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and

15) Injection wells used in experimental technologies.

f) Class VI injection wells. A Class VI injection well is any of the following:

1) An injection well that is not experimental in nature and which is used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW;

2) An injection well that is used for geologic sequestration of carbon dioxide and which has been granted a permit that includes alternative injection well depth requirements pursuant to Section 730.195; or

3) An injection well that is used for geologic sequestration of carbon dioxide and which has received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 730.104 and 35 Ill. Adm. Code 704.123(d).

BOARD NOTE: Derived from 40 CFR 146.5 (2011).

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II INJECTION WELLS

Section 730.121 Adoption of Criteria and Standards Applicable to Class II Injection Wells by the Illinois Department of Natural Resources, Office of Mines and Minerals

The criteria and standards for Class II injection wells will be adopted by the Illinois Department of Natural Resources, Office of Mines and Minerals pursuant to Section 1425 of the SDWA (42 USC 300h-4).

BOARD NOTE: This Section corresponds with subpart C of 40 CFR 146 (2011).

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WASTE INJECTION WELLS

Section 730.172 Post-Closure Care

a) The owner or operator of a Class I hazardous waste injection well must prepare, maintain, and comply with a plan for post-closure care that meets the requirements of subsection (b) of this Section and is specified by permit

condition. The obligation to implement the post-closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

1) The owner or operator must submit the plan as a part of the permit application and, upon approval by the Agency, such plan must be a condition of any permit issued.

2) The owner or operator must submit any proposed significant revision to the plan as appropriate over the life of the well, but no later than the date of the closure report required pursuant to Section 730.171(c).

3) The plan must assure financial responsibility, as required in Section 730.173.

4) The plan must include the following information:

A) The pressure in the injection zone before injection began;

B) The anticipated pressure in the injection zone at the time of closure;

C) The predicted time until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW;

D) The predicted position of the waste front at closure;

E) The status of any cleanups required pursuant to Section 730.164; and

F) The estimated cost of proposed post-closure care.

5) At the request of the owner or operator, or on its own initiative, the Agency may modify the post-closure plan after submission of the closure report following the procedures in 35 Ill. Adm. Code 705.128.

b) The owner or operator must undertake each of the following activities:

1) It must continue and complete any cleanup action required pursuant to Section 730.164, if applicable;

2) It must continue to conduct any groundwater monitoring required under the permit until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW. The Agency must extend the period of post-closure monitoring if it determines in writing that the well may endanger a USDW;

3) It must submit a survey plat to the local zoning authority designated by permit condition. The plat must indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat must be submitted to USEPA, Region 5;

4) It must notify the Illinois Department of Natural Resources, Office of Mines and Minerals, the State Department of Public Health, and any unit of local government authorized to grant permits under the Water Well Construction Code [415 ILCS 30] in the area where the well is located as to the depth and location of the well and the confining zone; and

5) It must retain, for a period of three years following well closure, records reflecting the nature, composition, and volume of all injected fluids. Owners or operators must deliver the records to the Agency at the conclusion of the retention period.

c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record a notation on the deed to the facility property or on some other instrument that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:

1) The fact that land has been used to manage hazardous waste;

2) The names of the Illinois Department of Natural Resources, Office of Mines and Minerals and the local zoning authority with which the plat was filed, as well as the address of USEPA Region 5; and

3) The type and volume of waste injected, the injection interval or intervals into which it was injected, and the period over which injection occurred.

d) In addition to the requirements stated in this Section, each owner of a Class I hazardous waste injection well must comply with any other State or federal law or local ordinance that requires the reporting of any potential environmental or physical impairment of real property to subsequent or prospective owners.

BOARD NOTE: The Responsible Property Transfer Act of 1988 [765 ILCS 90] (RPTA) formerly required the disclosure and recordation of any environmental impairment of real property in Illinois. The General Assembly repealed that statute in P.A. 92-299, Section 5, effective August 9, 2001. Section 10 of that repeal provided for continued maintenance of documents prepared and recorded under RPTA prior to its repeal.

BOARD NOTE: Derived from 40 CFR 146.72 (2011)~~(2005)~~.

(Source: Amended at 36 Ill. Reg. 1661, effective January 20, 2012)

SUBPART H: CRITERIA AND STANDARDS APPLICABLE TO CLASS VI WELLS

Section 730.181 Applicability

a) This Subpart H establishes criteria and standards for Class VI carbon dioxide geologic sequestration injection wells.

b) This Subpart H applies to any injection well that is used to inject carbon dioxide specifically for the purpose of geologic sequestration.

c) This Subpart H also applies to the owner or operator of a permit- or rule-authorized Class I, Class II or Class V experimental carbon dioxide injection well that seeks to apply for a Class VI geologic sequestration permit for its well. An owner or operator that seeks to convert an existing Class I, Class II or Class V experimental injection well to a Class VI geologic sequestration well must demonstrate to the Agency that the well was engineered and constructed to meet the requirements of Section 146.86(a) and to ensure protection of USDWs, in lieu of requirements at Sections 146.86(b) and 146.87(a). By December 10, 2011, the owner or operator of either a Class I injection well that was previously permitted for the purpose of geologic sequestration or a Class V experimental technology

injection well that is no longer being used for experimental purposes and which will continue injection of carbon dioxide for the purpose of geologic sequestration must apply for a Class VI permit. A converted well must still meet all other requirements of this Part.

d) Definitions. The following definitions apply to this Subpart H. To the extent that these definitions conflict with those that appear in 35 Ill. Adm. Code 702.110 or Section 730.103, the definitions of this Section govern for Class VI wells:

"Area of review" means the region surrounding the geologic sequestration project where a USDW may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and displaced fluids, and is based on available site characterization, monitoring, and operational data, as set forth in Section 730.184.

"Carbon dioxide plume" means the sub-surface three-dimensional extent underground of an injected carbon dioxide stream.

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This Subpart H does not apply to any carbon dioxide stream that meets the definition of a hazardous waste in 35 Ill. Adm. Code 721.103.

"Confining zone" means a geologic formation, a group of formations, or a part of a formation that stratigraphically overlies an injection zone and which acts as barrier to fluid movement. For a Class VI injection well that is operating under a permit that includes alternative injection well depth requirements, "confining zone" means a geologic formation, a group of formations or a part of a formation that stratigraphically overlies and underlies the injection zone.

"Corrective action" means the use of Agency-approved methods to ensure that wells within an area of review do not serve as conduits for the movement of fluids into a USDW.

"Geologic sequestration" means the long-term containment of a gaseous, liquid or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.

"Geologic sequestration project" means any of the following three types of injection wells:

An injection well or wells that are used to emplace a carbon dioxide stream beneath the lowermost formation containing a USDW;

An injection well or wells that are used for geologic sequestration of carbon dioxide and have been granted a permit that includes alternative injection well depth requirements pursuant to requirements at Section 730.195; or

An injection well or wells that are used for geologic sequestration of carbon dioxide and have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 730.104 and 35 Ill. Adm. Code 704.123(d).

A geologic sequestration project includes the subsurface three-dimensional extent of the carbon dioxide plume, the associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.

"Injection zone" means a geologic formation, a group of formations, or a part of a formation that is of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.

"Post-injection site care" means appropriate monitoring and other actions (including corrective action) needed following cessation of injection to ensure that no USDW is endangered, as required under Section 730.193.

"Pressure front" means the zone of elevated pressure that is created by the injection of carbon dioxide into the subsurface. For the purposes of this Subpart H, the pressure front of a carbon dioxide plume refers to a zone where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.

"Site closure" means the point or time, as determined by the Agency pursuant to Section 730.193, at which the owner or operator of a geologic sequestration site is released from post-injection site care responsibilities.

"Transmissive fault or fracture" means a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

BOARD NOTE: This Section corresponds with 40 CFR 146.81 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.182 Required Class VI Injection Well Permit Information

This Section sets forth the information that the Agency must consider when authorizing a Class VI injection well. For a converted Class I, Class II, or Class V experimental injection well, certain maps, cross-sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Agency and sufficiently identified as to be retrieved. In cases where USEPA issues the permit, all the information in this Section must be submitted to the USEPA, Region 5.

a) Prior to the issuance of a permit for the construction of a new Class VI injection well or the conversion of an existing Class I, Class II or Class V injection well to a Class VI injection well, the owner or operator must submit, pursuant to Section 730.191(e), and the Agency must consider, the following:

1) The information required by 35 Ill. Adm. Code 702.123(a) through (f);

2) A map showing the injection well for which a permit is sought and the applicable area of review consistent with Section 730.184. Within the area of review, the map must show the number or name and location of all injection wells, producing wells, abandoned wells, plugged wells, or dry holes; deep stratigraphic boreholes; Agency- or USEPA-approved subsurface cleanup sites; surface bodies of water, springs, mines (surface and subsurface), quarries, water wells; and other pertinent surface features, including structures intended for human occupancy, state boundaries and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;

3) Information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, including the following documents and information:

A) Maps and cross sections of the area of review;

B) The location, orientation, and properties of known or suspected faults and fractures that may transect the confining zones in the area of review and a determination that the faults and fractures would not interfere with containment;

C) Data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zones; including geology and facies changes based on field data, which may include geologic cores, outcrop data, seismic surveys, well logs and names and lithologic descriptions;

D) Geomechanical information on fractures, stress, ductility, rock strength, and in-situ fluid pressures within the confining zones;

E) Information on the seismic history that includes the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and

F) Geologic and topographic maps and cross sections that illustrate regional geology, hydrogeology, and the geologic structure of the local area;

4) A tabulation of all wells within the area of review that penetrate the injection or confining zones. The tabulated data must include a description of each well's type, construction, date drilled, location, depth, applicable records of plugging and completion, and any additional information that the Agency may require to evaluate the request for a permit;

5) Maps and stratigraphic cross sections indicating the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their positions relative to the injection zones, and the direction of water movement, where known;

6) Baseline geochemical data on subsurface formations that includes all USDWs in the area of review;

7) Proposed operating data for the proposed geologic sequestration site that includes that following items of information:

A) The average and maximum daily rate and volume or mass, and the total anticipated volume or mass, of the carbon dioxide stream;

B) The average and maximum injection pressures;

C) The sources of the carbon dioxide stream; and

D) An analysis of the chemical and physical characteristics of the carbon dioxide stream;

8) A proposed program for pre-operational formation testing that fulfills the requirements of Section 730.187 to obtain an analysis of the chemical and physical characteristics of the injection zones and confining zones;

9) A proposed stimulation program, a description of stimulation fluids to be used, and a determination that stimulation will not interfere with containment;

10) A proposed procedure to outline steps necessary to conduct injection operation;

11) Schematics or other appropriate drawings of the surface and subsurface construction details of the well;

12) Injection well construction procedures that fulfill the requirements of Section 730.186;

13) A proposed area of review and corrective action plan that fulfills the requirements of Section 730.184;

14) A demonstration which is sufficient to support an Agency determination that the applicant has met the financial responsibility requirements under Section 730.185;

15) A proposed testing and monitoring plan, as required by Section 730.190;

16) A proposed injection well plugging plan, as required by Section 730.192(b);

17) A proposed post-injection site care and site closure plan, as required by Section 730.193(a);

18) At the Agency's discretion, a demonstration of an alternative post-injection site care timeframe required, as required by Section 730.193(c);

19) A proposed emergency and remedial response plan, as required by Section 730.194(a);

20) A list of contacts, submitted to the Agency, for those states identified to be within the area of review of the Class VI project based on information provided pursuant to subsection (a)(2) of this Section; and

21) Any other information requested by the Agency that would support an Agency determination whether to issue the requested permit.

b) Pursuant to this Section, and as required by 40 CFR 145.23(f)(13), the Agency must notify any states that the Agency determines are within the area of review of the Class VI project based on information submitted pursuant to subsections (a)(2) and (a)(20) of this Section of the permit application in writing.

c) Prior to granting a permit for the operation of a Class VI injection well, the Agency must consider the following information:

1) The final area of review based on modeling, using data obtained during the logging and testing of the well and the formation required by subsections (c)(2), (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) of this Section;

2) Any relevant updates to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying

formations, submitted pursuant to subsection (a)(3) of this Section, based on data obtained during the logging and testing of the well and the formation required by subsections (c)(3), (c)(4), (c)(6), (c)(7), and (c)(10) of this Section;

3) Information on the compatibility of the carbon dioxide stream with fluids in the injection zones and minerals in both the injection and the confining zones, based on the results of the formation testing program, and with the materials used to construct the well;

4) The results of the formation testing program required by subsection (a)(8) of this Section;

5) Final injection well construction procedures that fulfill the requirements of Section 730.186;

6) The status of any corrective action on wells in the area of review;

7) All available logging and testing program data on the well required by Section 730.187;

8) A demonstration of mechanical integrity pursuant to Section 730.189;

9) Any updates to the proposed area of review and corrective action plan, the testing and monitoring plan, the injection well plugging plan, the post-injection site care and site closure plan, or the emergency and remedial response plan, and any updates to the alternative post-injection site care timeframe demonstration which the applicant has submitted pursuant to subsection (a) of this Section, that are necessary to address new information collected during logging and testing of the well and the formation, as required by this Section; and

10) Any other information requested by the Agency.

d) An owner or operator which seeks a permit that includes alternative injection well depth requirements to the generally applicable requirement to inject below the lowermost USDW must also refer to Section 730.195 and submit a supplemental report, as required at Section 730.195(a). The supplemental report is not part of the permit application.

BOARD NOTE: This Section corresponds with 40 CFR 146.82 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.183 Minimum Criteria for Siting

a) The owner or operator of a Class VI injection well must sufficiently demonstrate to support an Agency determination that the wells will be sited in areas with a suitable geologic system. The owner or operator must sufficiently demonstrate that the geologic system comprises both of the following elements:

1) An injection zone of sufficient areal extent, thickness, porosity and permeability to receive the total anticipated volume of the carbon dioxide stream; and

2) Confining zones free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zones.

b) The Agency may require the owner or operator of a Class VI injection well to identify and characterize additional zones that will impede vertical fluid movement; that are free of faults and fractures which may interfere with containment; that allow for pressure dissipation; and that provide additional opportunities for monitoring, mitigation and remediation.

BOARD NOTE: This Section corresponds with 40 CFR 146.83 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.184 Area of Review and Corrective Action

a) The area of review is the region surrounding the geologic sequestration project where the injection activity may endanger a USDW. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and which is based on available site characterization, monitoring and operational data.

b) The owner or operator of a Class VI injection well must prepare, maintain and comply with a plan to delineate the area of review for a proposed geologic sequestration project; must periodically reevaluate the delineation; and must perform corrective action that meets the requirements of this Section and which is sufficient to support an Agency determination that the corrective action is acceptable. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application to the Agency, the owner or operator must submit an area of review and corrective action plan that includes the following information:

1) The method that the owner or operator will use for delineating the area of review which meets the requirements of subsection (c) of this Section, including the model that the owner or operator will use, assumptions that the owner or operator will make, and the site characterization data on which the owner or operator will base the model;

2) A description of each of the following:

A) The minimum fixed frequency, not to exceed five years, at which the owner or operator proposes to reevaluate the area of review;

B) The monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established pursuant to subsection (b)(2)(A) of this Section;

C) How monitoring and operational data (e.g., injection rate, pressure, etc.) will be used to inform an area of review reevaluation; and

D) How the owner or operator will conduct corrective action to meet the requirements of subsection (d) of this Section, including the following information:

i) What corrective action the owner or operator will perform prior to injection;

ii) What, if any, portions of the area of review the owner or operator will address with corrective action on a phased basis and how that phasing will be determined;

iii) How the owner or operator will adjust corrective action if there are changes in the area of review; and

iv) How the owner or operator will guarantee site access for future corrective action.

c) The owner or operator of a Class VI injection well must perform the following actions to delineate the area of review and identify all wells that require corrective action:

1) The owner or operator must predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period determined by the Agency. The model must fulfill the following requirements:

A) The model must be based on detailed geologic data collected to characterize the injection zones, confining zones and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;

B) The model must take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and

C) The model must consider potential migration through faults, fractures, and artificial penetrations.

2) Using methods approved by the Agency, the owner or operator must identify all penetrations, including active and abandoned wells and

underground mines, in the area of review that may penetrate the confining zones and must provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Agency may require; and

3) The owner or operator must determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.

d) The owner or operator of a Class VI injection well must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.

e) At the minimum fixed frequency, not to exceed five years, as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, the owner or operator of a Class VI injection well must fulfill each of the following requirements:

1) The owner or operator must reevaluate the area of review in the same manner specified in subsection (c)(1) of this Section;

2) The owner or operator must identify all wells in the reevaluated area of review that require corrective action in the same manner specified in subsection (c) of this Section;

3) The owner or operator must perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in subsection (d) of this Section; and

4) The owner or operator must submit an amended area of review and corrective action plan or demonstrate through monitoring data and modeling results sufficiently to support an Agency finding that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the Agency, must be incorporated into the permit, and are

subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

f) The emergency and remedial response plan (as required by Section 730.194) and the demonstration of financial responsibility (as described by Section 730.185) must account for the area of review delineated as specified in subsection (c)(1) of this Section or the most recently evaluated area of review delineated pursuant to subsection (e) of this Section, regardless of whether corrective action in the area of review is phased.

g) The owner or operator must retain all modeling inputs and data used to support area of review reevaluations under subsection (e) of this Section for 10 years.

BOARD NOTE: This Section corresponds with 40 CFR 146.84 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.185 Financial Responsibility

a) The owner or operator of an injection well to which this Subpart H applies must demonstrate and maintain financial responsibility that the Agency has determined fulfills the following conditions:

1) The financial responsibility instruments used must be from the following list of qualifying instruments:

A) A trust fund;

B) A surety bond;

C) A letter of credit;

D) Insurance;

E) Self insurance (i.e., the financial test and corporate guarantee);

F) An escrow account; or

G) Any other instruments that the Agency determines are satisfactory.

2) The qualifying instruments must be sufficient to cover the following costs:

A) The costs of corrective action (that meets the requirements of Section 730.184);

B) The costs of injection well plugging (that meets the requirements of Section 730.192);

C) The costs of post-injection site care and site closure (that meets the requirements of Section 730.193); and

D) The costs of emergency and remedial response (that meets the requirements of Section 730.194).

3) The financial responsibility instruments must be sufficient to address endangerment of underground sources of drinking water.

4) The qualifying financial responsibility instruments must comprise protective conditions of coverage.

A) Protective conditions of coverage must include, at a minimum, cancellation, renewal and continuation provisions; specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and have the ability to pass the bond rating when applicable.

i) Cancellation. For purposes of this Subpart H, the owner or operator must provide that its financial mechanism may not cancel, terminate or fail to renew, except for failure to pay that financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate or fail to renew the instrument by sending notice by certified mail to the owner or operator and the Agency. The cancellation must not be final for 120 days after receipt of cancellation notice by the owner or operator and the Agency. The owner or operator must provide an

alternative financial responsibility demonstration within 60 days after notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable (or possible), any funds from the instrument being cancelled must be released within 60 days of notification by the Agency.

ii) Renewal. For purposes of this Subpart H, an owner or operator must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed, as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of an instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument.

iii) Cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that any of the following occurs on or before the date of expiration: the Agency deems the facility abandoned; or the permit is revoked or a new permit is denied; closure is ordered by the Agency or a court of competent jurisdiction; the owner or operator is named as debtor in a voluntary or involuntary bankruptcy proceeding under Title 11 of the United States Code; or the amount due on the instrument is fully paid.

B) This subsection (a)(4)(B) would correspond with 40 CFR 706.85(a)(4)(ii) if such existed. USEPA codified a paragraph (a)(4)(i) without a paragraph (a)(4)(ii). Illinois codification requirements do not allow codification of a subsection level unless multiple subsections exist at that level. This statement maintains structural consistency with the corresponding federal rules.

5) The qualifying financial responsibility instruments must be approved by the Agency.

A) The Agency must consider and approve the financial responsibility demonstration for all the phases of the geologic sequestration project prior to issuing a Class VI injection well permit (Section 730.182).

B) The owner or operator must provide any updated information related to their financial responsibility instruments on an annual basis and if there are any changes, the Agency must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instruments used remain adequate for use. The owner or operator must maintain financial responsibility requirements regardless of the status of the Agency's review of the financial responsibility demonstration.

C) The Agency must disapprove the use of a financial instrument if the Agency determines that it is not sufficient to meet the requirements of this Section.

6) The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project.

A) In the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (i.e., self insurance or performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms, rather than the single mechanism, that must provide financial responsibility for an amount at least equal to the current cost estimate.

B) When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide a proof that the third-party provider fulfills either of the following:

i) The provider must have passed financial strength requirements of subsection (b)(6)(E) of this Section based on credit ratings; or

ii) The provider must have met a minimum rating, minimum capitalization, and have the ability to pass the bond rating set forth in subsection (b)(6)(E) of this Section, when applicable.

C) An owner or operator using certain types of third-party instruments must establish a standby trust fund to enable the Agency to be party to the financial responsibility agreement without the Agency being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.

D) An owner or operator may deposit money to an escrow account to cover financial responsibility requirements. This account must segregate funds sufficient to cover estimated costs for Class VI (geologic sequestration) financial responsibility from other accounts and uses.

E) An owner or operator or its guarantor may use self insurance to demonstrate financial responsibility for geologic sequestration projects if the owner or operator or its guarantor fulfill the following requirements:

i) The owner or operator or its guarantor must meet a tangible net worth of an amount approved by the Agency;

ii) The owner or operator or its guarantor must have a net working capital and tangible net worth each at least six times the sum of the current well plugging, post-injection site care, and site closure cost;

iii) The owner or operator or its guarantor must have assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the

current well plugging, post injection site care and site closure cost;

iv) The owner or operator or its guarantor must submit a report of its bond rating and financial information annually; and

v) The owner or operator or its guarantor must either have a bond rating test of AAA, AA, A, or BBB, as issued by Standard & Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's, or meet all of the following five financial ratio thresholds: a ratio of total liabilities to net worth less than 2.0; a ratio of current assets to current liabilities greater than 1.5; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; a ratio of current assets minus current liabilities to total assets greater than -0.1; and a net profit (revenues minus expenses) greater than 0.

F) An owner or operator that is not able to meet the corporate financial test criteria of subsection (a)(6)(E) of this Section may arrange a corporate guarantee by demonstrating that its corporate parent meets the financial test requirements on its behalf. The corporate parent's demonstration that it meets the financial test requirement is insufficient if it has not also guaranteed to fulfill the obligations for the owner or operator.

G) An owner or operator may obtain an insurance policy to cover the estimated costs of geologic sequestration activities that require financial responsibility. This insurance policy must be obtained from a third-party provider.

b) The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit.

1) The owner or operator must maintain financial responsibility and resources until both of the following events have occurred:

A) The Agency has received and approved the completed post-injection site care and site closure plan; and

B) The Agency has approved site closure.

2) The owner or operator may be released from a financial instrument in the following circumstances:

A) The owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required, and the owner or operator has fulfilled all of its financial obligations, as determined by the Agency, including obtaining financial responsibility for the next phase of the geologic sequestration project, if required; or

B) The owner or operator has submitted a replacement financial instrument, and the owner or operator has received written approval from the Agency that accepts the new financial instrument and which releases the owner or operator from the previous financial assurance instrument.

c) The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection wells, post-injection site care, site closure, and emergency and remedial response.

1) The cost estimate must be performed for each phase separately, and the cost estimate must be based on the costs to the Agency of hiring a third-party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator.

2) During the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (a) of this Section, and the owner or operator must provide this adjustment to the Agency. The owner or operator must also provide to the Agency written updates of adjustments to the cost estimate within 60 days after any amendments to the area of review and corrective action plan (Section 730.184), the injection well plugging plan

(Section 730.192), the post-injection site care and site closure plan (Section 730.193), and the emergency and remedial response plan (Section 730.194).

3) The Agency must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after any of the following events has occurred: the Agency has approved the request to modify the area of review and corrective action plan (Section 730.184), the Agency has approved the injection well plugging plan (Section 730.192), the Agency has approved the post-injection site care and site closure plan (Section 730.193), or the Agency has approved the emergency and response plan (Section 730.194), if the change in the plan increases the cost. If the change to the plan decreases the cost, any withdrawal of funds must be approved by the Agency. Any decrease to the value of the financial assurance instrument must first be approved by the Agency. The revised cost estimate must be adjusted for inflation as specified at subsection (c)(2) of this Section.

4) Within 60 days after an increase in the current cost estimate to an amount greater than the face amount of a financial instrument currently in use, the owner or operator must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of that increase to the Agency, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the owner or operator may reduce the face amount of the financial assurance instrument to the amount of the current cost estimate only in accordance with a written approval from the Agency.

d) The owner or operator must notify the Agency by certified mail of adverse financial conditions, such as bankruptcy, that may affect the ability to carry out injection well plugging and post-injection site care and site closure.

1) In the event that the owner or operator or the third-party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the Agency of the proceeding by certified mail within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 of the United States Code that names the owner or operator as debtor.

2) The guarantor of a corporate guarantee must make the notification to the Agency required by this subsection (d)(2) if the guarantor is named as debtor, as required under the terms of the corporate guarantee.

3) An owner or operator who fulfills the requirements of subsection (a) of this Section by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the pertinent financial assurance instrument. The owner or operator must establish other financial assurance within 60 days after such an event.

e) The owner or operator must provide an adjustment of the cost estimate to the Agency within 60 days after notification of an Agency determination during the annual evaluation of the qualifying financial responsibility instruments that the most recent demonstration is no longer adequate to cover the cost of corrective action (as required by Section 730.184), injection well plugging (as required by Section 730.192), post-injection site care and site closure (as required by Section 730.193), and emergency and remedial response (as required by Section 730.194).

f) The Agency must approve the use and length of pay-in-periods for trust funds or escrow accounts.

BOARD NOTE: This Section corresponds with 40 CFR 146.85 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.186 Injection Well Construction Requirements

a) General. The owner or operator must ensure that its Class VI injection wells are constructed and completed to fulfill the following requirements:

1) The well construction and completion must prevent the movement of fluids into or between USDWs or into any unauthorized zone;

2) The well construction and completion must permit the use of appropriate testing devices and workover tools; and

3) The well construction and completion must permit continuous monitoring of the annulus space between the injection tubing and long-string casing.

b) Casing and cementing of Class VI injection wells.

1) The casing, cement, and other materials used in the construction of each Class VI injection well must have sufficient structural strength and be designed to last for the life of the geologic sequestration project. All well materials must be compatible with fluids with which the materials may be expected to come into contact, and the owner or operator must submit sufficient documentation to the Agency to support a determination that the casing, cement, and other materials meet or exceed standards developed for these materials by the American Petroleum Institute, ASTM International, or a comparable industry standards organization. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the Agency to determine and specify casing and cementing requirements, the owner or operator must provide the following information to the Agency:

A) The depth to the injection zones;

B) The injection pressure, external pressure, internal pressure, and axial loading;

C) The hole size;

D) The size and grade of all casing strings (the wall thickness, external diameter, nominal weight, length, joint specification, and construction material);

E) The corrosiveness of the carbon dioxide stream and formation fluids;

F) The down-hole temperatures;

G) The lithology of the injection and confining zones;

H) The type or grade of cement and cement additives; and

I) The quantity, chemical composition, and temperature of the carbon dioxide stream.

2) The surface casing must extend through the base of the lowermost USDW and be cemented to the surface through the use of a single or multiple strings of casing and cement.

3) At least one long-string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages.

4) The circulation of cement may be accomplished by staging. The Agency must approve an alternative method of cementing when it determines that the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate, by using logs, that the cement does not allow fluid movement behind the well bore.

5) The cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement must be verified that uses technology capable of evaluating cement quality radially and which identifies the location of channels to ensure that USDWs are not endangered.

c) Tubing and packer.

1) The tubing and packer materials used in the construction of a Class VI injection well must be compatible with fluids with which the materials may be expected to come into contact, and the owner or operator must submit sufficient documentation to the Agency to support a determination that the tubing and packer meet or exceed standards developed for these materials by the American Petroleum Institute, ASTM International, or a comparable industry standards organization.

2) The owner or operator of a Class VI injection well must inject fluids through tubing with a packer set at a depth opposite a cemented interval at the location approved by the Agency.

3) In order for the Agency to determine and specify requirements for tubing and packer, the owner or operator must submit the following information to the Agency:

A) The depth of setting;

B) The characteristics of the carbon dioxide stream (the chemical content, corrosiveness, temperature and density) and formation fluids;

C) The maximum proposed injection pressure;

D) The maximum proposed annular pressure;

E) The proposed injection rate (intermittent or continuous) and the volume or mass of the carbon dioxide stream;

F) The size of the tubing and casing; and

G) The tubing tensile, burst and collapse strengths.

BOARD NOTE: This Section corresponds with 40 CFR 146.86 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.187 Logging, Sampling and Testing Prior to Injection Well Operation

a) During the drilling and construction of a Class VI injection well, the owner or operator must run appropriate logs, surveys and tests to determine or verify the depth, thickness, porosity, permeability and lithology of all relevant geologic formations and the salinity of any formation fluids in those formations, to ensure conformance with the injection well construction requirements under Section 730.186 and to establish accurate baseline data against which future measurements may be compared. The owner or operator must submit to the Agency a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of the logs and tests. At a minimum, these logs and tests must include the following information items:

1) Deviation checks made during drilling on all holes constructed by drilling a pilot hole that is enlarged by reaming or another method. These checks must be at sufficiently frequent intervals to determine the location of the borehole and to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling;

2) Before and upon installation of the surface casing, the following:

A) The resistivity, spontaneous potential, and caliper logs before the casing is installed; and

B) A cement bond and variable density log, to evaluate cement quality radially, and a temperature log after the casing is set and cemented;

3) Before and upon installation of the long-string casing, the following:

A) The resistivity, spontaneous potential, porosity, caliper, gamma ray, fracture finder logs and any other logs the Agency requires for the given geology before the casing is installed; and

B) A cement bond and variable density log and a temperature log, after the casing is set and cemented;

4) A series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include the following:

A) A pressure test with liquid or gas;

B) A tracer survey, such as oxygen-activation logging;

C) A temperature or noise log; and

D) A casing inspection log; and

5) Any alternative methods that provide equivalent or better information and which are required by or approved of by the Agency.

b) The owner or operator must take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from all injection zones,

and the owner or operator must submit a detailed report prepared by a log analyst to the Agency that includes the following information: well log analyses (including well logs), core analyses and formation fluid sample information. The Agency must accept information on cores from nearby wells if the Agency determines that the owner or operator has demonstrated that core retrieval is not possible and the nearby cores are representative of conditions at the well. The Agency must require the owner or operator to core other formations in the borehole if the Agency determines that coring those other formations is necessary for evaluation of the well project.

c) The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of each injection zone.

d) At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zones:

1) The fracture pressure;

2) Other physical and chemical characteristics of the injection and confining zones; and

3) The physical and chemical characteristics of the formation fluids in each injection zone.

e) Upon completion, but prior to operation, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of each injection zone:

1) A pressure fall-off test and a pump test; or

2) A pressure fall-off test and injectivity tests.

f) The owner or operator must provide the Agency with the opportunity to witness all logging and testing by this Subpart H. The owner or operator must submit a schedule of these activities to the Agency no later than 30 days prior to conducting the first test, and the owner or operator must submit any changes to the schedule to the Agency no later than 30 days prior to the next scheduled test.

BOARD NOTE: This Section corresponds with 40 CFR 146.87 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.188 Injection Well Operating Requirements

a) Except during injection well stimulation, the owner or operator must ensure that injection pressure does not exceed 90 percent of the fracture pressure of the injection zones, so as to ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zones. In no case may injection pressure initiate fractures in the confining zones or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to the requirements of Section 730.182(a)(9), all stimulation programs must be approved by the Agency as part of the permit application and incorporated into the permit.

b) Injection between the outermost casing that protects any USDW and the well bore is prohibited.

c) The owner or operator must fill the annulus between the tubing and the long-string casing with a non-corrosive fluid approved by the Agency. The owner or operator must maintain on the annulus a pressure that exceeds the operating injection pressure, unless the Agency determines that such a requirement might harm the integrity of the well or endanger any USDW.

d) Other than during periods of well workover (maintenance) approved by the Agency in which the sealed tubing-casing annulus is disassembled for maintenance or corrective procedures, the owner or operator must maintain mechanical integrity of the injection well at all times.

e) The owner or operator must install and use the equipment indicated in subsection (e)(1) of this Section and the appropriate of subsection (e)(2) or (e)(3) of this Section:

1) Continuous recording devices that monitor each of the following parameters:

A) The carbon dioxide injection pressure;

B) The rate, volume or mass, and temperature of the carbon dioxide stream;

C) The pressure on the annulus between the tubing and the long-string casing; and

D) The annulus fluid volume.

2) For onshore wells, alarms and automatic surface shut-off systems or, at the discretion of the Agency, down-hole shut-off systems (e.g., automatic shut-off valves, check valves, etc.) or other mechanical devices that provide equivalent protection.

3) For wells located offshore but within State territorial waters, alarms and automatic down-hole shut-off systems designed to alert the operator and shut-in the well when operating parameters, such as annulus pressure, injection rate, or other parameters, diverge beyond permitted ranges or gradients specified in the permit.

f) If a shutdown is triggered (down-hole or at the surface), or if a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify the cause of the shutoff as expeditiously as possible. If, upon investigation, or if monitoring required under subsection (e) of this Section otherwise indicates that the well may be lacking mechanical integrity, the well appears to be lacking mechanical integrity, the owner or operator must undertake each of the following actions:

1) The owner or operator must immediately cease injection;

2) The owner or operator must take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;

3) The owner or operator must notify the Agency of the event within 24 hours;

4) The owner or operator must restore and demonstrate the mechanical integrity of the well to the satisfaction of the Agency prior to resuming injection; and

5) The owner or operator must notify the Agency when injection can be expected to resume.

BOARD NOTE: This Section corresponds with 40 CFR 146.88 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.189 Mechanical Integrity

a) A Class VI injection well has mechanical integrity if both of the following conditions exist:

1) There is no significant leak in the casing, tubing or packer; and

2) There is no significant fluid movement into a USDW through channels adjacent to the injection well bore.

b) To evaluate the absence of significant leaks under subsection (a)(1) of this Section, the owner or operator must, following an initial annulus pressure test, continuously monitor each of the following parameters:

1) The injection pressure, rate, and injected volumes;

2) The pressure on the annulus between the tubing and the long-string casing; and

3) The annulus fluid volume, as specified in Section 730.188(e);

c) At least once per year, the owner or operator must use one of the following methods to determine the absence of significant fluid movement under subsection (a)(2) of this Section:

1) An approved tracer survey, such as an oxygen-activation log; or

2) A temperature or noise log.

d) If required by the Agency, at a frequency specified in the testing and monitoring plan required by Section 730.190, the owner or operator must run a casing inspection log to determine the presence or absence of corrosion in the long-string casing.

e) The Agency must require any requested alternative test that the Agency has determined is necessary to evaluate mechanical integrity under subsections (a)(1) or (a)(2) of this Section after obtaining the written approval of USEPA.

BOARD NOTE: Corresponding 40 CFR 146.89(e) provides that the Agency must submit a written request to USEPA setting forth the proposed test and all technical data supporting its use to obtain approval for a new mechanical integrity test. USEPA stated that it will approve the request if USEPA determines that the proposed test will reliably demonstrate the mechanical integrity of wells for which its use was proposed. USEPA stated that it will publish any alternative method that USEPA has approved in the Federal Register, and the Agency must approve use of the published method if the Agency has determined that the method is appropriate to evaluate mechanical integrity, unless USEPA restricts its use at the time of approval by USEPA.

f) In conducting and evaluating the tests enumerated in this Section or others that the Agency has required by permit, the owner or operator and the Agency must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, the owner or operator must include a description of the tests and the methods used. In making its evaluation, the Agency must review monitoring and other test data submitted since the previous evaluation.

g) The Agency must require additional or alternative tests if the Agency determines that the results presented by the owner or operator pursuant to subsections (a) through (d) of this Section are not satisfactory to demonstrate that there is no significant leak in the casing, tubing, or packer or that there is no significant movement of fluid into a USDW resulting from the injection activity, as required by subsections (a)(1) and (a)(2) of this Section.

BOARD NOTE: This Section corresponds with 40 CFR 146.89 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.190 Testing and Monitoring Requirements

The owner or operator of a Class VI injection well must prepare, maintain and comply with a testing and monitoring plan which will verify that the geologic sequestration project is operating as permitted, and that the project is not endangering USDWs. The requirement to maintain and

implement an approved testing and monitoring plan is directly enforceable, regardless of whether the requirement is a condition of the permit. The owner or operator must submit the testing and monitoring plan to the Agency with the permit application, and the owner or operator must include a description of how it will meet the requirements of this Section, including accessing sites for all necessary monitoring and testing during the life of the project. Testing and monitoring associated with geologic sequestration projects must, at a minimum, include the following parameters and devices:

a) Analyses of the carbon dioxide stream with sufficient frequency to yield data representative of the chemical and physical characteristics of the stream;

b) Installation and use of continuous recording devices to monitor injection pressure, rate and volume, except during well workovers, as such are defined in Section 730.188(d); the pressure on the annulus between the tubing and the long-string casing; and the annulus fluid volume added;

c) Corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components fulfill the Agency-approved minimum standards for material strength and performance, as provided in Section 730.186(b), by performing one of the following tests:

1) Analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream;

2) Routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or

3) Using an alternative method approved by the Agency;

d) Periodic monitoring of the groundwater quality and geochemical changes above the confining zones that may be a result of carbon dioxide movement through the confining zones or additional identified zones, including the following information:

1) The location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and

2) The monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected pursuant to Section 730.182(a)(6) and on any modeling results in the area of review evaluation required by Section 730.184(c).

e) The annual demonstration of external mechanical integrity required by Section 730.189(c) at least once per year until the injection well is plugged; and, if required by the Agency, a casing inspection log undertaken pursuant to Section 730.189(d), at a frequency established in the testing and monitoring plan;

f) A pressure fall-off test at least once every five years, unless the Agency has required more frequent testing based on site-specific information;

g) Testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (i.e., the pressure front) by using the following types of methods:

1) Direct methods in the injection zones; and

2) Indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys or down-hole carbon dioxide detection tools), unless the Agency has determined, based on site-specific geology, that these methods are not appropriate;

h) The Agency must require surface air monitoring or soil gas monitoring if the Agency determines that this monitoring is needed to detect movement of carbon dioxide that could endanger a USDW.

1) The design of Class VI injection well surface air or soil gas monitoring must be based on potential risks to USDWs within the area of review;

2) The monitoring frequency and spatial distribution of surface air monitoring or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation or compliance with the prohibition against movement of fluid into a USDW set forth in 35 Ill. Adm. Code 704.122;

3) If the Agency requires surface air or soil gas monitoring, the Agency has determined that monitoring undertaken to comply with subpart RR of 40 CFR 98 accomplishes the goals of subsections (h)(1) and (h)(2) of this Section, and the owner or operator fulfills the carbon dioxide release reporting requirements set forth in Section 730.191(c)(5), the Agency must approve the use of monitoring undertaken to comply with subpart RR of 40 CFR 98. After approval by the Agency, compliance with subpart RR of 40 CFR 98 pursuant to this subsection (h)(3) is deemed a condition of the Class VI injection well permit;

i) Any additional monitoring that the Agency has determined is necessary to support, upgrade, and improve the computational modeling of the area of review evaluation that is required by Section 730.184(c) and to determine compliance with the prohibition against movement of fluid into a USDW set forth in 35 Ill. Adm. Code 704.122;

j) The owner or operator must periodically review the testing and monitoring plan to incorporate monitoring data collected under this Subpart H, operational data collected pursuant to Section 730.188, and the most recent area of review reevaluation performed pursuant to Section 730.184(e). The owner or operator must review the testing and monitoring plan at least once in every five-year period. Based on this review, the owner or operator must submit an amended testing and monitoring plan or demonstrate to the Agency that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the Agency, must be incorporated into the permit, and are subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.261 or 704.264, as appropriate. The owner or operator must submit amended plans or demonstrations to the Agency as follows:

1) Within one year after an area of review reevaluation;

2) Following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells within the area of review, on a schedule determined by the Agency; or

3) When required by the Agency.

k) A quality assurance and surveillance plan for all testing and monitoring requirements.

BOARD NOTE: This Section corresponds with 40 CFR 146.90 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.191 Reporting Requirements

The owner or operator of a Class VI injection well must, at a minimum, provide the following reports to the Agency for each permitted Class VI injection well, as specified in subsection (e) of this Section:

a) Semi-annual reports containing the following information:

1) A description of any deviations in the physical, chemical and other relevant characteristics of the carbon dioxide stream from the proposed operating data submitted to the Agency pursuant to Sections 730.182(a)(7) and (c)(3) and 730.186(b)(1) and (c)(3);

2) The monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;

3) A description of any event that exceeds operating parameters for the annulus pressure or injection pressure specified in the permit;

4) A description of any event that triggers a shut-off device required pursuant to Section 730.188(e) and the response undertaken by the owner or operator;

5) The monthly volume or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;

6) The monthly annulus fluid volume added; and

7) The results of the monitoring required by Section 730.190.

b) Report the results within 30 days after completion of any of the following:

1) Any results of periodic tests of mechanical integrity;

2) Any well workover; and

3) Results of any other test of the injection well that the owner or operator has conducted as required by the Agency.

c) Report any of the following events within 24 hours after the event:

1) The owner or operator has discovered any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;

2) The owner or operator has discovered any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;

3) The owner or operator has discovered any triggering of a shut-off system (i.e., down-hole or at the surface);

4) The owner or operator has discovered any failure to maintain mechanical integrity; or

5) The owner or operator has discovered any release of carbon dioxide to the atmosphere or biosphere through surface air or soil gas monitoring or other monitoring technologies that the Agency has required pursuant to Section 730.190(h).

d) An owner or operator must notify the Agency in writing 30 days in advance of any of the following:

1) Any planned well workover;

2) Any planned stimulation activities, other than stimulation for formation testing conducted pursuant to Section 730.182; and

3) Any other planned test of the injection well conducted by the owner or operator.

e) In corresponding 40 CFR 146.91(e), USEPA has stated that owners or operators must submit all required reports, submittals, and notifications under this Subpart H to USEPA in an electronic format approved by USEPA.

f) The owner or operator must retain records as follows:

1) The owner or operator must retain all data collected pursuant to Section 730.182 for Class VI permit applications throughout the life of the geologic sequestration project and for 10 years following site closure.

2) The owner or operator must retain data on the nature and composition of all injected fluids collected pursuant to Section 730.190(a) until 10 years after site closure. The Agency may require the owner or operator to deliver the records to the Agency at the conclusion of the retention period.

3) The owner or operator must retain monitoring data collected pursuant to Section 730.190(b) through (i) for 10 years after it is collected.

4) The owner or operator must retain well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at Section 730.193(f) and (h) for 10 years following site closure.

5) The Agency may require the owner or operator to retain any records required by this Subpart H for a period that is longer than 10 years after site closure. Any Agency requirement that the owner or operator retain records for a longer period must be made in writing, the writing must recite a definite longer period, and the Agency must state the reasons for the determination to require the longer period. An owner or operator may appeal any Agency determination made pursuant to this subsection (f)(5) to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

BOARD NOTE: This Section corresponds with 40 CFR 146.91 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.192 Injection Well Plugging

a) Prior to the well plugging, the owner or operator must flush each Class VI injection well with a buffer fluid, determine bottom-hole reservoir pressure and perform a final external mechanical integrity test.

b) Well plugging plan. The owner or operator of a Class VI injection well must prepare, maintain and comply with a well plugging plan that is acceptable to the Agency. The requirement to maintain and implement an approved well plugging plan is directly enforceable regardless of whether the requirement is a condition of the permit. The owner or operator must submit the well plugging plan as part of the permit application, and the well plugging plan must include the following information:

1) Appropriate tests or measures for determining bottomhole reservoir pressure;

2) Appropriate testing methods to ensure external mechanical integrity, as specified in Section 730.189;

3) The type and number of plugs to be used;

4) The placement of each plug, including the elevation of the top and bottom of each plug;

5) The type, grade, and quantity of material to be used in plugging. The material must be compatible with the carbon dioxide stream; and

6) The method of placement of the plugs.

c) Notice of intent to plug. The owner or operator must notify the Agency in writing, and USEPA electronically pursuant to Section 730.191(e), at least 60 days before beginning the plugging of a well. The owner or operator must also provide the revised well plugging plan at the time of this notice if any changes have been made to the original well plugging plan. The Agency must allow for a shorter notice period if the Agency determines that the shorter notice period is adequate to complete Agency review of the well plugging plan or that well plugging must occur more promptly. The Agency must approve any amendments to the injection well plugging plan and incorporate the amendments into the permit, and the incorporation of the amendments into the permit is subject to the

permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

d) Plugging report. Within 60 days after plugging, the owner or operator must submit a plugging report to the Agency and electronically to USEPA pursuant to Section 730.191(e). The plugging report must be certified as accurate by the owner or operator and by the person who performed the plugging operation (if other than the owner or operator). The owner or operator must retain the well plugging report for 10 years following site closure.

BOARD NOTE: This Section corresponds with 40 CFR 146.92 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.193 Post-Injection Site Care and Site Closure

a) The owner or operator of a Class VI injection well must prepare, maintain, and comply with a plan for post-injection site care and site closure that the Agency has determined meets the requirements of subsection (a)(2) of this Section. The requirement to maintain and implement an approved plan is directly enforceable, regardless of whether the requirement is a condition of the permit.

1) The owner or operator must submit the post-injection site care and site closure plan to the Agency as a part of the permit application.

2) The post-injection site care and site closure plan must include the following information:

A) The pressure differential between pre-injection and predicted post-injection pressures in the injection zones;

B) The predicted position of the carbon dioxide plume and associated pressure front at site closure, as demonstrated in the area of review evaluation required by Section 730.184(c)(1);

C) A description of the proposed post-injection monitoring location, methods, and frequency;

D) A proposed schedule for submitting post-injection site care monitoring results to the Agency pursuant to Section 730.191(e); and

E) The duration of the post-injection site care timeframe and, if approved by the Agency, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.

3) Upon cessation of injection, the owner or operator of a Class VI injection well must either submit an amended post-injection site care and site closure plan or demonstrate to the Agency through monitoring data and modeling results that no amendment to the plan is needed. The Agency must approve any amendments to the post-injection site care and site closure plan and incorporate the amendments into the permit, and the incorporation of the amendments into the permit is subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate.

4) At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for Agency approval. The owner or operator must resubmit the plan to the Agency within 30 days after making any modification.

b) The owner or operator must monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that no USDW is being endangered.

1) Following the cessation of injection, the owner or operator must continue to conduct monitoring as specified in the Agency-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the Agency pursuant to requirements in subsection (c) of this Section, unless the owner or operator makes a demonstration under subsection (b)(2) of this Section. The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under subsection (b)(2) of this Section is submitted and approved by the Agency.

2) If the Agency determines, based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to any USDW before 50 years or prior to the end of the approved alternative timeframe, the Agency must either approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe.

3) Prior to authorization for site closure, the owner or operator must submit to the Agency for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to any USDW.

4) If the owner or operator cannot make the demonstration required by subsection (b)(3) of this Section (i.e., the Agency has determined that additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to any USDW or the Agency has not approved the demonstration) at the end of the 50-year period or at the end of the approved alternative timeframe, the owner or operator must submit to the Agency a plan to continue post-injection site care until the owner or operator has made a demonstration that the Agency can approve.

c) Demonstration of alternative post-injection site care timeframe. If the Agency determines in consultation with USEPA during the permitting process that an alternative post-injection site care timeframe other than the 50-year default is appropriate and ensures non-endangerment of any USDW, the Agency must approve the alternative post-injection site care timeframe. The Agency must base its determination on significant, site-specific data and information, including all data and information collected pursuant to Sections 730.182 and 730.183, and the Agency must determine based on substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to any USDW at the end of the alternative post-injection site care timeframe.

1) A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of the following:

A) The results of computational modeling performed pursuant to delineation of the area of review, as required by Section 730.184;

B) The predicted timeframe for pressure decline within the injection zone and any other zones, such that formation fluids may not be forced into any USDW, or the timeframe for pressure decline to pre-injection pressures;

C) The predicted rate of carbon dioxide plume migration within the injection zone and the predicted timeframe for the cessation of migration;

D) A description of the site-specific processes that will result in carbon dioxide trapping, including immobilization by capillary trapping, dissolution, and mineralization at the site;

E) The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and mineral phase;

F) The results of laboratory analyses, research studies, or field or site-specific studies to verify the information required in subsections (c)(1)(D) and (c)(1)(E) of this Section;

G) A characterization of the confining zones, including a demonstration that each confining zone is free of transmissive faults, fractures, and micro-fractures and is of appropriate thickness, permeability and integrity to impede fluid movement (e.g., carbon dioxide, formation fluids, etc.);

H) The presence of potential conduits for fluid movement, including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted or modeled final extent of the carbon dioxide plume and area of elevated pressure;

I) A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;

J) The distance between the injection zone and the nearest USDWs above and below the injection zone; and

K) Any additional site-specific factors required by the Agency.

2) Information submitted to support the demonstration required by subsection (c)(1) of this Section must meet the following criteria:

A) All analyses and tests performed to support the demonstration must be accurate and reproducible, and they must have been performed in accordance with the established quality assurance standards;

B) Estimation techniques must be appropriate, and USEPA-certified test protocols must have been used where available;

C) Predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream, and injection and site conditions over the life of the geologic sequestration project;

D) Predictive models must be calibrated using existing information (e.g., at Class I, Class II or Class V experimental technology injection well sites) where sufficient data are available;

E) Reasonably conservative values and modeling assumptions must be used and disclosed to the Agency whenever values are estimated on the basis of known historical information instead of site-specific measurements;

F) The owner or operator must perform an analysis to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.

G) An approved quality assurance and quality control plan must address all aspects of the demonstration; and

H) Any additional criteria required by the Agency.

d) Notice of intent for site closure. The owner or operator must notify the Agency in writing at least 120 days before site closure. At the time of this notice, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The Agency may allow for a shorter notice period. The Agency must allow for a shorter notice period if the Agency determines that the shorter notice period is adequate to complete Agency review of the post-injection site care and site closure plan or that well closure must occur more promptly.

e) After the Agency has authorized site closure, the owner or operator must plug all monitoring wells in a manner that will not allow movement of injection or formation fluids which endangers a USDW.

f) The owner or operator must submit a site closure report to the Agency within 90 days after site closure, which must thereafter be retained at a location designated by the Agency for at least 10 years. The report must include the following records and documentation:

1) Documentation of the injection and monitoring well plugging as required by Section 730.192 and subsection (e) of this Section. The owner or operator must provide a copy of a survey plat that the owner or operator has submitted to the local zoning authority designated by the Agency. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to USEPA Region 5;

2) Documentation of appropriate notification and information to all State and local authorities that have authority over drilling activities within the area of review, to enable those State and local authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zones; and

BOARD NOTE: The Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division and the Illinois Department of Public Health each have some role in regulating well drilling, depending on the type of well. Other State agencies may also have a role. Further, units of local government and agencies of a sister state may regulate well drilling if a portion of the area of review lies within their jurisdiction. The

owner or operator must assure that all applicable regulatory entities receive the required notification and information.

3) Records reflecting the nature, composition, and volume of the carbon dioxide stream.

g) Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during title search that will in perpetuity provide the following information to any potential purchaser of the property:

1) The fact that land has been used to sequester carbon dioxide;

2) The name of the county with which the survey plat was filed, as well as the addresses of the Agency and USEPA Region 5; and

3) The volume of fluid injected, the injection zone or zones into which the fluid was injected, and the period over which injection occurred.

h) The owner or operator must retain records collected during the post-injection site care period for at least 10 years following site closure. The owner or operator must deliver the records to the Agency at the conclusion of the retention period, and the records must thereafter be retained at a location designated by the Agency for that purpose.

BOARD NOTE: This Section corresponds with 40 CFR 146.93 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.194 Emergency and Remedial Response

a) As part of the permit application, the owner or operator must provide the Agency with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids which may cause an endangerment to a USDW during the construction, operation, and post-injection site care periods of the injection well. The requirement to maintain and implement an approved emergency and remedial response plan is directly enforceable regardless of whether the requirement is a condition of the permit.

b) If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must undertake the following actions:

1) The owner or operator must immediately cease injection;

2) The owner or operator must take all steps reasonably necessary to identify and characterize any release;

3) The owner or operator must notify the Agency within 24 hours after obtaining the evidence; and

4) The owner or operator must implement the emergency and remedial response plan approved by the Agency.

c) The Agency must allow the operator to resume injection prior to remediation if the Agency has determined that the injection operation will not endanger any USDW.

d) The owner or operator must periodically review the emergency and remedial response plan developed pursuant to subsection (a) of this Section. The owner or operator must review the emergency and remedial response plan at least once in every five year period. Based on this review, the owner or operator must submit an amended emergency and remedial response plan or demonstrate to the Agency that no amendment to the emergency and remedial response plan is needed. The Agency must approve any amendments to the emergency and remedial response plan and incorporate the amendments into the permit, and the incorporation of the amendments into the permit is subject to the permit modification requirements set forth in 35 Ill. Adm. Code 704.262 or 704.264, as appropriate. The owner or operator must submit any amended plans or demonstrations to the Agency as follows:

1) Within one year of an area of review reevaluation;

2) Following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the Agency; or

3) When required by the Agency.

BOARD NOTE: This Section corresponds with 40 CFR 146.94 (2011).

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

Section 730.195 Alternative Class VI Injection Well Depth Requirements

This Section specifies the requirements for application of alternative injection well depth requirements for Class VI injection wells that meet certain criteria. This Section sets forth information that an owner or operator seeking application of alternative Class VI injection well depth requirements must submit to the Agency; the information that the Agency must consider when determining whether any well is suitable for application of alternative injection well depth requirements; the procedure for Agency-USEPA Region 5 communication and Agency determination whether a well is suitable for application of alternative injection well depth requirements; and the additional requirements that apply to an owner or operator of a Class VI injection well that has been granted a permit that includes alternative injection well depth requirements.

a) When seeking a permit that includes alternative injection well depth requirements to the requirement to inject below the lowermost USDW, the owner or operator must submit a supplemental report concurrent with the permit application. The supplemental report must include the following information:

1) The following demonstrations with regard to the injection zones:

A) Each is laterally continuous;

B) None is a USDW;

C) None is hydraulically connected to a USDW;

D) None outcrops;

E) Each has adequate injectivity, volume, and sufficient porosity to safely contain the injected carbon dioxide and formation fluids; and

F) Each has appropriate geochemistry.

2) A demonstration that each injection zone is bounded by laterally continuous impermeable confining units above and below the injection zone that are adequate to prevent fluid movement and pressure buildup outside of the injection zone and that the confining units are free of transmissive faults and fractures. The report must further characterize the regional fracture properties and contain a demonstration that these fractures will not interfere with injection, serve as conduits, or endanger USDWs.

3) A demonstration, using computational modeling, that no fluid movement will endanger any USDW above or below the injection zone. This modeling should be conducted in conjunction with the area of review determination required by Section 730.184, and the modeling is subject to the area of review delineation and well identification requirements set forth in Section 730.184(c) and the periodic reevaluation requirements set forth in Section 730.184(e).

4) The following demonstrations with regard to well design and construction, in conjunction with the alternative injection well depth requirements:

A) Well design and construction will ensure isolation of the injectate in lieu of the prohibition against movement of fluids set forth in 730.186(a)(1); and

B) Well design and construction will meet the well construction requirements set forth in subsection (f) of this Section.

5) A description of how the owner or operator will tailor the monitoring and testing and any additional plans to the geologic sequestration project to ensure protection of USDWs above and below each injection zone if the Agency issues a permit that includes alternative injection well depth requirements.

6) Information on the location of all the public water supplies that will be affected, or which are reasonably likely to be affected, by the carbon sequestration project, and all public water supplies that distribute water drawn from any USDW in the area of review.

7) Any other information that the Agency determines is necessary to inform the USEPA Region 5's decision to issue a waiver, as required by subsection (b) of this Section.

b) To inform the USEPA Region 5's decision on whether to grant a waiver of the injection depth requirements pursuant to 40 CFR 146.95, which would allow the Agency to issue a permit that includes alternative injection well depth requirements, the Agency must submit the following documentation to USEPA Region 5:

1) An evaluation of the following information as it relates to siting, construction, and operation of a geologic sequestration project under a permit that includes alternative injection well depth requirements:

A) The integrity of the upper and lower confining units;

B) The suitability of the injection zones (e.g., lateral continuity, lack of transmissive faults and fractures, known current or planned artificial penetrations into the injection zones or formations below the injection zone, etc.);

C) The potential capacity of the geologic formations to sequester carbon dioxide, accounting for the availability of alternative injection sites;

D) All other site characterization data, the proposed emergency and remedial response plan, and a demonstration of financial responsibility;

E) An assessment of community needs, demands, and supply from drinking water resources;

F) An assessment of planned needs and potential or future use of USDWs and non-USDWs in the area of review;

G) An assessment of planned or permitted water, hydrocarbon, or mineral resource exploitation potential of the proposed injection formations and other formations both above and below the injection zone to determine if there are any plans to drill through

the formation to access resources in or beneath the proposed injection zones or formations;

H) The proposed plan for securing alternative water resources or treating USDW formation waters in the event of contamination related to the Class VI injection well activity; and,

I) Any other applicable considerations or information that the Agency determines is necessary to aid a determination by USEPA Region 5 to grant a waiver that would allow the Agency to issue a permit that includes alternative injection well depth requirements.

2) Consultation with the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority over lands within the area of review of a well for which a waiver that would allow the Agency to issue a permit that includes alternative injection well depth requirements is sought.

3) Any written waiver-related information submitted by the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority to the Agency.

c) Pursuant to 35 Ill. Adm. Code 705.163 and concurrent with the Class VI injection well permit application notice process, the Agency must give public notice that the owner or operator has sought a permit that includes alternative injection well depth requirements. The notice must clearly state the following information:

1) The depth of the proposed injection zones;

2) The location of the injection wells;

3) The name and depth of each USDW within the area of review;

4) A map of the area of review;

5) The names of any public water supplies that will be affected, or which are reasonably likely to be affected, by the carbon sequestration project, and all public water supplies that distribute water drawn from any USDW in the area of review; and

6) The results of consultation with the Agency's Division of Public Water Supply and all agencies of a sister state that have public water system supervision authority, as required by subsection (b)(2) of this Section.

d) Following the public notice required by subsection (c) of this Section, the Agency must provide all information received through the waiver application process to USEPA Region 5. USEPA has stated in corresponding 40 CFR 146.95(d) that, based on this information, the USEPA Region 5 must provide written concurrence or non-concurrence regarding the Agency issuing a permit that includes alternative injection well depth requirements.

1) If USEPA Region 5 determines that additional information is required to support a decision, the Agency must provide that information. At its discretion, USEPA Region 5 may require that public notice of the new information be initiated.

2) The Agency must not issue a permit that includes alternative injection well depth requirements without having first received the written concurrence of USEPA Region 5.

e) USEPA has stated in corresponding 40 CFR 146.95(e) that if the Agency issues a permit that includes alternative injection well depth requirements, USEPA will post the following information on its Office of Water website within 30 days after permit issuance:

1) The depth of the proposed injection zones;

2) The location of the injection wells;

3) The name and depth of all USDWs within the area of review;

4) A map of the area of review;

5) The names of any public water supplies that will be affected, or which are reasonably likely to be affected, by the carbon sequestration project, and all public water supplies that distribute water drawn from any USDW in the area of review; and

6) The date of permit issuance.

f) Upon receipt of a permit that includes alternative injection well depth requirements for geologic sequestration, the owner or operator of the covered Class VI injection well must comply with the following requirements:

1) All requirements of Sections 730.184, 730.185, 730.187, 730.188, 730.189, 730.191, 730.192, and 730.194;

2) All requirements of Section 730.186, with the following modified requirements:

A) The owner or operator must ensure that each Class VI injection well operating under the alternative injection well depth requirements is constructed and completed to prevent movement of fluids into any unauthorized zone that includes a USDW, in lieu of the requirements of Section 730.186(a)(1).

B) The casing and cementing program must be designed to prevent the movement of fluids into any unauthorized zone that includes a USDW in lieu of the requirements of Section 730.186(b)(1).

C) The surface casing must extend through the base of the nearest USDW directly above the injection zone. The surface casing must be cemented to the surface. Alternatively, the Agency must require that the casing extend through another formation above the injection zone and below the nearest USDW above the injection zone if the Agency determines that doing so is necessary to prevent movement of fluids into a USDW.

3) All requirements of Section 730.190, with the following modified requirements:

A) The owner or operator must monitor the groundwater quality, geochemical changes, and pressure in the first USDWs immediately above and below each injection zone; and in any other formation that the Agency determines is necessary to detect potential movement of fluids into a USDW.

B) The owner or operator must conduct testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (i.e., the pressure front) by using direct methods to monitor for pressure changes in the injection zones. The owner or operator must use indirect methods (e.g., seismic, electrical, gravity or electromagnetic surveys or down-hole carbon dioxide detection tools) that the Agency determines are necessary based on site-specific geology.

4) All requirements of Section 730.193, with the following, modified post-injection site care monitoring requirements:

A) The owner or operator must monitor the groundwater quality, geochemical changes and pressure in the first USDWs immediately above and below each injection zone; and in any other formation that the Agency determines is necessary to detect potential movement of fluids into a USDW.

B) The owner or operator must conduct testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (i.e., the pressure front) by using direct methods in the injection zones. The owner or operator must use indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys or down-hole carbon dioxide detection tools) that the Agency determines are necessary to detect potential movement of fluids into a USDW;

5) Any additional requirements that the Agency determines are necessary to ensure protection of USDWs above and below the injection zones.

BOARD NOTE: This Section corresponds with 40 CFR 146.95 (2011). The corresponding federal rule calls the administrative permission to allow a well to inject at an alternative depth (i.e., above the lowermost USDW) a "waiver". While the Board has retained the use of "waiver" with regard to USEPA review of alternative depth requirements, the Board has changed this to some variant of "permit that includes alternative injection well depth requirements". While the Agency cannot "waive" standards embodied in Board regulations, the Agency can issue a permit that applies alternative standards that are contained in the regulations. The Board believes that this rule includes standards sufficient to guide an Agency permit determination.

(Source: Added at 36 Ill. Reg. 1661, effective January 20, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) Heading of the Part: Spinal Cord Injury Paralysis Cure Research Code

2) Code Citation: 77 Ill. Adm. Code 570

3)

Section Numbers:	Adopted Action:
570.100	New
570.200	New
570.300	New
570.400	New
570.500	New
570.600	New
570.700	New
570.800	New
570.900	New
570.1000	New
570.1100	New
570.1200	New
570.1300	New

4) Statutory Authority: Section 6z-49 of the State Finance Act [30 ILCS 105/6z-49]

5) Effective Date of Rulemaking: January 20, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposed Rules Published in Illinois Register: October 7, 2011; 35 Ill. Reg. 15959

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: No changes were made in response to comments received during the first notice or public comment period. Various typographical, grammatical, and form changes were made in response to the comments from JCAR.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

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 necessary.

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

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rules in Part 570 set forth the requirements for the Illinois Department of Public Health to award grants to medical research facilities located in Illinois to conduct research to find a cure for spinal cord injury paralysis. The rulemaking implements Public Act 91-737, which amended the State Finance Act to authorize the Department of Public Health to use moneys in the Spinal Cord Injury Paralysis Cure Research Trust Fund for this purpose.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 570
SPINAL CORD INJURY PARALYSIS CURE RESEARCH CODE

Section

570.100 Definitions
570.200 Referenced Materials
570.300 Eligibility for Grants
570.400 Grant Requirements
570.500 Research Requirements
570.600 Application Requirements
570.700 Review of Applications
570.800 Grant Awards, Terms and Conditions
570.900 Use of Grant Funds
570.1000 Termination of the Grant Agreement
570.1100 Grant Funds Recovery
570.1200 Reporting
570.1300 Administrative Hearings

AUTHORITY: Implementing and authorized by Section 6z-49 of the State Finance Act [30 ILCS 105/6z-49].

SOURCE: Adopted at 36 Ill. Reg. 1736, effective January 20, 2012.

Section 570.100 Definitions

Act – the State Finance Act.

Applicant – an entity that applies for a grant under this Part *to conduct research to find a cure for spinal cord injury paralysis.* (Section 6z-49 of the Act)

Benefits − compensation that is in addition to direct wages or salary, including paid time off, pension, social security and insurance.

Business day − means any day, including Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

Calendar day − all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

Certified mail − mail for which proof of delivery is obtained.

Department – the Illinois Department of Public Health.

Director – the Director of the Illinois Department of Public Health.

Equipment cost − the cost of movable equipment, including movable medical equipment, and the cost of making this equipment operational (e.g., installation costs).

Fiscal year − the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

Fund – the Spinal Cord Injury Paralysis Cure Research Trust Fund in the State Treasury.

Grant agreement – the agreement entered into between the Department and any grant recipient for the use of grant funds under this Part.

Grant funds – public funds dispensed by the Department *to any person or entity for obligation, expenditure or use for a specific purpose.* (Section 2(b) of the Illinois Grant Funds Recovery Act)

Grant recipient – an entity that receives a grant under this Part *to conduct research to find a cure for spinal cord injury paralysis*. (Section 6z.49 of the Act)

Institutional Review Board or IRB – any board, committee or other group formally designated by an Illinois licensed hospital research facility to conduct an initial review of, to approve the initiation of, and to conduct periodic review of all biomedical research involving human subjects.

Nonprofit medical research institution − a corporation, association, partnership, nonprofit organization, governmental entity or other legal entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and conducts basic or applied research to aid the body of knowledge in the field of medicine.

Spinal cord paralysis research by nonprofit medical institutions may include, but is not limited to, human, clinical, animal or laboratory research.

Personal services − costs associated with wages and salaries for individuals employed by the grantee.

Principal investigator − the person with primary responsibility for conducting a spinal cord injury paralysis research project.

Supplies − general purpose consumable items that have a shorter life span than equipment and that are stocked for recurring use.

Travel − the cost incurred by a grantee's employee to travel to fulfill specific job requirements. These costs could include, but not be limited to, air travel, local transportation, per diem, mileage allowance and lodging.

Section 570.200 Referenced Materials

The following materials are referenced in this Part:

a) Illinois Statutes

1) Illinois Grant Funds Recovery Act [30 ILCS 705]

2) State Finance Act [30 ILCS 105]

b) Illinois Administrative Rules
Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

c) Federal Statutes

1) Internal Revenue Code (26 USC 501)

2) Health Insurance Portability and Accountability Act of 1996 (42 USC 1320d-2)

Section 570.300 Eligibility for Grants

To be eligible to receive a grant from the Fund, the applicant shall:

a) Be an Illinois non-profit medical *research* entity with *facilities located in Illinois,* with its principal place of business located in Illinois, and that conducts medical or clinical *research to find a cure for spinal cord injury paralysis;* and

b) Demonstrate that the moneys from the fund will be used to *conduct research* dedicated to finding *a cure for spinal cord injury paralysis*. (Section 6z-49 of the Act)

Section 570.400 Grant Requirements

a) Grant recipients shall comply with all applicable provisions of this Part.

b) Grant recipients shall use the grant award *to conduct research to find a cure for spinal cord injury paralysis*. (Section 6z-49 of the Act)

c) Grant recipients shall return a signed grant agreement to the Department in the specified time period and shall comply with the provisions of the grant agreement.

d) All research funded by grants shall be conducted in Illinois.

e) No grant funds shall be used for facility construction, lobbying, legal or accounting expenses, or utilities.

Section 570.500 Research Requirements

a) All research shall at all times comply with all applicable federal laws, including, but not limited to, the Health Insurance Portability and Accountability Act. Grantees shall at all times ensure that the personal health information of participants in the research project is protected and kept confidential.

b) Grantees shall obtain the written informed consent of all research participants.

Section 570.600 Application Requirements

a) Applications shall be submitted to the Department through the website established for this purpose or at the following address:

Spinal Cord Injury Paralysis Cure Research Trust Fund Grants

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Illinois Department of Public Health
Division of Emergency Medical Systems & Highway Safety
422 South 5th Street, 3th Floor
Springfield IL 62701

b) Faxed and e-mailed applications will not be accepted.

c) Applications shall be submitted on the form prescribed by the Department and shall include, at a minimum, the following:

1) The legal name of the applicant;

2) The applicant's address, telephone number, fax number, and e-mail address;

3) The applicant's Federal Employer Identification Number (FEIN);

4) The name, title and address of the applicant's corporate officers and key managers;

5) The name, address, e-mail and phone number of the principal investigator and the secondary contact designated by the applicant to be responsible for administering the grant funds;

6) A detailed description of the spinal cord injury paralysis research for which grant funding is requested, including:

A) A statement of the research question or hypothesis or a description of interventions or model programs on which the research will be based;

B) A prioritized listing of measurable objectives for the research during the time period of the grant;

C) Proposed activities for experiments, scientific rationale, and relevant reference to existing works;

D) The evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project; and

E) The written guidelines under which the research will proceed;

7) An agreement by the applicant that, if awarded a grant, the grant will be used *to conduct research to find a cure for spinal cord injury paralysis* (Section 6z-49 of the Act);

8) The signature of the principal investigator and agency official authorized to certify the application;

9) An approximate timetable for research expenditures and completion;

10) Background data and information justifying the project;

11) A detailed budget for the period of the grant agreement, documenting sufficient resources to carry out the research. The budget shall list the total dollar amount needed for the project, including the amount to be provided by the applicant and other funding sources and the amount of funding requested through the grant. The applicant shall identify all revenue sources and amounts and provide budget estimates, including expenditures for the duration of the project. The budget shall include the following costs (if applicable):

A) Personal services, including salaries and hourly compensation for officers, directors, and key employees;

B) Benefits;

C) Travel;

D) Commodities/supplies;

E) Equipment costs;

F) Contractual services;

G) Printing;

H) Telecommunications;

I) Patient/client care; and

J) Administrative costs;

12) Documentation of approval from the IRB of the project and the written guidelines under which the project will proceed.

Section 570.700 Review of Applications

a) The grant cycle runs from July 1-June 30.

b) The Department will review applications for compliance with the requirements of this Part. During the course of its review, the Department may contact the applicant for additional information if the information provided is incomplete, inconsistent or unclear.

c) Once the Department determines that applications are complete, grant proposals will be forwarded to the Medical Director of the Office of Preparedness and Response for review and oversight of the review process. If needed, the Department may consult an advisory committee of experts in medical or spinal cord paralysis research.

d) After review by the Office of Preparedness and Response, the Department's Grant Review Committee will review the applications. The Grant Review Committee will review and rank the applications using the following criteria:

1) The activities identified by the applicant will lead to achievement of the research objectives;

2) The project objectives are achievable in the stated time frame;

3) The evaluation methods measure progress toward the identified objectives;

4) The budget provides sufficient resources that include, but are not limited to, staff, equipment and supplies, and justifies the need for funds to carry out the project;

5) The investigators, especially the principal investigator, have a history of conducting and completing scientific research on time, on budget and as planned;

6) The investigators, especially the principal investigator, have significant expertise in biotechnology and have a reputation for innovation and for developing practical applications for biotechnology;

7) The applicant has the facilities and resources to complete the research project as described;

8) The research leads to or involves clinical trials;

9) The spinal cord injury research project has the greatest potential, based on the information presented in the application, for therapies and cures;

10) The research is likely to lead to new therapies, treatments or cures for spinal cord injury paralysis, based on the information presented in the application;

11) The research will lead to patents, articles in peer-reviewed journals or additional grant funding;

12) The research project will develop or refine the understanding of any ethical, legal or social issues raised by spinal cord injury paralysis research;

13) The project proposes novel ideas and approaches to develop the ideas;

14) The project proposes spinal cord injury paralysis research that may attract venture capital for biotechnology start-up companies in Illinois;

15) The research is likely to accelerate the pace at which basic and preclinical findings are translated into clinical benefits;

16) The project proposes collaborative and interdisciplinary research among investigators, whether at the same or different institutions; and

17) Funding the project will increase awareness and understanding of spinal cord injury paralysis research.

e) Upon completion of the grant review process, the Department will award grants to the applicant or applicants that best meet all of the requirements of the Act and this Part.

f) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of this decision.

g) Distribution of grants is dependent on available funding. The amount of the award will be based on the amount requested by the applicant, the recommendation of the Grant Review Committee and the amount available in the Fund for distribution. The amount awarded will not exceed the amount requested by the applicant.

1) The Grant Review Committee will set forth its analyses and recommendations concerning the grant applications, the rank order of the applications, and the amount of the grant, if any. The Committee may approve part of an application and recommend partial funding (see Section 570.800)

2) After the Grant Review Committee ranks the applications, the Committee will decide which applications to fund, based on the review criteria in this Section. If the amount of recommended funding exceeds the total amount for awards, the Committee may approve reduced funding for one or more applicants. Those applicants offered reduced funding may decline; if they accept, they shall submit a revised budget.

h) Applicants shall submit a new application each State fiscal year to be considered for funding. Applications are applicable only to the State fiscal year in which the applications are received, with the exception of multiple year grants.

Section 570.800 Grant Awards, Terms and Conditions

To issue a grant award, the Department and grantee will enter into a grant agreement. This agreement will describe the requirements the grantee must fulfill, based on the goals and objectives in the application, and how the grantee will ensure compliance with all applicable stipulations and conditions.

a) The Grant Review Committee may award all of the requested funds to the applicants that are selected for funding, or may award reduced funding for one or more applicants. The Committee's decision will include, but not be limited to, the following:

1) The total amount of grant funds available;

2) The number of grant proposals selected for funding;

3) Whether a selected project contains elements that the Committee determines, based on the review process in Section 570.700, should not be funded or should be partially funded; and

4) Whether the requested funding exceeds the described activities of the research project, based on the review process in Section 570.700.

b) If the Committee determines that the number of selected projects must be reduced to accommodate the amount of grants funds available, the criteria in Section 570.700 will be used to reduce the number of projects.

c) The Department will prepare award transmittal letters and a grant agreement for approved projects. Mailing of the transmittal letter and grant agreement to the applicant for acceptance shall constitute notification of award.

d) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of this decision.

e) The grant agreement will contain, at a minimum, the following:

1) Identifying information of the grantee, including name, mailing address, phone number, fax number and e-mail address;

2) A description of the grant's purpose;

3) Information on how quarterly payments to the grantee will be made;

4) A detailed budget of permissible expenditure of grant funds;

5) Reporting requirements applicable to the grant, including the filing of quarterly reports, at a minimum, that describe the project's progress and a detailed report of funds expended, according to the budget;

6) The time period of the grant; and

7) Certification that the grantee will comply with all applicable provisions of the Illinois Grant Funds Recovery Act.

f) Grant funds that the grantee does not expend or obligate by the end of the grant agreement shall be returned to the Department within 45 calendar days (see Section 4(b)(5) of the Illinois Grant Funds Recovery Act). The 45-calendar-day time frame begins the day after the grant agreement expires. Returned funds will be deposited into the fund from which the original grant disbursement to the grantee was made.

g) Grantees are required to keep complete and accurate accounting records of all grant funds received from the Department.

h) If a grantee dispenses part or all of the grant funds to another person or entity for obligation or expenditure, those dispensed funds shall be viewed and treated as grant funds. Thus, the person or entity that receives the grant funds from the grantee will be subject to all applicable Sections of this Part (see Section 12 of the Illinois Grant Funds Recovery Act).

Section 570.900 Use of Grant Funds

a) The entire amount of the grant award shall be used for *research to find a cure for spinal cord injury paralysis* as set forth in the grant agreement and budget. (Section 6z-49 of the Act)

b) Any research facilities located in Illinois applying for the grant under this Part shall not receive more than one grant from the Fund each fiscal year.

c) The grantee shall assure that the investigators fulfill the grant requirements and the requirements for the fiscal and legal management of a research project that is funded with a grant.

b) All grants shall be subject to all requirements and limitations imposed by Illinois law, including, without limitation, the Illinois Grant Funds Recovery Act.

Section 570.1000 Termination of the Grant Agreement

The agreement may be terminated immediately without recourse or further payment being required if the General Assembly fails to appropriate or otherwise make available sufficient funds for the award, or if sufficient funds are not available in the Spinal Cord Injury Paralysis Cure Research Trust Fund, a special fund in the State Treasury. A denial or termination due to the General Assembly's failure to appropriate funds is not subject to the notice and hearing requirements of this Part.

Section 570.1100 Grant Funds Recovery

Grants made under this Part are subject to the provisions of the Illinois Grant Funds Recovery Act. If a provision of this Part conflicts with a provision of that Act, then the provision of the Illinois Grant Funds Recovery Act controls.

a) If a grantee fails to comply with this Part or the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant or recover any grant funds previously disbursed to the grantee.

b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken.

c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after

the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why the action is not justified or proper.

d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee or the grantee's attorney is permitted to present evidence and witnesses to show why the action should not be taken.

e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.

f) The Department may suspend payment of grants at any time for failure to comply with Section 570.1200 or in any situation that constitutes a threat to the public health, safety or welfare. Notice of opportunity for hearing will be provided with the notice of suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).

g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

Section 570.1200 Reporting

Failure of a grantee to comply with the requirements of this Section shall result in the Department's withholding future grant funds to the grantee (see Section 4.1 of the Illinois Grant Funds Recovery Act).

a) Quarterly Progress Report. Each grantee shall submit (at a minimum) written progress reports to the Department every three months. The reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act).

b) The quarterly progress reports and annual reports shall include the following information:

1) Current status of the research project;

2) Project components finished and project components yet to be finished;

3) Costs incurred to date and an itemized listing of the total current estimated project costs compared to the approved amounts;

4) Signature of an authorized official of the grantee stating that this is a true and complete report on the project's status; and

5) A detailed report of how grant funds were expended.

c) Final Report. Grantees shall submit a final report within 60 calendar days after the conclusion of the grant period. The degree to which each objective in the grant proposal has been met shall be fully addressed in this report. The final report shall contain the following information:

1) A brief narrative summarizing project accomplishments;

2) A description of any problems that developed and how they were addressed;

3) A listing of all project costs and sources of funds for the grant period.

4) A certification, in the form of a notarized statement signed by an authorized representative of the grantee, attesting that:

A) All funds attributed to the grant have been expended;

B) The costs reported are the final costs required to complete the research project and there are no additional or associated costs; and

C) Funds used for the project were approved by the Department.

5) A grantee's failure to comply with the requirements of this Section will be considered a material breach of the performance required by the grant agreement and shall be the basis to initiate proceedings to recover all grant funds disbursed to the grantee.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 570.1300 Administrative Hearings

The Department's rules titled Practice and Procedure in Administrative Hearings apply to proceedings conducted under this Part. Where the terms "license" and "licensing" are used in those rules, the definitions of those terms shall be expanded to include a grant applicant, a grantee awarded funds, and a grant agreement executed under this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Newborn Metabolic Screening and Treatment Code

2) Code Citation: 77 Ill. Adm. Code 661

3)

Section Numbers:	Adopted Action:
661.10	Amended
661.15	Amended
661.30	Amended
661.35	Amended
661.40	Amended
661.50	Amended
661.70	Amended

4) Statutory Authority: Newborn Metabolic Screening Act [410 ILCS 240]

5) Effective Date of Rulemaking: January 19, 2012

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

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any 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) Notice of Proposal Published in the Illinois Register: 35 Ill. Reg. 12668; July 29, 2011

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Two nonsubstantive grammatical changes were made.

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 necessary.

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

14) Are there any amendments pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: These amendments include provisions to describe the mandate for testing all infants born in Illinois for severe combined immunodeficiency (SCID). Newborn screening is described by the Newborn Metabolic Screening Act, enacted in 2007 (Public Act 95-695). The adopted rulemaking defines qualifications for the physician specialists who will be providing follow-up care for children identified through newborn screening with a possible diagnosis of SCID. General recommended treatments for infants affected with SCID are also defined, and the current newborn screening fee has been increased to cover the cost of testing for SCID.

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:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 661
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section
661.10 Responsibility
661.15 Definitions
661.20 Collection of Blood and Submission of Specimens
661.30 Interpretation of Results
661.35 Designation of Medical Specialists
661.40 Reports
661.50 Diagnosis and Treatment
661.60 Exemption
661.70 Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Newborn Metabolic Screening Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. 3590, effective November 1, 1995; amended at 22 Ill. Reg. 20639, effective November 10, 1998; amended at 26 Ill. Reg. 10676, effective July 1, 2002; amended at 26 Ill. Reg. 18412, effective January 1, 2003; amended at 31 Ill. Reg. 13203, effective August 28, 2007; amended at 34 Ill. Reg. 940, effective December 31, 2009; amended at 36 Ill. Reg. 1753, effective January 19, 2012.

Section 661.10 Responsibility

a) The physician in attendance at or immediately after the birth of the newborn infant shall have primary responsibility for seeing that a specimen of the infant's blood is screened in accordance with this Part. Newborn screening includes tests

for the following disorders: classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders; primary hypothyroidism; classical galactosemia; congenital adrenal hyperplasia due to 21-hydroxylase deficiency; biotinidase deficiency; sickle cell disease/trait; cystic fibrosis; ~~and~~ lysosomal storage disorders; and severe combined immunodeficiency. Specific diseases in the categories of amino acid, organic acid, and fatty acid oxidation disorders and lysosomal storage disorders shall be reviewed by the Genetic and Metabolic Diseases Advisory Committee. The Department will~~shall~~ consider the recommendations of the Genetic and Metabolic Diseases Advisory Committee in determining to include an additional disorder in the screening panel. Implementation of the Department's determination is~~shall be~~ subject to that determination's adoption by rule. For a current list of disorders, refer to the Illinois Department of Public Health Newborn Screening Practitioner's Manual. A blood specimen meeting the requirements for testing shall suffice for all tests (see Section 661.20). The physician may delegate this responsibility to the hospital administrator or to the administrator's designated representative, such as a member of the pediatrics staff, the laboratory director, the obstetrical supervisor, or other hospital official.

b) If the infant is not born in or admitted to a hospital or when there is no physician in attendance at or immediately after the birth, the physician caring for the infant during the first month of life shall be the individual responsible for seeing that a blood specimen for newborn screening is submitted. When there is no physician caring for the~~such an~~ infant during this period, the parents or guardian is responsible. Local health authorities or the Department will~~shall~~ assist the parents or guardian in having a blood specimen submitted for testing.

c) All specimens collected pursuant to this Part shall be submitted for testing to the Newborn Screening Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 (see Section 661.20).

d) When a retest is determined to be necessary pursuant to Section 661.30 of this Part, the Illinois Department of Public Health will~~shall~~ notify the physician or his or her designee who is responsible for obtaining another specimen and having the specimen tested.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 661.15 Definitions

"Act" means the Newborn Metabolic Screening Act [410 ILCS 240].

"Advisory Committee" means the Genetic and Metabolic Diseases Advisory Committee appointed by the Director.

"CF" means cystic fibrosis.

"CLSI" means Clinical and Laboratory Standards Institute.

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

"Director" means the Director of the Department of Public Health.

"Formula" means a medically prescribed treatment substance that has been designed to treat a specific metabolic disorder.

"LSD" means lysosomal storage disorders, including the following: Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick, which are inherited metabolic disorders caused by lysosomal dysfunction, usually as a consequence of deficiency of a single enzyme required for the metabolism of lipids, glycoproteins or mucopolysaccharides.

"Newborn screening" or "testing" means the testing of a blood sample for classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders, primary hypothyroidism, classical galactosemia, congenital adrenal hyperplasia due to 21-hydroxylase deficiency, biotinidase deficiency, sickle cell disease/trait, cystic fibrosis, ~~and~~ lysosomal storage disorders, and severe combined immunodeficiency. At times, variant forms of some disorders, or related conditions, may also be identified.

"PKU" means classical phenylketonuria.

"Tandem mass spectrometry" means use of a tandem mass spectrometer and associated software to test a newborn screening sample.

"MS/MS" means Tandem Mass Spectrometry.

"SCID" means severe combined immunodeficiency and T cell lymphopenia.

"Using accepted statistical techniques" means using techniques that have been published in peer reviewed scientific literature.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

Section 661.30 Interpretation of Results

Although the majority of infants affected by disorders included in the newborn screening panel will be identified by this screening, due to genetic variabilities and variations in health status, specimen quality, and timing of specimen collection, not all infants affected by ~~such~~ a disorder may be identified. As with any laboratory test, false positive and false negative results are possible. Newborn screening test results are insufficient information on which to base diagnosis or treatment. Tests will be conducted at a *Department of Public Health laboratory designated to perform* the *tests* (Section 2(e) of the Act), as follows:

a) Phenylketonuria

1) Normal phenylalanine levels shall be established using accepted statistical techniques.

2) When the blood phenylalanine level is deemed to be abnormal, the Department will~~shall~~ recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for a quantitative phenylalanine determination and other diagnostic studies as determined by the medical specialist.

b) Primary Hypothyroidism

1) Neonatal levels for thyroid stimulating hormone (TSH) vary with gestational age, birth weight~~birthweight~~, time of collection and in response to concurrent medical problems. Normal TSH and normal thyroxine (T4) levels shall be established using accepted statistical techniques.

2) When the TSH level or the T4 level is deemed to be abnormal, the Department will~~shall~~ recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for primary hypothyroidism and additional serum testing for

thyroid function.

c) Galactosemia

1) Laboratory tests for galactosemia may be performed by testing for total galactose (galactose and galactose-1-phosphate) or a deficiency of the galactose-l-phosphate uridyl transferase enzyme. Normal test results indicate a normal level of total galactose or the presence of the enzyme. Test results are abnormal when the level of total galactose is above the normal range or the presence of the enzyme is not detected. Normal ranges shall be established using accepted statistical techniques.

2) When the galactose or enzyme levels are deemed abnormal, recommendations may be given to change the diet of the infant to a galactose free diet. The Department will~~shall~~ recommend a repeat newborn screening test or referral of the infant to a designated medical specialist for further diagnostic studies.

d) Congenital Adrenal Hyperplasia (secondary to 21-hydroxylase deficiency)

1) Neonatal levels for 17-hydroxyprogesterone vary with gestational age, birth weight~~birthweight~~, time of collection and in response to concurrent medical problems. Normal 17-hydroxyprogesterone levels shall be established using accepted statistical techniques.

2) When the 17-hydroxyprogesterone level is deemed to be abnormal, the Department will~~shall~~ recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for congenital adrenal hyperplasia.

e) Biotinidase Deficiency

1) Laboratory tests for biotinidase deficiency are designed to detect a deficiency of the biotinidase enzyme. Normal test results indicate the presence of the enzyme. Test results are abnormal when the presence of the enzyme is not detected.

2) When the determination of the enzyme is deemed abnormal, the Department will~~shall~~ recommend a repeat newborn screening test or

referral of the infant to a designated medical specialist for a quantitative determination of the biotinidase enzyme and further diagnostic studies.

f) Sickle Cell Disease/Trait and Other Hemoglobinopathies
Qualitative testing will determine the presence of A, F, S, C and other hemoglobins.

1) When F and S hemoglobins, but no A hemogolobin, are detected on the same specimen, the Department will~~shall~~ recommend referral to a designated medical specialist for follow-up and genetic counseling.

2) When F, S and C hemoglobins, but no A hemogolobin, are detected on the same specimen, the Department will~~shall~~ recommend referral to a designated medical specialist for follow-up and genetic counseling.

3) When F, A and C hemoglobins or F, A and S hemoglobins are detected on the same specimen, the Department will~~shall~~ recommend parental testing and genetic counseling by the attending physician or another qualified counselor.

4) When A hemoglobin is detected as the predominant hemoglobin, and the specimen was collected at less than two~~2~~ months of age, ~~it will be assumed that~~ the infant will be assumed to have received a blood transfusion, and a report indicating that the infant received a blood transfusion~~such~~ will be made. A repeat newborn screening specimen should be drawn from all such infants three~~3~~ months post-transfusion.

g) Phenylketonuria (PKU) and Other Amino Acid~~other amino acid~~, Organic Acid~~organic acid~~, and Fatty Acid Oxidation Disorders~~fatty acid oxidation disorders~~ (~~Note:~~ PKU testing is described in Section 661.30(a).)~~.~~

1) Analysis shall be performed by MS/MS. The patient metabolite distribution patterns shall be compared to normal populations. Pattern analysis, and internal metabolite ratios relative to normal populations, shall be calculated using accepted statistical techniques.

2) When blood levels or ratios are found to be abnormal, indicating the possibility of a metabolic condition harmful to the infant, the Department will~~shall~~ recommend a repeat newborn screening test or referral of the

infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.

h) Cystic Fibrosis (CF)

1) CF is indicated by elevated neonatal levels of immunoreactive trypsinogen (IRT) that can be detected in dried blood spots by immunoassay or other techniques. The normal IRT range shall be established using accepted statistical techniques.

2) When elevated levels of IRT are detected, testing by genetic mutation analysis shall be performed in order to decrease false positive results. Because there are over 1,000 mutations in the CF transmembrane conductance regulator (CFTR) gene, testing will yield only 90 to 95 percent sensitivity.

3) When IRT levels and/or mutation analysis are found to be abnormal, thus indicating the possibility of CF, the Department will~~shall~~ recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.

i) Lysosomal Storage Disorders (LSDs)

1) An LSD can be detected in dried blood spots by using tandem mass spectrometry or other methods. Normal testing parameters shall be established using accepted statistical techniques.

2) When testing parameters are found to be abnormal, thus indicating the possibility of an LSD, the Department will recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies.

3) After an initial phase-in project to establish normal testing parameters and validate the screening, all specimens~~To establish normal testing parameters and validate the screening technique, a phase-in project will be conducted from November 1, 2010 through May 31, 2011 requiring LSD screening of all babies born at the University of Chicago Hospitals and Northwestern Memorial Hospital. At the conclusion of the phase-in project, all specimens~~ submitted to the Illinois Department of Public

Health Newborn Screening Laboratory will be tested for LSDs.

j) Severe Combined Immunodeficiency (SCID)

1) SCID can be detected in dried blood spots by using DNA-based methods, such as polymerase chain reaction (PCR) or other methods. Normal testing parameters shall be established using accepted statistical techniques.

2) When testing parameters are found to be abnormal, thus indicating the possibility of SCID, the Department will recommend referral of the infant to a designated medical specialist for appropriate definitive testing and diagnostic studies

3) To establish normal testing parameters and validate the screening technique, a phase-in project will be conducted for a six-month period after January 1, 2012, and will require SCID screening of all babies born at a small group of birthing hospitals to be designated. At the conclusion of the phase-in project, all specimens submitted to the Illinois Department of Public Health Newborn Screening Laboratory will be tested for SCID.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

Section 661.35 Designation of Medical Specialists

a) The Newborn Screening Program Manager, with the advice of the Director of the University of Illinois Division of Specialized Care for Children, and the Chairman of the Advisory Committee, will~~shall~~ designate qualified professionals to serve as medical specialists in specified disease categories within the Newborn Screening Program. These medical specialists should provide care to children identified through newborn screening in collaboration with the primary care provider.

b) Equivalency in all qualifications specified in this Section will~~shall~~ be determined by the Newborn Screening Program Manager, with the advice of the Director of the University of Illinois Division of Specialized Care for Children~~,~~ and the Chairman of the Advisory Committee.

c) The minimum qualifications required for designation as a medical specialist are a license to practice medicine in all its branches in Illinois, or licensure in the state

of practice, and certification by the American Board of Pediatrics or equivalent board from another country. In addition, to be designated to serve in specified disease categories, medical specialists shall also have the following qualifications:

1) Phenylketonuria (PKU) and All Other Disorders~~all other disorders~~ of Amino Acid~~amino acid~~ and Organic Acid Metabolism~~organic acid metabolism~~: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of amino acid and organic acid disorders. The medical specialist shall have the capacity to provide a multidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians and a biochemical genetics laboratory; for citrullinemia and argininosuccinic aciduria, medical specialists should have on-site availability of required medical therapies, such as hemodialysis, that are necessary for the treatment of patients with these disorders.

2) Primary Hypothyroidism: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics.

3) Galactosemia: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of galactosemia and inborn errors of metabolism. Medical specialists should have the capacity to provide a mulitidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians.

4) Congenital Adrenal Hyperplasia: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics.

5) Biotinidase Deficiency: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one

year of experience post-training in the diagnosis and treatment of biotinidase deficiency and inborn errors of metabolism. Medical specialists should have the capacity to provide a multidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians.

6) Sickle Cell Disease: training in Pediatric Hematology and certification of special competence in Pediatric Hematology-Oncology by the American Board of Pediatrics.

7) Fatty Acid Oxidation Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of fatty acid oxidation disorders. Medical specialists should have the capacity to provide a multidisciplinary approach to care, including the availability on site~~on-site~~ of specially trained metabolic dieticians.

8) Cystic Fibrosis: certification by the American Board of Pediatrics in Pediatric Pulmonology or Pediatric Gastroenterology. Medical specialists should provide prompt access to quantitative pilocarpine iontophoresis sweat chloride testing in a laboratory that meets all CLSI standards. Medical specialists should provide a multidisciplinary approach to care, including the availability of on-site genetic counselors, dieticians, respiratory therapists and social workers. Medical specialists should provide access to microbiology laboratories that use CF-specific protocols for detection of respiratory tract infection.

9) Lysosomal Storage Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year of experience post-training in the diagnosis and treatment of LSDs. Medical specialists should have the capacity to provide enzyme replacement infusion therapies and to provide a multidisciplinary approach to care, including the availability of pediatric specialists in neurology, cardiology and pulmonology. In addition to the above requirements, for Krabbe disease, medical specialists should be affiliated with a facility that has experience in performing stem cell transplantation.

10) Severe Combined Immunodeficiency and T Cell Lymphopenia: certification by the American Board of Allergy and Immunology with at least one year post-training in the diagnosis and treatment of primary immunodeficiency diseases. Medical specialists should have the capacity to diagnose SCID, DiGeorge syndrome or other causes of T cell lymphopenia and to provide a multidisciplinary approach to treatment, including access to specialists in stem cell transplantation, and be affiliated with a facility that has experience in performing stem cell transplantation.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

Section 661.40 Reports

a) Only collection forms with attached filter paper blood collectors supplied by the Division of Laboratories, Illinois Department of Public Health~~, 2121 West Taylor Street, Chicago, Illinois 60612~~ are to be used in submitting blood specimens for newborn screening.

b) Any hospital performing the required newborn screening tests in addition to submitting specimens to the Illinois Department of Public Health Laboratory shall comply with all requirements of this Part, and shall notify the Department immediately by telephone whenever testing on an infant indicates that:

1) phenylalanine levels are abnormal;

2) T4 determinations are abnormal or TSH determinations are abnormal;

3) total galactose or galactose-1-phosphate uridyl transferase determinations are abnormal;

4) 17-hydroxyprogesterone determinations are abnormal;

5) biotinidase enzyme determinations are abnormal;

6) abnormal hemoglobin patterns are detected;

7) abnormal amino acid or acylcarnitine patterns have been identified;

8) abnormal determinations that may indicate cystic fibrosis have been identified;

9) abnormal determinations that may indicate a lysosomal storage disorder have been identified;~~.~~

10) abnormal determinations that may indicate severe combined immunodeficiency or T cell lymphopenia have been identified.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

Section 661.50 Diagnosis and Treatment

The Department will~~shall~~ also maintain a registry to record the results of diagnosis and treatment for all diagnosed cases identified. Ongoing~~It is imperative to perform ongoing~~ evaluation of the newborn screening program is imperative. This process includes outcome evaluation of children diagnosed through newborn screening. The Department will annually~~shall~~ request updated information~~,~~ from the medical specialist or primary care provider~~, updated information annually,~~ concerning developmental milestones~~,~~ for each child diagnosed with a disorder for which the Department screens. The Department will~~at all times shall~~ maintain confidentiality at all times with regard to patient information.

a) Phenylketonuria and Hyperphenylalaninemia. The Department will supply the necessary medically prescribed treatment formulas ~~will be supplied by the Department~~ for diagnosed cases as long as medically indicated. Long-term follow-up of children with phenylketonuria or hyperphenylalaninemia is necessary to adjust diet and to assess growth and development. Medical management by a designated medical specialist is required in order for a patient to receive treatment formulas from DPH. The administration of treatment formulas shall not be instituted until a complete amino acid analysis to corroborate the positive screening test has been performed, under the direction of a designated medical specialist, to establish the diagnosis of phenylketonuria.

b) Primary Hypothyroidism. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with thyroid hormone is currently the standard treatment. Long-term follow-up of children with primary hypothyroidism is necessary in order to adjust medication and to assess growth and development.

c) Galactosemia. Medical management by a designated medical specialist is highly recommended. Therapy with a galactose free diet is currently the standard treatment. Long-term follow-up of children with galactosemia is necessary in order to ensure proper growth and development.

d) Congenital Adrenal Hyperplasia. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with glucocorticoids and, in some cases, mineralocorticoids is currently the standard treatment. Long-term follow-up of children with congenital adrenal hyperplasia is necessary in order to adjust medications and to assess growth and development.

e) Biotinidase Deficiency. Medical management by a designated medical specialist is highly recommended. Therapy with pharmacological doses of biotin is required. Long-term follow-up of children with biotinidase deficiency is necessary in order to ensure proper growth and development.

f) Sickle Cell Disease. Medical management by a designated pediatric hematologist-oncologist is highly recommended. Antibiotic prophylaxis and immunization to prevent pneumococcal infections are currently the standard treatment after a designated medical specialist has made a definitive diagnosis ~~has been made~~ of a sickling disease ~~by a designated medical specialist~~. Long-term follow-up of children with sickle cell disease is necessary in order to assess growth and development.

g) Other Amino Acid, Organic Acid and Fatty Acid Oxidation Disorders. The Department will supply the necessary medically prescribed treatment formulas ~~will be supplied by the Department~~ for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development. Medical management by a designated medical specialist is required in order for a patient to receive treatment formulas from DPH. Many of these disorders can be properly and supportively managed by dietary therapy. Ongoing care of these children will require long-term follow-up by the medical specialist to ensure proper development.

h) Cystic Fibrosis. Medical management by a designated medical specialist is highly recommended. Prompt evaluation of exocrine pancreatic status coupled with nutritional counseling is recommended after diagnostic confirmation. Close

follow-up by a medical specialist is recommended to monitor and treat changes in nutrition and respiratory infection status.

i) Lysosomal Storage Disorders~~storage disorders~~. Medical management by a designated medical specialist is highly recommended. Enzyme replacement therapy or stem cell transplant have demonstrated benefits for patients with these disorders. Long-term follow-up of children with lysosomal storage disorders is necessary to monitor treatment and to assess growth and development.

j) Severe Combined Immunodeficiency (SCID) and T Cell Lymphopenia. Medical management by a designated medical specialist is highly recommended to confirm the diagnosis of SCID or other cause of T cell lymphopenia and to start therapy as soon as possible. Adenosine deaminase-deficient SCID can be treated by enzyme replacement and immunoglobulin replacement therapies. All forms of SCID can be treated by stem cell transplantation, while a few forms of SCID can be treated by gene therapy. Complete DiGeorge syndrome can be treated by thymic transplantation. Long-term follow-up is necessary to document immune reconstitution and to assess growth and development.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

Section 661.70 Fee Assessment and Payment

a) Each institution or person submitting to the Department any sample for newborn screening shall be assessed a fee of $88~~78~~. When the Director makes a determination to add screening for any additional disorders in the LSD category, pursuant to Section 661.10, this fee shall be increased by $2 for each disorder added.

b) Statements of fee assessment shall be mailed on a monthly basis to facilities submitting specimens for analysis.

c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 36 Ill. Reg. 1753, effective January 19, 2012)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Electronic Filing of Returns or Other Documents

2) Code Citation: 86 Ill. Adm. Code 760

3) Section Number: 760.100 — Adopted Action: Amendment

4) Statutory Authority: 35 ILCS 5/501

5) Effective Date of Amendments: January 19, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Revenue's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 16437; October 14, 2011

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 agreements are necessary.

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

14) Are there any amendments pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
760.100	Amendment	35 Ill. Reg. 19452; December 2, 2011

15) Summary and Purpose of Rulemaking: The prior regulation followed the former Internal Revenue Service practice of requiring paid return preparers who file more than 100 individual income tax returns in a year to file all individual income tax returns

electronically in the following year. The IRS has revised the threshold to 10 returns, and this rulemaking makes the corresponding change.

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

Paul Caselton
Deputy General Counsel-Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 760
ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section

760.100 Electronic Returns
760.110 Exclusions from Electronic Filing
760.120 Where to Send Electronic Returns (Repealed)
760.200 Ways to Participate in Electronic Filing
760.210 Enrollment in the Electronic Filing Program
760.220 Electronic Payment Required
760.230 Electronic Signatures
760.240 Due Dates and Date Received
760.300 Responsibilities of Electronic Filers
760.310 Filing Acknowledgments
760.320 Electronic Payment Acknowledgments
760.330 Termination of Voluntary Participants

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 27 Ill. Reg. 14636, effective August 26, 2003; amended at 30 Ill. Reg. 11590, effective June 26, 2006; amended at 35 Ill. Reg. 529, effective December 21, 2010; amended at 35 Ill. Reg. 16737, effective September 29, 2011; amended at 36 Ill. Reg. 1769, effective January 19, 2012.

Section 760.100 Electronic Returns

a) The Department has mandatory electronic filing programs and voluntary programs for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, schedules, and other documents listed in this Section may be electronically filed with the Department.

b) An electronic return or other document consists of data transmitted to the Department electronically, and may include paper documents that contain information that cannot be electronically transmitted or are requested for

verification. In total, electronic returns must contain the same information as traditionally filed paper documents.

c) Mandatory Programs

1) Beginning January 1, 2003, telecommunications providers who have average monthly tax billings for the immediately preceding calendar year that exceed $1000 must file their tax returns and supporting schedules electronically. Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. The following circumstances require paper documentation:

A) When a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).

B) When a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.

C) When the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.

2) Beginning January 1, 2003, cigarette distributors with 30 or more invoice transactions per month and who are not voluntarily filing returns and schedules by electronic means are required to file supporting schedule data with the Department on computer-generated magnetic media in a format prescribed by the Department.

3) During~~Beginning with~~ calendar year 2011, each income tax return preparer who is required during ~~the~~ calendar year 2011 to file by electronic means any federal income tax return for any individual or individuals and who prepared more than 100 Illinois income tax returns for individuals during ~~the preceding~~ calendar year 2010 is required ~~during the calendar year~~ to file by electronic means any Illinois income tax returns he or she prepares for the same individual or individuals for the

same taxable year for which the preparer filed a federal income tax return during ~~that~~ calendar year 2011. Beginning with calendar year 2012, each income tax return preparer who is required during the calendar year to file by electronic means any federal income tax return for any individual or individuals and who prepared more than 10 Illinois income tax returns for individuals during the preceding calendar year is required during the calendar year to file by electronic means any Illinois income tax returns he or she prepares for the same individual or individuals for the same taxable year for which the preparer filed a federal income tax return during that calendar year. This subsection (c)(3) does not require electronic filing of amended returns or of returns of trusts or estates, or of any return the Department has announced cannot be filed by electronic means.

4) Beginning with returns required to be filed for taxable years ending on or after December 31, 2011, any taxpayer required to file its federal income tax return by electronic means is required to file its equivalent Illinois income tax return for the same taxable year by electronic means. This subsection (c)(4) does not require electronic filing of amended returns or of returns of individuals or estates, or to any return the Department has announced cannot be filed by electronic means.

d) Voluntary Programs

1) Taxpayers may volunteer to participate in any electronic filing program currently in effect for mandatory electronic filers.

2) Form ST-1, Sales and Use Tax Return, and Form ST-2, Multiple Site attachment for Form ST-1, can be transmitted electronically under the provisions of this Part.

3) Beginning January 1, 2003, original or amended liquor tax returns and schedules for Liquor Tax participants may be filed electronically under the provisions of this Part.

A) Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. They include:

i) Copies of schedules, invoices or bills of lading requested for verification in accordance with Section 8-2 of the Liquor Control Act of 1934 [235 ILCS 5/8-2].

ii) Non-Beverage User permits.

B) Beginning January 1, 2003, persons filing liquor tax returns and schedules electronically must also make payments by means of electronic funds transfer. See Section 760.220 of this Part. By doing so, the taxpayer is entitled to a discount of 1.75% of the tax due, or $1,250, whichever is less, provided that the electronic return and payment are made timely in accordance with this Part.

C) Liquor tax participants may file their returns and schedules using magnetic media in a format prescribed by the Department. Liquor tax participants that file returns and schedules on magnetic media are not entitled to the discount provided for in subsection (d)(3)(B) of this Section.

4) Beginning January 1, 2003, original or amended cigarette tax returns and schedules for Cigarette Tax participants may be filed electronically under the provisions of this Part.

5) Illustrations of When Paper Documents Must Be Filed

A) In the event a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).

B) In the event a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.

C) In the event the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.

(Source: Amended at 36 Ill. Reg. 1769, effective January 19, 2012)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration

2) Code Citation: 44 Ill. Adm. Code 650

3) Section Number: 650.170 — Adopted Action: Amend

4) Statutory Authority: Implementing Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and Section 2705-595 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-595] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1]

5) Effective Date of Amendment: January 19, 2012

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

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's Office of Chief Counsel and the Division of Highways and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 23, 2011; 35 Ill. Reg. 15454

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary. The Department agrees to recodify this Part to the CPO for the Department of Transportation by February 10, 2012.

13) Will this amendment replace any emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: In an effort to increase competition and bidding opportunities for small contractors and women and minority contractors on the November

18, 2011 IDOT construction letting, the Department filed an emergency amendment to this Part. This adopted amendment is identical to the emergency amendment. In order to fully comply with the mandates of Public Act 96-795, resulting in 20 ILCS 2705/2705-595 of the Civil Administrative Code of Illinois (Department of Transportation Law), the Department established a Prequalification Barriers Committee (Committee), chaired by the Department's Chief of Staff, to review this Part to identify barriers to minority and women-owned firms in becoming prequalified to bid or make proposals on Department contracts. After five meetings with members from the Department, Federal Highway Administration, industry, and several small business concerns, including certified Disadvantaged Business Enterprises (DBEs), the Committee made a recommendation for a change to this Part that was included in its final report to the Secretary of Transportation and is publicly available on the Department's website at http://www.dot.il.gov/reform8.htm. The change, i.e., raising the unaudited financial status from $500,000 to $750,000 under Section 650.170(c)(1)(A), had to be made expeditiously before the major lettings scheduled for November 18, 2011 and January 2012 to allow more firms to compete by providing small firms with an increased bidding capacity. Additionally, the change allows more opportunities for small firms, specifically some minority- and women-owned firms that will be precluded from participating in the November 18th letting if not for the change, by streamlining part of the prequalification process for those firms impacted by the new threshold. An unaudited status releases the applicant from the requirement of providing a financial statement that must be prepared by a Certified Public Accountant. Thus, the financial statement for an unaudited status may be prepared by the applicant and may, potentially, provide a shortened application process. Under the new threshold, more small firms will be able to become prequalified in a shorter amount of time, which will increase competition for state construction projects. The Department determined that this change had to be made expeditiously in the best interest and welfare of the State, in response to the appeal of the General Assembly, and to reduce barriers to small firms interested in bidding on Department construction projects; therefore, an emergency amendment to this Part was filed and published. This adopted amendment replaces the emergency amendment.

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

Mr. Michael Copp, Prequalification Engineer 217/782-3413
Illinois DOT Division of Highways
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650
PREQUALIFICATION OF CONTRACTORS, AUTHORIZATION TO BID,
AND SUBCONTRACTOR REGISTRATION

SUBPART A: PREQUALIFICATION

Section
650.10 Purpose
650.20 Definitions
650.30 Introduction to Prequalification
650.40 Application Requirements
650.50 Time for Submission
650.60 Public Disclosure of Contractor Information
650.70 Waiver of Prequalification and Additional Responsibility Considerations
650.80 Issuance and Effect of Ratings
650.90 Effective Date of Ratings
650.100 Expiration Date of Ratings
650.110 Denial or Revocation of Ratings
650.120 Extension of Ratings
650.130 Revisions to Prequalification Ratings
650.140 Transfer of Prequalification Ratings
650.150 Reconsideration and Appeal
650.160 Financial Rating − General
650.170 Financial Statement
650.180 Balance Sheet Schedules
650.190 Other Factors Considered in Determining Financial Ratings
650.200 Methods of Improving a Financial Rating
650.210 Computation of Financial Rating
650.220 Work Rating − General
650.230 Determination of Work Ratings
650.240 Performance Factor (PF)
650.250 Experience Factor (EF)
650.260 Equipment Factor (EqF)
650.270 Capacity to Perform (CP)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

650.280 Calculation of Work Ratings

SUBPART B: AUTHORIZATION TO BID

Section
650.290 Advertising for Bids
650.300 Request for Authorization to Bid or Not for Bid Status
650.310 Affidavit of Availability
650.315 Disclosure of Other Procurement Relationships
650.320 Analyzing Requests for Authorization to Bid
650.330 Issuance of Authorization to Bid
650.340 Joint Ventures
650.350 Denial of Authorization to Bid

SUBPART C: SUBCONTRACTOR REGISTRATION

Section
650.360 Purpose
650.370 Registration of Subcontractors
650.380 Eligibility to Quote or Perform Subcontract Work

650.APPENDIX A Available Work Categories
650.APPENDIX B Request for Extension of Prequalification Ratings (Repealed)
650.APPENDIX C FINANCIAL PLEDGE LETTERS (Repealed)
650.APPENDIX D Financial Verification Letter (Repealed)
650.APPENDIX E CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and Section 2705-595 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-595] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. 18775, effective December 7, 2000; amended at 30 Ill. Reg. 16373, effective October 10, 2006; amended at 32 Ill. Reg. 7989, effective May 8, 2008; emergency amendment at 35 Ill. Reg. 15485, effective September 9, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 1775, effective January 19, 2012.

SUBPART A: PREQUALIFICATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

Section 650.170 Financial Statement

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

a) Audited Status
The Department will require all applicants seeking an audited status to adhere to the following:

1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, auditor's notes, and an income statement.

2) All data shall be secured from an audit conducted no more than 12 months prior to the time the financial statement is received by the Department.

3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.

4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.

5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Financial and Professional Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.

6) No certified financial statement will be accepted that has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.

7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted.

The report shall contain the following information:

A) name, address, and telephone number of the accounting firm involved with the audit;

B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;

C) the date of audit;

D) the degree of responsibility assumed by the CPA; and

E) the accountant's opinion (see subsection (b) of this Section).

b) Opinion of Certified Public Accountant
An auditor's or CPA's opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:

1) Unqualified opinion − an opinion which contains no exceptions and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.

2) Qualified opinion − an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the reasons for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not

to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.

3) Adverse opinion − an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position. Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.

4) Disclaimer of opinion − a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

c) Unaudited Status
The Department will require all applicants seeking an unaudited status to adhere to the following:

1) The financial rating in the unaudited status is determined subject to the following limitations:

A) the applicant's financial rating shall be limited to no more than $750,000~~$500,000~~ when a balance sheet is prepared and submitted by the applicant; or

B) the applicant's financial rating shall be limited to no more than $1,500,000 when a reviewed or compiled financial statement including an opinion letter, balance sheet, accountant's notes to financial statement, and income statement is prepared by an accountant and submitted by the applicant.

2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:

A) must be prepared from data secured from the applicant's records;

B) must not be more than 12 months old at the time of receipt by the Department;

C) must be completed and in balance; and

D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.

d) Interest in Other Firms

1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.

2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.

3) Each applicant shall disclose, in the application for prequalification, the name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person. If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 36 Ill. Reg. 1775, effective January 19, 2012)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Homeownership Mortgage Loan Program

2) Code Citation: 47 Ill. Adm. Code 300

3)

Section Numbers:	Proposed Action:
300.101	New Section
300.102	New Section
300.103	New Section
300.104	New Section
300.105	New Section
300.106	New Section
300.107	New Section
300.108	New Section
300.109	New Section
300.110	New Section
300.111	New Section
300.112	New Section
300.113	New Section
300.201	New Section
300.202	New Section
300.203	New Section
300.301	New Section
300.302	New Section
300.303	New Section
300.304	New Section
300.305	New Section
300.401	New Section
300.402	New Section
300.403	New Section
300.404	New Section
300.501	New Section
300.502	New Section
300.503	New Section
300.504	New Section
300.505	New Section

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.23]

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

5) Effective Date of Rules: January 23, 2012

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency rules will expire at the end of the 150 day period, or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: January 23, 2012

8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Authority's office and is available for public inspection.

9) Reason for Emergency: The Authority currently operates a homeowner mortgage loan program under which it finances mortgage loans to persons who are first-time homebuyers to acquire single family residences, all meeting certain requirements of the Internal Revenue Code of 1986, as amended and supplemented, and the regulations promulgated under the Code by the United States Treasury.

There continues to exist throughout the State of Illinois a serious shortage of decent, safe and sanitary residential housing due in large measure to recurring critical shortages of funds in private lending institutions available to persons and families of low and moderate income for residential mortgages at reasonable interest rates. These conditions are exacerbated by the current national financial crisis.

It is necessary and desirable, in order to alleviate these conditions, for the Authority to establish a new homeownership mortgage loan program under which the Authority will finance or refinance mortgage loans to persons and families of low and moderate income who may not be first-time homebuyers and who meet the qualifications established by the Authority in the applicable administrative rules of the Authority as supplemented by certain program determinations made pursuant to a resolution passed by a majority of the members of the Authority, for the purpose of acquiring, renovating or constructing a "qualified dwelling" as defined in those rules.

10) A Complete Description of the Subjects and Issues Involved: Under the new homeownership mortgage loan program, the Authority may acquire, hold and sell qualifying mortgage loans or may acquire, hold and sell mortgage-backed securities representing pools of qualifying mortgage loans.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

All mortgage loans financed or refinanced under the new homeownership mortgage loan program will be insured by (i) qualified private mortgage insurance, if approved by the Authority, or (ii) the Federal Housing Administration, the United States Department of Veterans Affairs, or the United States Department of Agriculture, Rural Housing Service, or a comparable government insurance program approved by the Authority and acceptable to certain government sponsored housing enterprises, unless, and only to the extent that, Fannie Mae, Freddie Mac or Ginnie Mae, as issuer and/or guarantor of Mortgage-Backed Securities, do not require that particular Mortgage Loans be insured to be included in pools of Mortgage Loans underlying Mortgage-Backed Securities issued and/or guaranteed by Fannie Mae, Freddie Mac or Ginnie Mae.

11) Are there any proposed rulemakings to this Part pending? No

12) Statement of Statewide Policy Objectives: Rulemaking does not create or expand any State mandate.

13) Information and questions regarding these emergency rules shall be directed to:

Kristi S. Poskus
Deputy General Counsel
Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

312/836-7416

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 300
HOMEOWNERSHIP MORTGAGE LOAN PROGRAM

SUBPART A: GENERAL RULES

Section
300.101 Authority
EMERGENCY
300.102 Purposes and Objectives
EMERGENCY
300.103 Definitions.
EMERGENCY
300.104 Borrowing by the Authority
EMERGENCY
300.105 Compliance with Federal Law
EMERGENCY
300.106 Standards
EMERGENCY
300.107 Forms for the Program
EMERGENCY
300.108 Fees and Charges of the Authority
EMERGENCY
300.109 Amendment
EMERGENCY
300.110 Severability
EMERGENCY
300.111 Gender and Number
EMERGENCY
300.112 Titles and Captions
EMERGENCY
300.113 Calendar Days
EMERGENCY

SUBPART B: LENDER APPLICATION PROCESS

Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

300.201 Invitations to Participate in the Programs
EMERGENCY
300.202 Notice of Acceptance
EMERGENCY
300.203 Commitments for Mortgage Loans
EMERGENCY

SUBPART C: PURCHASE OF MORTGAGE LOANS

Section
300.301 Mortgage Loans
EMERGENCY
300.302 Yield on Certain Mortgage Loans
EMERGENCY
300.303 Terms and Conditions of the Purchase of Mortgage Loans
EMERGENCY
300.304 Prepayments
EMERGENCY
300.305 Targeted Area Residences
EMERGENCY

SUBPART D: PURCHASE AND SALE OF MORTGAGE-BACKED SECURITIES

Section
300.401 Purchase of Mortgage-Backed Securities
EMERGENCY
300.402 Sale of Mortgage-Backed Securities
EMERGENCY
300.403 Yield on Certain Mortgage-Backed Securities
EMERGENCY
300.404 Prepayments
EMERGENCY

SUBPART E: ADMINISTRATIVE RULES

Section
300.501 Restrictions on Compensation of Lenders
EMERGENCY
300.502 Servicing of Mortgage Loans

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

EMERGENCY
300.503 Equal Opportunity Lending
EMERGENCY
300.504 Inspection of Books and Records
EMERGENCY
300.505 Termination
EMERGENCY

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

SOURCE: Adopted by emergency rulemaking at 36 Ill. Reg. 1783, effective January 23, 2012, for a maximum of 150 days.

SUBPART A: GENERAL RULES

Section 300.101 Authority
EMERGENCY

These Rules are authorized by and made pursuant to Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23] and shall govern the Illinois Housing Development Authority's homeownership mortgage loan program (the "Program") funded by its Bonds and from other sources of funds available to the Authority.

Section 300.102 Purposes and Objectives
EMERGENCY

These Rules are established to accomplish the general purpose of the Illinois Housing Development Act and in particular the origination, making and purchasing of residential mortgage loans in accordance with the Program to achieve the following objectives: the provision of funds to finance, at affordable interest rates and/or other terms more favorable than those otherwise available, residential mortgage loans for Low and Moderate Income Persons and families; the provision of housing to alleviate the shortage of adequate housing in the State of Illinois for such persons and families that are residents of the State of Illinois; and the effective participation by mortgage lenders in the Program.

Section 300.103 Definitions
EMERGENCY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Assistant Director": The Assistant Executive Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The bonds issued by the Authority pursuant to the Act from time to time under any resolution of the Authority or indenture pursuant to which Authority bonds may be issued to finance or refinance Mortgage Loans under the Program, as amended or supplemented.

"Code": The Internal Revenue Code of 1986 (26 USC), as amended and supplemented, and the regulations promulgated by the Treasury Department from time to time thereunder (26 CFR). References to a section of the Code include all regulations promulgated by the Treasury Department under that section.

"Deputy Director": The Deputy Executive Director of the Authority.

"Director": The Executive Director of the Authority.

"Eligible Borrower": A person:

who is or will be a resident of the State within the later of 60 days after the closing of his or her purchase of a Qualified Dwelling and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following its purchase, within 60 days after the substantial completion of renovation or construction but in any event within 270 days after the closing of his or her purchase of the Qualified Dwelling;

whose Household Income does not exceed the Maximum Income;

who intends to use the Qualified Dwelling being financed or refinanced by a Mortgage Loan as his or her permanent residence within 60 days after the later of the closing of the Mortgage Loan and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following

its purchase, within 60 days after the substantial completion of renovation or construction but in any event within 270 days after the closing of the Mortgage Loan; and

who occupies or intends to occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence.

The foregoing time periods may be extended in particular instances if the Authority determines that undue hardship to the Eligible Borrower or an unreasonable result will otherwise occur.

A residence that is used as an investment property or a recreational home, or that is primarily intended to be used in a trade or business (including, without limitation, any residence of which more that 15% of the total area is reasonably expected to be used primarily in a trade or business), does not satisfy the requirements of this definition.

"FHA": The Federal Housing Administration.

"FHLMC": The Federal Home Loan Mortgage Corporation.

"FNMA": The Federal National Mortgage Association.

"GNMA": The Government National Mortgage Association.

"Household Income": The total annualized gross income of the Eligible Borrowers and any other person who is expected to live in the Qualified Dwelling and be secondarily liable on the Note, all persons residing or intending to reside as a single household in a Qualified Dwelling, from whatever source derived and before taxes or withholdings; provided that if a married person takes title to the Qualified Dwelling individually, the income of the spouse shall also be included.

"Insured": A Mortgage Loan that is insured by Private Mortgage Insurance, by insurance provided by FHA, VA, or USDA, or by insurance under a comparable government insurance program approved by the Members by resolution and acceptable to GNMA, FNMA or FHLMC, as applicable.

"Lender": A bank, trust company, savings bank, savings and loan association, credit union, national banking association, mortgage banking association, federal

savings and loan association or federal credit unit maintaining an office in the State, any insurance company, or any other entity or organization which makes or acquires loans secured by real property:

that is located and qualified to do business in the State;

that meets the conditions and requirements of the applicable Mortgage Purchase Agreement and that meets the requirements of the applicable insurer, if any, and FNMA, FHLMC or GNMA, as and to the extent applicable, as issuer and/or guarantor of Mortgage-Backed Securities; and

that is approved by the Director, Deputy Director or Managing Director in writing, with notice of such approval to be provided to the Members within a reasonable period of time. Approval of any Lender may be withdrawn at any time by the Director, Deputy Director or Managing Director in writing, with notice of such withdrawal to be provided to the Members within a reasonable period of time.

"Lender Application": A prospective Lender's application to sell Mortgage Loans to the Authority or participate in the Program pursuant to the terms of a Mortgage Purchase Agreement and other Program documents.

"Low and Moderate Income Persons": Families and persons who cannot afford to pay, or qualify for a mortgage loan to finance or refinance, the amounts at which private enterprise, without assisted mortgage financing, is providing a substantial supply of decent, safe and sanitary housing.

"Managing Director" means the Managing Director or Director, as the case may be, of the Authority's Homeownership Programs Department

"Maximum Income": That percentage of the median family income of either the metropolitan statistical area or primary metropolitan statistical area in which the Qualified Dwelling is located or the State, whichever is greater, determined by the Members from time to time by resolution to be equal to or less than the maximum income consistent with status as Low and Moderate Income Persons.

"Members": The members of the Authority.

"Mortgage": The mortgage, or other instrument in the nature of a mortgage, creating a first mortgage lien on a fee interest in real estate, together with all supplements, modifications or amendments to it.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling and secured by a Mortgage on the Qualified Dwelling.

"Mortgage Purchase Agreement": The agreement, including any amendments or supplements to the agreement, between the Authority and a Lender pursuant to which the Authority or its designee agrees to purchase Mortgage Loans from the Lender on the terms and conditions set forth in the agreement and that establishes the requirements for Mortgage Loans to be purchased by the Authority or its designee, or otherwise allows participation in the Program.

"Mortgage-Backed Security": A single pool, guaranteed mortgage pass-through security issued and guaranteed by FNMA, a single pool, guaranteed mortgage pass-through certificate issued and guaranteed by FHLMC, or a mortgage pass-through certificate guaranteed by GNMA pursuant to its mortgage-backed securities program under section 306(g) and related provisions of the National Housing Act of 1934, as amended, or any similar successor statutory authority.

"Note": The promissory note evidencing a Mortgage Loan and secured by a Mortgage on a Qualified Dwelling with respect to which assisted mortgage financing is provided by the Authority under the Program.

"Notice of Acceptance": The Authority's notice to a Lender accepting its Lender Application.

"Prepayments": Any moneys, however derived, that are received or recovered by the Authority from any payment of, or with respect to, principal on any Mortgage Loan or Mortgage-Backed Security prior to scheduled payments of principal required under that Mortgage Loan or Mortgage-Backed Security.

"Private Mortgage Insurance": Insurance coverage paid for by the Eligible Borrower that insures against losses with respect to defaults on a Mortgage Loan according to the terms of the insurance policy. The insurer and the terms of the insurance policy must be approved by FNMA or FHMLC or by the Director, Deputy Director or Managing Director in writing.

"Program": The Authority's homeownership mortgage loan program under which the Authority provides assisted mortgage financing to Low and Moderate Income Persons to finance or refinance their purchase of Qualified Dwellings, funded with proceeds of Bonds or any other source of funds available to the Authority.

"Program Funds": All moneys made available by the Authority for the purchase of Mortgage Loans under the Program, from whatever source derived.

"Property Value": The lesser of the purchase price or the appraised value of the Qualified Dwelling at the time of the origination of the Mortgage Loan secured by that Qualified Dwelling.

"Qualified Dwelling": A fee simple interest in real property:

that is located in the State;

upon which there is located a structure or structures designed for residential use or, if the real property is unimproved, upon which construction of such a structure or structures for residential use has begun or will commence within 60 days after the closing of the Eligible Borrower's purchase of such property and can reasonably be expected to be completed within 270 days after the closing of the Eligible Borrower's purchase of such property;

that is a single family residence; a condominium; a one-, two-, three- or four-unit residential structure one unit of which is occupied by the owner of the structure; or factory-made housing that is permanently fixed to real property;

of which not more than 15% of the total area is reasonably expected to be used primarily in a trade or business; and

that is, at the time financing or refinancing is provided, the principal residence of the Eligible Borrower or can reasonably be expected to become the principal residence of the Eligible Borrower within a reasonable time after financing or refinancing is provided. For purposes of this definition, a "reasonable time after financing or refinancing is provided" shall be deemed to be a period within 60 days after the later of

the closing of the Mortgage Loan and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following its purchase, within 60 days after the substantial completion of renovation or construction but in any event within 270 days after the closing of the Mortgage Loan. The foregoing time periods may be extended by the Authority if the Authority determines that undue hardship to the Eligible Borrower or an unreasonable result will otherwise occur.

"Rules": The rules of the Authority, as amended and supplemented from time to time (generally 47 Ill. Adm. Code Chapter II).

"Servicer": A Lender, acting in the capacity of a mortgage loan servicer, a financial institution, a mortgage banking organization, a mortgage servicing company, or a state agency or local government unit organized under the laws of any state or territory of the United States of America or the District of Columbia, that is qualified to service Insured Mortgage Loans, is acceptable to GNMA, FNMA or FHLMC, as applicable, has been approved by the Director, Deputy Director or Assistant Director as a Servicer, and has executed a Servicing Agreement with the Authority. The Authority may also be a Servicer.

"Servicing Agreement": The agreement between a Servicer and the Authority (except when the Authority is the Servicer) that sets forth the terms and conditions for the servicing of Mortgage Loans purchased by the Authority or its designee. The term "Servicing Agreement" includes a master agreement pursuant to which the Servicer services Mortgage Loans originated by more than one Lender.

"Staff": The Director, Deputy Director, Assistant Director, and employees of the Authority.

"State": The State of Illinois.

"Tax-exempt": With respect to Bonds the interest on which the Authority intends to be tax-exempt, the status of interest paid and received on such Bonds as not includible in the gross income of their owners under the Code for federal income tax purposes, with such general exceptions as may be provided from time to time in the Code (for example and without limitation, the alternate minimum tax

applicable to individuals or corporations or the "branch profits tax" imposed on certain corporations).

"This Part": This Part 300 (47 Ill. Adm. Code 300).

"USDA": The United States Department of Agriculture, Rural Housing Service, or any successor agency under the Section 502 Guaranteed Rural Housing Loan Program or any similar replacement program.

"VA": The United States Department of Veterans Affairs.

Section 300.104 Borrowing by the Authority
EMERGENCY

To the extent allowed by State or federal law and the Act, the Authority may borrow funds with which to purchase Mortgage Loans, Mortgage-Backed Securities or other securities, or to facilitate the origination of Mortgage Loans under the Programs.

Section 300.105 Compliance with Federal Law
EMERGENCY

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal law, including, without limit, section 143 of the Code to the extent applicable.

Section 300.106 Standards
EMERGENCY

In administering the Program, the Authority and the Staff, in those instances permitting the exercise of discretion, shall consider, in addition to the criteria specifically set forth in this Part, the following factors:

a) the purpose of the Program;

b) the financial condition and previous lending experience of potential and participating Lenders and Servicers;

c) to the extent the Program is financed through the issuance of Bonds, the Authority's ability to purchase or redeem the Bonds or to retire Bonds at their

maturity and to comply with the requirements of any applicable resolution or indenture of the Authority and applicable State and federal law;

d) the financial integrity of the Program;

e) the desirability of achieving a reasonable geographic distribution of Program Funds throughout the State; and

f) the standards of the prudent lender or investor.

Section 300.107 Forms for the Program
EMERGENCY

The Staff may prepare, use, supplement and amend forms, agreements and other documentation as may be necessary to implement the Program, as may be prescribed by the Director, Deputy Director or Assistant Director.

Section 300.108 Fees and Charges of the Authority
EMERGENCY

The Authority may establish charges, premiums and penalties as it may deem necessary to administer the Program after consideration of such factors as, but not limited to, financing requirements of the Program, preferences of bond rating agencies, earnings and arbitrage limitations established by federal or State law, to the extent applicable, and other financial factors relevant to the Programs.

Section 300.109 Amendment
EMERGENCY

This Part may be amended or repealed by the Members from time to time in accordance with the Illinois Administrative Procedure Act and in a manner as they may determine consistent with the Act, the purposes of the Program and other applicable provisions of State and federal law. This Part shall not constitute or create any contractual rights.

Section 300.110 Severability
EMERGENCY

If any clause, sentence, subsection, Section or Subpart of this Part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, subsection, Section, and Subpart thereof as to which such judgment is rendered.

Section 300.111 Gender and Number
EMERGENCY

All terms expressed in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 300.112 Titles and Captions
EMERGENCY

Titles and captions of Subparts, Sections, and subsections are used for convenience of reference and are not a part of the text.

Section 300.113 Calendar Days
EMERGENCY

Days shall mean calendar days. Due dates falling on a Saturday, Sunday or legal State or federal holiday shall be deemed to fall on the next calendar day that is not Saturday, Sunday, or a legal State or federal holiday.

SUBPART B: LENDER APPLICATION PROCESS

Section 300.201 Invitations to Participate in the Programs
EMERGENCY

From time to time the Authority may send application materials to potential Lenders inviting them to submit to the Authority Lender Applications to participate in the Program. Lenders wishing to participate in the Program shall execute and return to the Authority the following documents: the Lender Application and the Mortgage Purchase Agreement (if not already executed). The Lender Application shall contain, but not be limited to, the following:

a) The unconditional agreement of the prospective Lender, effective upon acceptance of the Lender Application by the Authority, to sell to the Authority or its designee Mortgage Loans that comply with the terms of the Lender Application, the Mortgage Purchase Agreement, the Notice of Acceptance and the requirements of the Program;

b) Provision for the prospective Lender to furnish financial and other information as the Authority may reasonably require; and

c) A pro forma copy of any 1etter of credit or pledge of deposits or assets the Authority may require as security for the Lender's performance of its obligations under the Program.

Section 300.202 Notice of Acceptance
EMERGENCY

By Notice of Acceptance, the Authority or its designee may commit itself, subject to the conditions set forth in the Lender Application and the Mortgage Purchase Agreement, to purchase Mortgage Loans, as offered by a potential Lender, or to allow the Lender's participation in the Authority's Program. Immediately after the Authority has issued its Notice of Acceptance to the Lender, the Authority shall execute a Mortgage Purchase Agreement (if not previously executed) with the Lender. Upon receipt of the Notice of Acceptance, the Lender shall be obligated to originate Mortgage Loans in accordance with the terms of the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement.

Section 300.203 Commitments for Mortgage Loans
EMERGENCY

Upon receipt of the Notice of Acceptance, the Lender shall issue commitments to Eligible Borrowers to make Mortgage Loans. The Lender may continue to issue firm commitments for the period set forth in the Notice of Acceptance. Any Mortgage Loans to be purchased by the Authority or its designee shall be purchased by the Authority or its designee by the date indicated in the Notice of Acceptance.

SUBPART C: PURCHASE OF MORTGAGE LOANS

Section 300.301 Mortgage Loans
EMERGENCY

Each Mortgage Loan to be purchased under the Program shall comply with the terms of the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement, and shall specifically comply with the following requirements, among others:

a) The original principal amount of each Mortgage Loan shall not exceed the maximum loan amount as set by the Authority from time to time. The loan-to-

Property Value ratio for each Mortgage Loan shall not exceed the maximum loan-to-Property Value ratio as set by the Authority from time to time.

b) Each Mortgage Loan shall be Insured, unless, and only to the extent that, FNMA, FHLMC or GNMA, as issuer and/or guarantor of Mortgage-Backed Securities, do not require that particular Mortgage Loans be insured to be included in pools of Mortgage Loans underlying Mortgage-Backed Securities issued and/or guaranteed by FNMA, FHLMC or GNMA.

c) Each Mortgage Loan to be purchased by the Authority or its designee shall be secured by a Mortgage on a Qualified Dwelling and shall also meet the applicable terms and conditions set forth in this Part, the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement. Lenders shall sell to the Authority or its designee, and the Authority or its designee shall purchase, only Mortgage Loans made to Eligible Borrowers.

d) Each Mortgage securing a Mortgage Loan to be purchased by the Authority or its designee shall:

1) be executed on a form approved by the Authority or its designee;

2) be a valid first mortgage lien on a Qualified Dwelling;

3) have a term not exceeding 40 years;

4) be consistent with Illinois law; and

5) conform with the requirements prescribed by the Authority and any applicable insurer.

e) Each Mortgage Loan to be purchased by the Authority or its designee shall be assumable and assignable, unless otherwise required by Section 103 of the Code, any other applicable sections of the Code or any other applicable State or federal law as may be enacted from time to time, and shall contain a provision giving the Authority or its designee the right to accelerate the maturity of the Mortgage Loan upon sale or lease of the Qualified Dwelling, unless otherwise allowed or required by applicable State or federal law.

f) The Authority or its designee shall not be required to purchase any Mortgage Loan if, on the date of purchase, the obligor of the Mortgage Loan is delinquent in the payment of any installment of principal, interest or other amounts due under the terms of the Mortgage Loan.

g) The Authority or its designee may foreclose Mortgages held as security for Mortgage Loans purchased under this Part that are in default according to their terms, or reassign the Mortgages to the Lender in accordance with the terms of the Mortgage Purchase Agreement. The Authority or its designee may take title to the property in its name upon foreclosure and to subsequently convey title to the property to any purchaser of the property.

Section 300.302 Yield on Certain Mortgage Loans
EMERGENCY

In no event shall the yield on Mortgage Loans financed or refinanced from the proceeds of Bonds that are Tax-Exempt and sold to the Authority or its designee exceed the maximum permitted by application of the provisions of section 143 of the Code.

Section 300.303 Terms and Conditions of the Purchase of Mortgage Loans
EMERGENCY

a) The Authority or its designee shall purchase Mortgage Loans on the terms and conditions and in the manner prescribed in the Mortgage Purchase Agreement. The Mortgage Purchase Agreement shall contain such warranties of the Lender in connection with the Mortgage Loans to be sold under the Mortgage Purchase Agreement as the Authority or its designee shall require. These warranties shall include, but are not limited to, the following:

1) The mortgagor is an Eligible Borrower;

2) The original principal amount of the Mortgage Loan does not exceed any maximum loan amount established by the Authority;

3) The Mortgage Loan is evidenced by a properly executed Note made payable or assigned to the order of the Lender, endorsed by the Lender to the Authority or its designee and secured by a Mortgage on the Qualified Dwelling; both the Note and the Mortgage are the legal, valid and binding obligations of the makers and mortgagors and are enforceable in

accordance with their terms, unless enforcement is limited by laws affecting the enforcement of creditors' rights generally, if all parties to each Mortgage Loan had full legal capacity to execute all Mortgage Loan documents at the time of execution;

4) The Mortgage, the Uniform Commercial Code Form 1 and Form 2 financing statements, if any, and any other document required to be filed in a public office to perfect the mortgage lien against third parties have been duly and timely filed, registered or recorded by the Lender in the proper public office in order to give constructive notice of them to all subsequent purchasers or encumbrancers;

5) The Lender is the sole owner and holder of the Mortgage Loan, has full right to sell and assign the Mortgage Loan to the Authority or its designee, and that assignment conveys a good and marketable mortgagee's title to the Authority or its designee free and clear of all liens and encumbrances and subject only to real property taxes and assessments not yet due and encumbrances customarily accepted in accordance with applicable title standards and disclosed to the Authority or its designee prior to purchase of the Mortgage Loan;

6) The Mortgage creates a valid and existing first mortgage lien on the Qualified Dwelling to secure the Mortgage Loan, unless otherwise authorized by the Authority or its designee; the term "first mortgage lien" means classes of first liens commonly given to secure loans on real estate under the laws of the State;

7) The Lender has not modified in any respect and has not satisfied, canceled, subordinated or compromised in whole or in part the Mortgage Loan indebtedness, and has not released the mortgaged property in whole or in part from the lien of the indebtedness evidenced by the Note and secured by the Mortgage; and the terms, covenants and conditions of the Note evidencing the Mortgage Loan and the Mortgage securing the Mortgage Loan shall not have been waived, altered or modified in any respect that would materially affect the validity or enforceability of the Note or the Mortgage Loan or the security of the lien of the Mortgage;

8) The real property securing the Mortgage Loan is a Qualified Dwelling;

9) The Qualified Dwelling is covered by a valid and existing policy of homeowner's property and casualty insurance meeting the requirements of the Authority or its designee;

10) The Lender has complied with the rules and requirements of the applicable insurance program, so that the Mortgage Loans to be purchased are Insured and the insurance is in full force and effect and inures to the benefit of the Authority or its designee;

11) The Mortgage Loan is covered by a fully paid mortgagee's title insurance policy in such form as the Authority or its designee may require and under which the Authority or its designee is a loss payee; and

12) To the best of Lender's information, knowledge and belief, no condition exists that would prohibit the purchase of the Mortgage Loan by the Authority or its designee under all applicable rules, regulations and contractual provisions.

b) The Mortgage Purchase Agreement shall provide that the Authority shall have the right to require the Lender to repurchase Mortgage Loans sold to the Authority or its designee by the Lender if the Director, Deputy Director or Assistant Director determines that the Lender has failed to comply with the requirements of either this Part or its contracts and agreements with the Authority under the Program.

c) The Authority may provide assistance with closing costs or a down payment to the Eligible Borrower under any such Mortgage Loan. Assistance with closing costs and assistance with a down payment shall be in such maximum amounts and under such terms as have been approved by the Members from time to time by resolution.

Section 300.304 Prepayments
EMERGENCY

The Authority shall apply any Prepayments it receives with respect to Mortgage Loans as follows:

a) to the purchase of additional Mortgage Loans in accordance with the requirements of the Program;

b) in the case of Prepayments with respect to any Mortgage Loan financed in whole or in part from the proceeds of Bonds, to the extent such Prepayments are allocable to proceeds of Bonds, to the purchase or redemption of Bonds, subject in each case to the requirements of the applicable resolution or indenture of the Authority pursuant to which the funds were provided to purchase the Mortgage Loan with respect to which the Prepayment was received; or

c) for other corporate purposes of the Authority, to the extent permitted by the applicable resolution or indenture of the Authority pursuant to which the funds were provided to purchase the Mortgage Loan with respect to which the Prepayment was received.

Section 300.305 Targeted Area Residences
EMERGENCY

To the extent that Mortgages or Mortgage-Backed Securities are purchased from proceeds of Bonds that are Tax-Exempt, the Authority or its designee shall comply with the requirements of section 143 of the Code in connection with the purchase of Mortgage Loans on targeted area residences or the financing of such Mortgage Loans through the purchase of Mortgage-Backed Securities.

SUBPART D: PURCHASE AND SALE OF MORTGAGE-BACKED SECURITIES

Section 300.401 Purchase of Mortgage-Backed Securities
EMERGENCY

The Authority may purchase Mortgage-Backed Securities from time to time from proceeds of Bonds, as an investment of funds in the Authority's Administrative Fund or other Authority Funds and accounts, as a temporary investment of funds held by a trustee under any resolution or indenture of the Authority pursuant to which Bonds have been issued, or from other funds of the Authority legally available for the purpose, in all cases to the extent permitted by applicable State and federal law and, if applicable, the terms of any applicable resolution or indenture of the Authority, for the purpose of providing assisted mortgage financing or refinancing for Low and Moderate Income Persons under the Program. Mortgage Loans pooled in connection with the issuance and purchase by the Authority of any Mortgage-Backed Security shall meet the criteria for Mortgage Loans in Section 300.301 and Section 300.303. The Authority may provide assistance with closing costs or a down payment to the Eligible Borrower under any such Mortgage Loan as provided in Section 300.303(c).

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

Section 300.402 Sale of Mortgage-Backed Securities
EMERGENCY

In order to provide assisted mortgage financing or refinancing or Mortgage Loans for Low and Moderate Income Persons under the Program, the Authority may sell Mortgage-Backed Securities held by the Authority or may direct a trustee under a resolution or indenture of the Authority pursuant to which Bonds have been issued that is holding Mortgage-Backed Securities as a temporary investment of funds held by the trustee under such resolution or ordinance, subject to applicable limitations under State or Federal law or the applicable resolution or indenture of the Authority. Proceeds of sale of Mortgage-Backed Securities originally purchased from Authority funds shall be used for lawful Authority purposes including, without limitation, providing further assisted mortgage financing or refinancing of Mortgage Loans for Low and Moderate Income Persons under the Program and originally purchased as a temporary investment of funds held by a trustee under a resolution or indenture of the Authority pursuant to which Bonds have been issued shall be applied as provided in such resolution or indenture. In connection with any such sale, the Authority may enter into documentation necessary to effect the sale.

Section 300.403 Yield on Certain Mortgage-Backed Securities
EMERGENCY

In no event shall the yield on Mortgage-Backed Securities purchased from the proceeds of Bonds that are Tax-Exempt exceed the maximum permitted by application of section 143 of the Code.

Section 300.404 Prepayments
EMERGENCY

The Authority shall apply any Prepayments it receives with respect to a Mortgage-Backed Security as follows:

a) to the extent the Mortgage-Backed Security was originally purchased from Authority funds, for any lawful Authority purposes including, without limitation, providing further assisted mortgage financing or refinancing of Mortgage Loans for Low and Moderate Income Persons under the Program; and

b) to the extent the Mortgage-Backed Security was originally purchased as a temporary investment of funds held by a trustee under a resolution or indenture of the Authority pursuant to which Bonds have been issued, as provided in such resolution or indenture.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

SUBPART E: ADMINISTRATIVE RULES

Section 300.501 Restrictions on Compensation of Lenders
EMERGENCY

The Authority shall, by resolution of the Members adopted from time to time, establish the maximum compensation that may be realized by any Lender and by any agent of any Lender from Mortgage Loans, including any fees, premiums, bonuses and points charged by the Lender or the Lender's agent in connection with the making of Mortgage Loans. The maximum compensation shall be set at such amounts as the Authority finds reasonably necessary to induce participation in the Programs by Lenders in order to accomplish the purposes of the Act, or, to the extent applicable, to ensure compliance with arbitrage and income limitations of section 143 of the Code.

Section 300.502 Servicing of Mortgage Loans
EMERGENCY

The Authority shall cause all Mortgage Loans purchased by the Authority or its designee to be serviced by a Servicer pursuant to the Servicing Agreement.

Section 300.503 Equal Opportunity Lending
EMERGENCY

In making Mortgage Loans, the Lender shall not deny such Mortgage Loans to any person or persons or discriminate against such person or persons in fixing the amount, interest rate, duration, or other terms and conditions of such loans on account of race, color, religion, age, sex, marital status, family status, handicap, ancestry, national origin or unfavorable military discharge; and shall otherwise be subject to all State and federal requirements with respect to non-discrimination in lending including, without limitation, Title VI of the U.S. Civil Rights Act of 1964 (42 USC 2000 et seq.), Title VIII of the U.S. Civil Rights Act of 1968 (42 USC 3604 et seq.), as amended by the Housing and Community Development Act of 1974 (42 USC 5301 et seq.), the Equal Credit Opportunity Act (15 USC 1691-1691F), the Fair Credit Reporting Act (15 USC 1681-1681t), the Fair Housing Act (42 USC 3601-20), the Illinois Human Rights Act [775 ILCS 5] and Section 13 of the Act.

Section 300.504 Inspection of Books and Records
EMERGENCY

Upon prior written notice, the Authority may inspect, examine, and copy the books and records of each Lender for the purpose of determining compliance with the Act and all contracts and agreements between the Authority and such Lender relating to the Program.

Section 300.505 Termination
EMERGENCY

The Authority or designee shall retain the right to terminate its obligation to purchase Mortgage Loans under the Program, subject to applicable State law and to its existing contractual obligations, including contractual obligations arising under a Lender Application, a Notice of Reservation of Funds, a Notice of Acceptance, a Mortgage Purchase Agreement, or a Servicing Agreement.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Alternate Fuels Program

2) Code Citation: 35 Ill. Adm. Code 275

3) Register Citation to Notice of Proposed Amendments: 36 Ill. Reg. 441; January 13, 2012

4) Date, Time and Location of Public Hearing: The Illinois Environmental Protection Agency (Illinois EPA), Division of Mobile Source Programs, will hold public hearings on March 7, 2012 at 1:30 p.m. in the Sangamo Conference Room at the Illinois EPA, 1021 N. Grand Avenue East, Springfield, Illinois, and March 8, 2012 at 1:30 p.m. in the Elk Grove Village Regional Office Conference Room at the Illinois EPA, 831 Busse Road, Elk Grove Village, Illinois, to accept comments on proposed changes to the Alternate Fuels Program, 35 Ill. Adm. Code 275.

5) Other Pertinent Information: The proposal would amend the State of Illinois regulation at 35 Ill. Adm. Code 275 to reflect amendments to Section 30 of the Alternate Fuels Act (Act) signed into law on July 11, 2011, as Public Act (P.A.) 97-90. Amendments to Section 30 of the Act establish an electric vehicle car-sharing grant program. These amendments provide that, through fiscal year 2013, the Illinois EPA may award grants to car-sharing organizations for the purchase of new electric vehicles from an Illinois car dealership to the extent that funds remain available from the alternate fuel vehicle rebate fund. Also, amendments to Section 30 provide grant award criteria, eligibility requirements, application requirements, funding limitations, and reporting requirements.

The Illinois EPA's proposed amendments establish procedures for the issuance of electric vehicle car-sharing grants. Specifically, the proposed amendments establish the availability and limitations of grants, grant application requirements, and criteria and procedures relating to the Illinois EPA's award of grants and grant funding amounts. In addition, the proposed amendments establish requirements relating to grant agreements, access to grant projects, audits, maintenance of records, reporting, and reimbursement. Also, the proposed amendments establish procedures for addressing noncompliance with grant requirements. The proposed amendments make other minor revisions to the Alternate Fuels Program.

Copies of this proposal may be viewed by the public prior to the hearings on the Illinois EPA's website at http://www.epa.state.il.us/public-notices/ or at the Illinois EPA's offices at 1021 North Grand Avenue East, Springfield, Illinois, during regular business hours (Monday through Friday, 8:30 a.m. until 4:30 p.m., except for State holidays). No walk-in requests for copies of this material will be accommodated unless advance notice is

provided. Requests and public inquiries should be directed to Kent Mohr at the Illinois EPA, 1021 North Grand Ave. East, P.O. Box 19276, Springfield, Illinois 62794-9276, telephone number 217/782-5544 or TDD 217/782-9143.

The hearings will be held under the provisions of the Illinois EPA's "Procedures for Information and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164). Any questions about the hearing procedures, requests for copies of the hearing rules, or requests for special needs interpreters should be directed to Dean Studer, Agency Hearing Officer, at the address below. Requests for special needs interpreters must be made by February 17, 2012.

The Hearing Record will close on April 9, 2012. In additional to oral comments made at the hearings, written comments will also be accepted. Written comments need not be notarized and must be postmarked by midnight April 9, 2012. Written comments should be mailed to Dean Studer, Hearing Officer, Illinois EPA, 1021 North Grand Ave. East, P.O. Box 19276, Springfield, Illinois 62794-9276, telephone number 217/558-8280 or TDD 217/782-9143.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004

2) Code Citation: 68 Ill. Adm. Code 1240

3) Section Number: 1240.535(c)(7) Action: Modify

4) Date Notice of Proposed Amendments Published in the Register: April 22, 2011; 35 Ill. Reg. 6687

5) Date JCAR Statement of Objection Published in the Register: December 30, 2011; 35 Ill. Reg. 21072

6) Agency Response to Specific Joint Committee Objections: At its meeting on 12/13/11, JCAR objected to Section 1240.535(c)(7) of the above-cited rulemaking because that subsection requires fingerprint vendors to submit, as part of the fingerprint file, a photograph of the individual being fingerprinted. The objection states that statute does not allow DFPR to require photographs, but does authorize the Department of State Police to require other identifying information, which could include a photograph. Further, if DSP wished to require photos, it should do so within its own rules.

In response to the objection, the Department would point out that Section 31-25 of the Act requires a work order for every print taken, which shall include various items "and any other information or documentation as provided by rule", which we believe clearly could include a photograph. The Department previously agreed to delay implementation of this provision until January 1, 2014 in order for there to be sufficient lead time for the fingerprint vendors to comply. For the sate of clarification, however, we are modifying Section 1240.535(c)(7) to include the term "work orders" in the same manner as used in Section 1240.525(c)(5). Accordingly, after "all", "work orders, including" is added in the text, and a comma is added after "submissions".

The Department also agrees with JCAR that DSP should reflect this in its rules if this is to be a requirement for fee applicant submissions. DSP has agreed to seek adoption of such a rule prior to the January 1, 2014 implementation date.

ILLINOIS RACING BOARD

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES RECOMMENDATION ON EMERGENCY RULEMAKING

1) Heading of the Part: Medication

2) Code Citation: 11 Ill. Adm. Code 603

3)

Section Numbers:	Proposed Action:
603.60	Agreement
603.75	Agreement
603.160	Agreement

4) Notice of Emergency Amendments Published in the Illinois Register: September 16, 2011; 35 Ill. Reg. 15296

5) JCAR Statement of Recommendation to Emergency Amendments Published in the Illinois Register: October 28, 2011; 35 Ill. Reg. 17482

6) Summary of Action Taken by the Agency: At its meeting on October 11, 2011, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the IRB, in the future, take measures to ensure that rulemaking be initiated in a timely manner to avoid the use of emergency rulemaking.

The Board acknowledges the recommendation made by the Joint Committee regarding our rulemaking practices, and the Board will make a conscientious effort to comply with the recommended action.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT

FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Dirt & Sod, Inc.
c/o Pat Brandonisio, President
964 Elizabeth Drive
Elgin, IL 60120
IDOL Case No.(s): 2008-PW-WJ02-0633 & 2010-PW-WJ09-0254
November 29, 2010, and continuing through November 29, 2012

B & T Services of Monee, Inc.
4922 W. Margaret Street
Monee, IL 60449
IDOL Case No.(s): 2007-PW-AP06-0839 & 2006-PW-RW06-0939
May 21, 2010 and continuing through May 20, 2014

American Brick Paving, Inc.
c/o John Biebrach, President
825 Seegers Road
Des Plaines, IL 60016
IDOL Case No.: 2010-PW-WJ11-0557
September 24, 2010 and continuing through September 23, 2014

Performance Paving, Ltd.
c/o Larry Kennebeck, President
520 Bonner Road

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Wauconda, IL 60084
IDOL Case No.(s): 2008-PW-WJ01-0530 & 2010-PW-WJ08-0214
November 29, 2010 and continuing through November 29, 2014

Dem/Ex Group, Inc.
c/o Daniel Saal
805 S. Adams Street
Manito, IL 61546
IDOL Case No.(s): 2008-PW-RW09-0186 & 2010-PW-RDW09-0351
July 29, 2011, and continuing through July 29, 2015

Gire Construction, Inc.
aka Gire Roofing
c/o Ed Gire
712 S. Neil Street
Champaign, IL 61820
IDOL Case No.(s): 2010-PW-JD08-0104 & 2011-PW-JD07-0009
December 16, 2011, and continuing through December 16, 2015

American Painting, Inc.
c/o Gary Bens
1820 S. Wallace, Unit 118
St. Charles, IL 60174
IDOL Case No.(s): 2010-PW-DA12-0578 & 2012-PW-DA09-0139
"this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor".

Osterhoff Fence
838 E. 4000 S. Road
Kankakee, IL 60901
IDOL Case No.(s): 2007-PW-JD01-0567 & 2010-PW-JD11-0512
"this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor".

Copies of the Prevailing Wage Act are available on the internet at http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm, and at the:

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Illinois Department of Labor
Conciliation and Mediation Division
900 S. Spring Street
Springfield, Illinois 62704

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
FEBRUARY 7, 2012
9:30 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

Email: jcar@ilga.gov
Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Children and Family Services

1. Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services Is Legally Responsible (89 Ill. Adm. Code 325)
   -First Notice Published: 35 Ill. Reg. 16169– 10/14/11
   -Expiration of Second Notice: 3/4/12

Financial and Professional Regulation

2. Genetic Counselor Licensing Act (68 Ill. Adm. Code 1251)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

-First Notice Published: 35 Ill. Reg. 18986– 11/18/11
-Expiration of Second Notice: 2/23/12

Healthcare and Family Services

3. Rights and Responsibilities (89 Ill. Adm. Code 102)
-First Notice Published: 35 Ill. Reg. 11094– 7/15/11
-Expiration of Second Notice: 3/10/12

Human Services

4. Program Definitions (89 Ill. Adm. Code 521)
-First Notice Published: 35 Ill. Reg. 14002– 8/19/11
-Expiration of Second Notice: 3/2/12

5. Services (89 Ill. Adm. Code 590)
-First Notice Published: 35 Ill. Reg. 14015– 8/19/11
-Expiration of Second Notice: 3/4/12

Natural Resources

6. Illinois Resident Armed Forces Fee Exemptions (17 Ill. Adm. Code 2510)
-First Notice Published: 35 Ill. Reg. 19055– 11/18/11
-Expiration of Second Notice: 2/26/12

Public Health

7. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-First Notice Published: 35 Ill. Reg. 9927– 6/24/11
-Expiration of Second Notice: 2/25/12

8. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
-First Notice Published: 35 Ill. Reg. 18565– 11/14/11
-Expiration of Second Notice: 3/4/12

9. AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
-First Notice Published: 35 Ill. Reg. 15976 - 10/7/11
-Expiration of Second Notice: 3/16/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

Secretary of State

10. Uniform Commercial Code (14 Ill. Adm. Code 180)
-First Notice Published: 35 Ill. Reg. 18582– 11/14/11
-Expiration of Second Notice: 2/11/12

11. Illinois State Library, Library Services Section (23 Ill. Adm. Code 3010)
-First Notice Published: 35 Ill. Reg. 15424– 9/23/11
-Expiration of Second Notice: 2/19/12

12. Illinois State Library, Government Documents Section (23 Ill. Adm. Code 3020)
-First Notice Published: 35 Ill. Reg. 19127– 11/18/11
-Expiration of Second Notice: 2/19/12

13. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 35 Ill. Reg. 18575– 11/14/11
-Expiration of Second Notice: 2/11/12

State Fire Marshal

14. Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)
-First Notice Published: 35 Ill. Reg. 12867- 8/5/11
-Expiration of Second Notice: 3/2/12

State Police Merit Board

15. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2050)
-First Notice Published: 35 Ill. Reg. 19263- 11/28/11
-Expiration of Second Notice: 3/4/12

16. Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)
-First Notice Published: 35 Ill. Reg. 19268- 11/28/11
-Expiration of Second Notice: 3/4/12

State Universities Retirement System

17. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 35 Ill. Reg. 18589 - 11/14/11
-Expiration of Second Notice: 2/25/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

EMERGENCY RULEMAKINGS

State Police

18. Sample Collection for Genetic Marker Indexing (20 Ill. Adm. Code 1285)
Notice Published: 36 Ill. Reg. 342 – 1/6/12

Student Assistance Commission

19. John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754)
Notice Published: 36 Ill. Reg. 556 – 1/13/12

PEREMPTORY RULEMAKING

Central Management Services

20. Pay Plan (80 Ill. Adm. Code 310)
Notice Published: 36 Ill. Reg. 564 – 1/13/12

EXEMPT RULEMAKING

Pollution Control Board

21. Mobile Sources (35 Ill. Adm. Code 240)
Notice Published: 35 Ill. Reg. 17178 – 10/28/11

AGENCY RESPONSE

Racing Board

22. Medication (11 Ill. Adm. Code 603; 35 Ill. Reg. 15296) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 18, 2011 through January 23, 2012 and have been scheduled for review by the Committee at its February 7, 2012 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/2/12	Department of Human Services, Program Definitions (89 Ill. Adm. Code 521)	8/19/11 35 Ill. Reg. 14002	2/7/12
3/2/12	Office of the State Fire Marshal, Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)	8/5/11 35 Ill. Reg. 12867	2/7/12
3/4/12	Department of Children and Family Services, Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services Is Legally Responsible (89 Ill. Adm. Code 325)	10/14/11 35 Ill. Reg. 16169	2/7/12
3/4/12	Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	11/14/11 35 Ill. Reg. 18565	2/7/12
3/4/12	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)	11/28/11 35 Ill. Reg. 19268	2/7/12
3/4/12	Department of State Police Merit Board, Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2050)	11/28/11 35 Ill. Reg. 19263	2/7/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/4/12	Department of Human Services, Services (89 Ill. Adm. Code 590)	8/19/11 35 Ill. Reg. 14015	2/7/12

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 5 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

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