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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the filing period for your Regulatory Agenda will end on Wednesday, January 2, 2019.

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 2019

Issue#	Rules Due Date	Date of Issue
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019

16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019
22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Egg and Egg Products Act
- 2) Code Citation: 8 Ill. Adm. Code 65
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
65.30	Amendment
65.50	Amendment
65.110	Amendment
65.130	Amendment
65.135	New Section
65.190	Amendment
65.210	Amendment
- 4) Statutory Authority: Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13]
- 5) A Complete Description of the Subjects and Issues Involved: Additional rules put in place to support a new Section of Illinois Egg and Egg Products Act 410 ILCS 615/3.21a Lot Consolidation and 615/15 Samples for Representation of Entire Lots – Packing in Consumer Size Containers
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: This rulemaking was based on the new Sections of the Illinois Egg and Egg Products Act, 410 ILCS 615/3.21 and 615/15, effective January 1, 2017
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rulemaking changes are needed to comply with new changes in the Illinois Egg and Egg Products Act 410 ILCS 615/3.21 and 615.15.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281
- 217/524-6905
fax: 217/785-4505
- 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: Nothing in addition to requirements of the Act
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time the agenda was published.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 65
EGG AND EGG PRODUCTS ACT

Section

65.10	Definitions and Incorporations
65.20	Packaging Material, Master Containers, Packing Material and Consumer-Size Containers
65.30	Consumer Container Labeling Requirements
65.40	Restrictions
65.50	Master Container Labeling Requirements
65.60	Advertising
65.70	Brand or Firm Name
65.80	Food Preparation
65.90	Holding Temperature
65.100	Application for License or Renewal; Revocation or Suspension of License
65.110	Licenses
65.120	Surety Bond or Certificate of Deposit (Repealed)
65.130	Required Forms and Records
65.135	Egg Lot Consolidation
65.140	Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments
65.150	Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs
65.160	Minimum Sanitation Requirements for Retailers and Institutional Consumers
65.170	Retail Egg Inspection
65.180	Enforcement
65.190	Restricted Eggs (Definition, Labeling, Handling, Disposition)
65.200	Denaturants
65.210	Egg Inspection Fee
65.220	Illinois Grade Standards
65.230	Administrative Hearings (Repealed)

AUTHORITY: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products

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NOTICE OF PROPOSED AMENDMENTS

Act [410 ILCS 615/13].

SOURCE: Rules and Regulations for the Illinois Egg and Egg Products Act, filed October 28, 1975, effective November 1, 1975; amended March 2, 1976, effective March 12, 1976; amended December 29, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective February 14, 1983; amended at 17 Ill. Reg. 6749, effective April 27, 1993; amended at 19 Ill. Reg. 16933, effective January 1, 1996; amended at 21 Ill. Reg. 900, effective January 7, 1997; amended at 28 Ill. Reg. 2072, effective February 1, 2004; amended at 29 Ill. Reg. 14774, effective October 1, 2005; amended at 35 Ill. Reg. 2578, effective April 1, 2011; amended at 43 Ill. Reg. _____, effective _____.

Section 65.30 Consumer Container Labeling Requirements

- a) All shell eggs sold by a producer-dealer, packer, handler, or distributor to a retailer for resale to a consumer shall be labeled on the consumer-size container with the grade and size. Labeling shall be in bold type with letters not less than $\frac{3}{8}$ inch in height, no abbreviations permitted.
- b) Labeling on each consumer-size container must show the name and address of the packer or the name and address of the distributor or retailer under whose authority the eggs were packed. This identification must be permanent either by stamping or printing in bold type with letters not less than $\frac{1}{8}$ inch in height.
- c) Each consumer-size container must include in its label numbers expressed in a three-digit Julian code not less than $\frac{1}{8}$ inch in height indicating the exact consecutive day of the year on which the determination of grade and size was made. Predating is not permitted. Illegible dates shall be considered as no dates. Candling dates must be separated from any other codes that may appear on the carton.
- d) In addition to the above labeling requirements, it shall be allowable to include expiration dates in the labeling of consumer-size containers at retail. An expiration date, or other similar language as specified by USDA standards, that is not later than ~~4530~~ days from the candling date for Grade A eggs and not later than the ~~3045~~ days from the candling date for Grade AA eggs shall be used. Eggs with an expiration date marked on the container shall not be offered for sale or sold to a consumer after the date marked on the container.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 65.50 Master Container Labeling Requirements

- a) All master containers, whether full or partial containing bulk (loose) eggs offered, exposed or packed for sale, or transported for sale within the State shall bear a label stamped on the container or a removable tag affixed to the container on the top rung showing the following information in a conspicuous manner:
- 1) Grade and size – in letters not less than ½ inch in height.
 - 2) Name and address of packer or Illinois Egg License number or USDA plant number or egg license number from another state where eggs were packed, in letters not less than ¼ inch in height.
 - 3) The exact date on which the eggs were candled and graded. This candling date must be legible and accurate and appear in letters and numbers in Julian date code or exact date of pack not less than ¼ inch in height. Predating is not permitted. Illegible dates shall be considered as no dates.
 - 4) In addition to the above labeling requirements, an expiration date shall be required on all loose pack master containers. Use of qualifying prefixes required by USDA standards is allowable.
- b) Wire or plastic baskets (master containers) containing consumer-size cartons with the labeling information required by 8 Ill. Adm. Code 65.30 exposed to view are exempt from labeling the master container itself.
- c) Master containers, containing consumer-size containers where the labeling information is not exposed to view, must be labeled with one of the following means of identification:
- 1) name and address of packer;²⁵
 - 2) state license number;²⁵
 - 3) USDA plant number;³⁵ or
 - 4) egg license number from another state.

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- d) ~~A packer shall notify the Department in writing if he elects to use the state egg license number or USDA plant number instead of his name and address.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 65.110 Licenses

- a) The classifications of egg licenses and license fees for Illinois Egg Licenses (Full and Limited) are:
- 1) Illinois Egg License (Full) is required for the following business:
 - A) Producer-dealer (as defined in Section 3.29 of the Act and who sells eggs produced by his or her own flock or additional eggs from other than his or her own production ~~of 3,000 or more birds~~) – \$50.
 - B) Grading station (candles and grades nest run eggs from various producers) – \$50.
 - C) Jobber or broker (as defined in Section 3.2 of the Act) – \$50.
 - D) Distributor (as defined in Section 3.11 of the Act) – \$50.
 - 2) Illinois Egg License (Limited) is required for a producer-dealer (as defined in Section 3.29 of the Act, except that a limited licensee may only sell eggs of his or her own production and who sells only graded eggs produced by his own flock of 3,000 birds or fewer) – \$15.
 - 3) Egg Breaker's License (egg breaking establishment as defined in Section 16 of the Act). The license fee as set in Section 16 of the Act is \$200.
- b) A license will be issued if the applicant complies with the requirements of Sections 9 and 16 of the Act (as applicable to the type of license desired) and this Part.
- c) Illinois Egg Licenses must be posted conspicuously at the place of business of the holder so the license may be seen by the public and by the inspectors of the Department of Agriculture at any and all hours of the working day.

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- d) Truckers purchasing eggs from an Illinois producer are required to have an Illinois Egg License or photostatic copy of the license displayed in the cab.
- e) A separate license must be obtained for each business location.
- f) A place of business means a location where any person buys eggs from producers, or buys from or sells to institutional consumers, retailers, manufacturers or handlers. A truck or vehicle shall be considered a place of business provided no building is used for this purpose. Any person who operates his business from a vehicle in the State must provide to the Department a legal address for contact.
- g) Licenses are non-transferable. In the event of a sale of a licensed business, the purchaser will be required to make application for a new license.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 65.130 Required Forms and Records

- a) Grade Buying Slip
 - 1) When eggs are purchased from the producer on a graded basis, a grade buying slip shall be issued by the purchaser to the producer showing that eggs are of one or more of the following grade and size designations stating the quantity of each. Every grade buying slip shall carry a minimum of these six designations:

A Large	B Grade
A Medium	Restricted
A Small	Loss
 - 2) The grade buying slip must identify the producer and the purchaser and show the date of purchase and the date of grading. Eggs purchased from producers on a graded basis shall be candled and graded by the first receiver before the close of the fifth business day after receipt of the eggs at the grading facility, unless otherwise agreed to by both parties, and unless they are sold as "Nest Run Eggs", in which event they must be assigned a nest run grade and a weight class as defined in 7 CFR 56.230, 56.231, and 56.232 (2004) in the Federal standards for shell eggs.

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- 3) If quality factors preclude the assignment of a nest run grade, that grade must be stated on the invoice accompanying the sale of the eggs to the second receiver.
 - 4) Other grade and size classifications may be used in addition to those specified in subsection (a)(1). When other grades are added, they must conform with the Federal egg grading standards adopted in Section 65.220. The term "restricted" shall be used to designate all edible eggs below B quality (see Section 65.190(a)). A quantitative breakdown of the various types (i.e., checks, dirties, etc.) of restricted eggs shall be shown.
- b) Invoice
- 1) When eggs are sold by a licensed handler to another handler or retailer for ultimate resale to consumers, or to an institutional consumer or manufacturer for use in preparation of food for human consumption, an invoice or other accounting document must accompany the eggs.
 - 2) The invoice or other accounting document must show the name and address of the seller, including the physical address from where the eggs were shipped (P.O. boxes are not acceptable), the name and address of the purchaser, and the exact grade and size of the eggs sold according to State grade standards (see Section 65.220). The handler paying the inspection fee shall indicate, on each sales invoice, the amount of the inspection fee for the transaction in addition to the price of the eggs (see Section 65.210).
 - 3) Both seller and buyer must keep a copy of this invoice or other accounting documents on file, for a period of 6 months~~30 days~~, at the location where the eggs are being held or sold.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 65.135 Egg Lot Consolidation

- a) Cartons used for egg lot consolidation must be clean.
- b) All lot consolidation training must be preapproved by the Department.

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- c) Only trained personnel can perform lot consolidation at the retail level. A dated record must be kept and must be accessible at the retail store, listing all trained individuals who have been approved to perform lot consolidation. The employer bears the responsibility for training personnel and maintaining all records.
- d) Lot consolidation records must include each trained individual's name and the date of the lot consolidation. The Department can access timekeeping records to verify that the trained employee was working on the date of lot consolidation.
- e) Any retailer that wants to engage in egg lot consolidation must notify the Department either in writing or by electronic method listing each specific address of the retail location where it would like to perform egg lot consolidation. This requested location listing should be updated on an annual basis by the retailer.
- f) A second inspection fee is not payable to the Department on eggs consolidated.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 65.190 Restricted Eggs (Definition, Labeling, Handling, Disposition)

- a) "Restricted eggs" means shell eggs that are checks, dirties, incubator rejects, inedibles, leakers or loss. Except for the producer exemption provided in subsection (c), checks and dirties may be used for human food provided they are processed and pasteurized in an official plant.
- b) "Capable of use as human food" means any egg or egg product, unless it is denatured, or otherwise identified as required by Federal regulation, to deter its use as human food (7 CFR 59 (2004)).
- c) Within the classifications of eggs defined as restricted eggs, only checks and dirties are capable of use as human food, unless they are destroyed or identified and labeled for animal food. Checks and dirties shall be sold directly or indirectly only to an official plant. However, a producer may sell on his own premises where eggs are produced checks and dirties directly to household consumers, for use by the consumer and the consumer's non-paying guests.
- d) Producer-dealers, packers, handlers, distributors, or retailers shall not sell on or off the premises within the State any restricted eggs to any person, including consumers, institutional consumers or employees.

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- e) Restricted eggs will not be given free, for use as human food, to any person, including but not limited to institutional consumers, charitable organizations, or any employee.
- f) Restricted eggs may be designated for animal food only when properly decharacterized or denatured to preclude their use in food for human consumption, and each container or receptacle shall be labeled "Restricted eggs, Not to be used as human food". However, restricted eggs that are not decharacterized or denatured may be moved from one USDA licensed plant to another USDA licensed plant.
- g) Inedible and loss eggs must be denatured at the point and time of segregation. If the liquid is removed from the shells, approved denaturant must be placed in the receptacle provided, before the liquid is added. If loss eggs are placed on fillerflats or in flats and fillers, or in any other manner, each layer of eggs must be denatured before another one is started. However, inedible and loss eggs under USDA inspection and control shall be handled in accordance with USDA recommendations.
- h) Checks and dirties must be conspicuously labeled at the point and time of segregation with a placard or other device. Full or partial master cases containing checks and dirties must be labeled before transfer to the cooler.
- i) Producer-dealers with fewer than 3000 birds, or any producers, regardless of size, who do no candling and grading, are not required to register under the Federal Egg Products Inspection Act. Producer-dealers with fewer than 3000 birds who candle and grade eggs must be licensed by the State and are ~~be~~ subject to this Part as it applies to restricted eggs.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 65.210 Egg Inspection Fee

- a) An inspection fee of 11¢ per case (30 dozen equals a case) or fraction of a case shall be imposed on all eggs bearing a designated size and grade that are offered for sale or sold in the State of Illinois.
- b) The first handler in Illinois who packed and sold the eggs shall pay the prescribed

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inspection fee on the eggs. In the event that the eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois shall pay the fee.

- c) The handler paying the inspection fee shall indicate on each sales invoice the amount of the inspection fee for the transaction in addition to the price of the eggs.
- d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.
- e) The inspection fee shall be paid only once on the same quantity of eggs, so long as the eggs maintain their identity by remaining in their original case, carton or container. If eggs are removed from the original case, carton or container, they are now reidentified, and a second inspection fee (same rate as the first fee) shall be paid on the eggs to the Department. However, a second inspection fee shall not be paid for eggs that are consolidation.
- f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. The reports shall be accompanied by a remittance in an amount corresponding to the number of master containers at the rate prescribed per master container.
 - 1) The Director shall summon the delinquent person or firm to an administrative hearing in Springfield in which the license may be suspended or revoked if:
 - A) the quarterly report is established as being false or incorrect; or
 - B) the report is not received within 30 days after the due date.
 - 2) The quarters are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; October 1 to December 31.
- g) The inspection fee applies to all eggs identified with a consumer Grade "AA", "A", or "B" packed loose or packaged in cartons.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill Adm. Code 75
- 3) Section Number: 75.60 Proposed Action:
Amendment
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act 510 ILCS 30/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates requirements relating to bovine brucellosis to reflect current industry practices.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

ILLINOIS DEPARTMENT OF AGRICULTURE

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent agendas because the Illinois Department of Agriculture did not anticipate the filing of this rulemaking at the time for submittal of a regulatory agenda.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75
BOVINE BRUCELLOSIS

Section

75.5	Definitions
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75.10	Official Classification of the Results of the Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50	Indemnity
75.60	Identification of Cattle or Bison
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds of Cattle or Bison Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
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75.160	Female Cattle 18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Cattle or Bison
75.190	Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States
75.200	Slaughter Cattle and Bison from Class B or Class C States
75.210	Official CalfhooD Vaccination
75.220	Recognition of Brucellosis State Status
75.TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
75.TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. 9764, effective August 9, 1999; amended at 28 Ill. Reg. 13400, effective October 1, 2004; amended at 30 Ill. Reg. 10067, effective May 22, 2006; amended at 34 Ill. Reg. 19376, effective January 1, 2011; amended at 36 Ill. Reg. 13591, effective September 1, 2012; amended at 43 Ill. Reg. _____, effective _____.

Section 75.60 Identification of Cattle or Bison

- a) All purebred or crossbred cattle or bison subject to registration vaccinated with brucella abortus vaccine shall be identified on the report of vaccination by their registration number, ~~or dam's registration number,~~ or record association approved individual tattoo or microchip. All grade or not permanently identified cattle or bison so vaccinated shall be ear tagged in the right ear with an official identification tag. In addition to the above identification, all animals shall be identified at the time of vaccination by a tattoo in the right ear. ~~When using a Strain 19 vaccine, the tattoo shall show the quarter and year of vaccination and the letter "V" in the Federal shield. The number of the quarter shall precede the letter "V" in the shield and the last figure of the year shall follow the letter "V" in the shield, as for example, 4V7—"4" means the last quarter (Oct., Nov., Dec.) of~~

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~~the year, "V" means vaccinated, and "7" means the year (example 1997).~~ When using ~~an~~ RB-51 vaccine, the tattoo shall show the letter "R", then the Federal shield followed by the last number of the year the animal was vaccinated (example, RV6 would be an animal vaccinated with the RB-51 vaccine in 1996).

- b) All cattle or bison, except permanently identified purebred or crossbred animals, ~~subject to registration in a recognized breed association,~~ tested for brucellosis in the State of the Illinois shall be identified by an official ear tag placed in the right ear, ~~which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois."~~
- c) Purebred or crossbred registered cattle or bison may be identified for test or vaccination by the purebred or crossbred registration number or individual registration breed tattoo or microchip.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
85.30	Amendment
85.50	Amendment
- 4) Statutory Authority: Illinois Diseased Animal Act 510 ILCS 50/2
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates ear tag identification requirements for livestock and updates Code of Federal Regulation references.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Illinois Department of Agriculture did not anticipate the filing of this rulemaking at the time for submittal of a regulatory agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets or Recognized Slaughtering Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites

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- 85.130 Vesicular Stomatitis
- 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program
- 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required
- 85.155 Release from Quarantine

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004; amended at 28 Ill. Reg. 13405, effective October 1, 2004; amended at 30 Ill. Reg. 16582, effective October 9, 2006; amended at

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31 Ill. Reg. 82, effective January 1, 2007; amended at 34 Ill. Reg. 19399, effective January 1, 2011; amended at 38 Ill. Reg. 20655, effective October 16, 2014; amended at 40 Ill. Reg. 2682, effective January 22, 2016; amended at 43 Ill. Reg. _____, effective _____.

Section 85.30 Identification Ear Tags for Livestock

- a) All livestock, except purebred or crossbred animals registered with an approved registry association, tested for brucellosis and/or tuberculosis in the State of Illinois, shall be identified by ~~an ear tag placed in the right ear that bears the prefix number "33" followed by 3 letters and then by 4 numbers, and that, on the reverse side, bears the word "Illinois", or by an official ear tag as defined at in the Code of Federal Regulations (9 CFR 78.1 (2017); 2009).~~
- b) Purebred or crossbred animals registered with an approved registry association may be identified for test or vaccination by registration number, ~~dam's registration number,~~ microchip, or record association approved individual tattoo.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 85.50 Goats

- a) Brucellosis in Goats
 - 1) When a serologic test for brucellosis in goats discloses one or more reactors, the entire herd shall be placed under quarantine and the ~~reactors~~~~reactor(s)~~ immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the ~~reactors~~~~reactor(s)~~, the entire herd shall be retested at time intervals and the number of times as requested by the Department. The length of the quarantine period shall be determined by the Department.
 - 2) All brucellosis agglutination blood tests of goats shall be made at an approved laboratory.
- b) Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Goats
 - 1) General Requirements

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- A) Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked due to disclosure of brucellosis in the herd, shall be issued by the Department.
 - B) Certificates shall be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of a certified brucellosis-free herd.
 - C) A "herd" shall be considered as including all animals 6 months of age and over and shall consist of at least 5 animals.
 - D) All animals in the herd shall be identified by registration number, individual tattoo, or an official approved ear tag as defined in ~~the Code of Federal Regulations~~ (9 CFR 78.1 ~~and~~, 79.2; ~~(20172009)~~).
 - E) All official blood tests of goats shall be conducted at an approved laboratory.
- 2) To Qualify for Certification
- A) Herds shall be certified upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
 - B) Animals classified as suspects, in herds that are otherwise negative, must be retested at 30-day intervals until their status has been determined. If the suspects are sold or otherwise disposed of before their status has been determined, the entire herd must be retested to achieve a negative herd status. If the suspects are classified as reactors upon retest, the herd is considered to be infected. Diseased goats may only be consigned directly to a slaughtering facility and must be accompanied by a "Permit for Movement, VS Form 1-27".
 - C) If on the initial herd test, or as a result of any retests of animals in the herd, one or more reactors are disclosed, the entire herd shall be placed under quarantine and the reactors immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactors, the entire herd shall be

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retested at time intervals and the number of times as requested by the Department. The length of the quarantine period shall be determined by the Department.

- 3) To Qualify for Recertification
 - A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous certification. Upon receipt of a negative herd test, the Department shall extend certification for 12 months from the anniversary date.
 - B) If the annual test for recertification is conducted within 60 days following the anniversary date and all the animals are negative, certification will be restored and the certification period will be 12 months from the anniversary date.
 - C) If the annual test for recertification is not conducted within 60 days following the anniversary date, certification is cancelled and recertification requirements are then the same as for initial certification.
 - D) If suspects or reactors are disclosed on a recertification test, their disposition and herd retest requirements shall be the same as specified in subsections (b)(2)(B) and (C) ~~of this Section~~.
 - E) All official blood tests of goats shall be conducted at an approved laboratory.
- 4) Additions to Certified Brucellosis-Free Herds
 - A) Animals originating from other certified herds may be added without tests.
 - B) Animals originating from herds not certified may be added; provided, they are negative to an official brucellosis test within 60 days prior to addition, are held in isolation from other members of the certified herd for a minimum period of 30 days and are retested and negative at the end of this isolation period.

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- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 30 days and are included in a complete herd retest.
- c) Other Contagious Diseases. All goats, including dairy goats, will not be allowed to be exhibited in Illinois and must be removed immediately from the exhibition area if showing signs of any of the following conditions:
- 1) Lesions of contagious ecthyma (sore mouth).
 - 2) Active lesions of ringworm with resulting loss of hair.
 - 3) Caseous lymphadenitis as evidenced by draining abscesses.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
110.10	Repealed
110.20	Repealed
110.30	Repealed
110.50	Repealed
110.60	Repealed
110.70	Repealed
110.80	Repealed
110.90	Repealed
110.105	Repealed
110.120	Repealed
- 4) Statutory Authority: Animal Disease Laboratories Act 510 ILCS 10/1(g)
- 5) A Complete Description of the Subjects and Issues Involved: These rules pertained to the Galesburg Animal Disease Laboratory, which is no longer open.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

ILLINOIS DEPARTMENT OF AGRICULTURE

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Pamela Harmon
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent agendas because the Illinois Department of Agriculture did not anticipate the filing of this rulemaking at the time for the submittal of a regulatory agenda.

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

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NOTICE OF PROPOSED REPEALER

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT (REPEALED)

Section

110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule (Repealed)
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology/Parasitology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees (Repealed)
110.105	Serology Fees
110.110	Toxicology Fees (Repealed)
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees (Repealed)
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9,

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1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606, effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. 19768, effective January 1, 2012; amended at 36 Ill. Reg. 13621, effective September 1, 2012; amended at 38 Ill. Reg. 20672, effective October 16, 2014; amended at 40 Ill. Reg. 2727, effective January 22, 2016; repealed at 43 Ill. Reg. _____, effective _____.

Section 110.10 Definitions

"Accession" is one animal or group of animals or samples from the same location, representative of a single disease or disease problem, and received at the laboratory on the same day.

"Department" means the Illinois Department of Agriculture.

"Specimen" is any animal or plant tissue or substance to which a test or procedure is applied.

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to:

Animal Disease Laboratory
2100 South Lake Storey Road
PO Box 2100X
Galesburg IL 61401

Section 110.30 Payment For Laboratory Services

The person requesting the services shall be responsible for payment of fees for laboratory services performed by the Illinois Department of Agriculture Animal Disease Laboratory. Laboratory charges are due and payable when billed each month. Reports of laboratory findings will be withheld for any case submitted by an entity whose account is over 60 days past due.

Section 110.40 Tests Not Covered By Fee Schedule (Repealed)**Section 110.50 Minimum Fees**

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- a) A submission fee of \$5 per accession shall be charged on all accessions except EIA serology.
- b) Fee schedules are available at the laboratories or the Department's website: www.agr.state.il.us/laboratory-services/. A fee cap of \$150 will apply to livestock diagnostic cases with necropsies when multiple tests are required to complete a diagnosis. Mailed-in livestock cases with multiple tests in which the practitioner has necropsied the animals will be subject to the same \$150 fee cap. Companion animals (dogs, cats, equids, camelids, etc.) are not subject to the fee cap. Disposal charges for carcasses, spinal cord removal charges, euthanasia and charges for additional animals are not included in the cap and will be billed according to the fee schedule. Likewise, outside laboratory testing is not covered under the fee cap and will be charged according to referral laboratory costs. Upon submission, all carcasses and materials derived from them become the property of the State of Illinois, to be used or disposed of in any manner consistent with Illinois law. No portion of the carcass, except the ashes resulting from cremation of the carcass, will be returned to the previous owner.
- c) Necropsy fees will be as listed in this subsection. The necropsy fee is dependent on animal size. "Weight" means the weight of each animal included in an accession. "Number" means the maximum number of animals that can be included in a single accession for the designated necropsy fee. "Additional Animal Fee" is the extra charge for each animal added to an accession beyond the maximum specified in the second column. For example, if 4 pigs, each weighing 20 pounds, are submitted, the fee will be \$65 (\$45 for the first 3 animals plus \$20 for the additional animal).

Weight (lbs.)	Number	Necropsy Fee	Additional Animal Fee
0-34	3	\$45	\$20
35-149	2	\$45	\$25
150-499	1	\$45	\$30
500 or more	1	\$60	\$35

- d) Spinal cord removal fees (per animal, not subject to fee cap):
 - 1) 1-499 pounds.....\$ 45
 - 2) 500 or more pounds.....\$ 60

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- e) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours.

Section 110.60 Euthanasia Fees

- a) Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at the laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association.
- b) If chemical euthanasia is required, a minimum charge of \$10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.
- c) The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:

Weight (in pounds)	
0-100	10.00
101-200	15.00
201-300	20.00
301-400	25.00
401-500	30.00
501-600	35.00
601-700	40.00
701-800	45.00
801-900	50.00
Each additional Increment of 100	10.00

Section 110.70 Clinical Pathology/Parasitology Fees

- a) Hematology

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1)	Hematocrit	\$ 6.00
2)	Erythrocyte Parasites	10.00
b)	Chemistry	
	Total Protein (refractometric)	7.50
c)	Other Tests	
1)	Cytology	20.00
2)	Cytology, multiple sites.....	30.00
3)	Morphologic examination – ecto and endoparasites	10.00
4)	Fecal Flotation.....	12.00
5)	Trichomonas foetus (Venereal trichomoniasis)	10.00
6)	Giardia/Cryptosporidia ELISA (feces).....	20.00

Section 110.80 Histopathology Fees

The following are the fees for histopathology:

a)	Biopsy (tissue)	\$ 30.00
	Additional sites each	8.00
b)	Necropsy Tissues (per block).....	8.00
c)	Immunohistochemistry testing (per antigen)	15.00
d)	Special histochemical stains	10.00
e)	Bovine virus diarrhea (BVD PI) immunohistochemistry (formalin fixed ear notches).....	3.50

Section 110.90 Microbiology Fees

- a) Bacteriology, Mycoplasma and Fungi

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1)	Aerobic or anaerobic culture without sensitivity testing	\$ 15.00
2)	Antibiotic sensitivity (per isolate).	15.00
3)	Milk for mastitis culture	15.00
4)	Fluorescent Antibody Test (FA), per antigen	15.00
5)	Campylobacter (culture)	25.00
6)	Salmonella (enrichment media, per site or pool).....	15.00
7)	S enteritidis, poultry-house drag swabs, culture.....	25.00
8)	S enteritidis, poultry-house drag swabs immunoassay	20.00
9)	S enteritidis, poultry-house drag swabs, PCR	35.00
10)	Listeria (cold enrichment).....	15.00
11)	Johne's bacillus (Mycobact avium paratuberculosis)	20.00
12)	Preparation of culture for bacterin production per organism (plus shipping)	20.00
13)	Fungal culture	15.00
14)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00
15)	Mycoplasma culture.....	12.00
		actual cost plus shipping
16)	Trichomonas transport media	
17)	PCR testing	35.00
b)	Food safety microbiology	
1)	Food: Confirmation panel, E coli O157:H7	\$ 75.00
2)	Food: Confirmation panel, E coli, non-O157-STEC.....	75.00

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3)	Food: Confirmation panel, Listeria monocytogenes	75.00
4)	Food: Confirmation panel, Listeria sp.....	75.00
5)	Food: Confirmation panel, Salmonella sp.....	75.00
6)	Food: Culture, bacterial, E coli plate colony count.....	35.00
7)	Food: KIS test, antimicrobial drug testing	17.00
8)	Food: RT-PCR test, E coli O157:H7 screen.....	100.00
9)	Food: RT-PCR test, E coli non-O157 STEC	100.00
10)	Food: RT-PCR test, Listeria monocytogenes.....	100.00
11)	Food: RT-PCR test, Listeria sp	100.00
12)	Food: RT-PCR test, Salmonella sp	100.00

c) Virology

1)	Fluorescent Antibody Test (per antigen)	\$ 15.00
2)	Rabies (FA test)	25.00
3)	Virus Isolation (per virus)	25.00
4)	PCR Testing.....	35.00

Section 110.100 Parasitology Fees (Repealed)

Section 110.105 Serology Fees

a)	Anaplasmosis (ELISA).....	\$ 7.00
b)	Avian influenza (AGID)	5.00
c)	Bluetongue (AGID)	3.50
d)	Bluetongue (ELISA)	3.50
e)	Bovine leukemia virus (AGID)	5.00
f)	Bovine leukemia virus (ELISA)	5.00

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g)	Brucella abortus (BAPA, card, std plate, std tube)	2.50
h)	Brucella abortus (species other than bovine, porcine, and canine)	2.50
i)	Brucella abortus RAP	2.50
j)	Brucella abortus rivanol.....	10.00
k)	EIA-AGID	8.00
l)	EIA-ELISA	8.00
m)	Johne's ELISA	5.00
n)	Mycoplasma hypopneumoniae (ELISA).....	4.00
o)	Mycoplasma synoviae, M gallisepticum, M meleagridis (PA test) each	2.00
p)	PRRS ELISA	6.00
q)	PRRS IFA, US strain.....	8.00
r)	PRRS IFA Lelystad strain	8.00
s)	Pseudorabies (AutoLex or ELISA).....	1.00
t)	Salmonella pullorum/typhimurium (MPA).....	1.00
u)	Serology spin charge (per specimen)	1.00
v)	Swine influenza, ELISA (per serotype).....	8.00
w)	Unlisted Serology (each disease) per sample	5.00

Section 110.110 Toxicology Fees (Repealed)**Section 110.120 Miscellaneous Fees**

a)	Return of shipping container	actual shipping cost
b)	Cremation (200 pound limit)	
1)	Up to 76 pounds	\$ 75.00

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	2)	Each additional pound between 76 and 200 pounds ...	1.00
c)		Handling fee for sending specimens to out-of-state laboratories	
	1)	Non-refrigerated..... ..actual shipping cost plus	2.50
	2)	Refrigerated..... ..actual shipping cost plus	2.50
	3)	Dry ice..... ..actual shipping cost plus	10.00
	4)	Dangerous goods..... ..actual shipping cost plus	12.00
			0.50
			per pound,
			minimum
d)		Disposal fee for animals that cannot be rendered.....	15.00
e)		Disposal fee for horse carcasses	actual cost
f)		Disposal fee for headless cattle	actual cost
g)		Chronic Wasting Disease	
	1)	CWD killed by hunter in State.....	45.00
	2)	CWD killed by hunter out of state	50.00
	3)	CWD captive surveillance.....	45.00
			actual cost plus
			shipping
h)		Laboratory supplies, forms or materials.....	
			50.00
			per
i)		Emergency fee/rush fee	accession

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- | | | |
|----|--|------|
| j) | CWD sample collection and head disposal fee (out-of-state animals) | 5.00 |
|----|--|------|

Section 110.130 Meats Chemistry Fees (Repealed)

Section 110.140 Liquor Control Commission Fees (Repealed)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Industrial Hemp Act
- 2) Code Citation: 8 Ill. Adm. Code 1200
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1200.10	New Section
1200.20	New Section
1200.30	New Section
1200.40	New Section
1200.50	New Section
1200.60	New Section
1200.70	New Section
1200.80	New Section
1200.90	New Section
1200.100	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Industrial Hemp Act [505 ILCS 89/15].
- 5) A Complete Description of the Subjects and Issues Involved: The Definitions and Incorporations Section provides the definitions and incorporations for terms and phrases that are common to the industrial hemp industry.

General Provisions provide the basic rules for licensing and registration of cultivators and processors, ownership transfer, prohibition of plants in excess of 0.3 percent THC, and minimum land area.

The Application and Licensure Section explains the application process, requirements, and timeline for applications.

The Reports Section provides rules for reporting to the Department prior to planting, prior to harvest, and final report. These reports are needed to ensure certified seed is planted and to collect statistical data of production.

The Inspection and Sampling Section provides the guidelines for a single mandatory inspection and further inspections at the discretion of the Department. This Section also provides testing guidelines and the option of re-testing should a sample be out of compliance.

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The Fees Section provides the rules for monetary fees to cover the administrative costs of the program.

The Restrictions for Sale and Transfer Section provides rules that restrict the sale and transfer of Industrial Hemp to licensed growers in Illinois and other regulated states.

The Other Prohibited Activities Section requires a cultivator to adhere to the application and to prohibit the growing of any plant with a delta-9 THC level in excess of 0.3 percent.

The Transportation Section provides the rules for transporting harvested Industrial Hemp by licensed entities.

The final Section is Administrative Penalties, which provides that any violations shall be conducted in accordance with the Department's rules applicable to formal administrative proceedings and sets a limit on the amount of an administrative fine.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. 505 ILCS 89
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: A 45-day written comment period will begin on the day the Notice of proposed rules appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon
Illinois Department of Agriculture

ILLINOIS DEPARTMENT OF AGRICULTURE

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State Fairgrounds
P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 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: Reporting and bookkeeping procedures will be required.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Illinois Department of Agriculture did not anticipate the filing of this rulemaking at the time for submittal of a regulatory agenda.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONSPART 1200
INDUSTRIAL HEMP ACT

Section	
1200.10	Definitions and Incorporations
1200.20	General Provisions
1200.30	Application and Licensure
1200.40	Reports
1200.50	Inspection and Sampling
1200.60	Fees
1200.70	Restrictions on Sale and Transfer
1200.80	Other Prohibited Activities
1200.90	Transportation of Industrial Hemp
1200.100	Administrative Penalties

AUTHORITY: Implementing and authorized by Section 15 of the Industrial Hemp Act [505 ILCS 89].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

Section 1200.10 Definitions and Incorporations

Definitions relevant this Part are included in Section XX of the Industrial Hemp Act [505 ILCS 89]. The following definitions shall also apply to this Part:

"Act" means the Industrial Hemp Act [505 ILCS 89].

"Applicant" means the individual who is applying for a license or registration.

"Contiguous Land Area" means land areas used for cultivation of industrial hemp that are not separated by more than 100 feet by waterways, fences, railroads, lanes, roads, highways, interstates or other separations.

"Cultivating" means planting, growing and harvesting a plant or crop.

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"Department" means the Illinois Department of Agriculture.

"Director" means the Director of Agriculture.

"Handle" means possessing, transportation or storing of industrial hemp for any period of time on premises owned, operated or controlled by a person licensed to cultivate industrial hemp or registered to process industrial hemp.

"Indoor Cultivation" means the process of cultivating industrial hemp in a greenhouse or in an enclosed building or structure capable of continuous cultivation throughout the year. Continuous cultivation is not required.

"Industrial Hemp" means the plant Cannabis sativa L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis that has been cultivated under a license issued under the Act or is otherwise lawfully present in this State, and includes any intermediate or finished product made or derived from industrial hemp.

"Land Area" means a farm as defined in Section 1-60 of the Property Tax Code [35 ILCS 200] in this State or land or facilities under the control of an institution of higher education.

"Law Enforcement" means the officers and activities of the federal, State, and local agencies responsible for maintaining public order and enforcing the law.

"License" means authorization by the Department for any individual or legal entity to grow industrial hemp in the State.

"Person" means:

any individual, partnership, firm, corporation, company, society, or association;

the State or any department, agency, or subdivision thereof; or

any other entity.

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"Process" means the conversion of raw industrial hemp plant material into a form that is presently legal to import from outside the United States under federal law.

"Registration" means authorization by the Department for any individual or legal entity to process or handle industrial hemp.

"Variety" means a group of plants or an individual plant that exhibits distinctive observable physical characteristics or has a distinct genetic composition. This includes the terms "cultivar" and "strain".

Section 1200.20 General Provisions

- a) No person shall cultivate industrial hemp in the State without first receiving an Industrial Hemp Cultivation License from the Department.
- b) No person shall process or handle industrial hemp in the State without first receiving a processor/handler registration from the Department.
- c) All licensed persons in the State must provide research information as outlined in Section 1200.40(b).
- d) Licensed industrial hemp cultivators are solely responsible for procuring seeds, clones, transplants or propagules for planting.
- e) All seeds, clones, transplants and propagules used to cultivate industrial hemp in Illinois shall be certified under the Association of Official Seed Certifying Agencies (AOSCA) standards and guidelines for industrial hemp.
- f) Licenses and registrations cannot be transferred or assigned, in whole or in part, to another business, individual or other entity.
- g) No land area may contain cannabis plants or parts of cannabis plants that the licensee knows or has reason to know are of a variety that will produce a plant that, when tested, will produce more than 0.3% THC concentration on a dry weight basis. No licensee shall use any such variety for any purpose associated with the cultivation of industrial hemp.

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- h) The minimum land area for industrial hemp cultivation shall be a contiguous land area of one quarter of an acre for outdoor cultivation and 500 square feet for indoor cultivation.
- i) Each noncontiguous land area shall require a separate application fee.
- j) Licensee information may be shared with law enforcement without notice to the licensee.
- k) Any violations by a licensee or registrant may be subject to administrative action as set forth in Section 1200.80.

Section 1200.30 Application and Licensure

- a) Each applicant for an industrial hemp cultivation license shall submit a signed, complete, accurate and legible application form provided by the Department at least 90 days prior to planting. The applicant shall provide the following:
 - 1) The name and address of the applicant;
 - 2) The type of business or organization, such as corporation, LLC, partnership, sole proprietor, etc.;
 - 3) Business name and address, if different than the ones submitted in response to subsection (a)(1);
 - 4) The legal description of the land area, including Global Positioning System coordinates, to be used to cultivate industrial hemp;
 - 5) A map of the land area on which the applicant plans to grow industrial hemp, showing the boundaries and dimensions of the growing area in acres or square feet;
 - 6) Documentation to prove the land area is a farm as defined in Section 1-60 of the Property Tax Code; and
 - 7) The applicable fee prescribed by Section 1200.60.

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- b) An applicant for a license or registration issued by the Department shall be subject to a criminal background check conducted by the Illinois State Police or another State or federal law enforcement agency approved by the Department and paid for by the applicant. Background check forms will be supplied by the Department.
- c) No person who has been convicted of any felony, drug-related misdemeanor, or crime of dishonesty in the 5 years prior to the date of application shall be eligible to obtain a license or registration.
- d) Within 30 days after receipt of a completed application and the associated fee, the Department will either issue a license or deny the application. Incomplete applications will be rejected and an additional application fee will be collected for corrected and/or new applications.
- e) A license or registration shall be good for 3 calendar years from the date of issuance.
- f) Any changes to the licensee's cultivation plan as outlined in the original application must be approved by the Department prior to implementation. Changes to the cultivation plan are subject to an alteration fee as set forth in Section 1200.60.
- g) All processors and handlers of industrial hemp shall register with the Department on a form provided by the Department, which shall include:
 - 1) The name and address of the registrant;
 - 2) The business type, such as a corporation, LLC, partnership, sole proprietor, etc.;
 - 3) The business name and address if different than the one submitted in response to subsection (g)(1);
 - 4) The nature of the processing or handling by the registrant; and
 - 5) The applicable fee set forth in Section 1200.60.

Section 1200.40 Reports

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

- a) Thirty days prior to planting, each licensee shall file, on a form provided by the Department, a Pre-Planting Report that includes:
 - 1) A statement of verification that the licensee has reasonable grounds to believe that the crop the licensee will plant is of a type and variety of cannabis that will produce a delta-9 THC concentration of no more than 0.3% on a dry weight basis;
 - 2) The varieties of industrial hemp the applicant plans to cultivate and the intended purpose of the harvested material; and
 - 3) The seed source, clone source, or propagule source of the intended crop.
- b) At least 30 days prior to harvest, each licensee shall file a Harvest Report, on a form provided by the Department, that includes:
 - 1) Documentation that the licensee has entered into a purchase agreement with an in-state industrial hemp processor registered with the Department. If there is no such agreement, the licensee shall include a statement of intended disposition of the industrial hemp crop.
 - 2) The expected harvest dates and locations of each variety of industrial hemp cultivated by the licensee.
 - 3) The licensee shall notify the Department if the harvest dates change in excess of 5 days.
- c) No later than February 1 of each year, each licensee shall submit an Industrial Hemp Cultivator Final Report to the Department that includes:
 - 1) Total acres or square feet of industrial hemp planted;
 - 2) A description of each variety planted and harvested;
 - 3) Total acres or square feet harvested; and
 - 4) Total yield in the appropriate measurement, such as tonnage, seeds/acre, etc.

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Section 1200.50 Inspection and Sampling

- a) All licensees shall be subject to one mandatory inspection, and additional inspections at the discretion of the Department, of the land area and/or the indoor cultivation site, per year to ensure compliance with the Act.
- b) The Department shall provide a minimum of 5 business days' notice to the licensee of the mandatory inspection. The notification shall inform the licensee of the scope and process by which the inspection will be conducted.
- c) Failure to comply with a properly noticed inspection shall result in the initiation of disciplinary proceedings pursuant to Section 1200.100.
- d) A representative of the licensee shall be present for the inspection and sampling and shall provide the inspector with unrestricted access to all industrial hemp plants, parts, seeds, and harvested material, including all buildings and other structures used for the cultivation and storage of industrial hemp and all documents pertaining to the licensee's industrial hemp cultivation and business.
- e) All industrial hemp plants are subject to sampling and testing to verify that the delta-9 THC concentration does not exceed 0.3% on a dry weight basis.
 - 1) Individual or composite samples of each variety of cannabis may be sampled from the licensee's land area, including indoor cultivation sites, at the Department's discretion.
 - 2) The sampled material shall be prepared for testing using protocols approved by the Director.
 - 3) Quantitative laboratory determination of the delta-9 THC concentration on a dry weight basis will be performed according to protocols approved by the Director.
 - 4) A sample test result with a delta-9 THC concentration on a dry weight basis that exceeds 0.3% but is less than 0.7% may be retested at the expense of the licensee. A request for a retest by the licensee must be received by the Department within 3 days after initial receipt of the original test results by the licensee.

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- 5) All harvested industrial hemp receiving a sample test result with a delta-9 THC concentration on a dry weight basis that exceeds 0.3% and is not retested at the request of the licensee shall be destroyed in a manner approved by the Director.
- 6) All harvested industrial hemp receiving both a sample test result and a sample retest result with delta-9 THC concentrations on a dry weight basis that exceeds 0.3% shall be destroyed in a manner approved by the Director.
- 7) All harvested industrial hemp receiving a sample test result with a delta-9 THC concentration on a dry weight basis that equals or exceeds 0.7% shall be destroyed in a manner approved by the Director.
- 8) All harvested industrial hemp awaiting test results shall be stored by the licensee or processor and shall not be processed or transported until test results are obtained and the industrial hemp is released by the Department.

Section 1200.60 Fees

- a) An applicant or licensee shall submit the following nonrefundable fees with each license application submitted, in the form of a certified check or money order payable to the "Illinois Department of Agriculture", or by such other means as approved by the Department.
 - 1) The application fee for an Industrial Hemp Cultivation License shall be \$100 for each noncontiguous land area and each indoor cultivation operation area.
 - 2) Upon approval of an application, the license fee for each noncontiguous land area and each indoor cultivation operation shall be \$1000.
 - 3) The fee to make an alteration to the original application shall be \$200 for each noncontiguous land area or indoor cultivation operation being altered.
 - 4) Actual costs of testing shall be paid by the licensee.

ILLINOIS DEPARTMENT OF AGRICULTURE

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- 5) The application fee for a processor registration shall be \$100 for each address operated by the processor.
- 6) Upon approval of an application for registration, the registration fee for each registered address operated by a processor shall be \$1000.

Section 1200.70 Restrictions on Sale and Transfer

- a) A licensed person shall not sell or transfer, or permit the sale or transfer, of living plants, viable seeds, leaf material, or floral material to any person in the State of Illinois who does not hold a license or registration issued by the Department.
- b) A licensed person shall not sell or transfer, or permit the sale or transfer, of living plants, viable seeds, leaf material, or floral material outside the State of Illinois that is not authorized by a state agency under the laws of that state.
- c) The Department shall permit the sale or transfer of stripped stalks, fiber, dried roots, nonviable seeds, seed oils, floral and plant extracts (excluding THC in excess of 0.3%) and other marketable hemp products to members of the general public, both within and outside the State of Illinois.

Section 1200.80 Other Prohibited Activities

- a) A licensed person shall not plant or grow hemp on any site not listed in the application.
- b) A licensed person shall not ship or transport, or allow to be shipped or transported, live hemp plants, cuttings for planting, or viable seeds from a variety that is currently designated by the Department as a prohibited variety or a variety of concern to any location outside the State of Illinois.
- c) A licensed person shall not ship or transport, or allow to be shipped or transported, any hemp product with a delta-9 THC concentration in excess of 0.3%.

Section 1200.90 Transportation of Industrial Hemp

- a) A nonlicensed or nonregistered person may not transport live or harvested industrial hemp.

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- b) Industrial hemp may be transferred by the licensee or registrant from the place of cultivation to the place of processing at any time.

Section 1200.100 Administrative Penalties

- a) Any hearing conducted by the Department pursuant to the Act shall be conducted in accordance with the Department's rules applicable to formal administrative proceedings (8 Ill. Adm. Code 1.Subparts A and B). All such hearings shall be held in Springfield IL or such other location as mutually agreed to by the Department and the other party.
- b) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department may revoke, suspend, place on probation or supervision, reprimand, issue cease and desist orders, refuse to issue or renew a license or registration, or take any other disciplinary or nondisciplinary action as the Department may deem proper with regard to a licensed or registered entity or person.
- c) The Department may impose fines, not to exceed \$10,000 for each violation, for any violations of the Act or this Part.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Accreditation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 186
- 3) Section Number: 186.115 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update minimum standards for the operation of environmental laboratories relating to analyses and laboratory testing. Specifically, the proposed amendments update the following existing documents incorporated by reference: TNI Standard; Test Methods for Evaluating Solid Waste; and the code of federal regulations.

These amendments also add the following new incorporation by reference: editions 22 and 23 of the Standard Methods for the Examination of Water and Wastewater, USEPA's 5th edition Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures Quality Assurance, and supplement 1 to this manual.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

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

Rex L. Gradeless
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276

217/782-5544
Rex.Gradeless@Illinois.Gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These amendments may affect small business, small municipalities, or not-for-profit corporations in Illinois to the extent they own or operate an environmental laboratory regulated under this Part.
 - B) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping, and procedures required for compliance remain in effect.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 186
ACCREDITATION OF ENVIRONMENTAL LABORATORIES

Section

186.105	Purpose
186.110	Scope and Applicability
186.115	Incorporation by Reference
186.120	Definitions
186.125	Accreditation
186.130	Application Process
186.135	TNI Standard
186.140	Personnel Requirements (Repealed)
186.145	Laboratory Equipment and Materials (Repealed)
186.150	Laboratory Facilities (Repealed)
186.155	Calibration (Repealed)
186.160	Quality Assurance/Quality Control (Repealed)
186.165	Quality Assurance Plan (Repealed)
186.170	Performance Evaluation Sample Testing (Repealed)
186.175	Performance Evaluation Testing Programs (Repealed)
186.180	Scope of Accreditation
186.185	Sample Acceptance and Receipt (Repealed)
186.190	Record Keeping, Sample Tracking and Reporting (Repealed)
186.195	Subcontracting (Repealed)
186.200	Reciprocity (Repealed)
186.205	Acceptance of Out-of-State Accreditation (Repealed)
186.210	Suspension, Revocation and Denial of Accreditation (Repealed)
186.215	Hearing, Decision and Appeal
186.220	Confidential Documents
186.225	Severability
186.230	On-site Assessment and Proficiency Testing Laboratory Expenses
186.APPENDIX A	Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation (Repealed)

AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].

SOURCE: Adopted at 22 Ill. Reg. 5546, effective March 4, 1998; amended at 26 Ill. Reg. 12167, effective July 29, 2002; amended at 30 Ill. Reg. 2507, effective February 10, 2006; amended at 34 Ill. Reg. 9064, effective June 24, 2010; amended at 38 Ill. Reg. 18627, effective September 1, 2014; amended at 43 Ill. Reg. _____, effective _____.

Section 186.115 Incorporation by Reference

- a) The Agency incorporates the following documents by reference.
- 1) The NELAC Institute (TNI) Standard titled Requirements for the National Environmental Laboratory Accreditation Program, consisting of Volume 1, Management and Technical Requirements for Laboratories Performing Environmental Analysis, [EL-V1-2016-Rev.2.1](#)~~EL-V1-2009~~; and Volume 2, General Requirements for Accreditation Bodies Accrediting Environmental Laboratories, [EL-V2-2016-Rev.2.0](#)~~EL-V2-2009~~, P.O. Box 2439, Weatherford TX 76086, (817)598-1624.
 - 2) "Test Methods for Evaluating Solid Waste, SW846", "Laboratory Manual Physical/Chemical Properties", volumes 1A, 1B and 1C, 3rd edition ([July 2014](#)~~January 2008~~), Office of Solid Waste and Emergency Response, [U.S. Environmental Protection Agency](#), available from the National Technical Information Service (NTIS), (703)605-6000 (available at <https://www.epa.gov/hw-sw846/sw-846-compendium>~~www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm~~).

[1000 Series: Waste Characteristics and Leaching/Extracting Methods](#)

[3000 Series: Inorganic Sample Preparation](#)

[3500 Series: Organic Sample Extraction](#)

[3600 Series: Organic Extract Cleanup](#)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

[5000 Series: Sample Preparation and Introduction for Volatile Organic Compounds](#)

[6000 Series: Inorganic Determinative Methods – Inductively Coupled Plasma \(ICP\) and Other Methods](#)

[7000 Series: Inorganic Determinative Methods – Atomic Absorption \(AA\) and Other Methods](#)

[8000 Series: Chromatographic Separation Methods](#)

[9000 Series: Miscellaneous Test Methods](#)

- 3) American Public Health Association, 1015 Fifteenth Street NW, Washington DC 20005, (202)777-2742.

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992.

Method 2330B for the determination of Corrosivity (Langlier Index).

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

Method 5320B for the determination of TOX-Total Organic Halides by Absorption-Pyrolysis-Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 20th Edition, 1998.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 21st Edition, 2005.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 22nd Edition, 2012.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

"Standard Methods for the Examination of Water and Wastewater", 23rd Edition, 2017.

Method 2340B for the determination of Hardness by Calculation.

Method 2340C for the determination of Hardness by EDTA Titrimetric Method.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- 4) USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati OH 45242-0419 (available from <http://www.epa.gov/nscep/>).

"Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, EPA 600/R-93-100.

Method 180.1, "Determination of Turbidity by Nephelometry", Revision 2.0, August 1993.

"Methods for the Determination of Metals in Environmental Samples, Supplement I", May 1994, EPA 600/R-94-111.

Method 218.6, "Determination of Dissolved Hexavalent Chromium in Drinking Water, Groundwater and Industrial Wastewater Effluents by Ion Chromatography", Revision 3.3, May 1994.

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1", EPA 815/R-00/014, August 2000.

Method 314.0, "Determination of Perchlorate in Drinking Water Using Ion Chromatography", Revision 1, November 1999.

Method 526, "Determination of Selected Semivolatile Organic Compounds in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)", Revision 1.0, June 2000.

Method 528, "April 2000, Determination of Phenols in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)", Revision 1.0, April 2000.

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Method 532, "Determination of Phenylurea Compounds in Drinking Water by Solid Phase Extraction and High Performance Liquid Chromatography with UV Detection", Revision 1.0, June 2000.

Method 218.7, "Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography with Post-Column Derivatization and UV – Visible Spectroscopic Detection", Revision 1.0, November 2011, EPA 815-R-11-005.

Method 334.0, "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer", Revision 1.0, September 2009, EPA 815-B-09-013.

- 5) "Application Update 144: Determination of Hexavalent Chromium in Drinking Water Using Ion Chromatography", 2003, Dionex, 1228 Titan Way, P.O. Box 3603 Sunnyvale CA 94088-3603, (408)737-0700 (available from www.Dionex.com).
- 6) QuikChem® Method 10-117-07-1-A, Determination of Chloride by Flow Injection Analysis Colorimetry, November 2007, Lachat Instruments, 5600 Lindburgh Drive, Loveland CO 80539, (414)358-4200.
- 7) "Manual for the Certification of Laboratories Analyzing Drinking Water", "Criteria and Procedures Quality Assurance", 5th edition (EPA 815-R-05-004, January 2005), Office of Water, Office of Ground Water and Drinking Water, Environmental Protection Agency, available from the National Service Center for Environmental Publications (NSCEP), (800) 490-9198 (available at <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water>).

"Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water" (Supplement 1 to EPA 815-R-05-004, 2008), Office of Water, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency, available from the National Service Center for Environmental Publications (NSCEP), (800) 490-9198 (available at <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water>).

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- b) The Agency incorporates the following Sections of federal regulations by reference:
- 1) 40 CFR 136.3 Table IB, Table IC, Table ID, [Table IF](#), Table IG, [Table II](#)
[\(2018\)\(2013\)](#)
40 CFR 136.4 [\(2018\)\(2013\)](#)
40 CFR 136.5 [\(2018\)\(2013\)](#)
40 CFR 136.6 [\(2018\)\(2013\)](#)
40 CFR 136.7 [\(2018\)\(2013\)](#)
40 CFR 136 appendix A [\(2018\)\(2013\)](#)
40 CFR 136 appendix B [\(2018\)\(2013\)](#)
40 CFR 136 appendix C [\(2018\)\(2013\)](#)
[40 CFR 136 appendix D \(2018\)](#)
 - 2) 40 CFR 141.23(k) [\(2018\)\(2013\)](#)
40 CFR 141.24(e) [\(2018\)\(2013\)](#)
40 CFR 141.24(f)(20) [\(2018\)\(2013\)](#)
40 CFR 141.27 [\(2018\)\(2013\)](#)
40 CFR 141.74 [\(2018\)\(2013\)](#)
40 CFR 141.131 [\(2018\)\(2013\)](#)
40 CFR 141 subpart C, appendix A [\(2018\)\(2013\)](#)
40 CFR 143.4 [\(2018\)\(2013\)](#)

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c) This Section incorporates no later amendments or editions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedures for Issuing Loans From the Water Pollution Control Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
365.110	Amendment
365.120	Amendment
365.130	Amendment
365.140	Amendment
365.150	Repealed
365.160	Amendment
365.170	Amendment
365.210	Amendment
365.240	Amendment
365.310	Amendment
365.340	Amendment
365.345	New Section
365.350	Amendment
365.355	New Section
365.410	Amendment
365.420	Amendment
365.440	Amendment
365.460	Amendment
365.470	Amendment
365.540	Amendment
365.610	Amendment
365.620	Amendment
365.630	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency proposes to repeal the current Water Pollution Control Loan Program priority scoring system found in Part 366 and replace it with a new priority scoring system in Section 365.345. Under the new priority scoring system, projects will be scored and ranked based on point awarded in the following categories: violations and enforcement compliance, unsewered communities and consolidation, water quality improvement, protection of assets,

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conservation and green infrastructure, readiness to proceed, economic factors, and population. The Agency also revises the requirements for the project priority list in Section 365.340 and added a new section for letters of commitment. The Illinois EPA proposes a handful of cleanup amendments to promote more program continuity and regulatory clarity.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed amendments may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses, small municipalities or not-for-profit corporations seeking loans under the Water Pollution Control Loan Program could be affected.

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 365
PROCEDURES FOR ISSUING LOANS FROM THE WATER
POLLUTION CONTROL LOAN PROGRAM

SUBPART A: INTRODUCTION

Section	
365.105	Purpose
365.110	Definitions
365.120	Clean Water Act Requirements Administration
365.130	Projects and Activities Eligible Available for Assistance
365.140	Uses of the Water Pollution Control Loan Program Types of Assistance
365.150	Other Federal Requirements (Repealed)
365.160	Application Process
365.170	Waiver of Procedures

SUBPART B: FINANCING TERMS

Section	
365.210	Fixed Loan Rate
365.220	Loan Repayment Period
365.240	Restructuring
365.250	Additional Subsidization
365.260	Limitations on Loan Assistance

SUBPART C: LOAN APPLICATION PROCESS

Section	
365.310	Funding Nomination Form
365.320	Project Plan
365.330	State Environmental Review
365.340	Project Priority List
365.345	Loan Priority Score
365.350	Loan Application and Other Documentation Securing the Loan Agreement
365.355	Letter of Commitment

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SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

Section

365.410	Loan Issuance
365.420	Post-Loan Issuance Construction Contract Requirements
365.430	Loan Eligible Costs
365.440	Disbursement of Loan Funds
365.450	Initiation of Loan Repayment
365.460	Loan Closing and Issuance of Final Loan Amendment
365.470	Ongoing Auditing and Monitoring of Financial Capability

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section

365.510	Delinquent Loan Repayments
365.520	Noncompliance with Loan Procedures
365.530	Stop-Work Order
365.540	Termination

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section

365.610	Requirements for Subagreements
365.620	Construction Contracts
365.630	Contracts for Personal and Professional Services
365.640	Compliance with Procurement Requirements for Construction Contracts
365.650	Disputes
365.660	Indemnity
365.670	Covenant Against Contingent Fees

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Adopted at 13 Ill. Reg. 7351, effective May 1, 1989; amended at 16 Ill. Reg. 15073, effective September 21, 1992; recodified at 19 Ill. Reg. 11450, effective August 11, 1995; amended at 20 Ill. Reg. 788, effective January 1, 1996; amended at 30 Ill. Reg. 15590, effective September 18, 2006; emergency amendment at 33 Ill. Reg. 8546, effective June 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15450, effective October 28, 2009; emergency

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amendment at 34 Ill. Reg. 8325, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6, 2010; amended at 34 Ill. Reg. 17582, effective November 8, 2010; amended at 40 Ill. Reg. 6577, effective April 1, 2016; former Part repealed at 41 Ill. Reg. 7980 and new Part adopted at 41 Ill. Reg. 7983, effective July 1, 2017; amended at 42 Ill. Reg. 14442, effective July 20, 2018; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 365.110 Definitions

- a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle C) and the federal Clean Water Act (CWA), as amended (33 USC 1251 et seq.).
- b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Asset Management Plan – Any system-wide plan that contains the information on asset conditions, service levels, customer needs, and financial resources to ensure the loan applicant can conduct planned maintenance and repair and replace and upgrade capital assets to reliably provide quality service for the foreseeable future.

Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the WPCLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the WPCLP as a result of the capitalization grant agreement with USEPA.

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Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the WPCLP and enable the Agency to provide assistance for WPCLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C and the CWA, respectively.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

CWA – The Clean Water Act, as amended (33 USC 1251 et seq.).

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following:

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surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities – Equipment or operating systems that are constructed, installed or established to serve the particular purpose of mitigating the impacts of sewerage, industrial waste or non-point sources of pollution in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of treatment works. Facilities in the context of the Green Project Reserve will address green infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 365.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the WPCLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

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Fund – The Water Revolving Fund as authorized by Section 19.3 of the Act, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program. [415 ILCS 5/19.2(b)]

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve – The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow – Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

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Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Water Pollution Control Loan Program, project categories, discharge requirements, terms of financial assistance and the loan applicants to be served. [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US 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 USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – A loan made from the Water Pollution Control Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant. [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the WPCLP.

Loan Applicant – The person that has applied for a loan from the WPCLP under this Part.

Loan Procedures – The procedures for issuing loans from the WPCLP as set out in this Part.

Loan Recipient – The person that has been provided a loan from the WPCLP under this Part.

Loan Support Rate – The loan support rate is a portion of the fixed loan rate and shall not exceed one-half of the fixed loan rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the fixed loan rate shall be deposited in the Loan Support Program receipt account within the Fund.

Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement

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authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm water treatment systems, or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the United States Department of Commerce, Bureau of the Census.

Municipality – A city, town, county, village, district, utility authority, sanitary district, public water district, not-for-profit association or other political subdivision whose responsibilities include construction, operation and maintenance of treatment works~~A municipality as defined in section 502 of the federal Clean Water Act (33 USC 1362(4)).~~

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the WPCLP.

Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 366 that the Agency has determined are eligible to receive financial assistance from the WPCLP.

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Public Loan Applicant – A loan applicant that is a municipality, intermunicipal agency, interstate agency, or local government unit that has applied for a loan under the WPCLP.

Public Loan Recipient – A loan recipient that is a municipality, intermunicipal agency, interstate agency, or local government unit that has been provided a loan under the WPCLP.

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

Service Population – The number of people served by the public loan applicant.

Subagreement – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

Treatment Works – *Treatment works, as defined in section 212 of the federal Water Pollution Control Act (33 USC 1292), including, but not limited to, the following:*

any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances;

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extensions, improvements, remodeling, additions, and alterations thereof;

elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities;

any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities; and

any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems as those terms are defined in the Federal Water Pollution Control Act. [415 ILCS 5/19.2(f)]

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a treatment works is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

User Charge – A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

WPCLP – The Water Pollution Control Loan Program as authorized by Section ~~19.3~~19.2 of the Act.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.120 Clean Water Act RequirementsAdministration

- a) The Water Pollution Control Loan Program~~State Water Revolving Fund, an interest-bearing special fund,~~ is administered by the Agency ~~as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA in accordance with~~ the Clean Water Act and the Illinois Environmental Protection Act~~State and federal laws.~~

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- b) ~~The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:~~
- 1) ~~the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the WPCLP that are not expected to change annually;~~
 - 2) ~~the Agency's Intended Use Plan;~~
 - 3) ~~an agreed-upon payment schedule between USEPA and the Agency;~~
 - 4) ~~the Green Project Reserve requirements;~~
 - 5) ~~the Agency's State environmental review process; and~~
 - 6) ~~the Agency's agreement to the following:~~
 - A) ~~to accept grant payments in accordance with a negotiated payment schedule;~~
 - B) ~~to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;~~
 - C) ~~to make binding commitments in an amount equal to 120% of each quarterly federal grant payment within one year after the receipt of each quarterly grant payment;~~
 - D) ~~to expend all funds in an expeditious and timely manner;~~
 - E) ~~to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline;~~

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- F) ~~treatment works that will be constructed in whole or in part with assistance from the State Water Revolving Fund will meet the requirements of 33 USC 1371(c)(1) and 1372;~~
- G) ~~to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;~~
- H) ~~to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;~~
- I) ~~to require recipients under WPCLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;~~
- J) ~~to make annual reports to the USEPA on the actual use of funds;~~
- K) ~~to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the CWA;~~
- L) ~~to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing of the cost of administering the WPCLP or financing projects or activities eligible for assistance under this Part;~~
- M) ~~to an annual audit of the WPCLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);~~
- N) ~~to require public loan recipients to study the cost and effectiveness of the process, materials, techniques, and technologies for carrying out the proposed project or activity and to select, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture and conservation, and energy conservation; and~~
- O) ~~to require that contracts carried out with funds directly made available under this Part for program management, construction~~

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~~management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services are negotiated in the same manner as a contract for architectural and engineering services are negotiated under 40 USC 1101.~~

~~b)e)~~ Intended Use Plan

- 1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.
- 2) The Intended Use Plan must include:
 - A) the uses of the State Water Revolving Fund under the WPCLP and describe how these uses support the goals of the WPCLP;
 - B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;
 - C) the short and long term goals and objectives of the WPCLP;
 - D) information on the types of activities including eligible categories of costs to receive assistance, types of assistance to be provided, and the WPCLP policies on setting the terms for various types of assistance provided by the State Water Revolving Fund under this Part;
 - E) the criteria and the method for distribution of the State Water Revolving Fund funds under this Part; and
 - F) assurances and specific proposals on the manner by which the Agency intends to comply with 40 CFR 35.3135(c), (d), (e) and (f), and 35.3140.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.130 Projects and Activities EligibleAvailable for Assistance

Funds available under the WPCLP and this Part shall be used only for providing financial

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assistance for the following projects or activities:

- a) to any public loan applicant for construction of publicly owned treatment works;
- b) for the implementation of a management program established under 33 USC 1329;
- c) for development and implementation of a conservation and management plan under 33 USC 1330;
- d) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
- e) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
- f) to any public loan applicant for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;
- g) for the development and implementation of watershed projects meeting the criteria set forth in 33 USC 1274;
- h) to any public loan applicant for measures to reduce the energy consumption needs for publicly owned treatment works;
- i) for reusing or recycling wastewater, stormwater, or subsurface drainage water;
- j) for measures to increase the security of publicly owned treatment works;
- k) to any qualified nonprofit entity, as determined by USEPA, to provide assistance to owners and operators of small and medium publicly owned treatment works:
 - 1) to plan, develop, and obtain financing for eligible projects under this subsection (k), including planning, design, and associated preconstruction activities; and
 - 2) to assist the treatment works in achieving compliance with the CWA.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 365.140 Uses of the Water Pollution Control Loan Program~~Types of Assistance~~

The Water Pollution Control Loan Program shall be used and administered by the Agency for the following purposes.~~Funds distributed from the State Water Revolving Fund under the WPCLP and this Part may only be used as follows:~~

- a) to make loans, on the condition that:
 - 1) the loans are made at or below market interest rates, including interest free loans, at terms not to exceed the lesser of 30 years and the projected useful life of the project to be financed with the proceeds of the loan pursuant to Section 365.220;
 - 2) annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized upon the expiration of the term of the loan;
 - 3) the recipient of a loan will establish a dedicated source of revenue for repayment of loans;
 - 4) the fund will be credited with all payments of principal and interest on all loans; and
 - 5) for a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a):
 - A) the recipient of a loan shall develop and implement a fiscal sustainability plan that includes the elements listed in Section 365.350(a)(7):
 - i) ~~an inventory of critical assets that are a part of the treatment works;~~
 - ii) ~~an evaluation of the condition and performance of inventoried assets or asset groupings;~~
 - iii) ~~a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part~~

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~~of the plan; and~~

~~iv) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities; or~~

- B) the loan recipient shall certify that the recipient has developed and implemented a fiscal sustainability plan pursuant to Section 365.460(a)(5)~~that meets the requirements under subsection (a)(5)(A)~~;
- b) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, when the debt obligations were incurred after March 7, 1985;
- c) *to make loans, including, but not limited to, loans through a linked deposit program, at or below market interest rates for the implementation of a management program established under Section 319 of the CWA [415 ILCS 5/19.3(b)(3.5)];*
- d) *to guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates [415 ILCS 5/19.3(b)(4)];*
- e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Water Revolving Fund [415 ILCS 5/19.3(b)(5)];*
- f) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;
- g) to earn interest on fund accounts;~~and~~
- h) *for the reasonable costs of administering the Water Revolving Fund [415 ILCS 5/19.3(b)(6)];*
- i) *to transfer funds to the Public Water Supply Loan Program [415 ILCS 5/19.3(b)(7)]; and*

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- j) *to provide any other financial assistance that may be provided under Section 603 of the CWA for any other projects or activities eligible for assistance under that Section or federal rules adopted to implement that section [415 ILCS 5/19.3(b)(8)].*

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.150 Other Federal Requirements (Repealed)

- a) ~~Loan projects must be consistent with any plans developed under Sections 205(j), 208, 303(e), and 319 of the CWA.~~
- b) ~~Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.~~
- c) ~~If a loan recipient receives a loan from the Agency that will finance the cost of project planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, and receives a grant under 33 USC 1281(g) for construction of those treatment works and an allowance under 33 USC 1281(l)(1) for non-federal funds expended for that planning and preparation, the loan recipient must promptly repay the loan to the extent of the allowance.~~
- d) ~~The Agency may provide assistance (other than under Section 365.140(a)) to a public loan recipient with respect to the non-federal share of the costs of a treatment works project for which the public loan recipient is receiving assistance from USEPA under any other authority only if that assistance is necessary to allow the project to proceed.~~
- e) ~~Loan projects must meet the applicable requirements of any other federal laws and authorities.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 365.160 Application Process

- a) In order to receive a loan under the WPCLP, loan applicants must apply to with the Agency using the loan application process outlined in Subpart C. The process requires that:

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- 1) the loan applicant submits a Funding Nomination Form pursuant to Section 365.310;
 - 2) the loan applicant submits a Project Plan pursuant to Section 365.320;
 - 3) the project undergoes State environmental review under Section 365.330;
 - 4) the project be placed on the Project Priority List pursuant to Section 365.340; and
 - 5) the loan applicant submits the following information:~~secures the loan agreement pursuant to Section 365.350.~~
 - A) a loan application as required by Section 365.350(a);
 - B) contracts for personal or professional services as required by Section 365.350(b);
 - C) a construction permit application, if necessary, as required by Section 365.350(c);
 - D) pre-bidding plans and specifications with certification form, as required by Section 365.350(d); and
 - E) bidding evaluation and certification forms as required by Section 365.350(e).
- b) Loan applicants shall not execute a notice to proceed authorizing the initiation of construction until the loan agreement has been fully secured and executed.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.170 Waiver of Procedures

- a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be

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waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the WPCLP. The waiver may be subject to such additional conditions as the Director deems necessary.

- b) In addition to all federal requirements, these procedures will not be waived:
- ~~1)~~ ~~Section 365.150 (Other Federal Requirements);~~
 - ~~1)2)~~ Section 365.210 (Fixed Loan Rate);
 - ~~2)3)~~ Section 365.240 (Restructuring);
 - ~~3)4)~~ Section 365.320 (Project Plan);
 - ~~4)5)~~ Section 365.330 (State Environmental Review);
 - ~~5)6)~~ Section 365.340 (Project Priority List);
 - ~~6)7)~~ Section 365.350(a)(10) (Ability to Repay);
 - ~~7)8)~~ Section 365.460(a)(3) (Operation and Maintenance of the Project);
 - ~~8)9)~~ Section 365.470 (Ongoing Auditing and Monitoring of Financial Capability);
 - ~~9)10)~~ Section ~~365.620(f)(3)~~~~365.620(a)(3)~~ (Wage Provisions);
 - ~~10)11)~~ Section ~~365.620(f)(4)~~~~365.620(a)(4)~~ (Disadvantaged Business Enterprise Requirements);
 - ~~11)12)~~ Section ~~365.620(f)(5)~~~~365.620(a)(5)~~ (Debarment and Suspension Certification);
 - ~~12)13)~~ Section 365.630(a)(1) (Disadvantaged Business Enterprise Requirements);
and
 - ~~13)14)~~ Section 365.630(a)(4) (Debarment and Suspension Certification).

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: FINANCING TERMS

Section 365.210 Fixed Loan Rate

The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

- a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).
- b) Small Community Rate – Public loan applicants with a service population less than 25,000 that also meet any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:
 - 1) The median household income of the public loan applicant's service population is less than the statewide average.
 - 2) The unemployment rate of the public loan applicant's service population is greater than the statewide average.
 - 3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.0% of the median household income of the public loan applicant's service population.
- c) Hardship Rate – Public loan applicants with a service population less than 10,000 that also meet any one of the following three criteria qualify for a fixed loan rate of 1.0%:
 - 1) The median household income of the public loan applicant's service population is below 70% of the statewide average.
 - 2) The unemployment rate of the public loan applicant's service population is at least 3.0 percentage points greater than the statewide average.

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- 3) The public loan applicant's annual user charge, based upon the average monthly bill of the public loan applicant's residential customers, is greater than 1.5% of the median household income of the public loan applicant's service population.
- d) Environmental Impact Discount – When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):
 - 1) new projects for the collection or treatment of unsewered communities;
 - 2) projects involving nutrient removal or nutrient loss reduction;
 - 3) green infrastructure projects;
 - 4) projects lowering water demand; or
 - 5) projects reducing energy demands at a wastewater treatment facility.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.240 Restructuring

All restructuring shall be consistent with the objectives of the CWA and shall meet the requirements of this Part.

- a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:
 - 1) The name of the applicant and the Agency loan number;
 - 2) A statement explaining when it was determined that restructuring was needed;
 - 3) A statement explaining all remedial measures taken prior to the determination that restructuring was needed;
 - 4) A statement explaining why restructuring is in the best interest of the State

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and the applicant;

- 5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and
 - 6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 365.350(a)(9) through (a)(13).
- b) ~~The applicant must resubmit all financial and managerial capability documentation required under Section 365.350(a)(9) through (a)(13), and the restructured loan must further meet all other requirements of this Part.~~
- b)e) The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:
- 1) ~~the loan recipient's ability to repay the loan good cause;~~
 - 2) circumstances beyond the control of the applicant; and
 - 3) the financial hardship the existing loan imposes on the loan recipient.
- c)d) Restructured loan agreements shall have a fixed loan rate equal to the lesser of the fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 365.210.
- d)e) Except as provided in subsection ~~(e)(f)~~, the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.
- e)f) For public loan applicants that qualify for the Small Community Rate or Hardship Rate as provided in Section 365.210, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: LOAN APPLICATION PROCESS

Section 365.310 Funding Nomination Form

- a) Every loan applicant must submit to the Agency a signed and dated Funding Nomination Form~~funding nomination on Agency prescribed forms~~ that ~~includes~~include, at a minimum, the following items:
- 1) Loan applicant information
 - A) name;
 - B) contact information; and
 - C) authorized representative – name and title;
 - 2) Project Information
 - A) project description, including location;
 - B) project justification;
 - C) cost; and
 - D)~~E~~) project implementation schedule.
 - 3) Information necessary to score the loan applicant's project in accordance with Section 365.345.
- b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding ~~March~~January 31.
- c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 365.320.

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- d) When a loan applicant is seeking more than one loan in a single fiscal year, a separate funding nomination form must be submitted for each loan requested.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.340 Project Priority List

- a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.
- b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1. Only loan applicants who have submitted a Funding Nomination Form will be placed on the Project Priority List. Loan applicants who have received project planning approval pursuant to Sections 365.320 and 365.330 before March 31 of the previous fiscal year will be scored, ranked and placed on the project priority list according to Section 365.345. Loan applicants who have not received project planning approval before March 31 of the previous fiscal year will be placed at the bottom of the Project Priority List in alphabetical order. as follows:
- 1) ~~Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320, and obtained Project Plan approval pursuant to Section 365.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List according to 35 Ill. Adm. Code 366.~~
 - 2) ~~Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).~~
 - 3) ~~Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 365.310 and 365.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 365.330, but will not be placed on the Intended Funding List.~~
- c) The Agency shall publish the Project Priority List in the Intended Use Plan.

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d) Intended Funding List

- 1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List that have been scored and ranked pursuant to subsection (b) and are scheduled to initiate construction prior to March 31 of the current fiscal year. ~~The, with the~~ total costs of all projects on the intended funding list shall not exceed~~equaling~~ the total amount of funds available.
- 2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.
- 3) Projects on the Intended Funding List are not guaranteed funding or additional subsidization.
- 4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List according to the process set forth in subsection (e)~~when the bypass process criteria are met (see subsection (e)).~~
- 5) ~~From July 1 through December 31, only projects on the Intended Funding List will be given a loan.~~

e) Bypass Process and Surplus Funding

- 1) From January 1 through June 30 of each year, a project on the Intended Funding List may be bypassed, releasing any reserved funds when the loan applicant has not:
 - A) submitted a loan application as required by Section 365.350(a);
 - ~~B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 365.350(a)(9) through (a)(13);~~
 - B)C) obtained all necessary construction permits; and

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- ~~C)D)~~ established a bid opening date prior to March 31 of the current fiscal year.
- 2) A project on the Intended Funding List may be bypassed at anytime, releasing any reserved funds, when the loan applicant notifies the Agency in writing that it does not intend to pursue funding during the current fiscal year.
- 3) When a project is bypassed, the Agency will make the bypassed funds available for projects on the Project Priority List in the order in which the requirements of Section 365.410~~(a)~~ are satisfied by the loan applicant.
- f) Surplus funding. When the total costs of projects on the Intended Funding List is less than the total amount of funds available, the Agency may make surplus funds available for projects on the Project Priority List by issuing a Letter of Commitment pursuant to Section 365.355.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.345 Loan Priority Score

- a) Projects will be scored and ranked for inclusion on the Project Priority List using the loan priority score methodology set forth in this Section.
- b) The Agency will calculate the loan priority score by totaling the points awarded in subsections (e) through (l).
- c) Applicants with a higher loan priority score will be ranked above applicants with a lower loan priority score on the Project Priority List.
- d) Only projects that have submitted a Funding Nomination Form and have a project plan approved by the Agency will be scored pursuant to this Section.
- e) Violations and Enforcement Compliance
- 1) A maximum of 650 points may be awarded under this subsection (e).

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- 2) 200 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting, that has resulted in any of the following:
 - A) referral to the Illinois Attorney General's Office;
 - B) referral to USEPA;
 - C) a court order directing the loan applicant to remedy the violation;
 - D) a Pollution Control Board order directing the loan applicant to remedy the violation; or
 - E) an administrative order from USEPA directing the loan applicant to remedy the violation.
 - 3) 150 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting.
 - 4) 150 points will be awarded if the project improves or replaces infrastructure that requires a construction permit or National Pollution Discharge Elimination System (NPDES) permit.
 - 5) 75 points will be awarded if the completed project will result in the applicant's removal from the Agency's Critical Review or Restricted Status list.
 - 6) 75 points will be awarded if the completed project corrects sanitary sewer overflows (SSOs), combined sewer overflows (CSOs), or basement backups.
- f) Unsewered Communities and Consolidation
- 1) A maximum of 200 points may be awarded under this subsection (f).
 - 2) Points will be awarded if the project provides wastewater collection and treatment service to a municipality as follows:

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- A) 200 points will be awarded if the loan applicant does not have centralized waste water treatment and discharges to surface waters;
 - B) 100 points will be awarded if the loan applicant does not have centralized waste water treatment; or
 - C) 50 points will be awarded if the loan applicant has centralized waste water treatment and greater than 50% of the project's costs is to provide sewer service to an unsewered area.
- 3) 100 points will be awarded if the project consolidates one or more treatment works and eliminates a discharge to a water of the United States.
- g) Water Quality Improvement
- 1) A maximum of 150 points may be awarded under this subsection (g).
 - 2) Points will be awarded if the project improves a named cause of impairment for a receiving water body identified as a high priority pursuant to section 303(d) of the CWA.
 - A) 50 points will be awarded if the project improves two or more causes of impairments; or
 - B) 25 points will be awarded if the project improves one cause of impairment.
 - 3) Points will be awarded if the project improves a named cause of impairment for a receiving water body designated as medium priority pursuant to section 303(d) of the CWA.
 - A) 25 points will be awarded if the project improves two or more causes of impairments; or
 - B) 15 points will be awarded if the project improves one cause of impairment.

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- 4) Points will be awarded if the project improves a receiving water body that has an approved total maximum daily load (TMDL) pursuant to section 303(d)(1)(C) of the CWA.
 - A) 75 points will be awarded if the project improves a receiving water body with an approved TMDL for two or more causes of impairments.
 - B) 50 points will be awarded if the project improves a receiving water body with an approved TMDL for one cause of impairment.
 - 5) Points will be awarded if the project will result in a reduction of phosphorous or nitrogen in the receiving water body.
 - A) 75 points will be awarded if the project will reduce both nitrogen and phosphorous.
 - B) 50 points will be awarded if the project will reduce nitrogen or phosphorous.
- h) Protection of Assets
- 1) A maximum of 75 points may be awarded under this subsection (h).
 - 2) Points will be awarded if the applicant is implementing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.
 - A) 75 points will be awarded if the facility has a design average flow of less than 1 million gallons per day.
 - B) 25 points will be awarded if the facility has a design average flow of equal to or greater than 1 million gallons per day.
 - 3) 25 points will be awarded if the applicant has a design average flow of less than 1 million gallons per day and the applicant is developing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.

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i) Conservation and Green Infrastructure

- 1) A maximum of 75 points may be awarded under this subsection (i).
- 2) 25 points will be awarded if the project will achieve 20% or greater reduction in water or energy use of the loan applicant.
- 3) 20 points will be awarded if the project contains resiliency components, including facilities built for redundancy, or if the project assists a loan applicant with planning for potential service disruptions, natural or manmade.
- 4) 15 points will be awarded if the project implements green infrastructure, including, but not limited to, green roofs, pervious pavement, rainwater harvesting or cisterns, sustainable landscaping, stormwater control, constructed wetlands, LEED certified buildings, and riparian buffers.
- 5) 15 points will be awarded if the project implements one or more agricultural BMPs.

j) Readiness to Proceed

- 1) A maximum of 120 points may be awarded under this subsection (j).
- 2) 20 points will be awarded if the loan application required by Section 365.350(a) has been submitted to the Agency.
- 3) 20 points will be awarded if the applicant has obtained necessary permits to begin construction of the project or the Agency determines that no permit is required for the project.
- 4) 40 points will be awarded if the requirements of Section 365.350(a) through (d) have been satisfied.
- 5) 40 points will be awarded if the requirement of Section 365.350(e) has been satisfied.

k) Economic Factors

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- 1) A maximum of 135 points may be awarded under this subsection (k).
- 2) Medium Household Income (MHI). The following points will be awarded based on the MHI of the applicant's service population as a percentage of the statewide average MHI:

<u>Points</u>	<u>MHI as % of Statewide MHI</u>
<u>50</u>	<u>Below 70%</u>
<u>40</u>	<u>70 - 79.99%</u>
<u>30</u>	<u>80 - 89.99%</u>
<u>20</u>	<u>90 - 99.99%</u>
<u>0</u>	<u>At or Above 100%</u>

- 3) User Rates. The following points will be awarded based on the average annual residential user fees after the project is constructed as a percentage of MHI of the applicant's service population (i.e., average annual user fees/MHI) x 100).

<u>Points</u>	<u>Rate as % of MHI</u>
<u>50</u>	<u>At or Above 2%</u>
<u>25</u>	<u>1 - 1.99%</u>
<u>0</u>	<u>Below 1%</u>

- 4) Unemployment Rate. The following points will be awarded when the applicant's unemployment rate is greater than the statewide average:

<u>Points</u>	<u>Unemployment Rate Percentage Points Greater than Statewide Average</u>
<u>35</u>	<u>3 percentage points or more</u>
<u>25</u>	<u>1.5 - 2.99 percentage points</u>
<u>15</u>	<u>0.1 - 1.49 percentage points</u>

1) Population

- 1) A maximum of 50 points may be awarded under this subsection (l).

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- 2) The following points will be awarded based on applicant's service population.

<u>Points</u>	<u>Service Population</u>
<u>50</u>	<u>Less than 10,000</u>
<u>25</u>	<u>10,000 - 34,999</u>
<u>10</u>	<u>35,000 - 74,999</u>
<u>0</u>	<u>At or Above 75,000</u>

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 365.350 Loan Application and Other Documentation~~Securing the Loan Agreement~~

~~Before the Agency will issue a loan agreement~~~~After the Agency has approved the loan applicant's Project Plan,~~ the loan applicant ~~must~~shall submit the following documents:

- a) An application, on forms prescribed by the Agency, which must include the following documents:
 - 1) Loan Program Certifications;
 - 2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
 - 3) Certification of Intent Regarding National Flood Insurance;
 - 4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;
 - 5) Authorization of a Representative to Sign Loan Documents;
 - 6) An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services were negotiated in the same manner as a

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contract for architectural and engineering services under 40 USC 1101 et seq.;

- 7) For a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient will develop and implement a fiscal sustainability plan that includes:
 - A) an inventory of critical assets that are a part of the treatment works;
 - B) an evaluation of the condition and performance of inventoried assets or asset groupings;
 - C) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
 - D) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding the activities;
- 8) Any other executed legal agreements, including, but not limited to, intergovernmental agreements necessary for project implementation;
- 9) Proof of authority to incur debt for:
 - A) Public loan applicants: a certified copy of the enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or
 - B) Loan applicants that are not public loan applicants: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;
- 10) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:

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- A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:
- i) detailed project costs;
 - ii) 5 year projected estimates of revenues;
 - iii) 5 year projected estimates of operation and maintenance costs;
 - iv) 5 year projected estimates of local capital costs; and
 - v) the most recent completed annual audited financial statements of the loan applicant;
- B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:
- i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate increase by the Illinois Commerce Commission will be required);
 - ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;
 - iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations. If the project is for a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. The user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental or service agreements or other appropriate authorizations; and

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- iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer, or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, provide the number of billed residential and industrial or commercial accounts;
- C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;
- D) For nonpublic loan applicants, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];
- E) For nonpublic loan applicants, approval from the Illinois Commerce Commission to incur debt, if applicable;
- F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan including, but not limited to, a credit report;
- 11) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;
- 12) A Tax Exemption Certificate and Agreement; ~~and~~

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- 13) A project completion schedule;
 - 14) An active Data Universal Number System Identification (DUNS No) registered in the federal System for Award Management Systems; and
 - 15) Certification that the loan applicant will comply with the American iron and steel requirements as required by USEPA.
- b) Any contract or contract amendments for personal or professional services~~An executed contract for design and construction related work~~ in accordance with Section 365.630 if financing is being requested for these specific costs.
 - c) Design documents, including plans and specifications, for purposes of obtaining a construction permit, or "authorization to construct", from the Agency, pursuant to 35 Ill. Adm. Code 309.154 and 309.202, whichever is applicable, whenever such permit is necessary to comply with the Act.
 - d) Pre-bidding plans and specifications with certification form prescribed by the Agency, which includes a draft of all documents required by Section 365.620.~~A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:~~
 - 1) ~~A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);~~
 - 2) ~~The terms and conditions of the contract to be awarded;~~
 - 3) ~~A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;~~
 - 4) ~~The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;~~

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- 5) ~~Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;~~
- 6) ~~A proposal form, to be used by all bidders, that includes the following language:~~
- A) ~~By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:~~
- i) ~~the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;~~
- ii) ~~unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and~~
- iii) ~~no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];~~
- B) ~~Each person signing the bid shall certify that:~~
- i) ~~he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); or~~
- ii) ~~he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not~~

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~~participated, and will not participate, in any action contrary to subsection (d)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); and~~

- ~~7) A requirement that the project will be awarded to the lowest, responsive, responsible bidder in accordance with the following:~~
- ~~A) after bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents. Items that shall be submitted to the Agency include a bid tabulation, the loan applicant's or its agent's analysis of bids and recommendation for the award, and the loan applicant's letter of intent to award or the official minutes of board approval;~~
 - ~~B) the loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency; and~~
 - ~~C) if the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.~~
- e) ~~After the bids are opened and evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents, a bidding certification, on forms prescribed by the Agency, and all supporting information from the selected bidder, including, but not limited to, the following:~~
- ~~1) A copy of the published bid advertisement that notifies the bidders that the procurement will be subject to regulations contained in the following:~~
 - ~~A) procedures in this Part;~~
 - ~~B) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;~~

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- ~~C) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];~~
 - ~~D) the use of American Iron and Steel, if required by USEPA for that fiscal year;~~
 - ~~E) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and~~
 - ~~F) all controlling federal and State executive orders;~~
- ~~2) The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;~~
 - ~~3) An analysis of the bids and recommendations for the award of the bids;~~
 - ~~4) A copy of the applicant's notice of intent to award;~~
 - ~~5) A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~
 - ~~6) A copy of the selected bidder's certification that no funds made available by the WPCLP will be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:
 - ~~A) applying subsection (c)(6) would be inconsistent with the public interest;~~
 - ~~B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or~~
 - ~~C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent; and~~~~

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- 7) ~~Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.355 Letter of Commitment

- a) Anytime during the fiscal year, the Agency may issue a letter of commitment reserving funds for a project, provided funds are available, if the following conditions have been met:
- 1) project is on the Project Priority List;
 - 2) project is not on the intended funding list;
 - 3) the Agency has approved the loan applicant's Project Plan pursuant to Sections 365.320 and 365.330; and
 - 4) the Agency has approved the documents submitted pursuant to Section 365.350(a) through (d), including the issuance of any necessary construction permits.
- b) The Agency may include conditions in the letters of commitment that must be met to prevent the release of the funds. The conditions may include, but are not limited to, a schedule for bidding the project and beginning construction.
- c) Any funds reserved in a letter of commitment will be released at the end of the fiscal year.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART D: LOAN ISSUANCE, AUDITING, AND RECORDKEEPING

Section 365.410 Loan Issuance

~~a)~~The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 365.130 when:~~1) the loan~~

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~~applicant has demonstrated it will comply with the conditions listed in Section 365.140(a);~~

- ~~a)2)~~ the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;
- ~~b)3)~~ the Agency has approved the loan applicant's Project Plan pursuant to ~~Sections~~Section 365.320 ~~and 365.330~~; and
- ~~c)4)~~ the documents required by Section 365.350 have been submitted and approved by the Agency.
- ~~b)~~ ~~Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.~~
- ~~e)~~ ~~Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (c), the completion date is the same as the initiation of operation date.~~
- ~~d)~~ ~~The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the WPCLP loan was provided is being performed.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.420 Post-Loan Issuance Construction Contract Requirements

- a) The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms to the approved plans and specifications.
- b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.
 - 1) Executed Contract ~~Certification~~. For each construction contract awarded, the loan recipient shall submit an executed contract, performance and

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payment bond for the bid amount, certificate of insurance with the loan recipient added as additional insured, and the notice to proceed certification on forms provided by the Agency.

- 2) Change Orders
 - A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.
 - B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:
 - i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and
 - ii) a description of any changes, with justification for the changes.
 - C) Prior approval by the Agency of a change order is required when a change order results in:
 - i) alterations in design scope that require a modification to a construction permit; or
 - ii) an increase in the amount of loan funds needed to complete the project.
 - D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.440 Disbursement of Loan Funds

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- a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:
- 1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices; and
 - 2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor; ~~and~~
 - 3) ~~Enacted and enforceable system of user charges if not previously provided.~~
- b) Disbursements are subject to the appropriation of funds by the General Assembly.
- c) Disbursements shall be processed in accordance with the loan agreement.
- d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.
- e) The loan recipient shall make prompt payment to the contractor.
- f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the WPCLP.
- g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the WPCLP receipt account within the Fund.
- h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.460 Loan Closing and Issuance of Final Loan Amendment

- a) The Agency shall conduct a project review to ~~ensure~~insure that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:
- 1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.
 - 2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.
 - 3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:
 - A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided;
 - B) An operation and maintenance reference library is available and includes, but is not limited to, the following:
 - i) Manufacturer's literature, shop drawings, and warranties;
 - ii) The plans of record with valve indices for the equipment and process units included in the project. For mechanical wastewater treatment plants, the valve index shall include a listing of valve positions for each possible alternate flow configuration including by-passing of individual treatment processes and units and recommended configurations for emergency conditions that could reasonably be expected to occur; and

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- C) That the loan applicant employs or contracts the services of a certified operator pursuant to 35 Ill. Adm. Code 380.
- 4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001-4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.
- A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.
 - B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.
 - C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 365.430 (Loan Eligible Costs).
- 5) For a treatment works proposed for repair, replacement, or expansion that is eligible for assistance under Section 365.130(a), the public loan recipient shall certify in writing that the public loan recipient has developed and implemented a fiscal sustainability plan that includes:
- A) an inventory of critical assets that are a part of the treatment works;
 - B) an evaluation of the condition and performance of inventoried assets or asset groupings;
 - C) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

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- D) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding those activities.
- 6) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.
- b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:
 - 1) review and determine the final total and eligible costs;
 - 2) establish a final amortization schedule; and
 - 3) issue the loan recipient a final loan amendment.
- c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Sections ~~365.410(d)~~, 365.470, and 365.820 to the project site during normal business hours, to the full extent of the loan recipient's right to access.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.470 Ongoing Auditing and Monitoring of Financial Capability

- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.
- b) For purposes of this Section, records shall include, but not be limited to, the following:
 - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and

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- 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
 - 1) for all costs associated with design and construction, for 3 years after final loan closing;
 - 2) for all other accounting records concerning the loan, for 3 years from the date of the transaction; and
 - 3) for any longer period required by law or by subsections (d) and (e).
- d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- e) Records that relate to appeals in Section 365.650, litigation or the settlement of claims arising out of the performance of the WPCLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.
- g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with Section 365.350(a)(9) through (a)(13) and Section 365.470(k).
- h) The Agency will monitor all outstanding loans and the financial capability of the loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 365.350(a)(9) through (a)(13).
- i) The loan recipient shall, for the term of the loan, review and adjust the dedicated

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source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.

- j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.
- k) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual treatment works operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system including projected costs, actual costs, revenue generated, and fund balances at any time.
- l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.
- m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).
- n) Any ordinance authorizing the loan recipient's entry into a loan agreement or dedicating a source of revenue for loan repayment shall not be amended or superseded substantively or materially without the prior written consent of the Agency.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section 365.540 Termination

- a) Loan Termination by the Agency

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- 1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:
 - A) failure by the loan recipient to comply with the terms and conditions of the loan;
 - B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section ~~365.620(i)~~~~365.620(d)~~;
 - C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency ~~as required by Section 365.410(d)~~.
 - 2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the WPCLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section ~~365.620(i)~~~~365.620(d)~~ or ~~Section 365.410(d)~~ shall repay any loan funds previously spent.
- b) **Project Termination by the Loan Recipient**
A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest on the loan, shall be returned to the State of Illinois, in accordance with a schedule established by the Agency, for deposit into the WPCLP. Good cause to terminate a loan project includes, but is not limited to:
- 1) changes in economic circumstances within the loan recipient's service area; and

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- 2) information that the approved treatment technology will not perform as originally anticipated.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.610 Requirements for Subagreements

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the WPCLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under WPCLP loans.
- b) **Profits**
Only fair and reasonable profits may be earned by contractors in subagreements under WPCLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 365.620 (Construction Contracts) of this Subpart is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.
- ~~c)~~ **Loan Recipient Responsibility**
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which WPCLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan

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recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.

d)e) Privity of Contract

Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.

e)d) Subagreements shall:

- 1) be directly related to the accomplishment of the loan recipient's approved work program;
- 2) be in the form of an executed written agreement (except for small purchases of \$25,000~~\$150,000~~ or less);
- 3) be for monetary or in-kind consideration; and
- 4) not be in the nature of a grant or gift.

f)e) Documentation

- 1) Procurement records and files for purchases in excess of \$25,000~~\$150,000~~ shall include the following:
 - A) the basis for contractor selection;
 - B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
 - C) the basis for award cost or price.
- 2) Procurement documentation as described in subsection (f)(1)(e)(1) shall be retained by the loan recipient or contractors for the period required by Section 365.470 (Ongoing Auditing and Monitoring Financial Capability).

g)f) Subagreements shall only be awarded to persons or organizations that:

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- 1) Have adequate financial resources for performance;
- 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
- 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
- 4) Have a satisfactory record of integrity, judgment, and performance;
- 5) Have an adequate financial management system and audit procedure that is consistent with auditing standards generally accepted in the United States;
- 6) Maintain a standard of procurement in accordance with this Part;
- 7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
- 8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.

h)g Fraud and Other Unlawful or Corrupt Practices

- 1) The obtaining and administration of loans from the WPCLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
- 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and

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shall periodically advise the Agency of the status and ultimate disposition of any matter.

~~i)~~h)

Negotiation of Subagreements

All subagreements greater than \$25,000 shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:

- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
- 2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;
- 3) The materials or services to be procured are available from only one person or firm;
- 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;
- 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
- 6) The procurement is for materials or services for which the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.620 Construction Contracts

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The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) Each construction contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.610(i).
- b) The bid advertisement shall notify the bidders that the procurement will be subject to regulations contained in the following:
 - 1) this Part;
 - 2) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;
 - 3) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];
 - 4) the use of American iron and steel as required by USEPA;
 - 5) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and
 - 6) all controlling federal and State Executive Orders.
- c) A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying. Bidding documents shall include:
 - 1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule;
 - 2) The terms and conditions of the contract to be awarded;
 - 3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
 - 4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the WPCLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a

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party to this bidding or any resulting contract;

- 5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;
- 6) A proposal form, to be used by all bidders, that includes the following language:
 - A) By submission of the bid, each bidder certifies, and in the case of a joint bid, each party to the joint bid certifies, as to his or her own organization, that in connection with the bid:
 - i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement with any other bidder or with any competitor, for the purpose of restricting competition, as to any matter relating to the prices;
 - ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
 - iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];
 - B) Each person signing the bid shall certify that:
 - i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A); or
 - ii) he or she is not the person in the bidder's organization

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responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (d)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (d)(6)(A).

- d) If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send written addenda to all firms who have obtained bidding documents in time to be considered prior to the bid opening. When appropriate, the time period for submission of bids shall be extended. All addenda to the bidding documents shall be submitted to the Agency for approval.
- e) Awarding the Contract
- 1) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents.
 - 2) The loan applicant shall submit a bid evaluation to the Agency that contains the following:
 - A) a copy of the newspaper ad and the certificate of publication or equivalent;
 - B) the bid tabulations;
 - C) any addenda issued by the loan applicant, if applicable;
 - D) an analysis of the bids and recommendations for the award of the bids;
 - E) a copy of the loan applicant's notice of intent to award;
 - F) selected bidder's proposal and bid bond or cashier's check for not less than 5% of the bid amount;

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- G) a summary of the evidence that the selected bidder has met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;
- H) a copy of the selected bidder's certification regarding the use of American iron and steel products;
- 3) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the Agency issues the loan agreement or provides other written permission; and
- 4) If the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.
- f) Each construction contract shall include the following provisions:
- 1) Audit; Access to Records
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 365.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, papers, documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.
 - B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of ~~\$25,000~~\$150,000 that affect the contract price. In the case of all other prime contracts, the

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contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of ~~\$25,000~~\$150,000 that are directly related to project performance.

- C) Audits shall be in accordance with auditing standards generally accepted in the United States.
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.
- F) The right of access will generally be exercised with respect to financial records under:
 - i) negotiated prime contracts;
 - ii) negotiated change orders or contract amendments in excess of ~~\$25,000~~\$150,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.

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- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:
- i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
 - ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.
- 2) **Covenant Against Contingent Fees**
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.
- 3) **Wage Provisions**
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.
- 4) **Disadvantaged Business Enterprise Requirements**
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.
- 5) **Debarment and Suspension Provisions**
The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.

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- 6) Nonsegregated Facilities Provisions
The ~~contractorsuccessful bidder~~ shall be required to submit a certification of nonsegregated facilities on forms provided by the agency.
- 7) American Iron and Steel
The ~~contractorsuccessful bidder~~ shall be required to use American ~~ironIron~~ and ~~steelSteel~~, if required by USEPA for that fiscal year.
- 8) A clause that provides:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

~~g)~~ Subcontracts Under Construction Contracts

The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:

- 1) all applicable provisions of federal, State, and local law;
- 2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;
- 3) all provisions of this Part with respect to access to facilities, records and audit of records; and
- 4) all provisions of subsection (a)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with any controlling federal Executive Orders.

~~h)~~ Contractor Bankruptcy

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In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

- ~~i)~~ Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 365.630 Contracts for Personal and Professional Services

All subagreements for personal and professional services for design or construction expected to exceed ~~\$25,000~~\$150,000 in the aggregate shall include the following subagreement provisions.

- a) Subagreements for personal and professional construction services shall include:
- 1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.
 - 2) An audit and access to records clause that provides as follows:
 - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of ~~\$25,000~~\$150,000.
 - B) Books, records, documents, and other evidence directly pertinent to performance of WPCLP loan work under this agreement shall be maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying.

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Facilities shall be provided for access and inspection.

- C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.
 - D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
 - E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 365.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.
- 3) A covenant against contingent fees clause as follows:
- "The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage or contingent fee."
- 4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
- 5) A description of the scope and extent of the project work.

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- 6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.
- 7) A method of compensation.
- 8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the WPCLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
- c) Amendments. When the loan recipient authorizes a change that would add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit one copy of the fully executed contract amendment signed by the loan recipient and the professional services provider. Failure to give timely notice of contract amendments may result in disallowance of loan participation for costs incurred that are attributable to the change. If, at the time of contract execution, any of the elements required in this Section 365.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract at that time.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 366
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
366.101	Repealed
366.102	Repealed
366.103	Repealed
366.104	Repealed
366.105	Repealed
366.106	Repealed
366.107	Repealed
366.201	Repealed
366.202	Repealed
366.203	Repealed
366.204	Repealed
366.205	Repealed
366.206	Repealed
366.301	Repealed
366.302	Repealed
366.303	Repealed
366.304	Repealed
366.305	Repealed
366.306	Repealed
366.307	Repealed
366.401	Repealed
366.402	Repealed
366.403	Repealed
366.404	Repealed
366.405	Repealed
366.406	Repealed
366.501	Repealed
366.502	Repealed
366.503	Repealed
366.504	Repealed
366.505	Repealed
366.506	Repealed
366.601	Repealed

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- | | |
|----------------|----------|
| 366.APPENDIX A | Repealed |
| 366.APPENDIX B | Repealed |
| 366.APPENDIX C | Repealed |
| 366.APPENDIX D | Repealed |
- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act [415 ILCS 5/19.1-19.8].
 - 5) A Complete Description of the Subjects and Issues Involved: The Illinois EPA proposes to adopt new rules establishing loan priorities in Section 365.345, and therefore seeks to repeal the existing rules in Part 366.
 - 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
 - 7) Will this rulemaking replace an emergency rule currently in effect? No
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Does this rulemaking contain incorporations by reference? No
 - 10) Are there any other rulemakings pending on this Part? No
 - 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
 - 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield IL 62794-9276

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any applicant seeking a loan from the Water Pollution Control Loan Program, including owners of waste water treatment works.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 366
PROCEDURES AND REQUIREMENTS FOR
DETERMINING LOAN PRIORITIES FOR MUNICIPAL
WASTEWATER TREATMENT WORKS (REPEALED)

SUBPART A: INTRODUCTION

Section	Purpose
366.101	Purpose
366.102	Definitions
366.103	Incorporations by Reference
366.104	Priority System and Project Priority List
366.105	Funding Allocations
366.106	Pre-applications
366.107	Facility Planning

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY
INDEX OF SERVICE CONTINUATION PROJECTS

Section	Purpose
366.201	Formula for Computing the Loan Priority Index for Service Continuation Projects
366.202	A1 Factor (Financial Impact)
366.203	A2 Factor (Water Quality)
366.204	A3 Factor (Organic Load)
366.205	A4 Factor (Assessment of Existing Facilities)
366.206	A5 Factor (Operational Excellence)

SUBPART C: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX OF SERVICE EXPANSION PROJECTS

Section	Purpose
366.301	Formula for Computing the Loan Priority Index for Service Expansion Projects
366.302	B1 Factor (Financial Impact)
366.303	B2 Factor (Water Quality)
366.304	B3 Factor (Economic Benefit)

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- 366.305 B4 Factor (Existing Utilization)
- 366.306 B5 Factor (Operational Excellence)
- 366.307 B6 Factor (Health Hazard)

SUBPART D: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section

- 366.401 Formula for Computing the Loan Priority Index for New Service Projects
- 366.402 C1 Factor (Financial Impact)
- 366.403 C2 Factor (Water Quality)
- 366.404 C3 Factor (Organic Load)
- 366.405 C4 Factor (Health Hazard)
- 366.406 C5 Factor (Enforceable Schedule)

SUBPART E: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR COMBINED SEWER SERVICE PROJECTS

Section

- 366.501 Formula for Computing the Loan Priority Index for Combined Sewer Projects
- 366.502 D1 Factor (Financial Impact)
- 366.503 D2 Factor (Drainage Area)
- 366.504 D3 Factor (Flooding Frequency)
- 366.505 D4 Factor (Basement Backups)
- 366.506 D5 Factor (Percentage of Basements Affected)

SUBPART F: PROCEDURE FOR APPLICATION OF SCORING CONVENTIONS

Section

- 366.601 Scoring Conventions

- 366.APPENDIX A Waterbody Specific Information
- 366.APPENDIX B Service Continuation A4 Factor Scoring Review Sheet
- 366.APPENDIX C Excellence of Operation Scoring Review Sheet for Local Government Units That Own Wastewater Treatment Facilities
- 366.APPENDIX D Excellence of Operation Scoring Review Sheet for Local Government Units That Own Only Wastewater Collection Facilities

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AUTHORITY: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act [415 ILCS 5/19.1-19.8]

SOURCE: Adopted at 14 Ill. Reg. 8121, effective May 14, 1990; amended at 20 Ill. Reg. 15598, effective November 26, 1996; amended at 27 Ill. Reg. 13430, effective July 25, 2003; repealed at 43 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 366.101 Purpose

This Part sets forth the procedures and requirements established by the Illinois Environmental Protection Agency (IEPA) for determining priorities in awarding financial assistance for the construction of municipal wastewater treatment works under Sections 19.1 through 19.9 of the Environmental Protection Act (the Act) [415 ILCS 5/19.1-19.9] and Title VI of the Federal Clean Water Act (33 U.S.C. 1281 et seq.).

Section 366.102 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5], the Federal Clean Water Act (33 USC 1281 et seq.) and regulations adopted under these Acts, including 35 Ill. Adm. Code 365.
- b) For purposes of these rules, the following definitions apply:

"Agency" – Illinois Environmental Protection Agency.

"Combined Sewer Service Projects" – Projects constructed in a combined sewer service area which are intended to reduce or eliminate street, area and basement flooding.

"Enforceable Schedule" – A Court or Illinois Pollution Control Board order requiring wastewater collection and treatment by date certain, or a Compliance Commitment Agreement entered into by a community and the Agency pursuant to Section 31 of the Environmental Protection Act [415 ILCS 5/31].

"Fund" – The Water Pollution Control Revolving Fund as authorized by

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P.A. 85-1135, effective September 1, 1988.

"Intended Use Plan" – A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

"Monitoring Reports" – Reports submitted in response to permits issued under the authority of the Federal Clean Water Act (33 USC 1281 et seq.), the Environmental Protection Act [415 ILCS 5], and regulations adopted under these Acts, including discharge (NPDES) permits and State operating permits.

"New Service Project" – Projects which will provide wastewater collection, transportation or treatment for an unsewered local government unit.

"P.E. BOD" – A term used to evaluate the impact of industrial or other waste on a treatment works or streams in terms of five day biochemical oxygen demand. One P.E. BOD equals 0.17 pounds (77g).

"Permits" – National Pollutant Discharge Elimination System (NPDES) permits and State operating permits as described in 35 Ill. Adm. Code 309.

"Priority System" – A methodology used to rank projects for inclusion on the project priority list.

"Project Priority List" – An ordered listing of projects which the Agency has determined are eligible to receive financial assistance from the Fund.

"Service Continuation Project" – Projects for the improvement, upgrade, rehabilitation, renovation, and/or replacement of wastewater treatment works.

"Service Expansion Project" – Projects to expand capacity of existing wastewater treatment works.

"Title VI" – Title VI of the Federal Clean Water Act (33 USC 1281 et seq.).

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"USEPA Reach File" – Hydrologic Nomenclature System developed by USEPA to identify and locate specific waterbodies.

Section 366.103 Incorporations by Reference

U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census: 2000 Census of Population and Housing: Profile of Selected Economic Characteristics, Illinois, Table DP-3, 2000, available at <http://censtats.census.gov/pub/Profiles.shtml> (no later editions or amendments).

Section 366.104 Priority System and Project Priority List

- a) Financial assistance will be provided from the Fund only to projects which are identified on the project priority list.
- b) This Part sets forth a priority system to be used to rank projects for inclusion on the project priority list. The ranking of a project is as calculated under Subparts B, C, D and E of this Part.
- c) The project priority list shall be published annually in the preliminary Water Pollution Control Program Plan developed in accordance with Section 106 of the Federal Clean Water Act (33 U.S.C. 1256). After the public hearing is held to discuss the Program Plan, the Agency shall evaluate and consider any public comments received concerning the project priority list. The final project priority lists shall be published in the final Water Pollution Control Program Plan.
- d) The Agency will develop a priority list with four (4) separate classes of projects:
 - 1) Service Continuation Projects
 - 2) Service Expansion Projects
 - 3) New Service Projects
 - 4) Combined Sewer Service Projects
- e) Data provided in the applicant's pre-application will determine the appropriate class for each project for which assistance is requested from the Fund.

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Section 366.105 Funding Allocations

- a) In the development of its priority list, the Agency will allocate available loan funds to the four major classes of projects in proportion to the relative needs of the State for each project class, subject to the limitations of Section 602(b)(6) of the Clean Water Act (33 U.S.C. 1382(b)(6)).
- b) Annual allocations of available loan funds to each class shall initially be made on the basis of State wastewater needs as identified in the pre-applications for projects that qualify for inclusion on the Intended Use Plan for that fiscal year in accordance with the requirements of 35 Ill. Adm. Code 365.410(c).
- c) After January 1 of each fiscal year, the Agency may adjust its allocations of available funds among project classes in the Intended Use Plan (see 35 Ill. Adm. Code 365.420) to reflect the relative needs contained in completed loan applications, subject to the overall availability of loan funds for that fiscal year.
- d) Loan funds available from State and federal appropriations during the capitalization period authorized by Section 607 of the Clean Water Act to capitalize the Water Pollution Control Revolving Fund will be subject to an equal division between the service area of the Metropolitan Water Reclamation District of Greater Chicago and the area which is comprised of the geographical balance of the State, to the extent that projects in either area in any fiscal year have qualified to receive loan assistance and are ready to proceed in accordance with the criteria for loan award (see 35 Ill. Adm. Code 365.430).
- e) If sufficient projects in either area are not able to complete a loan application in any fiscal year to permit an equal division of the above funds, loans will be made to those projects which are able to complete a loan application to the extent that the appropriated funds are available.
- f) Any imbalance in the division of the total loan funds appropriated during the capitalization period authorized by the Clean Water Act to capitalize the Water Pollution Control Revolving Fund shall be carried forward from year to year and shall be applied as projects are able to complete a loan application to achieve an accumulatively equal distribution subject to the constraints of Section 366.106 of this Part.

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Section 366.106 Pre-applications

- a) A local government unit may submit a pre-application at any time. The pre-application must identify the class of the project, the discharge location point, the scope of the project, the population tributary to the project, a cost estimate and schedule for completion of the project.
- b) An applicant is required to renew its pre-application annually.
- c) Pre-applications must be received by March 31st of the preceding fiscal year to be included on the Intended Use Plan.
- d) A project with approved facility planning may be added to the priority list at any time by the submission of a pre-application.

Section 366.107 Facility Planning

- a) A project's priority will be adjusted to reflect completed and approved facility planning (see 35 Ill. Adm. Code 365: Subpart E).
- b) Projects may be split into more than one project, deleted or modified at the option of the applicant on the priority list as a result of the approval of the facility planning.

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY
INDEX OF SERVICE CONTINUATION PROJECTS**Section 366.201 Formula for Computing the Loan Priority Index for Service Continuation Projects**

The Loan Priority Index (LPI) is a number that is the product of five factors. The LPI is calculated as follows: $A1 \times A2 \times A3 \times A4 \times A5 = LPI$.

Section 366.202 A1 Factor (Financial Impact)

A1 is a factor which evaluates the financial impact of wastewater improvements on the residents of the municipality. The A1 factor is based on median household income for the smallest governmental entity that encompasses the applicant's service area as presented in the 1990 Census of Population and Housing: Summary Social, Economic, and Housing Characteristics,

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Illinois, Table 10, as published by the U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, or the applicant will provide a determination of the mid-point of the distribution of the annual incomes of at least 80% of the households in the project service area (commonly known as median household income). The A1 factor is based on median household income and is calculated as follows:

Greater than \$0 but less than \$15,000	1.10
\$15,000 - \$19,999	1.09
\$20,000 - \$24,999	1.08
\$25,000 - \$29,999	1.07
\$30,000 - \$34,999	1.06
\$35,000 - \$39,999	1.05
\$40,000 - \$44,999	1.04
\$45,000 - \$49,999	1.03
\$50,000 - \$54,999	1.02
\$55,000 - \$59,999	1.01
Greater than \$59,999	1.00

Section 366.203 A2 Factor (Water Quality)

A2 is a factor that evaluates the water quality of the receiving waterbody or proposed receiving waterbody. These water quality evaluations are based on current waterbody specific information. A combination of biotic integrity information and abiotic data from three categories are used in A2 calculations when available. These categories include the Index of Biotic Integrity (IBI), the Predicted Index of Biotic Integrity (PIBI), and the Degree of Use Support (DUS). As a result, those stream reaches resulting in the highest priority are those with the highest quality and potential for improvement (see Appendix A). A2 calculations for stream reaches (as defined by USEPA REACH file) are derived by:

$$A2 = 100 \frac{\sum \text{points from IBI, PIBI, DUS categories}}{\sum \text{maximum possible points for each category}} \div 5$$

Section 366.204 A3 Factor (Organic Load)

A3 is a factor that evaluates the existing organic load that is tributary to the proposed project. It is calculated as the square root of log10 of the tributary waste load in P.E. BOD. Where the municipality has provided monitoring report data, it will be used for the previous calendar year. In cases where the monitoring report data is not available for the previous calendar year, the

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approved facilities planning will provide estimated existing organic load.

Section 366.205 A4 Factor (Assessment of Existing Facilities)

A4 is a factor that evaluates the need for the project in terms of its importance to the treatment works. It is calculated as the product of three elements: (the objective assessment of the existing facilities) x (the degree of utilization) x (frequency of permit violations) = A4.

- a) The objective assessment will be completed based on the approved facility planning and the Agency's verification of the facilities planning's finding in terms of the adequacy, age, structural and/or mechanical reliability of the existing treatment units. The objective assessment for the particular project will be completed by the Agency prior to the completion of the facility planning. (See Appendix B.)
- b) The degree of utilization will be calculated as follows:

- 1) For wastewater treatment facilities, ratio of the existing load to the design load will be calculated for both hydraulic and organic load as follows:

$$\frac{\text{average organic load}}{\text{organic design}} \quad \text{or} \quad \frac{\text{3 months low flow average}}{\text{hydraulic design}}$$

The larger of the two ratios will be used in the A4 calculation.

- 2) For wastewater transportation facilities: $\frac{\text{existing peak flow}}{\text{design peak}}$
- 3) Where relief sewer capacity is proposed, the degree of utilization will be calculated at the point in the treatment works where the greatest reserve capacity exists.
- c) The permit exceedance element will be calculated as follows:
- 1) For wastewater treatment facilities, the permit exceedance element shall be based on monitoring report data for the previous calendar year as follows:

$$\frac{\text{number of months with a permit exceedance event}}{\quad} + 1$$

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number of months reported

Where:

- A) BOD, suspended solids or phosphorus exceed the monthly limits or;
- B) Ammonia nitrogen, chlorine or toxics exceed the monthly or maximum limit as specified in the permit.

The permit exceedance element shall be based on the single parameter that is addressed by the project with the greatest ratio of permit exceedance; or

2) For sewer system improvements an alternate calculation will be utilized as follows based on the information in the approved facility planning:

For overflow and/or bypass events, number of occurrences in last year:

- 0-5 = 1.2;
- 6-10 = 1.4;
- 11-15 = 1.6;
- 16-20 = 1.8;
- >20 = 2.0;

or

- 3) For basement back-ups the frequency and the number of affected basements will be used (number x frequency).

- A) Average number of basements affected per occurrence:

- 0-10 = 1.1;
- 11-20 = 1.2;
- 21-50 = 1.3;
- 51-100 = 1.4;
- >100 = 1.5.

- B) Annual frequency of occurrence of basement backups:

- 0-5 times = 1.1;

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6-10 times	=	1.2;
11-15 times	=	1.3;
16-20 times	=	1.4;
>20 times	=	1.5.

Section 366.206 A5 Factor (Operational Excellence)

A5 is a factor which evaluates the operation of the existing facilities and provides a bonus for excellence of operation. For mechanical treatment and sewage collection facilities that have exhibited excellence in operation and maintenance by receiving a score of 15 or greater out of a possible composite score of 20, or lagoon treatment facilities that have exhibited excellence in operation and maintenance by receiving a score of 13.5 or greater out of a possible composite score of 20, 1.5 points will be awarded. All others will be 1.0. This factor will be calculated by the Agency using the criteria in Appendix C or D.

**SUBPART C: PROCEDURE FOR CALCULATING THE
LOAN PRIORITY INDEX OF SERVICE EXPANSION PROJECTS****Section 366.301 Formula for Computing the Loan Priority Index for Service Expansion Projects**

The Loan Priority Index (LPI) is a number that is the product of six (6) factors. The LPI is calculated as follows: $B1 \times B2 \times B3 \times B4 \times B5 \times B6 = LPI$.

Section 366.302 B1 Factor (Financial Impact)

B1 is factor which addresses the financial ability of the community as in A1 above.

Section 366.303 B2 Factor (Water Quality)

B2 is a factor that evaluates the existing quality of the receiving stream in accordance with the procedure outlined in A2, and modifies that ranking so as not to encourage additional waste load to high quality streams. The B2 factor is calculated by multiplying the Water Quality Factor as calculated in A2 by the high quality water factor for the stream class (see Appendix A):

0.60 for A streams (Unique Aquatic Resource);

0.75 for B streams (Highly Valued Aquatic Resource);

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1.00 for C streams (Moderate Aquatic Resource);

1.00 for D Streams (Limited Aquatic Resource);

1.00 for E streams (Restricted Aquatic Resource).

Section 366.304 B3 Factor (Economic Benefit)

- a) B3 is a factor that evaluates the potential for economic benefit. Additional points will be awarded for having an annual unemployment percentage above the State average as determined by the Department of Employment Security pursuant to Section 43a.08 of the Civil Administrative Code of Illinois (Code) [20 ILCS 5/43a.08] and 20 CFR 634 (1989) (no subsequent dates or editions). Information concerning a municipality's unemployment rate can be obtained from: Economic Information and Analysis Section, Department of Employment Security, 555 S. Pasfield, Floor 2, Springfield, Illinois 62704 (217) 785-4624.
- b) B3 is calculated as (unemployment rate factor) + 1.

Where the applicant's unemployment rate is above the State average, unemployment rate points will be awarded as follows:

less than 1% above the State average = 0.0
1-2.9% above the State average = 0.1
3.0-5% above the State average = 0.2
5% above State average = 0.3

Section 366.305 B4 Factor (Existing Utilization)

B4 is a factor representative of the existing loadings or the degree of utilization of the existing capacities. This factor will be calculated for each type of project (i.e. wastewater treatment expansion, collection system extension or additional sewer capacity) using different factors as follows:

- a) Wastewater Treatment Expansion

The wastewater treatment expansion factor will be based on the ratio of the existing load to the design capability. The larger of the two ratios will be used as follows:

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$$1) \quad \frac{\text{average organic load}}{\text{organic design}} + 1 \quad \text{or}$$

$$2) \quad \frac{\text{3 months low flow average}}{\text{hydraulic design}} + 1$$

- b) Collection System Extension

0-50 P.E. = 1.1; for each additional 50 P.E., 0.1 point will be added to a maximum of 2.0.

- c) Collection System Capacity Expansion

$$\frac{\text{existing flow} + \text{outstanding state construction permits}}{\text{permitted capacity}} + 1$$

Section 366.306 B5 Factor (Operational Excellence)

B5 is a factor that evaluates the operation of the existing facilities as in A5 above.

Section 366.307 B6 Factor (Health Hazard)

B6 is a health hazard factor for use with failing septic systems in unsewered areas to be served by collection system extensions. Projects that are determined by the responsible public health agency to be necessary to correct an existing public health hazard will be assigned a value of 1.1 and all others will be assigned a value of 1.0.

SUBPART D: PROCEDURE FOR CALCULATING THE LOAN
PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section 366.401 Formula for Computing the Loan Priority Index for New Service Projects

The Loan Priority Index (LPI) for new service projects is a number that is the product of 5 factors. The LPI is calculated as follows: $C1 \times C2 \times C3 \times C4 \times C5 = \text{LPI}$.

Section 366.402 C1 Factor (Financial Impact)

C1 is a factor that adds points for applicants that have higher rates of unemployment (as provided

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by the Illinois Department of Employment Security) and includes points for Median Household Income and the Percentage of Persons in Poverty as determined by U.S. Census figures as incorporated by reference in Section 366.103 of this Part. The financial hardship factor is calculated by adding the sum of the three components from the following charts:

Percentage of Statewide Median Household Income	Points
Below 80%	4.0
80% to 100%	3.0
Greater than 100% to 120%	2.0
Greater than 120%	1.0

The percentage of unemployment above the State's average rate of unemployment:

Percentage above State Rate	Points
0.1 - 2.0	1.0
2.1 - 4.0	2.0
4.1 - 6.0	3.0
6.1 and above	4.0

The Percentage of Persons in Poverty from the latest U.S. Census as incorporated by reference in Section 366.103 of this Part:

Percentage above State Rate	Points
5.0 - 12.0	1.0
12.1 - 19.0	2.0
19.1 - 25.0	3.0
25.1 and above	4.0

Section 366.403 C2 Factor (Water Quality)

C2 is a factor representative of the existing receiving stream water quality as in Section 366.303 of this Part. For those projects that have demonstrated negative water quality impacts in the approved facilities planning conducted pursuant to 35 Ill. Adm. Code 365, the calculation procedure as in Section 366.203 of this Part will be used. In all others, the calculation as in Section 366.303 of this Part will be used.

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Section 366.404 C3 Factor (Organic Load)

C3 is a factor that evaluates the existing organic load tributary to the proposed project and is calculated as in A3 above.

Section 366.405 C4 Factor (Health Hazard)

C4 is a factor to denote an existing health hazard and is applied as in B6 above.

Section 366.406 C5 Factor (Enforceable Schedule)

C5 is a factor that denotes that an enforceable schedule is in effect to construct the proposed project. The C5 factor is equal to 5.0.

SUBPART E: PROCEDURE FOR CALCULATING
LOAN PRIORITY INDEX FOR
COMBINED SEWER SERVICE PROJECTS

Section 366.501 Formula for Computing the Loan Priority Index for Combined Sewer Projects

The Loan Priority Index (LPI) number for Combined Sewer Service projects is the product of a 5 factors. The LPI is calculated as follows: $D1 \times D2 \times D3 \times D4 \times D5 = LPI$.

Section 366.502 D1 Factor (Financial Impact)

D1 is a factor that addresses the financial ability of the unit of local government as in A1 above.

Section 366.503 D2 Factor (Drainage Area)

D2 is a factor that represents the size of the drainage area tributary to the project. The factor will be based on the size of the drainage area:

0 acres	=	1.00
> 0 ≤ 50 acres	=	1.01
> 50 ≤ 100 acres	=	1.02
> 100 ≤ 150 acres	=	1.03
> 150 ≤ 200 acres	=	1.04

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> 200 acres = 1.05

Section 366.504 D3 Factor (Flooding Frequency)

D3 is a factor that considers the frequency of street or area flooding caused by inadequate combined sewer transport capacity. The factor will be based on the annual frequency of flooding events as follows:

0 times per year	=	1.00
1-5 times per year	=	1.01
6-10 times per year	=	1.02
11-15 times per year	=	1.03
16-20 times per year	=	1.04
> 20 times per year	=	1.05

Section 366.505 D4 Factor (Basement Backups)

D4 is a factor that represents the frequency of basement flooding. D4 is calculated as follows: (frequency of basement flooding) x (average number of basements affected) = D4.

a) The frequency of basement flooding element will be calculated as follows:

0 times per year	=	1.00
1-5 times per year	=	1.01
6-10 times per year	=	1.02
11-15 times per year	=	1.03
16-20 times per year	=	1.04
> 20 times per year	=	1.05

b) The number of basements affected will be calculated as follows using the average number of basements affected by storm events during the previous year:

0 basements	=	1.0
1-10 basements	=	1.1
11-25 basements	=	1.2
26-50 basements	=	1.3
51-100 basements	=	1.4
> 100 basements	=	1.5

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Section 366.506 D5 Factor (Percentage of Basements Affected)

D5 is a factor that expresses the average number of basements affected in the project drainage area as a percent of the basements in the project drainage area as follows:

$$D5 = 100 \frac{\text{average \# of basements affected in drainage area}}{\text{\# of basements in drainage area}}$$

SUBPART F: PROCEDURE FOR APPLICATION OF SCORING CONVENTIONS

Section 366.601 Scoring Conventions

- a) For integrally related projects, such as an expansion of wastewater treatment capacity and a project to add additional load to the treatment facilities (i.e. relief interceptors, new interceptors, collection system extensions, new service regional projects, etc.), the wastewater treatment facility expansion project will proceed at the LPI of the expansion project or at the LPI of the project adding load, whichever results in the more favorable priority ranking.
- b) Projects for Inflow/Infiltration correction serving more than one municipality will be scored for priority using the A2 and A4 factors for the receiving wastewater treatment works. The A1, A3 and A5 factors will be determined based on the data for the municipality where the project is proposed.
- c) At the time of facility planning approval, all projects will be rescored based on the approved planning. As a result of this rescoring, projects may be split into a number of projects, deleted or moved to an appropriate class.
- d) For relief or replacement interceptor sewers that provide capacity in addition to the relief capacity required for the existing service area, the Agency will assign segments of the project different priority numbers or place segments in different project classes based on the percent of capacity utilization for each segment as determined during facility planning approval.
- e) Where the project encompasses more than one area of review (i.e. wastewater treatment plant and lift stations or wastewater collection system and lift stations), the objective assessment portion of the A4 factor will be averaged for the areas of review included in the project.

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- f) The loan applicant may provide monitoring data for a pending permit requirement in order to allow the Agency to calculate a permit exceedance element as identified in 366.205(c), provided that the Agency has formally notified the applicant of a pending new permit requirement.
- g) Where adequate data is not available to calculate any factor, a value of 1.0 will be assigned to allow completion of the LPI calculation.

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Section 366.APPENDIX A Waterbody Specific Information

The waterbody specific information used by the Agency for the priority system is contained in the Agency's biennial reports required under Section 305(b) of the Clean Water Act (33 U.S.C. 1315(b)). The calculations for river reaches range on a possible scale of 0-100, where 100 indicates the most highly valued water quality resources and results in the highest priority for protection or preservation. Calculations for lakes and reservoirs are based on the Degree of Use Support Assessment (DUS) and expressed as the DUS points as a percentage of the maximum DUS points. The component categories of IBI, PIBI, and DUS are determined based on the following:

- a) **IBI – Index of Biotic Integrity**
The Index of Biotic Integrity (IBI) is the priority metric of the Biological Stream Characterization (BSC) stream classification system. IBI values ranging from 12 to 60 constitute the primary basis of the five stream classes as follows:

When quality stream fishery data are lacking for IBI determinations, BSC ratings may be derived by a subjective evaluation of narrative fishery criteria. In the absence of fishery data, aquatic macroinvertebrate data may be used for Limited or Restricted Use Aquatic Resource ratings (Class C and D respectively) for stream segments five miles in length or longer. The actual index is used in calculating A2. The maximum number of points when IBI is used is 60.

- b) **PIBI - Predicted Index of Biotic Integrity**
The Predicted Index of Biotic Integrity (PIBI) was developed to predict biotic potential (as measured by IBI) from habitat metrics.

The index is determined from the following relationships of four (4) stream habitat variables:

1. Percent substrate as silt-mud
2. Percent substrate as claypan
3. Mean stream width
4. Percent pool

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The following equation is utilized for prediction of biotic potential as defined by a predicted IBI (PIBI) value:

$$\text{Predicted IBI} = 40.1 - (0.126 \text{ silt-mud}) - (0.123 \text{ claypan}) + (0.0424 \text{ pool}) + (0.0916 \text{ width})$$

For purposes of deriving A2 calculations, PIBI values are divided by one half. The maximum number for the PIBI value is 30.

- c) DUS - Degree of Use Support – Streams
Section 305(b) of the Federal Clean Water Act (33 U.S.C. 1315(b)) requires each state to prepare a biennial report which addresses, among other items, the water quality of its surface water resources and the extent to which these waters meet objectives of the Act. Surface water resources are described in terms of the degree to which they are attaining designated uses. The Degree of Use Support (DUS) for Illinois streams is described in terms as follows:

Full	=	Fully supporting aquatic life uses
Partial/Minor	=	Partially supporting aquatic life uses with minor impairment
Partial/Moderate	=	Partially supporting aquatic life uses with moderate impairment
Nonsupport	=	Not supporting aquatic life uses

The DUS is reported at 2 assessment levels: monitored and evaluated. The monitored assessment level is based on current water chemistry, sediment chemistry, biological, and habitat data collected from various Agency monitoring programs.

The evaluated assessment level is based primarily on historic data (5 years or older) or similarity of the area to monitored waters within the same basins or geographic region.

For purposes of A2 calculations, DUS assessments are incorporated as follows:

Full or Full/Threatened	=	50
Partial Minor, impact P greater than NP	=	45
Partial Moderate, impact P greater than NP	=	40
Nonsupport, impact P greater than NP	=	35

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Partial Minor, impact P less than NP	=	30
Partial Moderate, impact P less than NP	=	25
Nonsupport, impact P less than NP	=	20
Partial Minor, impact NP only	=	15
Partial Moderate, impact NP only	=	10
Nonsupport, impact NP only	=	5

Note: P = point source
NP = nonpoint source

The maximum number of points is 50. Aquatic life use impairments resulting primarily from point sources are given a higher priority. Full or Full/Threatened and Partial Minor assessments which are based on an evaluated level of assessment will be assigned 40 points.

For purposes of B2 and C2 calculations, the Stream Class A, B, C, D or E is assigned from the Biological Stream Characterization Summary as follows:

Biological Stream Characterization (BSC) summary.

STREAM		
CLASS	BSC CATEGORY	BIOTIC RESOURCE QUALITY DESCRIPTION
A	Unique Aquatic Resource	EXCELLENT. Comparable to the best situations without human disturbance.
B	Highly Valued Aquatic Resource	GOOD. Good fishery for important gamefish species (sauger, walleye, northern pike, black bass, panfish and catfish); species richness may be somewhat below expectations for stream size or geographic region.
C	Moderate Aquatic Resource	FAIR. Fishery consists predominantly of bullheads (<i>Ictalurus spp.</i>), sunfish (<i>Lepomis spp.</i>), and carp (<i>Cyprinus carpio</i>). Species diversity and number of intolerant fish reduced. Trophic structure skewed with increased frequency of omnivores, green sunfish or tolerant species.
D	Limited Aquatic Resource	POOR. Fishery predominantly for carp; fish community dominated by omnivores and tolerant forms. Intolerant macroinvertebrates rare or absent; moderate, facultative and tolerant organisms dominate benthic community. Species richness may notably

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- lower than expected for geographic area, stream size or available habitat.
- E Restricted Aquatic Resource VERY POOR. Few fish of any species present; no sport fishery exists. Intolerant macroinvertebrates absent; benthic community consists of essentially tolerant forms or no aquatic life may be present. Species richness may be restricted to a few oligochaete or chironomid taxa.
- d) US – Degrees of Use Support – Lakes & Reservoirs
Index of Biotic Integrity (IBI) and Predicted Index of Biotic Integrity (PIBI) information is not applicable to lakes and reservoirs. The A2 factor will be determined solely from the Degree of Use Support classification and point allocation contained in paragraph (c) above.

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Section 366.APPENDIX B Service Continuation A4 Factor Scoring Review Sheet

Scoring Elements:

A. WASTEWATER TREATMENT PLANTS:

NPDES Permit exceedance (if applicable)	BOD	_____
	SS	_____
	Ammonia/Nitrogen	_____
	Phosphorus	_____
	Dechlorination/Toxics	_____
	Overflows/Bypasses	_____

Cause of exceedance _____

Work necessary to correct exceedance _____

1. Age of wastewater treatment facilities since last upgrade ____years. (0.5 point for each 5 years over 20 years old)..... _____
2. Is plant concrete sound? Y N . Extensive spauling of concrete must be evident to be classed unsound. (0.1 point for each 10% of the concrete thickness that is gone.)..... _____
3. If yes, is the reinforcing steel exposed? Y N (1.0 point if steel is exposed.)..... _____
4. Does the condition of the concrete pose a threat to the integrity of any unit process, building, or mechanical equipment in the plant or pose a safety hazard to operating personnel? Y N (If yes, 1.0 point.) _____
5. Is the present condition of various plant concrete structures to or causing effluent violations? Y N (If yes, 1.0 point.)..... _____
6. Would a failure of any of the concrete structures which are in condition cause _____

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a discharge to the waters of the state or an effluent violation? Y N (If yes, 1.0 point.)..... _____

7. Is corrosion of metal structures (bridges, walkways, control, valve vaults, handrails, etc.) at the point where a potential threat exists to continued operation of plant units or a safety threat exists for plant personnel? Y N (If yes, 1.0 point.)..... _____

8. Number of mechanical equipment failures during the past five years...._____. Causes: _____

(0.1 point for each occurrence that resulted in one unit being out of service for at least one day; maximum.)..... _____

9. Number of mechanical equipment failures during the past year _____. Causes: _____

10. Were the mechanical failures in any way related to improper maintenance? Y N (If no, then 0.1 point for each event in which a unit process was out of operation for at least one day; 2.0 points maximum.)..... _____

11. Did any of the mechanical failures result in a raw or partially treated sewage discharge to waters of the state?...Y N (If yes, 2.0 points.)..... _____

12. Did any of these mechanical failures result in an actual or potential safety hazard to plant personnel Y N (If yes, 1.0 point.)..... _____

13. Are there portions of the plant which are permanently out of service due to mechanical failure or lack of availability of replacement parts due to equipment age? (0.5 point for each tank or functional unit that is no longer operational, 4 points maximum.)..... _____

14. Were these mechanical failures due to equipment design or application problems?... Y N (If yes, subtract 1.0 point.)..... _____

15. Have all warranties expired?... Y N (If no, subtract 1 point for each piece of equipment that is not operational for which the warranty is still in effect.)..... _____

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TOTAL SCORE, WASTE TREATMENT FACILITIES _____

B. SEWER COLLECTION SYSTEMS:

1. Age of the original sewer system in years. _____ (1.0 point for each 10 years or fraction thereof over 50 years old; 3.0 points maximum.)..... _____

2. Material of construction: vitrified clay pipe (VCP)____; reinforced concrete pipe (RCP) ____; brick ____; cast-in-place concrete ____ (brick = one point; RCP = 0.5 point; cast-in-place = 0.5 point)..... _____

3. If concrete, is there crown corrosion? Y N (If yes, 1.0.)..... _____

4. If yes, what percent of the pipe thickness at the crown is gone?....____ (1.0 point for each 25% of pipe thickness lost.)..... _____

5. If pipe is brick, percent of joint material remaining____ (1.0 point for each 25% of joint material lost.) _____

6. If pipe is reinforced concrete pipe or cast-in-place concrete, is the reinforcing steel exposed? Y N (If steel is exposed, 1.0 point.)..... _____

7. Have there been any cave-ins on the system in the past five years? Y N (If yes, then 1.0 point for each cave-in event; 3.0 points maximum.) _____

8. Have there been any cave-ins in the past year? Y N (If yes, add one additional point for each event; 3.0 points maximum.) _____

9. Have there been any discharges to waters of the state or basement backups as a result of any of these cave-ins? Y N (0.1 additional point for each overflow or basement backup event caused by pipe failures; 3.0 points maximum.)..... _____

10. Number of system overflows over the last 5 years due to dry weather surcharging ____ (associated with a non-pipe failure event i.e. tree roots, pipe settled with grit, etc.) (0.1 point for each overflow; 3.0 points maximum.)..... _____

11. Number of homes experience basement backups over the last 5 years due to _____

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dry weather surcharging ____ (non-pipe failure event); (0.5 point for each 50 homes or fraction thereof, 5.0 points maximum.)

12. Percent of system that is combined sewers: ____% (For sewer separation projects, 1.0 point for each 10% of the entire system or fraction thereof that will be separated by the proposed project; 5.0 points maximum.)

TOTAL SCORE SEWER COLLECTION SYSTEMS

C. COLLECTION SYSTEM LIFT STATIONS

1. Percent of lift stations on the system that are over 20 years old ____ (1.0 point for each 25% of the total stations or fraction thereof over 20 years old; 4.0 points maximum.)

2. Are all stations equipped with alarms? Y N (No = 1.0 point.)

3. Number of homes experiencing backups over the 1st 5 years due to lift station failures or power outages ____ (1.0 point for each 50 homes or fraction thereof; 4.0 points maximum.)

4. Number of homes experiencing backups over the last 5 years due to lift station failures or power outages ____ (1.0 point for each overflow event; 4.0 points maximum.)

5. Percent of total station pumping capacity that is out of service due to obsolete equipment ____ (1.0 point for each 10% of total capacity that is out because of inability to get replacement equipment; 2.0 points maximum.)

6. Do all pumping stations have standby power or alternate means of pumping during power failures as required? Y N (If no, 0.5 point for each station not properly equipped that will be upgraded by this project; 2.0 points maximum.)

7. How many lift stations have equipment or structural deterioration problems which contribute to operational problems or safety hazards to operating personnel? ____ (0.5 point for each station that will have these problems corrected by the proposed project; maximum 2.0 points.)

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TOTAL SCORE FOR LIFT STATIONS _____

Reviewer _____

Date _____

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Section 366.APPENDIX C Excellence of Operation Scoring Review Sheet For Local Government Units That Own Wastewater Treatment Facilities

This scoring sheet will be used to rate those projects which have demonstrated excellence in the maintenance and operation of existing wastewater treatment facilities. The scoring factors are as follows:

A. PROCESS PERFORMANCE AND CONTROL:

- 1. Plant performance compared to permit limit requirements. (If both BOD/SS are consistently 20% below permit limits, 2.0 points; if 40% or more below limits, 3.0 points.) _____
 - 2. How long has the plant been producing an effluent no greater than 80% of its permit limits? (If at least 5 years, 1.0 point; if 10 or more years, 2.0 points.)..... _____
 - 3. Current plant loading as a percentage of the design capacity. (If the current average daily load is 80 to 90% of design capacity, 0.5 point; if 90 to 100%; 2.0 points; if over 100%, 3.0 points.)..... _____
 - 4. Does the operator use laboratory data to make appropriate process control adjustments? (If yes, 1.0 point.)..... _____
 - 5. Is the effluent quality consistent during the entire range of plant flows? (If it is within permit limits at all flows, 1.0 point.)..... _____
 - 6. Is the sludge quality acceptable for land application? (If a land application permit has been issued, 1.0 point.)..... _____
 - 7. Is the process subject to process upsets? (If there have been no process upsets due to discharges into the sewer system I the last 5 years, 0.5 point.) _____
 - 8. For processes using the activated sludge process, is microscopic analysis used for process monitoring? (If yes, 0.5 point.) _____
- TOTAL PROCESS PERFORMANCE AND CONTROL _____

B. MAINTENANCE:

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- 1. How long have mechanical equipment and structures been in service without a failure that affected plant performance? (Over 5 years, 0.5 point; over 10 years, 1.0 point; 20 or more years, 2.0 points.)
 - 2. Are the plant grounds, buildings and equipment well-maintained (grass cut, equipment and buildings painted, etc.)? (If yes, 0.5 point.)
 - 3. Does the plant have a routine preventative maintenance program? (If yes, 0.5 point.).....
 - 4. Does the plant have a spare parts inventory? (If yes, 0.5 point.).....
- TOTAL MAINTENANCE

C. ADMINISTRATION:

- 1. Does the operating agency control industrial discharges into the sewer system that may adversely affect the treatment process, sludge or effluent quality or pose a safety hazard to system workers? (If a local ordinance exists, 0.5 point; if there is an approved local pretreatment program, 1.0 point.)
- 2. Are all self-monitored reports and other reports required by permit conditions submitted on time? (If they are, 0.5 point.)
- 3. Are all financial reporting requirements submitted in accordance with permit conditions? (If they are, 0.5 point.).....
- 4. Does the chief operator have the proper level of certification required by Title 35, Subtitle C of the Illinois Pollution Control Board Regulations? (If yes, 0.5 point.).....
- 5. Has the plant been issued an Agency safety certificate during the past year? (If yes, 0.5 point.)
- 6. Does the plant have an emergency plan to respond to hazardous material emergencies? (If yes, 0.5 point.).....
- 7. Does the plant manager prepare an annual report to the board or council on annual facility performance which includes budget needs for the coming year?

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(If yes, 0.5 point.) _____

8. Is revenue being accumulated for annual O & M needs and equipment replacement? (If yes, 0.5 point.) _____

TOTAL ADMINISTRATION _____

TOTAL ALL CATEGORIES _____

TOTAL _____

Reviewer _____

Date _____

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Section 366.APPENDIX D Excellence of Operation Scoring Review Sheet For Local Government Units That Own Only Wastewater Collection Facilities

This scoring sheet will be used to rate those projects which have demonstrated excellence in the maintenance and operation of existing wastewater treatment facilities. The scoring factors are as follows:

A. COLLECTION SYSTEM PERFORMANCE AND CONTROL:

- 1. When was the original collection system installed? (0.2 points will be awarded for each 10 years over 20 years old for the original system to a maximum of 1.0 point.)
2. If there have been no basement backups reported in the last year, 1.0 point; in the last five years, 2.0 points; in the last 10 years, 3.0 point.
3. If there have been no sewer system overflows to waters of the State, (i.e.; wet well overflows at lift stations, manhole overflow, etc.) 0.4 point per year to a 4.0 point maximum.
4. If there are lift stations on the collection system, are they all equipped with a standby generator or alternate means of pumping in case of a power outage? (If yes, 1.0 point.)
5. If all lift station wet wells are equipped with high water alarms, 1.0 point.
6. Do any portions of the collection system flow at full capacity during wet weather periods? (If no, then 1.0 point.)
TOTAL FOR COLLECTION SYSTEM PERFORMANCE

B. MAINTENANCE:

- 1. If there is a program for systematic inspection and cleaning of all sewer system lines, 1.0 point.
2. Have there been any television inspections of the system during the past five years? (If so, 1.0 point.)

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3. If there is a systematic preventative maintenance program for all lift stations on the system, 1.0 point.

4. If there is a spare parts inventory for all lift stations, 1.0 point.

TOTAL FOR SYSTEM MAINTENANCE.....

C. ADMINISTRATION:

1. Does the operating agency maintain a current sewer atlas? (If yes, 1.0 point.)

2. Does the operating agency have a program to prohibit downspouts, footing drains, and other clean water connections to the sanitary sewer system? (If yes, 1.0 point.).....

3. Is there a program for local inspection and enforcement of sewer use ordinances to prohibit downspout and footing or area drain connections? (If yes, 1.0 point.)..

4. Does the operating agency have an ordinance to regulate the types of wastes discharged into its collection system? (If yes, 1.0 point.)

5. Does the operating agency have a safety program for its collection system maintenance crews? (If so, 1.0 point.).....

TOTAL FOR SYSTEM ADMINISTRATION.....

TOTAL SCORE FOR ALL CATEGORIES.....

Reviewer _____

Date _____

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- 1) Heading of the Part: Procedures for Issuing Loans From the Public Water Supply Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 662
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
662.110	Amendment
662.120	Amendment
662.130	Amendment
662.140	Amendment
662.150	Repealed
662.160	Amendment
662.170	Amendment
662.210	Amendment
662.240	Amendment
662.250	Amendment
662.310	Amendment
662.320	Amendment
662.340	Amendment
662.345	New Section
662.350	Amendment
662.355	New Section
662.410	Amendment
662.420	Amendment
662.430	Amendment
662.440	Amendment
662.460	Amendment
662.470	Amendment
662.540	Amendment
662.610	Amendment
662.620	Amendment
662.630	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency proposes to repeal the current Public Water Supply Loan Program priority scoring system found in Part 663 and replace it with a new priority scoring system in Section 662.345. Under the

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new priority scoring system, projects will be scored and ranked based on point awarded in the following categories: compliance and water quality, protection of water source, protection of assets, conservation and green infrastructure, readiness to proceed, economic factors, and population. The Agency also revises the requirements for the project priority list in Section 662.340 and added a new section detailing a letter of commitment. The Illinois EPA proposes a handful of cleanup amendments to promote more program continuity and regulatory clarity.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

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- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses, small municipalities or not-for-profit corporations seeking loans under the Public Water Supply Loan Program could be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 662
PROCEDURES FOR ISSUING LOANS FROM THE
PUBLIC WATER SUPPLY LOAN PROGRAM

SUBPART A: INTRODUCTION

Section	Purpose
662.105	Purpose
662.110	Definitions
662.120	Safe Drinking Water Act Requirements Administration
662.130	Projects and Activities Eligible Available for Assistance
662.140	Uses of the Public Water Supply Loan Program Types of Assistance
662.150	Other Federal Requirements (Repealed)
662.160	Application Process
662.170	Waiver of Procedures

SUBPART B: FINANCING TERMS

Section	Purpose
662.210	Fixed Loan Rate
662.220	Loan Repayment Period
662.240	Restructuring
662.250	Additional Subsidization Principal Forgiveness
662.260	Limitations on Loan Assistance

SUBPART C: LOAN APPLICATION PROCESS

Section	Purpose
662.310	Funding Nomination Form
662.320	Project Plan
662.330	State Environmental Review
662.340	Project Priority List
662.345	Loan Priority Score
662.350	Loan Application and Other Documentation Securing the Loan Agreement
662.355	Letter of Commitment

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SUBPART D: LOAN ISSUANCE, AUDITING AND RECORDKEEPING

Section

662.410	Loan Issuance
662.420	Post-Loan Issuance Construction Contract Requirements
662.430	Loan Eligible Costs
662.440	Disbursement of Loan Funds
662.450	Initiation of Loan Repayment
662.460	Loan Closing and Issuance of Final Loan Amendment
662.470	Ongoing Auditing and Monitoring of Financial Capability

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section

662.510	Delinquent Loan Repayments
662.520	Noncompliance with Loan Procedures
662.530	Stop-Work Order
662.540	Termination

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section

662.610	Requirements for Subagreements
662.620	Construction Contracts
662.630	Contracts for Personal and Professional Services
662.640	Compliance with Procurement Requirements for Construction Contracts
662.650	Disputes
662.660	Indemnity
662.670	Covenant Against Contingent Fees

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 10091, effective July 17, 1997, for a maximum of 150 days; emergency expired on December 13, 1997; adopted at 22 Ill. Reg. 3782, effective February 10, 1998; amended at 24 Ill. Reg. 16245, effective November 1, 2000; emergency amendment at 33 Ill. Reg. 8674, effective June 2, 2009, for a maximum of 150 days;

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amended at 33 Ill. Reg. 15575, effective October 28, 2009; emergency amendment at 34 Ill. Reg. 8406, effective June 10, 2010, for a maximum of 150 days; emergency expired November 6, 2010; amended at 34 Ill. Reg. 17661, effective November 8, 2010; former Part repealed at 41 Ill. Reg. 8052 and new Part adopted at 41 Ill. Reg. 8055, effective July 1, 2017; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 662.110 Definitions

- a) Unless specified otherwise in subsection (b), all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act (35 Ill. Adm. Code: Subtitle F) and the federal Safe Drinking Water Act (SDWA), as amended (42 USC 300j-12 et seq.).
- b) For the purposes of this Part, the following definitions apply:

Act – The Environmental Protection Act [415 ILCS 5].

"Acute Violation" – Exceedance of a maximum contaminant level (MCL) or treatment technique requirement for a contaminant that would require the owner or operator of the community water supply to issue a Tier 1 public notice pursuant to 35 Ill. Adm. Code 611.

Addenda – Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency – *Illinois Environmental Protection Agency*. [415 ILCS 5/19.2(a)]

Asset Management Plan – Any system-wide plan that contains the information on asset conditions, service levels, customer needs, and financial resources to ensure the loan applicant can conduct planned maintenance and repair, replace and upgrade capital assets to reliably provide quality service for the foreseeable future.

Billed Customers – The customers receiving a bill who are responsible for paying for water services.

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Binding Commitment – A legal obligation between the Agency and the loan recipient to provide financial assistance from the PWSLP to the loan recipient, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant – The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with USEPA.

Capitalization Grant Agreement – The agreement entered into each federal fiscal year between the Agency and USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for PWSLP projects.

Change Order – A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

"Chronic Violation" – Exceedance of an MCL or treatment technique requirement for a contaminant that would require the owner or operator of the community water supply to issue a Tier 2 or Tier 3 public notice pursuant to 35 Ill. Adm. Code 611.

Construction – Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supplies, or the inspection or supervision of any of the foregoing items. [415 ILCS 5/19.2]

Contract Documents – The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

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Compliance Project – A project that consists of construction, expansion, or upgrading of a treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle F and the SDWA, respectively.

Dedicated Source of Revenue – The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment and recorded in an account for the purpose of loan repayment, which is sufficient to repay the principal and interest on the loan.

Design – All administrative, legal, and engineering tasks, subsequent to Project Plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This must include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director – Director of the Illinois Environmental Protection Agency.

Disadvantaged Community – A [public water supply owned by a](#) local government unit [or not-for-profit water corporation](#) that qualifies for either the Small Community Rate or Hardship Rate as defined in Section 662.210.

Energy Efficiency – The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects – Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Facilities – Equipment or operating systems that are constructed, installed or established to serve the particular purpose of improving or augmenting sustainability for public water supplies and public water supply facilities in a watershed. Facilities may involve stand-alone projects or be involved as component pieces of public water supplies and public water supply projects. Facilities in the context of the Green Project Reserve will address green

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infrastructure, water and energy efficiency improvements and other environmentally innovative activities.

Fixed Loan Rate – The simple annual fixed rate on the loan, which includes an interest rate portion and a loan support rate portion. The fixed loan rate shall be determined on an annual basis by the procedures defined in Section 662.210.

Interest Rate – The interest rate is a portion of the Fixed Loan Rate and shall not be less than one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the interest rate portion of the Fixed Loan Rate shall be deposited in the PWSLP receipt account within the Fund.

Loan Support Rate – The loan support rate is a portion of the Fixed Loan Rate and shall not exceed one-half of the Fixed Loan Rate rounded to the nearest 0.01%. The monies generated by the loan support rate portion of the Fixed Loan Rate shall be deposited in the Loan Support Program receipt account within the Fund.

Fund – *The Water Revolving Fund* as authorized by Section 19.3 of the Act, *consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.* [415 ILCS 5/19.2(b)]

Green Infrastructure – Includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements, and cisterns.

Green Project Reserve – The portion of funded projects, as required by the Capitalization Grant, identified by the Agency in its Intended Use Plan and Annual Report that address green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities as directed by federal law.

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Health Hazard ~~Determination~~ – A health hazard ~~determination~~ exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in USEPA Health Advisories, or by the Illinois Department of Public Health or by the Centers for Disease Control and Prevention or that otherwise pose an immediate threat to public health.

Initiation of Loan Repayment Period – The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation – The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Intended Use Plan – A plan which includes a description of the short and long term goals and objectives of the Public Water Supply Loan Program, project categories, discharge requirements, terms of financial assistance and the loan applicants to be served. [415 ILCS 5/19.2(e)]

Interstate Agency – An agency of two or more states established by or pursuant to an agreement or compact approved by the US 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 USEPA.

Iron and Steel Products – The following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Loan – A loan made from the Public Water Supply Loan Program to an eligible applicant as a result of a contractual agreement between the Agency and such applicant. [415 ILCS 5/19.2(c)]

Loan Agreement – The contractual agreement document between the Agency and the loan recipient that contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant – The public water supply ~~person~~ that has applied for a loan from the PWSLP under this Part.

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Loan Procedures – The procedures for issuing loans from the PWSLP as set out in this Part.

Loan Recipient – The ~~public water supply person~~ that has been provided a loan from the PWSLP under this Part.

Local Government Unit – A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities, including storm water treatment systems, or public water supply facilities or both. [415 ILCS 5/19.2(g)]

Market Interest Rate – The mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding year, rounded to the nearest 0.01%.

Maximum Contaminant Level or MCL – The maximum permissible level of a contaminant in water that is delivered to any user of a public water supply.

Median Household Income or MHI – The median household income is the American Community Survey 5-year estimate from the US Department of Commerce, Bureau of the Census.

Operating Agreement – The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the PWSLP.

Person – Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

~~*Public Water Supply – All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve*~~

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~~at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/3.365] For purposes of this Part, a Public Water Supply is limited to public water supplies owned by a local government unit or a privately owned community water supply.~~

Principal – The total amount of funds distributed to loan recipients for eligible project costs.

Privately Owned Community Water Supply – An investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility; a not-for-profit water corporation, if operating specifically as a water utility; and a mutually owned or cooperatively owned community water system, if operating as a separate water utility. [415 ILCS 5/19.2(h)]

Project – The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List – An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663 that the Agency has determined are eligible to receive financial assistance from the PWSLP.

PWSLP – The Public Water Supply Loan Program as authorized by Section 19.2 of the Act.

Public Water Supply – All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". [415 ILCS 5/3.365]

Responsible Bid – A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information necessary to demonstrate responsibility may be corrected or submitted after bid opening.

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Responsive Bid – A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for nonresponsiveness. Bid defects resulting in a nonresponsive bid may not be corrected after the bid opening.

SDWA – The Safe Drinking Water Act, as amended (42 USC 300f et seq.).

Service Population – The number of people served by the loan applicant.

Source of Revenue – All revenues of the loan applicant that are sufficient to repay the principal and interest (as calculated by the fixed loan rate) on the loan.

Subagreement – A written agreement between the loan recipient and another party, and any tier of agreement under that written agreement, to furnish services, supplies, or equipment necessary to complete the project for which a loan is provided, including construction contracts, contracts for personal and professional services, and purchase orders.

Treatment Technique Requirement – An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

Unemployment Rate – The annual average unemployment rate calculated by the Illinois Department of Employment Security, Economic Information and Analysis Division.

Useful Life – The estimated period during which a public water supply facility is intended to be operable, as certified by the project's consulting licensed professional engineer.

USEPA – The United States Environmental Protection Agency.

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User Charge – A charge levied on the users of a public water supply to produce adequate revenues for the operation, maintenance and replacement of the public water supply.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.120 Safe Drinking Water Act RequirementsAdministration

- a) The Public Water Supply Loan Program~~State Water Revolving Fund, an interest-bearing special fund~~, is administered by the Agency ~~as an instrument of the State of Illinois in accordance with the Capitalization Grant Agreement between the Agency and USEPA~~ in accordance with the Safe Drinking Water Act and the Illinois Environmental Protection Act~~State and federal laws~~.
- b) ~~The Capitalization Grant Agreement between the Agency and USEPA contains or incorporates by reference the following:~~
- 1) ~~the Operating Agreement between USEPA and the Agency that contains the organization, administrative framework, and procedures of the PWSLP that are not expected to change annually;~~
 - 2) ~~the Agency's Intended Use Plan;~~
 - 3) ~~agreed upon payment schedule between USEPA and the Agency;~~
 - 4) ~~the Green Project Reserve requirements;~~
 - 5) ~~the Agency's State environmental review process; and~~
 - 6) ~~the Agency's agreement to the following:~~
 - A) ~~to accept grant payments in accordance with a negotiated payment schedule;~~
 - B) ~~to deposit into the State Water Revolving Fund an amount equaling at least 20% of each grant payment;~~
 - C) ~~to make binding commitments in an amount equal to the amount of each capitalization grant payment and accompanying State match~~

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~~that is deposited into the Fund within one year after the receipt of each grant payment;~~

- ~~D) to expend all funds in an expeditious and timely manner;~~
- ~~E) to first use funds equaling the amount of the grant, all repayments of principal and payments of interest on the initial loans from the grant, and the State match to assure maintenance of progress, as determined by the Governor, toward compliance with national primary drinking water regulations applicable under SDWA section 1412 (42 USC 300g-1) or otherwise significantly further the public health protection objectives of the SDWA;~~
- ~~F) to comply with the USEPA general assistance regulations in 2 CFR 1500 and the specific conditions of the capitalization grant;~~
- ~~G) to commit or expend each quarterly grant payment in accordance with State laws and procedures regarding the commitment or expenditure of revenue;~~
- ~~H) to use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;~~
- ~~I) to require recipients under PWSLP to maintain projects and accounts in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets;~~
- ~~J) to complete and submit a biennial report that describes how it has met the goals and objectives of the previous two fiscal years as stated in the Intended Use Plans and capitalization grant agreements;~~
- ~~K) to establish, maintain, invest and credit the State Water Revolving Fund with repayments so that the fund balance will be available in perpetuity for activities under the SDWA;~~
- ~~L) to use fees charged by the Agency to the recipients of assistance that are considered as program income for the purpose of financing~~

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~~of the cost of administering the PWSLP or financing projects or activities eligible for assistance under this Part;~~

- ~~M) to an annual audit of the PWSLP in accordance with the auditing procedures of the General Accounting Office (31 USC 75);~~
- ~~N) to provide USEPA with documentation demonstrating that the Agency has adequate personnel and resources to establish and manage the PWSLP;~~
- ~~⊖) to promptly deposit PWSLP funds into appropriate accounts as follows:
 - ~~i) deposit the portion of the capitalization grant to be used for projects into the fund;~~
 - ~~ii) maintain separate and identifiable accounts for the portion of the capitalization grant to be used for set-aside activities;~~
 - ~~iii) deposit net bond proceeds, interest earnings, and repayments into the fund; and~~
 - ~~iv) deposit any fees, which include interest earned on fees, into the fund or into separate and identifiable accounts;~~~~
- ~~P) to adopt policies and procedures to assure that loan recipients have a dedicated source of revenue for repayment of loans, or in the case of privately owned systems, assure that recipients demonstrate that there is adequate security to assure repayment of loans;~~
- ~~⊕) to use all funds in accordance with an Intended Use Plan that was prepared after providing for public review and comment;~~
- ~~R) to comply with all applicable federal cross-cutting authorities; and~~
- ~~S) to demonstrate how the Agency is complying with the requirements of capacity development authority, capacity development strategy, and operator certification program~~

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~~provisions in order to avoid withholdings of funds under 40 CFR 35.3515(b)(1)(i) through (b)(1)(iii).~~

be) Intended Use Plan

- 1) After public review and comment, the Agency must annually prepare an Intended Use Plan and submit that plan to USEPA.
- 2) The Intended Use Plan must include:
 - A) a priority system for ranking individual projects for funding that provides sufficient detail for the public and USEPA to readily understand the criteria used for ranking;
 - B) a listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;
 - C) a description of the criteria and methods that the Agency will use to distribute all funds including:
 - i) the process and rationale for distribution of funds between the Fund and set-aside accounts;
 - ii) the process for selection of projects to receive assistance;
 - iii) the rationale for providing different types of assistance and terms, including the method used to determine the market rate and the interest rate;
 - iv) the types, rates, and uses of fees assessed on assistance recipients; and
 - v) a description of the financial planning process undertaken for the Fund and the impact of funding decisions on the long-term financial health of the fund;
 - D) a description of the sources and uses of PWSLP funds including: the total dollar amount in the fund; the total dollar amount

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available for loans, including loans to small systems; the amount of loan subsidies that may be made available to disadvantaged communities ~~from the 30% allowance in 40 CFR 35.3525(b)(2)~~; the total dollar amount in set-aside accounts, including the amount of funds or authority reserved; and the total dollar amount in fee accounts;

- E) the short and long term goals and objectives of the PWSLP;
- F) identification of the amount of funds the Agency is electing to use for set-aside activities. The Agency must also describe how it intends to use these funds, provide a general schedule for their use, and describe the expected accomplishments that will result from their use;
- G) for loans made in accordance with the local assistance and other State programs set-aside under 40 CFR 35.3535(e)(1)(i) and (e)(1)(ii), the Intended Use Plan must, at a minimum, describe the process by which recipients will be selected and how funds will be distributed among them;
- H) a description of~~describe~~ how the Agency's disadvantaged community program will operate including:
 - i) the Agency's definition in Section 662.110(b) of what constitutes a disadvantaged community;
 - ii) a description of affordability criteria used to determine the amount of disadvantaged assistance;
 - iii) the amount and type of loan subsidies that may be made available to disadvantaged communities from the 30% allowance in 40 CFR 35.3525(b)(2); and
 - iv) to the maximum extent practicable, an identification of projects that will receive disadvantaged assistance and the respective amounts;

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- I) If the Agency decides to transfer funds between the PWSLP and the WPCLP, the Intended Use Plans for each program must describe the process, including:
- i) the total amount and type of funds being transferred during the period covered by the Intended Use Plan;
 - ii) the total amount of authority being reserved for future transfer, including the authority reserved from previous years; and
 - iii) the impact of the transfer on the amount of funds available to finance projects and set-asides and the long-term impact on the fund;
- J) If the Agency decides to cross-collateralize fund assets of the PWSLP and WPCLP, the Intended Use Plans for the PWSLP and the WPCLP must describe the process, including:
- i) the type of monies that will be used as security;
 - ii) how monies will be used in the event of a default; and
 - iii) whether or not monies used for a default in the other program will be repaid, and, if they will not be repaid, what will be the cumulative impact on the funds.
- 3) The priority list of projects, and use of funds, may be amended during the year under provisions established in the Intended Use Plan as long as additions or other substantive changes to the list, except projects funded on an emergency basis, go through public review and comment.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.130 Projects and Activities Eligible Available for Assistance

- a) Eligible public water supplies. Funds available under the PWSLP and this Part shall only be used for providing financial assistance to the following:

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- 1) a local government unit; and
 - 2) a privately owned community water supply, ~~for public water supplies, with at least 100 billed customers.~~
- b) Ineligible public water supplies. Funds available under the PWSLP and this Part may not be used for providing financial assistance to the following:
- 1) Federally-owned public water supply and for-profit non-community water supply;
 - 2) Systems that lack the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, unless the assistance will ensure compliance and the owners or operators of the systems agree to undertake feasible and appropriate changes in operations to ensure compliance over the long-term; and
 - 3) Systems that are in significant noncompliance with any national primary drinking water regulation or variance, unless:
 - A) The purpose of the assistance is to address the cause of the significant noncompliance and will ensure that the systems return to compliance; or
 - B) The purpose of the assistance is unrelated to the cause of the significant noncompliance and the systems are on enforcement schedules (for maximum contaminant level and treatment technique violations) or have compliance plans (for monitoring and reporting violations) to return to compliance.
- c) Eligible project categories. Funds available under the PWSLP and this Part shall only be used for the following types of projects and activities:
- 1) General. Projects that address present or prevent future violations of health-based drinking water standards are eligible for assistance. These include, but are not limited to, projects needed to maintain compliance with existing national primary drinking water regulations for contaminants with acute and chronic health effects. Projects to replace aging infrastructure are eligible for assistance if they are needed to maintain

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compliance or further the public health protection objectives of the SDWA.

- 2) Treatment. Examples of projects include, but are not limited to, installation or upgrade of facilities to improve the quality of drinking water to comply with primary or secondary standards and point of entry or central treatment under section 1401(4)(B)(i)(III) of the SDWA.
- 3) Transmission and Distribution. Examples of projects include, but are not limited to, installation or replacement of transmission and distribution pipes to improve water pressure to safe levels or to prevent contamination caused by leaks or breaks in the pipes.
- 4) Source. Examples of projects include, but are not limited to, rehabilitation of wells or development of eligible sources to replace contaminated sources.
- 5) Storage. Examples of projects include, but are not limited to, installation or upgrade of eligible storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering a public water supply.
- 6) Consolidation. Eligible projects are those needed to consolidate water supplies where, for example, a supply has become contaminated or a system is unable to maintain compliance for technical, financial, or managerial reasons.
- 7) Creation of New Systems. Eligible projects are those that, upon completion, will create a community water supply to address existing public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources. Eligible projects are also those that create a new regional community water supply by consolidating existing systems that have technical, financial, or managerial difficulties. Projects to address existing public health problems associated with individual wells or surface water sources must be limited in scope to the specific geographic area affected by contamination. Projects that create new regional community water supply by consolidating existing systems must be limited in scope to the service area of the systems being consolidated. A project must be a cost-effective solution to addressing the

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problem. The applicant must give sufficient public notice to potentially affected parties and must have considered alternative solutions to addressing the problem. Capacity to serve future population growth cannot be a substantial portion of a project.

- d) **Ineligible Project Categories.** The following project categories are not eligible for assistance under the PWSLP:
- 1) Dams or rehabilitations of dams;
 - 2) Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;
 - 3) Reservoirs or rehabilitation of reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are on the property where the treatment facility is located;
 - 4) Projects needed primarily for fire protection; and
 - 5) Projects needed primarily to serve future population growth. Projects must be sized only to accommodate a reasonable amount of population growth expected to occur over the useful life of the facility.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.140 Uses of the Public Water Supply Loan Program~~Types of Assistance~~

The Public Water Supply Loan Program shall be used and administered by the Agency for the following purposes:~~Funds distributed from the State Water Revolving Fund under the PWSLP and this Part may only be used as follows:~~

- a) *to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal [415 ILCS 5/19.3(d)(1)];*
- b) *to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of public*

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water supplies and projects that fulfill federal State Revolving fund grant requirements for a green project reserve [415 ILCS 5/19.3(d)(2)];

- c) *to make direct loans at or below market interest rates and to provide additional subsidization, including, but not limited to, forgiveness of principal, negative interest rates, and grants, to any eligible local government unit or to any eligible privately owned community water supply to buy or refinance debt obligations for costs incurred on or after July 17, 1997, for the construction of water supplies and projects that fulfill federal State Revolving Fund requirements for a green project reserve [415 ILCS 5/19.3(d)(3)];*
- d) *to guarantee local obligations where such action would improve credit market access or reduce interest rates[415 ILCS 5/19.3(d)(4)];*
- e) *as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited into the fund [415 ILCS 5/19.3(d)(5)];*
- f) *to transfer funds to the Water Pollution Control Loan Program (WPCLP) [415 ILCS 5/19.3(d)(6)]; and*
- g) *notwithstanding any other provision of this Section, to provide, to local government units and privately owned community water supplies, any other financial assistance that may be provided under section 1452 of the SDWA (42 USC 300j-12) for any expenditures eligible for assistance under that section or federal rules adopted to implement that section [415 ILCS 5/19.3(d)(7)]*~~*notwithstanding any other provision of this Section, to provide, to local government units and privately owned community water supplies, any other financial assistance that may be provided under section 1452 of the SDWA (42 USC 300j-12) for any expenditures eligible for assistance under that section or federal rules adopted to implement that section.*~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.150 Other Federal Requirements (Repealed)

- a) ~~*Loan projects must meet disadvantaged business enterprise requirements in accordance with 40 CFR 33.*~~

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- b) ~~The failure or inability of any loan applicant to receive funds under the PWSLP or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of the SDWA, the Act, and 35 Ill. Adm. Code Subtitle F.~~
- e) ~~Loan projects must meet the applicable requirements of any other federal laws and authorities.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 662.160 Application Process

- a) In order to receive a loan under the PWSLP, loan applicants must apply with the Agency using the loan application process outlined in Subpart C. The process requires that:
- 1) the loan applicant submits a Funding Nomination Form pursuant to Section 662.310;
 - 2) the loan applicant submits a Project Plan pursuant to Section 662.320;
 - 3) the project undergoes State environmental review under Section 662.330;
 - 4) the project be placed on the Project Priority List pursuant to Section 662.340; and
 - 5) the loan applicant submits the following information:~~secures the loan agreement pursuant to Section 662.350.~~
 - A) a loan application as required by Section 662.350(a);
 - B) contracts for personal or professional services as required by Section 662.350(b);
 - C) a construction permit application, if necessary, as required by Section 662.350(c);

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- D) [pre-bidding plans and specifications with certification form, as required Section 662.350\(d\); and](#)
 - E) [bidding evaluation and certification forms as required by Section 662.350\(e\).](#)
- b) Loan applicants shall not execute a notice to proceed [authorizing the initiation of construction](#) until the loan agreement has been fully secured and executed.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.170 Waiver of Procedures

- a) Except as provided in subsection (b) or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, by a written statement to the loan recipient, either as a special condition of the loan or otherwise, provided the Director finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce a recipient's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the PWSLP. The waiver may be subject to such additional conditions as the Director deems necessary.
- b) In addition to all federal requirements, these procedures will not be waived:
- ~~1)~~ [Section 662.150 \(Other Federal Requirements\);](#)
 - ~~12)~~ Section 662.210 (Fixed Loan Rate);
 - ~~23)~~ Section 662.240 (Restructuring);
 - ~~34)~~ Section 662.320 (Project Plan);
 - ~~45)~~ Section 662.330 (State Environmental Review);
 - ~~56)~~ Section 662.340 (Project Priority List);
 - ~~67)~~ Section 662.350(a)(9) (Ability to Repay);
 - ~~78)~~ Section 662.460(a)(3) (Operation and Maintenance of the Project);

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- 89) Section 662.470 (Ongoing Auditing and Monitoring of Financial Capability);
- 910) Section ~~662.620(f)(3)~~~~662.620(a)(3)~~ (Wage Provisions);
- 1011) Section ~~662.620(f)(4)~~~~662.620(a)(4)~~ (Disadvantaged Business Enterprise Requirements);
- 1112) Section ~~662.620(f)(5)~~~~662.620(a)(5)~~ (Debarment and Suspension Certification);
- 1213) Section 662.630(a)(1) (Disadvantaged Business Enterprise Requirements); and
- 1314) Section 662.630(a)(4) (Debarment and Suspension Certification).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: FINANCING TERMS

Section 662.210 Fixed Loan Rate

The interest rate of the loan agreement shall be a fixed loan rate and shall be established as follows:

- a) Base 20 Year Rate – Loan agreements with a repayment period not to exceed 20 years shall have a fixed loan rate equal to 50% of the market interest rate (mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 through June 30 of the preceding State fiscal year rounded to the nearest 0.01%).
- b) Small Community Rate – A public water supply with a service population less than 25,000 that also meets any one of the following three criteria qualify for a fixed loan rate equal to 75% of the Base 20 Year Rate:
 - 1) The median household income of the public water supply's service population is less than the statewide average.
 - 2) The unemployment rate of the public water supply's service population is

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greater than the statewide average.

- 3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.0% of the median household income of the public water supply's service population.
- c) Hardship Rate – A public water supply with a service population less than 10,000 that also meets any one of the following three criteria qualify for a fixed loan rate of 1.0%:
- 1) The median household income of the public water supply's service population is below 70% of the statewide average.
 - 2) The unemployment rate of the public water supply's service population is at least 3.0 ~~percentage points~~% greater than the statewide average.
 - 3) The public water supply's annual user charge, based upon the average monthly bill of the public water supply's residential customers, is greater than 1.5% of the median household income of the public water supply's service population.
- d) Environmental Impact Discount – When at least 50% of the eligible project costs fund any of the following components, the loan applicant shall receive a 0.2% discount from the rates established in subsection (a), (b), or (c):
- 1) green infrastructure projects;
 - 2) projects lowering water demand;
 - 3) projects reducing energy demands at a public water supply; or
 - 4) projects involving the removal or replacement of lead in water mains or service lines.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.240 Restructuring

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All restructuring shall be consistent with the objectives of the SDWA and shall meet the requirements of this Part.

- a) A written request for the restructuring of the loan obligation must be submitted in writing to the Agency. Each written request for restructuring shall contain all of the following:
 - 1) The name of the applicant and the Agency loan number;
 - 2) A statement explaining when it was determined that restructuring was needed;
 - 3) A statement explaining all remedial measures taken prior to the determination that restructuring was needed;
 - 4) A statement explaining why restructuring is in the best interest of the State and the applicant;
 - 5) A description of the financing terms desired and the facts that the applicant believes warrant the Agency's approval of the restructuring; and
 - 6) A description of the applicant's financial capability and dedicated source of revenue for repayment of the restructured loan in accordance with Section 662.350(a)(8) through (a)(12).
- ~~b)~~ ~~The applicant must resubmit all financial and managerial capability documentation required under Section 662.350(a)(8) through (a)(12). The restructured loan must further meet all other requirements of this Part.~~
- ~~be)~~ The Agency will approve restructuring based on financial and economic considerations that may include, but are not limited to, the following:
 - 1) ~~the loan recipient's ability to repay the loan~~ good cause;
 - 2) circumstances beyond the control of the applicant; and
 - 3) the financial hardship the existing loan imposes on the loan recipient.
- ~~cd)~~ Restructured loan agreements shall have a fixed loan rate equal to the lesser of the

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fixed loan rate in the original loan agreement or the current appropriate fixed loan rate under Section 662.210.

- de) Except as provided in subsection (e)(f), the loan repayment period for a restructured loan cannot exceed the lesser of 20 years beyond the initiation of operation date, 20 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.
- ef) For a loan applicant that is a disadvantaged community, the loan repayment period for a restructured loan cannot exceed the lesser of 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period established by the original loan agreement, or the projected useful life of the project to be financed with proceeds of the original loan.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.250 Additional Subsidization~~Principal Forgiveness~~

All financial assistance from the PWSLP shall be in the form of low interest loans, with principal forgiveness terms used and applied as necessary to meet specific requirements of the federal Capitalization Grant Agreement. The availability, amounts, limitations, and method of distribution for any principal forgiveness of the loan amount shall be determined by the Director of the Agency based upon USEPA requirements and the terms of the Capitalization Grant Agreement, the SDWA, economic conditions, status of the Fund, and other relevant criteria.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: LOAN APPLICATION PROCESS

Section 662.310 Funding Nomination Form

- a) Every loan applicant shall submit to the Agency a signed and dated Funding Nomination Form~~funding nomination on Agency prescribed forms~~ that includes~~include~~, at a minimum, the following items:
- 1) Loan applicant information
 - A) name;

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- B) contact information; and
 - C) authorized representative – name and title;
- 2) Project Information
- A) project description including location;
 - B) project justification;
 - ~~C~~) cost; and
 - ~~D~~) project implementation schedule;-
- 3) Information necessary to score the loan applicant's project in accordance with Section 662.345.
- b) To ensure placement on the annual Project Priority List, loan applicants seeking financial assistance during any fiscal year commencing July 1 must annually submit a Funding Nomination Form required under subsection (a) by the preceding ~~March~~January 31.
 - c) The first submittal of the Funding Nomination Form must be submitted with a Project Plan as described in Section 662.320.
 - d) When a loan applicant is seeking more than one loan in a single fiscal year, a separate funding nomination form must be submitted for each loan requested.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.320 Project Plan

- a) Loan applicants shall submit to the Agency a Project Plan, with its initial Funding Nomination Form, that shall consist of plans and studies that are directly related to the construction or implementation of the proposed project. The Project Plan shall provide documentation on the need for the project for which loan assistance is being requested.

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- b) Planning previously or collaterally accomplished under local, State or federal programs may be utilized to the extent applicable. If any information required to be furnished as part of a Project Plan has been developed separately, it shall be furnished and incorporated by reference in the Project Plan.
- c) When applicable, the loan applicant shall also submit drafts of any intergovernmental agreements or demonstrations of legal authority necessary for project implementation.
- d) The Project Plan may include more than one construction project.
- e) The Project Plan shall include the following supporting data:
 - 1) A complete description of the selected public water supply or other systems, identification of any existing violations of federal or State regulations, and identification of the needs to be addressed by the proposed project;
 - 2) A discussion of the technical, financial, managerial, and environmental considerations that form the basis for the loan applicant's selection of the recommended project. When appropriate to the project scope, the following issues shall be addressed:
 - A) The relationship of the capacity of the selected alternative to the needs to be served, including reserve capacity;
 - B) A discussion of the operational requirements for the selected alternative and provisions for the ultimate disposal of waste by-products in accordance with State requirements;
 - C) An inventory of the relative environmental impacts of the selected alternative and a discussion of the measures that would be required during design and construction to mitigate or minimize negative environmental impacts; and
 - D) Adequate basis of design information for the selected alternative to confirm the reasonability of cost estimates;
 - 3) A detailed description of the alternative selected for loan assistance,

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including preliminary engineering data, complete cost estimates for design and construction, one or more 8.5 by 11 inch site map or maps locating areas of construction and indirect impacts, and a projected schedule for completion. The engineering data shall include, to the extent appropriate, flow diagrams, unit process descriptions, detention times, flow rates, unit capacities, etc., sufficient to demonstrate that the project proposed will be designed in accordance with 35 Ill. Adm. Code [Subtitle F370](#);

- 4) Any required comments or approvals from relevant federal, State, interstate, regional or local agencies;
 - 5) An implementation plan for the proposed recommendations, including necessary financial arrangements for the operation and maintenance of the project and repayment of the proposed loan amount, as well as the impact of these costs on the system users; and
 - 6) Information sufficient to support a determination as to whether any portion of the project addresses green infrastructure, energy efficient improvements, or other environmentally innovative activities.
- f) The Project Plan will be reviewed by the Agency under the State environmental review process specified in Section 662.330. If substantial changes are made to the project scope following submittal to the Agency, the Project Plan shall be revised or amended and resubmitted for review and approval.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.340 Project Priority List

- a) The Agency shall not provide financial assistance from the State Water Revolving Fund under this Part to projects that are not on the Agency's Project Priority List.
- b) The Agency shall develop a Project Priority List for each fiscal year beginning on July 1. Only loan applicants who have submitted a Funding Nomination Form will be placed on the Project Priority List. Loan applicants who have received project planning approval pursuant to Sections 662.320 and 662.330 before March 31 of the previous fiscal year will be scored, ranked and placed on the project priority list according to Section 662.345. Loan applicants who have not received project planning approval before March 31 of the previous fiscal year will be

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placed at the bottom of the Project Priority List in alphabetical order, as follows:

- 1) ~~Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320, and obtained Project Plan approval pursuant to Section 662.330 by January 31 of the previous fiscal year, will be scored, ranked, and placed on the Project Priority List according to 35 Ill. Adm. Code 663.~~
 - 2) ~~Projects that submit a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 by January 31 of the previous fiscal year, but that have not obtained Project Plan approval, will be placed on the Project Priority List below those scored and ranked pursuant to subsection (b)(1).~~
 - 3) ~~Projects that have submitted a Funding Nomination Form and Project Plan pursuant to Sections 662.310 and 662.320 after January 31 of the previous fiscal year will be placed on the Project Priority List after obtaining Project Plan approval pursuant to Section 662.330, but will not be placed on the Intended Funding List.~~
- c) The Agency shall publish the Project Priority List in the Intended Use Plan.
- d) Intended Funding List
- 1) The Agency shall identify the Intended Funding List in the Intended Use Plan. The Intended Funding List is comprised of the highest ranking projects on the Project Priority List that have been scored and ranked pursuant to subsection (b) and are scheduled to initiate construction prior to March 31 of the current fiscal year. ~~The, with the~~ total costs of all projects on the Intended Funding List shall not exceed~~equaling~~ the total amount of funds available.
 - 2) Projects on the Intended Funding List are afforded priority of resources, including, but not limited to, preference in securing a loan as soon as the necessary programmatic and financial steps are completed.
 - 3) Projects on the Intended Funding List are not guaranteed funding or principal forgiveness.

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- 4) Projects not on the Intended Funding List may receive funding in advance of those projects identified in the Intended Funding List according to the process set forth in subsection (e)~~when the bypass process criteria are met (see subsection (e))~~.
 - 5) ~~From July 1 through December 31, only projects on the Intended Funding List will be given a loan.~~
- e) Bypass Process and Surplus Funding
- 1) From January 1 through June 30 of each year, a project on the Intended Funding List may be bypassed, releasing any reserved funds, when the loan applicant has not:
 - A) submitted a loan application as required by Section 662.350(a);
 - ~~B) submitted all financial capability and dedicated source of revenue information for repayment of the loan required by Section 662.350(a)(8) through (a)(12);~~
 - BC) obtained all necessary construction permits; and
 - CD) established a bid opening date prior to March 31 of the current fiscal year~~†~~.
 - 2) A project on the Intended Funding List may be bypassed at any time, releasing any reserved funds, when the loan applicant notifies the Agency in writing that it does not intend to pursue funding during the current fiscal year.
 - 3) When a project is bypassed, the Agency will make the bypassed funds available for projects on the Project Priority List in the order in which the requirements of Section 662.410~~(a)~~ are satisfied by the loan applicant.
- f) Surplus Funding. When the total costs of projects on the Intended Funding List is less than the total amount of funds available, the Agency may make surplus funds available for projects on the Project Priority List by issuing a Letter of Commitment pursuant to Section 662.355.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.345 Loan Priority Score

- a) Projects will be scored and ranked for inclusion on the Project Priority List using the loan priority score methodology set forth in this Section.
- b) The Agency will calculate the loan priority score by totaling the points awarded in subsections (e) through (k).
- c) Applicants with a higher loan priority score will be ranked above applicants with a lower loan priority score on the Project Priority List.
- d) Only projects that have a submitted a Funding Nomination Form and have a project plan approved by the Agency will be scored pursuant to this Section.
- e) Compliance and Water Quality
 - 1) A maximum of 400 points may be awarded under this subsection (e).
 - 2) 150 points will be awarded if the project will remedy an acute violation or health hazard, as those terms are defined in Section 662.110.
 - 3) 100 points will be awarded if the project will remedy a chronic violation, as defined in Section 662.110.
 - 4) 75 points will be awarded if the project is expected to result in the applicant's removal from the Restricted Status List established in 35 Ill. Adm. Code 602.106 or Critical Review List established in 35 Ill. Adm. Code 602.107.
 - 5) 50 points will be awarded if the project will replace lead service lines.
 - 6) 25 points will be awarded if the project will result in the applicant's compliance with secondary maximum contaminant levels as set forth in 40 CFR 143.3 (2018).
- f) Protection of Water Source

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- 1) A maximum of 150 points may be awarded under this subsection (f).
 - 2) 150 points will be awarded if the applicant has implemented a Source Water Protection Plan as provided in 35 Ill. Adm. Code 604.
 - 3) 75 points will be awarded if the applicant has not implemented, but has obtained Agency approval of, its Source Water Protection Plan as provided in 35 Ill. Adm. Code 604.335.
- g) Protection of Assets
- 1) A maximum of 75 points may be awarded under this subsection (g).
 - 2) 75 points will be awarded if the applicant is implementing an asset management plan as defined in Section 662.110.
 - 3) 25 points will be awarded if the applicant is developing an asset management plan as defined in Section 662.110.
- h) Conservation and Green Infrastructure
- 1) A maximum of 70 points may be awarded under this subsection (h).
 - 2) 15 points will be awarded if the project includes or is based upon completion of a system-wide water audit (e.g., water loss accounting), or contains other quantifiable water conservation or efficiency measures, including, but not limited to, metering and water reuse.
 - 3) 10 points will be awarded if the utility rate structuring promotes water conservation.
 - 4) 10 points will be awarded if the project utilizes:
 - A) improved technologies and practices to reduce energy consumption or uses energy in a more efficient way; or
 - B) renewable energy to reduce water system expenditures or produces renewable energy through measures including, but not limited to, solar panels or wind turbines.

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- 5) 20 points will be awarded if the project contains resiliency components, including facilities built for redundancy, or if the project assists a loan applicant with planning for potential service disruptions, natural or manmade.
- 6) 15 points will be awarded if the project implements green infrastructure including, but not limited to, green roofs, pervious pavement, rainwater harvesting or cisterns, sustainable landscaping, constructed wetlands, LEED certified buildings, and riparian buffers.
- i) Readiness to Proceed
- 1) A maximum of 120 points may be awarded under this subsection (i).
- 2) 20 points will be awarded if the loan application required by Section 662.350(a) has been submitted to the Agency.
- 3) 20 points will be awarded if the applicant has obtained necessary permits to begin construction of the project or the Agency determines that no permit is required for the project.
- 4) 40 points will be awarded if the requirements of Section 662.350(a) through (d) have been satisfied.
- 5) 40 points will be awarded if the requirement of Section 662.350(e) has been satisfied.
- j) Economic Factors
- 1) A maximum of 135 points may be awarded under this subsection (j).
- 2) Medium Household Income (MHI). The following points will be awarded based on the MHI of the applicant's service population as a percentage of the statewide average MHI:

<u>Points</u>	<u>MHI as % of Statewide MHI</u>
<u>50</u>	<u>Below 70%</u>
<u>40</u>	<u>70 - 79.99%</u>

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<u>30</u>	<u>80 - 89.99%</u>
<u>20</u>	<u>90 - 99.99%</u>
<u>0</u>	<u>At or Above 100%</u>

- 3) User Rates. The following points will be awarded based on the average annual residential user fees after the project is constructed as a percentage of MHI of the applicant's service population (i.e., average annual user fees/MHI) x 100).

<u>Points</u>	<u>Rate as % of MHI</u>
<u>50</u>	<u>At or Above 2%</u>
<u>25</u>	<u>1 - 1.99%</u>
<u>0</u>	<u>Below 1%</u>

- 4) Unemployment Rate. The following points will be awarded when the applicant's unemployment rate is greater than the statewide average:

<u>Points</u>	<u>Unemployment Rate Percentage Points Greater than Statewide Average</u>
<u>35</u>	<u>3 percentage points or more</u>
<u>25</u>	<u>1.5 - 2.99 percentage points</u>
<u>15</u>	<u>0.1 - 1.49 percentage points</u>

k) Population

- 1) A maximum of 50 points may be awarded under this subsection (k).
- 2) Population. The following points will be awarded based on the applicant's service population.

<u>Points</u>	<u>Service Population</u>
<u>50</u>	<u>Less than 10,000</u>
<u>25</u>	<u>10,000 - 34,999</u>
<u>10</u>	<u>35,000 - 74,999</u>

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<u>0</u>	<u>At or Above 75,000</u>
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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 662.350 Loan Application and Other Documentation~~Securing the Loan Agreement~~

~~Before the Agency will issue a loan agreement~~~~After the Agency has approved the loan applicant's Project Plan~~, the loan applicant ~~must~~shall submit the following documents:

- a) An application, on forms prescribed by the Agency, which must include the following documents:
 - 1) Loan Program Certifications;
 - 2) Certification Regarding Debarment, Suspension and Other Responsibility Matters;
 - 3) Certification of Intent Regarding National Flood Insurance;
 - 4) Certification Regarding Project Site, Rights-of-Way, Easements and Permits;
 - 5) Authorization of a Representative to Sign Loan Documents;
 - 6) Certification that the loan applicant will comply with the American iron and steel requirements as required by USEPA~~An Engineering Service Procurement Report that certifies whether the contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services were negotiated in the same manner as a contract for architectural and engineering services under 40 USC 1101 et seq.;~~
 - 7) Any other executed legal agreements, including but not limited to, intergovernmental agreements necessary for project implementation;
 - 8) Proof of authority to incur debt for:
 - A) Public water supplies owned by a local government unit: documents such as, but not limited to, a certified copy of the

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enacted ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency, and proof the ordinance was adopted in accordance with State law, including publication and notice requirements when applicable; or

- B) Privately owned community water supplies: documents such as, but not limited to, a copy of board resolutions to incur the debt, Articles of Incorporation, By-laws, Partnership Agreements, or a legal opinion stating that the loan applicant has the authority to incur debt;
- 9) Documentation to support the loan applicant's ability to repay all principal and interest of the loan:
- A) A financial capability demonstration shall be submitted to the Agency for approval and shall contain:
 - i) detailed project costs;
 - ii) 5 year projected estimates of revenues;
 - iii) 5 year projected estimates of operation and maintenance costs;
 - iv) 5 year projected estimates of local capital costs; and
 - v) the most recent completed annual audited financial statements of the loan applicant;
 - B) A user charge system, when a user charge system is the dedicated source of revenue, shall be submitted to the Agency and shall:
 - i) be enacted and enforceable before the first loan disbursement (when applicable, approval of the rate increase by the Illinois Commerce Commission will be required);

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- ii) generate sufficient revenue to offset the cost for operation, maintenance and replacement required to be provided by the loan recipient for all projects authorized under this Part;
 - iii) be incorporated in one or more municipal legislative enactments or other appropriate authorizations;
 - iv) provide the average monthly cost of service for a residential customer based upon the average monthly water usage for a residential customer or the appropriate average monthly residential cost of service based upon the methodology established within the loan applicant's system of user charges. If the loan applicant has substantial industrial and/or commercial customers, the loan applicant must provide similar monthly user charge information for the customers within those rate classes. In addition, the loan applicant must provide the number of billed residential and industrial or commercial accounts;
- C) A dedicated source of revenue adequate to make loan repayments for the term of the loan. If the dedicated source of revenue is pledged in a subordinate position, the loan applicant must establish a reserve account that provides the Agency with the equivalent coverage and reserves as the senior lien holders. At a minimum, the reserve account shall be equal to the annual principal and interest payment funded within 2 years after the loan award;
- D) For a privately owned community water supply, appropriate legal documents will be provided to enable the Agency to perfect its security interest in the revenues of the loan applicant and other personal properties offered as security by filing the necessary information under the Uniform Commercial Code [810 ILCS 5];
- E) For a privately owned community water supply, approval from the Illinois Commerce Commission to incur debt, if applicable; and
- F) Upon request by the Agency, any other documentation necessary to demonstrate the loan applicant's ability to repay all principal and interest of the loan, including, but not limited to, a credit report.

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- 10) A legal opinion from the loan applicant's legal counsel with respect to the validity and enforceability of the loan applicant's obligations and the absence of conflicts with other agreements, bonds or ordinances;
 - 11) A Tax Exemption Certificate and Agreement; ~~and~~
 - 12) A project completion schedule; ~~and~~
 - 13) an active Data Universal Number System Identification (DUNS No) registered in the federal System for Award Management Systems.
- b) ~~Any contract or contract amendments for personal or professional services. An executed contract for design and construction related work~~ in accordance with Section 662.630 if financing is being requested for these specific costs.
 - c) ~~Design documents, including plans and specifications, for purposes of obtaining a construction permit application, or "authorization to construct", from the Agency, pursuant to 35 Ill. Adm. Code 602.200, whenever that permit is necessary to comply with the Act. 309.154 and 309.202, whichever is applicable.~~
 - d) Pre-bidding plans and specifications with the certification form prescribed by the Agency, which includes a draft of all documents required by Section 662.620. A certification of plans and specifications on a form prescribed by the Agency. The certification must be submitted prior to advertising for bids and must be accompanied by all bidding documents and specifications that shall include:
 - 1) ~~A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule (drawings and specifications may be made available for inspection instead of being furnished);~~
 - 2) ~~The terms and conditions of the contract to be awarded;~~
 - 3) ~~A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;~~
 - 4) ~~The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State~~

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~~of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;~~

~~5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;~~

~~6) A proposal form, to be used by all bidders, that includes the following language:~~

~~A) By submission of the bid, each bidder and, in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that in connection with the bid:~~

~~i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;~~

~~ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and~~

~~iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Article 33E-11 of the Illinois Criminal Code of 2012 [720 ILCS 5/33E-11];~~

~~B) Each person signing the bid shall certify that:~~

~~i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated and will not participate, in any action contrary to subsection (d)(6)(A); or~~

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- A) ~~this Part;~~
 - B) ~~the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;~~
 - C) ~~the Employment of Illinois Workers on Public Works Act [30 ILCS 570];~~
 - D) ~~the use of American Iron and Steel, if required by USEPA for that fiscal year;~~
 - E) ~~the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and~~
 - F) ~~all-controlling federal and State executive orders;~~
- 2) ~~The bid tabulations and selected bidder's proposal, along with any addenda issued by the loan applicant, if applicable;~~
 - 3) ~~An analysis of the bids and recommendations for the award of the bids;~~
 - 4) ~~A copy of the applicant's notice of intent to award;~~
 - 5) ~~A summary of the evidence that the contractor and engineer have met the disadvantaged business enterprise requirements pursuant to 40 CFR 33;~~
 - 6) ~~A copy of the selected bidder's certification that no funds made available by the PWSLP will be used for a project for the construction, alteration, maintenance, or repair of a public water supply unless all of the iron and steel products used in the project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the USEPA finds that:~~
 - A) ~~applying this subsection (e)(6) would be inconsistent with the public interest;~~

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- ~~B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or~~
- ~~C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25%; and~~
- ~~7) Certification from the loan applicant that all other bid requirements have been satisfied, including bid bond requirements, certifications and other legal documents required by State and federal law.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.355 Letter of Commitment

- a) Anytime during the fiscal year, the Agency may issue a letter of commitment reserving funds for a project, provided funds are available, if the following conditions have been met:
 - 1) The project is on the Project Priority List;
 - 2) The project is not on the Intended Funding List;
 - 3) the Agency has approved the loan applicant's Project Plan pursuant to Sections 662.320 and 662.330; and
 - 4) the Agency has approved the documents submitted pursuant to Section 662.350(a) through (d), including the issuance of any necessary construction permits.
- b) The Agency may include conditions in the letters of commitment that must be met to prevent the release of the funds. The conditions may include, but are not limited to, a schedule for bidding the project and beginning construction.
- c) Any funds reserved in a letter of commitment will be released at the end of the fiscal year.

(Source: Added at 43 Ill. Reg. _____, effective _____)

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SUBPART D: LOAN ISSUANCE, AUDITING AND RECORDKEEPING

Section 662.410 Loan Issuance

a) The Agency may, subject to the availability of funds, issue a loan agreement authorizing the initiation of construction of a project or activity listed in Section 662.130 when:

- 1) ~~the loan applicant has demonstrated it will comply with the conditions listed in Section 662.150(a);~~
- a2) the loan applicant submitted a Funding Nomination Form and the project is on the Project Priority List;
- b3) the Agency has approved the loan applicant's Project Plan pursuant to ~~Sections~~Section 662.320 and 662.330; and
- c4) the documents required by Section 662.350 have been submitted and approved by the Agency.
- b) ~~Any ordinance authorizing the loan recipient entry into a loan agreement or dedicating a source of revenue shall not be amended or superseded substantively or materially without the prior written consent of the Agency.~~
- e) ~~Annual principal and interest payments will commence not later than one year after completion of any project, and all loans will be fully amortized upon the expiration of the term of the loan. For purposes of this subsection (e), the completion date is the same as the initiation of operation date.~~
- d) ~~The Agency and its designated representatives shall have access, during normal business hours and at any other time during which work is being performed, to the premises where any portion of the work for which the PWSLP loan was provided is being performed.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.420 Post-Loan Issuance Construction Contract Requirements

- a) The loan recipient shall provide construction engineering and project monitoring to assure that the construction substantially conforms to the approved plans and

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specifications.

- b) The following procedures shall apply to construction contracts awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.
- 1) Executed Contract-~~Certification~~. For each construction contract awarded, the loan recipient shall submit an executed contract, performance and payment bond for the bid amount, certificate of insurance with the loan recipient added as additional insured, and the notice to proceed certification on forms provided by the Agency.
 - 2) Change Orders
 - A) When the loan recipient authorizes the contractor to add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit a change order to the Agency.
 - B) For each change order, the loan recipient shall submit to the Agency for approval the following documentation:
 - i) one copy of the fully executed change order signed by the loan recipient, construction engineer, and the contractor; and
 - ii) a description of any changes, with justification for the changes.
 - C) Prior approval by the Agency of a change order is required when a change order results in:
 - i) alterations in design scope that require a modification to a construction permit; or
 - ii) an increase in the amount of loan funds needed to complete the project.

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- D) Failure to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on those changes may result in disallowance of loan participation for costs incurred that are attributable to the change.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.430 Loan Eligible Costs

The loan recipient shall be paid, upon request, in accordance with Section 662.440, for all costs within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be eligible in accordance with the following criteria:

- a) Eligible project costs include all reasonable and necessary costs directly attributable to the project's planning, design, or construction that are not otherwise excluded by this Part. Categories of necessary costs include, but are not limited to, the following:
- 1) The direct purchase of materials, equipment, and personal services not under the approved construction contract necessary for the completion of a loan funded project;
 - 2) Professional and consultant services contracts necessary for planning, design, bidding, and construction of a loan funded project, except as elsewhere limited by this Part;
 - 3) Costs under approved construction contracts;
 - 4) Costs for premiums for required flood insurance during the project construction period;
 - 5) Costs for the acquisition of land only if needed for the purposes of locating eligible project components. The land must be acquired from a willing seller;
 - 6) Costs for restructuring loan recipients that are in significant noncompliance with any national primary drinking water regulation or variance or that lack the technical, financial, and managerial capability to

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ensure compliance with the requirements of the SDWA, unless the loan recipient is ineligible under Section 662.130(b)(2) or (b)(3); and

- 7) Costs under a construction contract executed prior to the award of the loan agreement only when the following conditions apply:
 - A) The loan applicant has received written approval from the Agency prior to the award of the construction contract; and
 - B) The project meets the definition of a compliance project in ~~accordance with~~ Section 662.110 or the project costs are associated with drilling and testing wells for source water quantity and quality; ~~and~~
 - ~~C) The project costs in subsection (a)(7)(B) were incurred and construction was initiated after July 1, 1993.~~
- b) Ineligible project costs include, but are not limited to, the following:
 - 1) Laboratory fees for routine compliance monitoring;
 - 2) Operation and maintenance expenses;
 - 3) Costs outside the scope of the approved Project Plan;
 - 4) Construction of any facilities that do not fall within the definition of a community water supply facility as contained in the SDWA or do not qualify in meeting the federal green project reserve requirements;
 - 5) Costs of projects whose main purpose is fire protection or servicing future growth.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.440 Disbursement of Loan Funds

- a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:

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- 1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices; and
 - 2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor; ~~and~~
 - ~~3) Enacted and enforceable system of user charges if not previously provided.~~
- b) Disbursements are subject to the appropriation of funds by the General Assembly.
 - c) Disbursements shall be processed in accordance with the loan agreement.
 - d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.
 - e) The loan recipient shall make prompt payment to the contractor.
 - f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the PWSLP.
 - g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the PWSLP receipt account within the Fund.
 - h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.460 Loan Closing and Issuance of Final Loan Amendment

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- a) The Agency shall conduct a project review to ~~ensure~~insure that all applicable loan conditions have been satisfied. After the final loan disbursement has been made and the project is complete, the loan recipient shall initiate the loan closing process by submitting the following to the Agency:
- 1) A release discharging the State of Illinois, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the loan, subject only to exceptions specified in the release.
 - 2) A final waiver from the contractor and a Certification of Payment that all bills have been paid.
 - 3) The Certificate Regarding O & M, on forms prescribed by the Agency that certifies the following:
 - A) Training pertaining to the proper operation and maintenance of the equipment and process units included in the project has been provided;
 - B) An operation and maintenance reference library is available and includes, but is not limited to, the following:
 - i) Manufacturer's literature, shop drawings, and warranties;
 - ii) The plans of record with valve indices for the equipment and process units included in the project; and
 - C) That the loan applicant employs or contracts the services of a certified operator pursuant to the Public Water Supply Operations Act [415 ILCS 45].
 - 4) If the loan project includes insurable structures that will be located within a designated floodplain area as defined in the National Flood Insurance Act of 1968 (42 USC 4001 ~~through~~—4127), written evidence that the loan recipient is participating in the National Flood Insurance Program or that construction areas have received official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.

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- A) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, and maintain the insurance for the entire useful life of the insurable structures.
 - B) The amount of insurance required shall be the lesser of the total project cost, excluding facilities that are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968.
 - C) The required insurance premium for the period of construction under this subsection (a)(4) shall be for an eligible project cost under Section 662.430 (Loan Eligible Costs).
- 5) Within 30 days after completion of project construction, the loan recipient shall submit, in writing to the Agency, the final change order, along with the contractor's final costs, and the plans of record. After receipt, the Agency may schedule a final onsite inspection provided that all necessary change orders have been submitted and approved.
- b) After the loan recipient has submitted all the loan closing documents in subsection (a), the Agency shall:
- 1) review and determine the final total and eligible costs;
 - 2) establish a final amortization schedule; and
 - 3) issue the loan recipient a final loan amendment.
- c) After final loan closing, Agency personnel or any authorized Agency representative shall have access to the project records as defined in Section 662.470 and to the project site during normal business hours ~~as required by Section 662.410(d)~~, to the full extent of the loan recipient's right to access.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.470 Ongoing Auditing and Monitoring of Financial Capability

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- a) The loan recipient shall maintain books, records, documents, reports, and other evidentiary material in accordance with generally accepted accounting principles and shall be subject to inspection and audit by the Agency or its authorized representative.
- b) For purposes of this Section, records shall include, but not be limited to, the following:
 - 1) Documentation of the receipt and disposition by the loan recipient of all financial assistance received for the project, including both State financial assistance and any matching share or cost sharing; and
 - 2) Documentation of the costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided.
- c) The loan recipient shall preserve and make its records available to the Agency or its authorized representative for the following periods:
 - 1) for all costs associated with design and construction, for 3 years after final loan closing;
 - 2) for all other accounting records concerning the loan, for 3 years from the date of the transaction; and
 - 3) for any longer period required by law or by subsections (d) and (e).
- d) If the loan is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for 3 years after any resulting final termination settlement.
- e) Records that relate to appeals in Section 662.650, litigation or the settlement of claims arising out of the performance of the PWSLP loan project, or to project costs and expenses to which exception has been taken by the Agency or its authorized representatives, shall be retained until the appeals, litigation, claims, or exceptions have been completed.
- f) The loan recipient shall maintain a separate account in its books to record the dedicated revenues for loan repayment.

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- g) The Agency or its authorized representative shall have access to all books, documents, papers, and records of the loan recipient for the purpose of making audit, examination, excerpts, and transcriptions in order to ensure compliance with subsection (k) and Section 662.350(a)(8) through (a)(12).
- h) The Agency will monitor all outstanding loans and the financial capability of the loan recipient on an ongoing basis. Upon request of the Agency, loan recipients shall submit additional documentation to support the loan applicant's ongoing ability to repay the loan pursuant to Section 662.350(a)(8) through (a)(12).
- i) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The loan recipient shall timely notify the Agency of all proposed changes to the dedicated source of revenue.
- j) Upon request, the loan recipient shall submit to the Agency a statement on the status of the account required by subsection (f) that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations, and other requirements of the loan agreement. The Agency's review shall be based on, but is not limited to, ensuring that the dedicated source of revenue is legally authorized, generates sufficient revenue, and is otherwise in accordance with this Part.
- k) The loan recipient shall review the dedicated source of revenue annually and revise user rates periodically to reflect actual public water supply operation, maintenance, and replacement costs. The Agency may request a report on the status of the user charge system, or dedicated source of revenue, including projected costs, actual costs, revenue generated, and fund balances at any time.
- l) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall require the loan recipient to reexamine the dedicated revenue source and restructure it as necessary.
- m) The loan recipient shall comply with the audit requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rules (2 CFR 200.Subpart F).

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- n) Any ordinance authorizing the loan recipient's entry into a loan agreement or dedicating a source of revenue for loan repayment shall not be amended or superseded substantively or materially without the prior written consent of the Agency.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART E: DELINQUENT LOAN REPAYMENTS AND NONCOMPLIANCE

Section 662.540 Termination

- a) Loan Termination by the Agency
- 1) The Agency, by written notice to the loan recipient, may terminate the loan in whole or in part. Cause for termination shall include, but not be limited to, the following:
 - A) failure by the loan recipient to comply with the terms and conditions of the loan;
 - B) after 10 days written notice from the Agency, failure by the loan recipient or any of its contractors or subcontractors to provide access as required by Section ~~662.620(i)~~662.620(d);
 - C) after 10 days written notice from the Agency, failure of the loan recipient or its contractors or subcontractors to make records available to the Agency ~~as required by Section 662.410(d)~~.
 - 2) Upon loan termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be deposited in the PWSLP, except for any portion that may be required to pay the eligible cost of materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination. In addition, any loan recipient, contractor or subcontractor found in noncompliance with Section ~~662.620(i)~~662.620(d) ~~or Section 662.410(d)~~ shall repay any loan funds previously spent.
- b) Project Termination by the Loan Recipient

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A loan recipient who wishes to terminate a project for which the loan has been provided must submit a written request to the Agency that documents good cause for the proposed termination. If the Agency agrees that there is good cause for termination of all or any portion of the project, it shall enter into a termination agreement with the loan recipient or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, it shall declare the loan in default, and all loan funds previously paid to the loan recipient, together with interest on the loan, shall be returned to the State of Illinois, in accordance with a schedule established by the Agency, for deposit into the PWSLP. Good cause to terminate a loan project includes, but is not limited to:

- 1) changes in economic circumstances within the loan recipient's service area; and
- 2) information that the approved treatment technology will not perform as originally anticipated.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 662.610 Requirements for Subagreements

The intent of this Subpart is to provide for maximum open and free competition in the procurement of materials, goods and services for the construction of projects funded from the PWSLP. Any procurement method, except as allowed under this Part, that significantly minimizes open and free competition will be prohibited. The following procedures shall apply to subagreements:

- a) **Local Preference**
Local laws, ordinances, regulations or procedures that are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be used in evaluating bids or proposals for subagreements under PWSLP loans.
- b) **Profits**
Only fair and reasonable profits may be earned by contractors in subagreements under PWSLP loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 662.620

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(Construction Contracts) is presumed to be reasonable. If a subagreement is not competitively bid, the loan recipient shall submit to the Agency its basis for determination of reasonable profit.

- cb) **Loan Recipient Responsibility**
The loan recipient shall be responsible for the administration and successful accomplishment of the project for which PWSLP loan assistance is provided. The loan recipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements, including, but not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained for that purpose. The individual or firm shall be deemed the loan recipient's agent and shall be subject to all the provisions of the loan agreement and all the provisions of this Part that apply to the loan recipient.
- de) **Privity of Contract**
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts) or to any solicitation or request for proposals under those subagreements.
- ed) **Subagreements shall:**
- 1) be directly related to the accomplishment of the loan recipient's approved work program;
 - 2) be in the form of an executed written agreement (except for small purchases of \$25,000~~\$150,000~~ or less);
 - 3) be for monetary or in-kind consideration; and
 - 4) not be in the nature of a grant or gift.
- fe) **Documentation**
- 1) Procurement records and files for purchases in excess of \$25,000~~\$150,000~~ shall include the following:

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- A) the basis for contractor selection;
 - B) the justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
 - C) the basis for award cost or price.
- 2) Procurement documentation as described in subsection ~~(f)(1)(e)(1)~~ shall be retained by the loan recipient or contractors for the period required by Section 662.470 (Ongoing Auditing and Monitoring Financial Capability).
- gf) Subagreements shall only be awarded to persons or organizations that:
- 1) Have adequate financial resources for performance;
 - 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
 - 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
 - 4) Have a satisfactory record of integrity, judgment, and performance;
 - 5) Have an adequate financial management system and audit procedure that is consistent with U.S. generally accepted auditing standards;
 - 6) Maintain a standard of procurement in accordance with this Part;
 - 7) Maintain a property management system that provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
 - 8) Conform to the civil rights, equal employment opportunity, and labor law requirements of this Part.
- hg) Fraud and Other Unlawful or Corrupt Practices

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- 1) The obtaining and administration of loans from the PWSLP, and of subagreements awarded by loan recipients, shall be free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient shall bear the primary responsibility for prevention and detection of that conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
- 2) The loan recipient shall effectively pursue available State or local legal and administrative remedies and take appropriate remedial action with respect to any allegations or evidence of illegality or corrupt practices brought to its attention. The loan recipient shall advise the Agency immediately when any allegation or evidence comes to its attention and shall periodically advise the Agency of the status and ultimate disposition of any matter.

ih) Negotiation of Subagreements

All subagreements greater than \$25,000 shall be awarded by formal advertising unless the loan recipient determines, and the Agency concurs, that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent and not be in conflict with other State statutes. Procurements may be negotiated by the loan recipient, if approved by the Agency, for the following reasons:

- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
- 2) The aggregate amount of the contract to be competitively negotiated is allowed by State law;
- 3) The materials or services to be procured are available from only one person or firm;
- 4) The procurement is for personal or professional services, or for any services to be rendered by an educational institution;
- 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or

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- 6) The procurement is for material or services for which the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for highly perishable materials; for resale; or for technical or specialized supplies requiring substantial initial investment for manufacture.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.620 Construction Contracts

The following procedures shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. They shall not apply to personal and professional service contracts.

- a) Each construction contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 662.610(i).
- b) The bid advertisement shall notify the bidders that the procurement will be subject to regulations contained in the following:
 - 1) this Part;
 - 2) the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor;
 - 3) the Employment of Illinois Workers on Public Works Act [30 ILCS 570];
 - 4) the use of American iron and steel as required by USEPA;
 - 5) the Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs (40 CFR 33); and
 - 6) all controlling federal and State executive orders.
- c) A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying. Bidding documents shall include:

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- 1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule;
- 2) The terms and conditions of the contract to be awarded;
- 3) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
- 4) The statement that any contract awarded in response to the bid is expected to be funded in part by a loan from the PWSLP, and that neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- 5) Responsibility requirements or criteria that will be used in evaluating bidders, provided that an experience requirement or performance bond may not be used unless adequately justified by the loan recipient;
- 6) A proposal form, to be used by all bidders, that includes the following language:
 - A) By submission of the bid, each bidder certifies, and in the case of a joint bid, each party to the joint bid certifies as to his or her own organization, that, in connection with the bid:
 - i) the prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to the prices with any other bidder or with any competitor;
 - ii) unless otherwise required by law, the prices quoted in the bid have not knowingly been directly or indirectly disclosed to any other bidder or to any competitor prior to opening; and
 - iii) no attempt has been made or will be made by the bidder to induce any other person or firm to submit or withhold a bid for the purpose of restricting competition. Also, each bidder shall submit a certification regarding compliance with Section 33E-11 of the Illinois Criminal Code of 2012 [720

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ILCS 51:

- B) Each person signing the bid shall certify that:
- i) he or she is the person in the bidder's organization responsible for the decision as to the prices being bid and that he or she has not participated, and will not participate, in any action contrary to subsection (c)(6)(A); or
 - ii) he or she is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he or she has been authorized to act as agent certifying that the persons determining the prices have not participated, and will not participate, in any action contrary to subsection (c)(6)(A), and as the bidder's agent shall so certify. He or she shall also certify that he or she has not participated, and will not participate, in any action contrary to subsection (c)(6)(A).
- d) If the loan applicant wishes to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the loan applicant shall send written addenda to all firms who have obtained bidding documents in time to be considered prior to the bid opening. When appropriate, the time period for submission of bids shall be extended. All addenda to the bidding documents shall be submitted to the Agency for approval.
- e) Awarding the Contract
- 1) After bids are opened, they shall be evaluated by the loan applicant in accordance with the methods and criteria set out in the bidding documents.
 - 2) The loan applicant shall submit a bid evaluation to the Agency that contains the following:
 - A) a copy of the newspaper ad and the certificate of publication or equivalent;
 - B) the bid tabulations;

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- C) any addenda issued by the loan applicant, if applicable;
 - D) an analysis of the bids and recommendations for the award of the bids;
 - E) a copy of the loan applicant's notice of intent to award;
 - F) selected bidder's proposal and bid bond or cashier's check for not less than 5% of the bid amount;
 - G) a summary of the evidence that the selected bidder has met the disadvantaged business enterprise requirements of 40 CFR 33;
 - H) a copy of the selected bidder's certification regarding the use of American iron and steel products;
- 3) The loan applicant may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the Agency issues the loan agreement or provides other written permission; and
- 4) If the award is intended to be made to a firm that did not submit the lowest bid, prior to any award the loan applicant shall submit to the Agency a written statement explaining why each lower bidder was deemed not responsive or not responsible.
- f) Each construction contract shall include the following provisions:
- 1) Audit; Access to Records
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work in accordance with generally accepted accounting principles. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under Section 662.420(b)(2) and a copy of the cost summary submitted to the owner. The Illinois Auditor General, the owner, the Agency, or any of their authorized representatives shall have access to the books, records, papers,

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documents, and other evidence for purposes of inspection, audit, examination, excerpts, transcriptions, and copying. The contractor shall provide facilities for access and inspection.

- B) For a formally advertised, competitively awarded, fixed price contract, the contractor shall include access to records as required by subsection (a)(1)(A) for all negotiated change orders and contract amendments in excess of ~~\$25,000~~\$150,000 that affect the contract price. In the case of all other prime contracts, the contractor shall agree to include access to records required by subsection (a)(1)(A) in all contracts and all tier subcontracts or change orders in excess of ~~\$25,000~~\$150,000 that are directly related to project performance.
- C) Audits shall be in accordance with U.S. generally accepted auditing standards.
- D) The contractor shall agree to the disclosure of all information and reports resulting from access to records required by subsection (a)(1)(A). When the audit concerns the contractor, the auditing agency shall afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) The records required by subsection (a)(1)(A) shall be maintained and made available during performance of the work under the loan agreement and for 3 years after the date of final loan audit. In addition, records that relate to any dispute or litigation or the settlement of claims arising out of any performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after resolution of the dispute, appeal, litigation, claim, or exception.
- F) The right of access will generally be exercised with respect to financial records under:
- i) negotiated prime contracts;

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- ii) negotiated change orders or contract amendments in excess of ~~\$25,000~~\$150,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) The right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, the right of access shall be exercised under any type of contract or subcontract:
- i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and
 - ii) if there is any indication that fraud, gross abuse, or corrupt practices may be involved in the award or performance of the contract or subcontract.
- 2) **Covenant Against Contingent Fees**
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee.
- 3) **Wage Provisions**
The contractor shall pay prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148) as defined by the US Department of Labor.
- 4) **Disadvantaged Business Enterprise Requirements**
The contractor shall provide evidence that the contractor has taken affirmative steps in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of

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supplies, equipment, construction, and services, consistent with the provisions of the Agency's Operating Agreement with USEPA.

- 5) Debarment and Suspension Provisions
The contract shall require the successful bidders to submit a Certification Regarding Debarment, Suspension and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
- 6) Nonsegregated Facilities Provisions
The ~~contractor~~successful bidder shall be required to submit a certification of nonsegregated facilities as prescribed by 18 USC 1001.
- 7) American Iron and Steel
The ~~contractor~~successful bidder shall be required to use American Iron and Steel, if required by USEPA for that fiscal year.
- 8) A clause that provides:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

gb) Subcontracts Under Construction Contracts

The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by the prime contractor shall comply with:

- 1) all applicable provisions of federal, State, and local law;
- 2) all provisions of this Part regarding fraud and other unlawful or corrupt practices;
- 3) all provisions of this Part with respect to access to facilities, records and audit of records; and

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- 4) all provisions of subsection (fa)(5) that require a Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with any controlling federal Executive Orders.

he) Contractor Bankruptcy

In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company, including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

- id) Every contract entered into by the loan recipient for construction work, and every subagreement, shall provide Agency representatives with access to the work. The contractor or subcontractor shall provide facilities for the access and inspection.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 662.630 Contracts for Personal and Professional Services

All subagreements for personal and professional services for design or construction expected to exceed ~~\$25,000~~\$150,000 in the aggregate shall include the following subagreement provisions.

- a) Subagreements for personal and professional construction services shall include:
 - 1) Evidence that affirmative steps have been taken in accordance with 40 CFR 33 to assure that disadvantaged business enterprises are used when possible as sources of supplies, equipment, construction, and services consistent with the provisions of the Agency's Operating Agreement with USEPA.
 - 2) An audit and access to records clause that provides as follows:
 - A) Subsections (a)(2)(B) through (E) shall be included in all contracts and all subcontracts directly related to project services that are in excess of \$25,000~~\$150,000~~.

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- B) Books, records, documents, and other evidence directly pertinent to performance of PWSLP loan work under this agreement shall be maintained in accordance with generally accepted accounting principles. The Agency or any of its authorized representatives shall have access to the books, records, documents, and other evidence for the purpose of inspection, audit, and copying. Facilities shall be provided for access and inspection.
- C) Audits conducted pursuant to this provision shall be in accordance with auditing standards generally accepted in the United States.
- D) All information and reports resulting from access to records pursuant to subsection (a)(2)(B) shall be disclosed to the Agency. The auditing agency shall afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report shall include the written comments, if any, of the audited parties.
- E) Records under subsection (a)(2)(B) shall be maintained and made available during performance of project services under this agreement and for 3 years after the final loan closing. In addition, those records that relate to any dispute pursuant to Section 662.650 (Disputes), litigation, the settlement of claims arising out of project performance, costs or items to which an audit exception has been taken shall be maintained and made available for 3 years after the resolution of the appeal, litigation, claim or exception.

- 3) A covenant against contingent fees clause as follows:

"The professional services contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee."

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- 4) A Certification Regarding Debarment, Suspension, and Other Responsibility Matters (EPA Form 5700-49) showing compliance with federal Executive Order 12549.
- 5) A description of the scope and extent of the project work.
- 6) The schedule for performance and completion of the contract work including, when appropriate, dates for completion of significant project tasks.
- 7) A method of compensation.
- 8) A clause as follows:

"No contractor or subcontractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor or subcontractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under the PWSLP. Failure by the contractor or subcontractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

- b) Subagreements for personal and professional design services shall include the subagreement provisions contained in subsections (a)(2) through (a)(4). In addition, the subagreements shall be accompanied by a statement regarding the use of disadvantaged business enterprises during the design service phase.
- c) Amendments. When the loan recipient authorizes a change that would add, delete, or revise the work within the general scope of the contract documents, or authorizes an adjustment in the contract price or contract time, the loan recipient shall submit one copy of the fully executed contract amendment signed by the loan recipient and the professional services provider. Failure to give timely notice of contract amendments may result in disallowance of loan participation for costs incurred that are attributable to the change. If, at the time of contract execution, any of the elements required in this Section 662.630 cannot be defined adequately for later tasks, those tasks shall not be included in the contract and are not eligible for funding until a subsequent amendment to the contract is executed containing any necessary elements required by this Section.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Priorities of Projects in the Public Water Supply Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 663
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
663.110	Repealed
663.120	Repealed
663.130	Repealed
663.140	Repealed
663.150	Repealed
663.160	Repealed
663.210	Repealed
663.220	Repealed
663.230	Repealed
663.240	Repealed
663.250	Repealed
663.260	Repealed
663.270	Repealed
663.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois EPA proposes to adopt new rules establishing loan priorities in Section 662.345, and therefore seeks to repeal the existing rules in Part 663.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
joanne.olson@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any public water supply seeking a loan from the Public Water Supply Control Loan Program.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 663

PROCEDURES AND REQUIREMENTS FOR DETERMINING LOAN PRIORITIES OF
PROJECTS IN THE PUBLIC WATER SUPPLY LOAN PROGRAM (REPEALED)

SUBPART A: INTRODUCTION

Section

663.110	Purpose
663.120	Definitions
663.130	Incorporation by Reference
663.140	Priority System and Project Priority List
663.150	Pre-applications
663.160	Project Planning

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY INDEX

Section

663.210	Formula for Computing the Loan Priority Index
663.220	A1 Factor (Population)
663.230	A2 Factor (Project Need)
663.240	A3 Factor (Financial Hardship)
663.250	A4 Factor (Source Water Protection)
663.260	A5 (Small Community Water Systems)
663.270	Scoring Conventions
663.APPENDIX A	Service Continuation Scoring Sheet

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 10081, effective July 17, 1997, for a maximum of 150 days; emergency expired on December 13, 1997; adopted at 22 Ill. Reg. 3764, effective February 10, 1998; amended at 24 Ill. Reg. 16236, effective November 1, 2000; repealed at 43 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

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Section 663.110 Purpose

This Part sets forth the procedures and requirements established by the Illinois Environmental Protection Agency (Agency) for determining priorities in awarding financial assistance for the construction of public water supply facilities under the Environmental Protection Act (the Act) [415 ILCS 5] and the federal Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300f).

Section 663.120 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5], the federal Safe Drinking Water Act (42 USC 300f) and regulations adopted under these Acts, including 35 Ill. Adm. Code: Subtitle F, Part 662.

- b) For purposes of this Part, the following definitions apply:

"Acute Violation" – Exceedance of a maximum contaminant level (MCL) or treatment technique requirement for a contaminant that would cause an acute health effect with a sudden onset, sharp rise and short course of illness as provided in the National Primary Drinking Water Rules (40 CFR 141.32).

"Agency" – Illinois Environmental Protection Agency.

"Chronic Violation" – Exceedance of an MCL or treatment technique requirement for a contaminant that would cause a health effect of a chronic nature requiring a long exposure to the contaminant before effects occur, as provided in National Primary Drinking Water Regulations (40 CFR 141.32).

"Fund" – The Water Revolving Fund authorized by 415 ILCS 5/19.3, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program and the Loan Support Program.

"Health Hazard Determination" – A Health Hazard Determination exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in U.S. Environmental Protection Agency

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(USEPA) Health Advisories, or by the Illinois Department of Public Health or by the Centers for Disease Control and Prevention or which otherwise pose an immediate threat to public health.

"Intended Use Plan" – A plan which includes a description of the short and long term goals and objectives of the PWSLP, project categories, terms of financial assistance, communities and populations benefitted.
[415 ILCS 5/19.2(e)]

"Maximum Contaminant Level" (MCL) – The maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

"Monthly Operating Reports" – Reports submitted monthly by public water supplies that report on the operation of the water supply, including water pumpage, chemical additions, chemical residuals and maintenance.

"PWSLP" – The Public Water Supply Loan Program as authorized by 415 ILCS 5/19.1 through 19.9.

"Priority System" – A methodology used to rank projects for inclusion on the Project Priority List.

"Project Priority List" – An ordered listing of projects developed in accordance with this Part 663 which the Agency has determined are eligible to receive financial assistance from the PWSLP.

"SDWA" – The federal Safe Drinking Water Act, 42 USC 300f.

"Treatment Technique Requirement" – An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

"Wellhead Protection Program" – The wellhead protection program for the State of Illinois, approved by the USEPA under Section 1428 of the federal SDWA (42 USC 300h-7).

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Section 663.130 Incorporation by Reference

U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census: 1990 Census Population and Housing: Summary Social, Economic, and Housing Characteristics, Illinois, Table 9, 1990 CPH-5-15 (no later editions or amendments).

Section 663.140 Priority System and Project Priority List

- a) Financial assistance will be provided from the PWSLP only to projects which are identified on the Project Priority List.
- b) Projects will be ranked for inclusion on the Project Priority List using the methodology set out in Subpart B of this Part.
- c) The Agency will provide the list to individual members of the public upon request. All public comments received will be taken into account in establishing the Project Priority List.
- d) A project with approved project planning may be added to the Project Priority List at any time by the submission of a pre-application form.

Section 663.150 Pre-applications

- a) A potential applicant may submit a pre-application form, in accordance with 35 Ill. Adm. Code 662.420, at any time. Copies of the pre-application form and instructions can be obtained from the Illinois Environmental Protection Agency, Infrastructure Financial Assistance Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276.
- b) An applicant is required to renew its pre-application form annually.
- c) Pre-application forms must be received by March 31 of the preceding fiscal year to be included on the Project Priority List and on the Intended Use Plan.

Section 663.160 Project Planning

- a) The priority of projects on the Project Priority List will be adjusted to reflect completed and approved project planning.

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- b) Projects on the Project Priority List may be split into more than one project, deleted or modified as a result of the approval of the project planning (see 35 Ill. Adm. Code 662: Subpart E).

SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY INDEX

Section 663.210 Formula for Computing the Loan Priority Index

The Loan Priority Index (LPI) is a number that is calculated from five factors. The LPI is calculated as follows: $A1 + A2 + A3 + A4 + A5 = LPI$.

Section 663.220 A1 Factor (Population)

A1 is a factor which evaluates the existing population that is served by the proposed project. A1 is calculated as log base 10 of the number of persons served by the project, with a maximum value of 5.30 points. The applicant shall provide the population served figure, which will be verified during the project planning process.

Section 663.230 A2 Factor (Project Need)

A2 is a factor that evaluates and quantifies eligible drinking water needs associated with a proposed project. The need for the proposed projects will be quantified by using the most appropriate of the following methodologies:

- a) For projects that meet the Health Hazard Determination criteria set out in Section 663.120, the A2 score will be 100 points.
- b) For projects that will correct violations of the Safe Drinking Water Act determined through compliance monitoring, points will be awarded based on the seriousness of the violations that make the project necessary. The violations will be quantified from the applicant's Monthly Operating Reports. The values for the violations are as follows:
- 1) Acute Violation 75 points;
 - 2) Chronic Violation 50 points.

For projects that will prevent future acute or chronic violations and

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address a need that has been demonstrated by compliance monitoring, Section 663.270 allows for assigning a portion of the acute and chronic violation points for priority scoring purposes.

- c) For projects that will correct violations of the State's protection of public health rules regarding adequate pressure, transmission, and storage of drinking water, as contained in 35 Ill. Adm. Code 653 and as determined by the Agency's Field Operations Section, the initial A2 value will be 20 points. This value will be augmented by the points assigned from the Service Continuation Scoring Sheet (Appendix A) based on information contained in the approved project planning report and Agency inspection.
- d) Projects that will extend or provide community drinking water to an area currently served by private wells will receive a score of 15 points, plus a need factor which will be quantified from the percentage of private wells found to be out of compliance with regulations or advisories administered by the Illinois Department of Public Health and which pose a potential threat to public health based on sampling or inspection as determined by the health authority responsible for the area to be served. The percentage of wells, expressed as a decimal, that are unsatisfactory will be multiplied by 10 and the result added to the 15 points to complete the A2 score.
- e) Renovation, repair, reconstruction or replacement of facilities to maintain the safe and adequate water supply capabilities for which they were designed and to enable their continued service will be scored by completion of the Service Continuation Scoring Sheet (Appendix A). The assigned values which will be based on information contained in the approved project planning report and Agency inspection will be used as the A2 factor in the LPI calculation up to a maximum of 20 points.

Section 663.240 A3 Factor (Financial Hardship)

A3 is a factor which adds points for applicants that have a higher rate of unemployment than the State average (as provided by the Illinois Department of Employment Security), and includes points for the percentage of persons in poverty (as determined from the 1990 Census figures for social, economic and housing characteristics). The A3 factor is calculated by adding the unemployment percentage points to the persons in poverty points from the following tables:

Percentage Above State Average Unemployment Rate

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<u>Percentage</u>	<u>Points</u>
0.1 – 2.0	1.25
2.1 – 4.0	2.50
4.1 – 6.0	3.75
6.1 and above	5.00

Percentage of Persons in Poverty

<u>Percentage</u>	<u>Points</u>
5.0 – 10.0	1.00
10.1 – 15.0	2.00
15.1 – 20.0	3.00
20.1 – 25.0	4.00
25.1 and above	5.00

Section 663.250 A4 Factor (Source Water Protection)

A4 is a factor that adds points for applicants that have taken specific steps to protect their source water or have incorporated water conservation measures in their approved project planning report. These points will be awarded by the Agency for the program elements as follows:

- a) Community Water Supplies that have incorporated water conservation measures as a cost-effective alternative to additional capacity. 1.0 point
- b) Community Water Supplies that have committed to the Agency to develop source water protection programs through one of the following mechanisms: 0.5 point
 - 1) Consent decree or compliance initiative agreement;
 - 2) Federal Safe Drinking Water Act Monitoring Waiver Program as

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described in 35 Ill. Adm. Code
611.110(e); or

- 3) Written commitment to pursue wellhead protection program.
- c) Community Water Supplies that have delineated their source water protection areas by one of the following mapping techniques: 0.5 point
- 1) For surface water sources: An Agency approved delineation of the watershed boundary;
 - 2) For groundwater sources: An Agency approved delineation of the recharge area.
- d) An Agency approved inventory of potential point sources of contamination. 0.5 point
- e) For completion of a contingency plan as described in Sections 1413(a)(5) and 1428(a)(5) of the federal Safe Drinking Water Act (42 USC 300g and 300h-7). 0.5 point
- f) For development of a Management Program for source water protection as described in the State Source Water Assessment and Protection Guidance prepared by USEPA pursuant to Section 1453 of the federal Safe Drinking Water Act (42 USC 300j-13). 1.0 point

Section 663.260 A5 Factor (Small Community Water Systems)

A5 is a factor that provides a five point bonus to community water systems serving populations of less than 10,000.

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Section 663.270 Scoring Conventions

- a) For purposes of assigning the A2 factor, projects that are being proposed to meet regulations that have been published in the Federal Register but have a future effective date will be considered the same as projects to correct violations of regulations that are already in effect.
- b) Projects that are being proposed to prevent future acute or chronic violations predicted by compliance monitoring are eligible for A2 factor points as follows:
 - 1) The applicant's compliance monitoring records must show concentrations of the contaminant to be controlled of at least 75% of the acute or chronic violation limit (existing contaminant concentration divided by acute/chronic limit x 100 = % violation limit);
 - 2) The A2 points for the project will be calculated by multiplying the percentage violation limit by the appropriate acute or chronic A2 points in Section 663.230(b).
- c) For integrally related projects which require construction by more than one applicant, each project will proceed at the Loan Priority Index of the component project with the most favorable priority ranking.
- d) Where adequate data is not available to calculate an A1 or A2 factor, a value of 1.0 will be assigned.

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Section 633.APPENDIX A Service Continuation Scoring Sheet

SERVICE CONTINUATION SCORING SHEET

Scoring Elements Points

I. Raw Water Source

A. Groundwater

- 1. Is source adequate to meet maximum average daily demand with the largest well out of service? Yes ___/No _____. (If no, score 3 points for <75% of maximum average daily demand, 2 points for 75% to 90% of maximum average daily demand, or 1 point for 90% to 99% of maximum average daily demand.) _____
- 2. What is the average age of the wells? _____ years. (Score 1 point if over 20 years, score 2 points if over 30 years.) _____
- 3. Are there any well casing defects (i.e., not 18 inches above ground level, leaking or deteriorating casing, improper casing material, etc.)? Yes___ / No _____. (If yes, score 1 point for each defect, maximum 2 points.) _____
- 4. Are there any potential sources of contamination within the setback zone or well recharge area? Yes ___/No _____. How many potential sources? ____ (Score 1 point for each potential source, maximum of 2 points.) _____
- 5. Have any aesthetic problems caused by secondary MCL exceedances been documented (i.e., iron, manganese, hardness, total dissolved solids, etc.)? Yes___/No _____. (Score 1 point if yes.) _____
- 6. Is the raw water metered? Yes ___/No _____. (Score 1 points if water is un-metered.) _____

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- 7. Are there any wells under the direct influence of surface water? Yes ___/No ___. (Score 3 points if any well is under the direct influence of surface water.) *(If surface water type treatment is provided, do not score this point.)* _____
- 8. Were there any well pump failures during the last 5 years? Yes ___/No ___. (Score 1 point if 2 or more failures, 2 points if 5 or more failures.) _____
- 9. Are any of the wells in below grade pits? Yes ___/No ___. (Score 1 point for each well in a pit, maximum 2 points.) _____
- 10. Are there any customers on the raw water transmission line that do not receive fully treated water? Yes ___/No ___. (If yes, score 2 points.) _____

Total Raw Groundwater Source

Points

B. Surface Water Source

- 1. Is the raw source adequate for maximum seasonal demand? Yes ___/No ___. Is the raw source adequate for a drought condition? Yes ___/No ___. (If inadequate for a drought condition, score 1 point, if inadequate for maximum seasonal demand score 3 points.) _____
- 2. Does the raw water meet raw water quality requirements? Yes ___/No ___. Is there synthetic organic chemicals contamination? Yes ___/No ___. NO₃ contamination? Yes ___/No ___. (If yes to either question, score 2 points.) _____
- 3. Is there deterioration of concrete structures? Yes ___/No ___. (If yes, score 1 point if structures are deteriorated, 3 points if deterioration threatens continued operation.) _____

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- 4. Are raw water pumps adequate to meet maximum average daily demand with the largest pump out of service? Yes ___/No ___. (If no, score 3 points for <75% of maximum daily use, 2 points for 75% to 90% of maximum average daily use, or 1 point for 90% to 99% of maximum average daily demand.) _____
- 5. Can the pumps operate to design specifications? Yes ___/No ___. (Score 1 point for no.) _____
- 6. Are raw water pumps protected from flooding? Yes ___/No ___. (Score 1 points for no.) _____
- 7. Can raw water be selected from multiple intake levels? Yes ___/No ___. (Score 1 point for no.) _____
- 8. Is the raw water transmission line sized to provide adequate raw water for both current and projected future demands? Yes ___/No ___. (Score 1 point for future inadequacy, 2 points for current inadequacy.) _____
- 9. Are there any customers that receive untreated water from the transmission line? Yes ___/No ___. (Score 1 point for yes.) _____
- 10. Are there alternate sources of raw water? Yes ___/No ___. Are there alternate sources of finished water? Yes ___/No ___. (If both answers no, score 2 points.) _____
- 11. Does the reservoir have a siltation problem that requires periodic dredging? Yes ___/No ___. (Score 1 point if yes.) _____

Total Raw Surface Water Source

Points

II. Water Treatment Plant

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1. How many years since the treatment facilities were last upgraded? ____ years. (Score 1 point if over 10 years, 2 points if over 20 years and 3 points for over 40 years.) _____
2. Is the treatment plant capacity adequate to meet maximum average daily demand? Yes ___/No ___. (Score 2 points for 75% of demand or 1 point for 75% to 99% of demand.) _____
3. List the number of water outages during the last 5 years caused by treatment plant mechanical failures that resulted in a boil order being issued. ____ outages. (Score 1 point for each outage up to 4.) _____
4. Is there corrosion of the metal structures to be replaced or renovated? Yes ___/No ___. (If yes, score 1 point if metal structure is rusting and pitted, score 2 points if structure is leaking, and 3 points if corrosion threatens threatens continued operation of the facility.) _____
5. Is there deterioration of concrete structures? Yes ___/No ___. (If yes, score 1 point if structure is deteriorated, 3 points if deterioration threatens continued operation.) _____
6. Is backup equipment available so that equipment maintenance can be performed without stopping operation? Yes ___/No ___. (If no, score 1 point if equipment to have maintenance can be by-passed, 2 points if equipment to have maintenance cannot be by-passed.) _____
7. Is existing treatment capable of continuously providing water that complies with primary and secondary MCLs and health advisories? Yes ___/No ___. (If no, score 1 point for secondary MCL and 2 points for primary MCL or health advisory.) _____
8. Is required safety equipment such as rubber gloves, goggles and air packs available and in good repair and are _____

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water supply personnel trained in the proper use of the equipment? Yes ___/No ___. (Score 1 point if equipment not available or staff not trained.)

Total Water Treatment Plant

Points

III. Distribution System

- 1. Are there undersized water mains? Yes ___/No ___. (If yes, score 2 points.)
- 2. Are mains looped and dead ends minimized? Yes ___/No ___. (If no, score 1 point.)
- 3. What is the per cent of unaccounted for water? ____%. (If over 10%, score 1 point; if over 20%, score 2 points.)
- 4. Is there an accurate up-to-date map to locate mains, valves and service taps? Yes ___/No ___. (If no, score 1 point.)
- 5. Is adequate distribution pressure maintained in all parts of the system under all conditions? Yes ___/No ___. (If no, score 1 point for localized low pressure area, 2 points if widespread low pressure.)
- 6. Is there an adequate number of valves to isolate main breaks and do the valves function properly? Yes ___/No ___. (If no, score 1 point.)
- 7. Are all mains constructed of approved materials? Yes ___/No ___. (If no, score 1 point.)
- 8. Are there any lead pigtails or service lines? Yes ___/No ___. (If yes, score 1 point.)
- 9. How many water main breaks have occurred in the past 5 years? ___ (Score 1 point for 5 or more and 2 points for 10 or more.)

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- 10. Is there a proper separation between all water mains and sources of contamination? (Storm sewers, sanitary sewers, septic tanks and leaching fields, etc.) Yes ___/No ___. (If no, score 2 points.) _____
- 11. How old are the water mains for the planned project? ___ years. (Score 1 point if over 30 years old, 2 points if over 40 years old.) _____
- 12. Are all services metered? Yes ___/No ___. (If no, score 1 point.) _____
- 13. Have there been aesthetic complaints (color, taste, odor, etc.) from the distribution systems? Yes ___/No ___. (If yes, score 1 point.) _____
- 14. Does each customer have an individual service connection? Yes ___/No ___. (If no, score 1 point.) _____

Total Distribution System

Points

IV. Finished Water Storage

- 1. Is the total amount of storage adequate? Yes ___/No ___. (If no, score 3 points if storage is <50% adequate, 2 points if storage is 50% to 75% adequate, and 1 point if storage is 75% to 99% adequate.) _____
- 2. Are manholes properly constructed and secured? Yes ___/No ___. (If no, score 1 point for each improperly constructed/secured facility, maximum 2 points.) _____
- 3. What is the age of the affected water storage facility? ___ years. (Score 1 point for over 20 years old, 2 points for over 30 years old.) _____
- 4. Are vents and overflows properly constructed and screened? Yes ___/No ___. (If no, score 1 point.) _____

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- 5. Is there corrosion of the metal structures to be replaced or renovated? Yes ___/No ___. (If yes, score 1 point if metal structure is rusting and pitted, score 2 points if structure is leaking, and 3 points if corrosion threatens continued operation of the facility.) _____
- 6. Is there deterioration of concrete structures? Yes ___/No ___. (If yes, score 1 point if structures are deteriorated, 3 points if deterioration threatens continued operation.) _____
- 7. For pressure storage, is the tank above ground and are appropriate appurtenances available (i.e., manhole, site glass, means of adding or releasing air, by-pass, etc.)? Yes ___/No ___. (If no, score 1 point if hydropneumatic storage does not comply with standards, score 1 point if system relies on buried pressure tank, maximum 2 points.) _____
- 8. Is the affected storage facility in need of painting and/or other preventive maintenance or rehabilitation? Yes ___/No ___. (If yes, score 1 point; if lead based paint needs removal/ repainting, score 2 points.) _____
- 9. Are storage facilities designed and constructed so that all parts of the distribution system have adequate pressure? Yes ___/No ___. (If no, score 2 points.) _____

Total Finished Water Storage

Points

BONUS POINTS

Score one point for each of the following items that are answered yes.

- 1. Is an Active Cross-Connection Control Program documented and being implemented? Yes ___/No ___. _____
- 2. Are one or more certified operators employed, and is there a Certified Operator in Responsible Charge _____

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(ROINC) for both treatment and distribution on site daily? Yes ___/No ___.

3. Does the facility participate in area local cooperative management and emergency response activities (JULIE, information/equipment loan to nearby water supplies, etc.)? Yes ___/No ___.

4. Is a current, workable emergency plan in place and readily available to operational personnel? Yes ___/No ___.

5. Does this supply have a documented active source water protection program in place? Yes ___/No ___.

Total Bonus Points

Total Project Points

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.491 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment implements PA 100-646 and makes changes to the medical certification and order requirements for medical transportation services.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.3	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.6	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.413	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.421	Amendment	42 Ill. Reg. 8119; May 18, 2018
140.513	Amendment	42 Ill. Reg. 9052; June 8, 2018
140.452	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.453	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.455	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.460	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.TABLE N	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.421	Amendment	42 Ill. Reg. 16364; August 31, 2018
140.492	Amendment	42 Ill. Reg. 16364; August 31, 2018
140.TABLE D	Amendment	42 Ill. Reg. 16364; August 31, 2018
140.439	New Section	42 Ill. Reg. 17067; September 28, 2018

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140.990	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.991	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.993	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.994	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.995	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.996	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.997	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.462	Amendment	42 Ill. Reg. 19557; November 9, 2018
140.490	Amendment	42 Ill. Reg. 19557; November 9, 2018

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Christopher Gange
Acting General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

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14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

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

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund

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140.86	Supportive Living Facility Funds
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund (Repealed)
140.95	Hospital Services Trust Fund (Repealed)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)

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- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.423 Licensed Clinical Psychologist Services
- 140.424 Licensed Clinical Social Worker Services
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories

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- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Diagnostic Imaging Services
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Community-based Mental Health Providers Qualified for Payment
- 140.453 Community-based Mental Health Service Definitions and Professional Qualifications
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Care, Nursing and Public Health Providers
- 140.471 Description of Home Health Care Services
- 140.472 Types of Home Health Care Services

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140.473	Prior Approval for Home Health Care Services
140.474	Payment for Home Health Care Services
140.475	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
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140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Medical Transportation Limitations and Authorization Process
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
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140.496	Payment for Psychological Services
140.497	Hearing Aids
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140.504	Cessation of Payment Because of Termination of Facility
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140.506	Provider Voluntary Withdrawal
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- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered By Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care (Repealed)
- 140.515 Management of Recipient Funds – Personal Allowance Funds
- 140.516 Recipient Management of Funds
- 140.517 Correspondent Management of Funds
- 140.518 Facility Management of Funds
- 140.519 Use or Accumulation of Funds
- 140.520 Management of Recipient Funds – Local Office Responsibility
- 140.521 Room and Board Accounts
- 140.522 Reconciliation of Recipient Funds
- 140.523 Bed Reserves
- 140.524 Cessation of Payment Due to Loss of License
- 140.525 Quality Incentive Program (QUIP) Payment Levels
- 140.526 County Contribution to Medicaid Reimbursement (Repealed)
- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
- 140.532 Health Care Costs
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- 140.534 Ownership Costs
- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
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- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports – Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports

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- 140.550 Update of Operating Costs
- 140.551 General Service Costs Updates
- 140.552 Nursing and Program Costs
- 140.553 General Administrative Costs Updates
- 140.554 Component Inflation Index (Repealed)
- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
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- 140.565 Kosher Kitchen Reimbursement
- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
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- 140.580 Mandated Capital Improvements (Repealed)
- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities

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140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
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140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
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140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

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

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- 140.910 Referrals (Recodified)
- 140.911 Basic Rehabilitation Aide Training Program (Recodified)
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SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

- 140.920 General Description
- 140.922 Covered Services
- 140.924 Maternal and Child Health Provider Participation Requirements
- 140.926 Client Eligibility (Repealed)
- 140.928 Client Enrollment and Program Components (Repealed)
- 140.930 Reimbursement
- 140.932 Payment Authorization for Referrals (Repealed)

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

Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)

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- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

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

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

- 140.1001 Registration Conditions for Alternate Payees
- 140.1002 Participation Requirements for Alternate Payees
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SUBPART K: MANDATORY MCO ENROLLMENT

Section

- 140.1010 Mandatory Enrollment in MCOs

SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section

- 140.1300 Definitions
- 140.1310 Recovery of Money
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140.1330 Enforcement

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days;

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amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective

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July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150

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days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16

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Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency

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amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill.

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Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective

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January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253,

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effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017; amended at 41 Ill. Reg. 10950, effective August 9, 2017; amended at 42 Ill. Reg. 4829, effective March 1, 2018; amended at 42 Ill. Reg. 12986, effective June 25, 2018; emergency amendment at 42 Ill. Reg. 13688, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16265, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 14383, effective July 23, 2018; amended at 42 Ill. Reg. 20059, effective October 26, 2018; amended at 42 Ill. Reg. 22352, effective November 28, 2018; amended at 43 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.491 Medical Transportation Limitations and Authorization Process

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- a) For payment to be made, the transportation service must be to the nearest available appropriate provider, by the least expensive mode that is adequate to meet the individual's need. When public transportation is available and is a practical form of transportation, payment will not be made for a more expensive mode of transportation.
- b) Approval from the Department, or its authorized agent, is required prior to providing transportation to and from the source of medical care, except:
 - 1) For transportation provided by an ambulance in emergency situations.
 - 2) For transportation provided by an ambulance for an individual who is transported from one hospital to a second hospital for services not available at the sending hospital.
 - 3) For transportation provided by a helicopter when it is demonstrated to be medically necessary as indicated by the written order of the responsible physician in an emergency situation. An emergency may include, but is not limited to:
 - A) life threatening medical conditions;
 - B) severe burns requiring treatment in a burn center;
 - C) multiple trauma;
 - D) cardiogenic shock; and
 - E) high-risk neonates.
 - 4) When post-authorization, informal review of request for appeal, and appeal are allowed.
- c) Requirements for [medi-car, service car and non-emergency ambulance services for discharging patients](#), medical certifications and orders, for dates of service beginning [February 1, 2019](#)~~July 1, 2013~~.
- 1) Whenever a patient covered by a medical assistance program under this

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Part, or by another medical program administered by the Department, is being ~~transported~~~~discharged~~ from a facility, a physician, or, in the case of a Long Term Care Facility, the Medical Director, or ~~another medical professional~~~~a licensed healthcare provider~~ acting within his or her scope of practice and in accordance with the privileges granted by the medical staff, who is responsible for the diagnosis and treatment of the patient, shall complete a written and signed ~~Physician Certification Statement~~~~discharge order~~ for each patient whose ~~transportation~~~~discharge~~ requires ~~medi-car, service car or~~ medically supervised ground ambulance services. The ~~Physician Certification Statement~~~~order~~ shall specify the ~~type and~~ level of ~~transportation~~~~ground ambulance services~~ needed. A medical professional includes:

- A) Licensed Physician Assistant (PA)
- B) Licensed Nurse Practitioner (NP)
- C) Licensed Clinical Nurse Specialist (CNS)
- D) Licensed Registered Nurse (RN)
- E) Discharge Planner

- 2) A ~~Physician Certification Statement~~~~medical certification~~ establishing that the patient's condition meets the Department's criteria for approval of ~~medi-car or service car as set forth in Section 140.490 or~~ non-emergency ambulance service, as set forth in Table A, must be completed by a physician, or, in the case of a Long Term Care Facility, the Medical Director, or a ~~medical professional~~~~licensed healthcare provider~~ acting within his or her scope of practice and in accordance with the privileges granted by the medical staff, who is responsible for the diagnosis and treatment of the patient. Should the Physician Certification Statement~~medical certification form~~, published by the Department, serve as the discharge order, it must be signed or authenticated, as allowed under Illinois law, by a physician, or, in the case of a Long Term Care Facility, the Medical Director, or a ~~medical professional acting~~~~licensed healthcare provider~~ within his or her scope of practice and in accordance with the privileges granted by the medical staff.

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- 3) Each physician, or, in the case of a Long Term Care Facility, the Medical Director, or a medical professional licensed healthcare provider acting within his or her scope of practice and in accordance with the privileges granted by the medical staff, may designate another licensed healthcare provider or discharge planner, not employed by a transportation provider, to complete the Physician Certification Statement~~medical certification form~~. The physician, or, in the case of a Long Term Care Facility, the Medical Director, or a medical professional licensed healthcare provider acting within his or her scope of practice and in accordance with the privileges granted by the medical staff, remains responsible for the accuracy and authentication of the Physician Certification Statement~~medical certification, authentication of the discharge order,~~ and any determination that the patient's condition meets the requirements for the Department's criteria for medi-car or service car as set forth in Section 140.490 or non-emergency ambulance transports, as set forth in Table A.
 - 4) Facilities shall develop procedures to secure~~facilitate~~ the completion of the Physician Certification Statement~~discharge order and the medical certification form~~ prior to the patient's transport~~discharge~~ from the facility and prior to the non-emergency ambulance service. However, the facility shall provide the Physician Certification Statement to the transportation provider no later than 10 days after the transportation provider requests it. The transportation~~ambulance service~~ provider shall have 90 days from the date of the transport to submit the Physician Certification Statement~~the discharge order and medical certification form~~ to the Department or its agent.
 - 5) Failure by a facility to complete a Physician Certification Statement~~discharge order and medical certification form~~ prior to a non-emergency ambulance service shall not prevent an ambulance provider as described in Section 140.490(a)(1) from filing an appeal of an informal review conducted by the Department or its authorized agent pursuant to 89 Ill. Adm. Code 104.205(d).
- d) To be eligible for non-emergent ambulance transportation, the services must meet the criteria set forth in Table A. The Department or its agent may require documentation to prove that the services meet the criteria set forth in Table A.
 - e) An on-going prior approval, with duration of up to six months, may be obtained

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when subsequent trips to the same medical source are required. When prior approval is sought for subsequent trips to the same medical service, the client's physician or other medical ~~professional provider~~ must supply the Department, or its authorized agent, with a ~~Physician Certification Statement~~~~brief written statement~~ describing the nature of the medical need, the necessity for on-going visits, already established appointment dates and the number and expected duration of the required on-going visits.

- f) The Department shall refuse to accept requests for non-emergency transportation authorizations, including prior approval and post-approval requests, and shall terminate prior approvals for future dates, for a specific non-emergency transportation vendor, if:
- 1) the Department has initiated a notice of termination of the vendor from participation in the Medical Assistance Program; ~~or~~
 - 2) the Department has issued a notification of its withholding of payments due to reliable evidence of fraud or willful misrepresentation pending investigation; or
 - 3) the Department has issued notification of its withholding of payments based upon any of the following individuals having been indicted or otherwise charged under a law of the United States or Illinois or any other state with a felony offense that is based upon alleged fraud or willful misrepresentation on the part of the individual related to:
 - A) the Medical Assistance Program;
 - B) a Medical Assistance Program provided in another state that is of the kind provided in Illinois;
 - C) the Medicare program under Title XVIII of the Social Security Act; or
 - D) the provision of health care services:
 - i) if the vendor is a corporation, an officer of the corporation or an individual who owns, either directly or indirectly, five percent or more of the shares of stock or other evidence of

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- ownership of the corporation; or
- ii) if the vendor is a sole proprietorship, the owner of the sole proprietorship; or
 - iii) if the vendor is a partnership, a partner of the partnership; or
 - iv) if the vendor is any other business entity authorized by law to transact business in the state, an officer of the entity or an individual who owns, either directly or indirectly, five percent or more of the evidences of ownership of the entity.
- g) If it is not possible to obtain prior-approval for non-emergency transportation, post-approval must be requested from the Department or its authorized agent.
- h) Post-approval may be requested for items or services provided during Department non-working hours or non-working hours of its agents, whichever is applicable, or when a life threatening condition exists and there is not time to call for approval.
- i) To be eligible for post-approval consideration, the requirements for prior-approval must be met and post-approval requests must be received by the Department or its agents, whichever is applicable, no later than 30 calendar days after the date services are provided. A request for payment submitted to a third party payor will not affect the submission time frames for any post-approval request. Exceptions to the aforementioned post-approval request time frames will be permitted only in the following circumstances:
- 1) The Department or the Department of Human Services has received the patient's Medical Assistance Application, but approval of the application has not been issued as of the date of service. In such a case, the post-approval request must be received no later than 90 calendar days after the date of the Department's Notice of Decision approving the patient's application.
 - 2) The patient did not inform the provider of his or her eligibility for Medical Assistance. In such a case, the post-approval request must be received no later than six months after the date of service, but will be considered for payment only if there is attached to the request a copy of the provider's

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dated private pay bill or collection response, which was addressed and mailed to the patient each month after the date of service.

- j) An ambulance provider as described in Section 140.490(a)(1) may appeal any decision by the Department or its authorized approval agent for which:
- 1) No denial or approval was received prior to the time of the non-emergency transport.
 - 2) An approval decision entitles the ambulance service provider to a lower level of compensation from the Department than the ambulance service provider would have received as compensation for the level of service requested.
 - 3) The ambulance service provider shall have 90 calendar days from the date of service to file a request for informal review of the request for appeal in accordance with 89 Ill. Adm. Code 104.205. The decision date and appeal deadline will appear on notices generated by the Department or its prior approval agent.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
146.1000	New Section
146.1005	New Section
146.1010	New Section
146.1015	New Section
146.1020	New Section
146.1025	New Section
146.1030	New Section
146.1035	New Section
146.1040	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments set forth the services provided through demonstration programs contained in an 1115 Demonstration Waiver to initiate a comprehensive strategy to combat substance use disorder, as approved by the Federal Centers for Medicare & Medicaid Services on May 7, 2018.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

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concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Christopher Gange
Acting General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations effected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	
146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation

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146.680	Monitoring
146.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

Section	
146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

SUBPART H: BETTER CARE ILLINOIS

<u>Section</u>	
<u>146.1000</u>	<u>General Description</u>
<u>146.1005</u>	<u>Eligibility</u>
<u>146.1010</u>	<u>Participation Limitations</u>
<u>146.1015</u>	<u>Crisis Intervention Pilot Services</u>
<u>146.1020</u>	<u>Evidence-based Home Visiting Services</u>
<u>146.1025</u>	<u>Assistance in Community Integration Services</u>
<u>146.1030</u>	<u>Supported Employment Services</u>
<u>146.1035</u>	<u>Intensive In-Home Services</u>
<u>146.1040</u>	<u>Respite Services</u>

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective

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February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015 through June 30, 2015; emergency amendment at 42 Ill. Reg. 13733, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16311, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 16731, effective August 28, 2018; emergency amendment at 42 Ill. Reg. 17935, effective September 24, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. _____, effective _____.

SUBPART H: BETTER CARE ILLINOISSection 146.1000 General Description

This Subpart sets forth the services provided through demonstration programs contained in an 1115 Demonstration Waiver to initiate a comprehensive strategy to combat substance use disorder, as approved by the federal Centers for Medicare & Medicaid Services on May 7, 2018.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1005 Eligibility

Individuals enrolled in programs administered by the Department under Article V of the Public Aid Code [305 ILCS 5], the Children's Health Insurance Program Act [215 ILCS 106], or the Covering ALL KIDS Health Insurance Act [215 ILCS 170] are eligible to participate, subject to Participation Limitations in Section 146.1010, in these Demonstration Programs, except:

- a) Individuals who must meet spenddown requirement as described in 89 Ill. Adm. Code 120.10(d) and (e) before receiving all covered services under 89 Ill. Adm. Code 140.3;
- b) Individuals residing in Long Term Care Facilities for more than 90 days;
- c) Individuals enrolled in the Medicare-Medicaid Alignment Initiative;
- d) Individuals who have access to third party liability reimbursements for medical services above reimbursement for prescription drugs;
- e) Individuals who are eligible only for Medical Assistance Program payment of Medicare premiums;
- f) Individuals qualifying for emergency services under section 1903(v)(3) of the Social Security Act (42 USC 1396b));
- g) Inmates of the Illinois Department of Corrections;
- h) Individuals eligible for Healthy Start (89 Ill. Adm. Code 120.66);
- i) Individuals eligible for the State Chronic Renal Disease Program (89 Ill. Adm. Code 148.Subpart D);
- j) Individuals described in 42 CFR 440.255; or
- k) Individuals who are eligible for the Qualified Disabled Working Individual Program pursuant to section 1905(s) of the Social Security Act (42 USC 1396d(s)).

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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1010 Participation Limitations

- a) The Department may limit participation in the demonstration programs listed in Section 146.1005 to:
 - 1) recipients residing in certain geographical areas of the State; and
 - 2) specific age groups, diagnoses, and medical conditions.
- b) Recipients are subject to annual participation limits as described in this Subpart for each demonstration program.
- c) Services in the demonstration programs are not entitlements and will only be available for so long as the demonstration programs are in effect.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1015 Crisis Intervention Pilot Services

- a) To be eligible for Crisis Intervention Pilot Services, an individual must be:
 - 1) Six years of age through 64 years of age;
 - 2) Experiencing a psychiatric crisis;
 - 3) Referred for Mobile Crisis Response Services to the Crisis and Referral Entry Service (CARES) Line (see 140 Ill. Adm. Code 453 and Table N);
 - 4) Screened and determined by a Designated Service Area provider of Mobile Crisis Response and that community supports cannot stabilize the individual in the community; and
 - 5) Determined pursuant to a completed Crisis Safety Plan, on a form approved by the Department and signed by an LPHA, to require support and stabilization, including 24-hour clinical supervision and observation.
- b) Participation limitations are as follows:

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- 1) Year 1, January 1, 2019 through December 31, 2019: 4247 crisis interventions: pilot services episodes approved for services under this Section (episodes).
 - 2) Year 2, January 1, 2020 through December 31, 2020: 6370 episodes.
 - 3) Year 3, January 1, 2021 through December 31, 2021: 8493 episodes.
 - 4) Year 4, January 1, 2022 through December 31, 2022: 8493 episodes.
 - 5) Year 5, January 1, 2023 through December 31, 2023: 8493 episodes.
- c) Crisis Intervention Pilot Services are inpatient or residential services consisting of:
- 1) Assessment by a Qualified Mental Health Professional (QMHP), Licensed Practitioner of the Healing Arts (LPHA), or Mental Health Professional (MHP) with immediate access to a QMHP as those terms are defined in 89 Ill. Adm. Code 140.453, that an individual appears to need immediate intensive intervention because of a psychiatric crisis and immediate clinical attention to prevent exacerbation of the crisis and prevent injury to the individual or others;
 - 2) Preparation of an individualized treatment plan based upon completion of Integrated Assessment and Treatment Planning (IATP) as defined in 89 Ill. Adm. Code 140.453;
 - 3) Short-term counseling to stabilize the individual;
 - 4) Completion of the individual's Crisis Safety Plan (CSP) or:
 - A) review of an existing CSP;
 - B) updating, if necessary, the existing CSP; and
 - C) approval and signing of the completed CSP or updated CSP by an LPHA; and

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- 5) Preparation of the individual, upon discharge from the inpatient facility, for referral to another level of care, post treatment return, or reentry into the community, and linkage with the individual or a family member for ongoing care to prevent future crises.
- d) Services may only be provided in General Acute Care Hospitals as defined in 89 Ill. Adm. Code 148.458; Psychiatric Residential Treatment Facilities as defined in 42 CFR 483.352; or community residential treatment centers licensed or certified by the Department of Children and Family Services (DCFS), Illinois Department of Public Health (IDPH), Department of Human Services (HFS), or the Department to provide residential treatment services, containing 16 or fewer beds, and not meeting the federal definition of an Institution for Mental Diseases (42 CFR 435.1010). All services must be performed by a QMHP or rehabilitative services associate (RSA) as those terms are defined in 89 Ill. Adm. Code 140.453.
- e) Service Reimbursements. Reimbursement for Crisis Intervention Pilot Services shall be:
- 1) Based on the type and amount of service required and actually delivered, and provided consistent with any service limitations, utilization controls, or prior approval processes established or authorized by the Department.
 - 2) Determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>.
 - 3) Effective for dates of service on or after January 1, 2019.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1020 Evidence-based Home Visiting Services

- a) To be eligible for Evidence-based Home Visiting Services, an assistance unit, as defined in 89 Ill. Adm. Code 120.390, must include:
- 1) A mother during the 60-day postpartum period who gave birth to a baby born with substance use disorder withdrawal symptoms; or

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- 2) A child up to 5 years of age born with substance use disorder withdrawal symptoms.
- b) Participation limitations are as follows:
- 1) Year 1, January 1, 2019 through December 31, 2019: 218 assistance units as that term is defined in 89 Ill. Adm. Code 120.390.
 - 2) Year 2, January 1, 2020 through December 31, 2020: 467 assistance units.
 - 3) Year 3, January 1, 2021 through December 31, 2021: 769 assistance units.
 - 4) Year 4, January 1, 2022 through December 31, 2022: 893 assistance units.
 - 5) Year 5, January 1, 2023 through December 31, 2023: 1,038 assistance units.
- c) Evidence-based Home Visiting Services consist of:
- 1) During the 60-day postpartum period for a mother in the assistance unit who gave birth to a baby born with substance use disorder withdrawal symptoms:
 - A) Diet, nutrition, STD prevention, tobacco use cessation, domestic and partner violence, well-woman preventive service visits, breastfeeding, and maternal-infant safety education;
 - B) Tobacco use, alcohol and other substance misuse, depression, and domestic partner violence screening;
 - C) Alcohol and other substance misuse, postpartum recovery, family planning, and newborn needs counseling;
 - D) Stress management;
 - E) Breastfeeding support;
 - F) Well-woman preventive service visits guidance;

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- G) Medical assessment of mother and newborn;
 - H) Maternal-infant safety assessment;
 - I) Establishment of primary source of care and primary care provider assistance; and
 - J) Parenting skills and confidence building.
- 2) During the period until the child in the assistance unit born with substance use disorder withdrawal symptoms reaches 5 years of age:
- A) Child development screening at major developmental milestones;
 - B) Breastfeeding support and education; and
 - C) Parenting skills and confidence building.
- 3) Lactation consultant services are not covered as an Evidence-based Home Visiting Service.
- d) Services shall be provided by QMHPs or MHPs.
- e) Reimbursement for Evidence-based Home Visiting Services shall be:
- 1) The amount approved for payment based on the type and amount of service required and actually delivered, and provided consistent with any service limitations, utilization controls, or prior approval processes established or authorized by the Department.
 - 2) The payment amount for a service is determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>
 - 3) Payment for Evidence-based Home Visiting Services is effective for dates of service on or after January 1, 2019.

(Source: Added at 43 Ill. Reg. _____, effective _____)

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Section 146.1025 Assistance in Community Integration Services

- a) To be eligible for Assistance in Community Integration Services, an individual must meet two co-existing criteria, at least one listed in subsection (a)(1) and at least one listed in subsection (a)(2).
- 1) Health criteria are:
- A) More than four emergency department visits or hospital admissions in the preceding 12 month period; or
- B) Two or more chronic conditions as defined in section 1945(h)(2) of the Social Security Act.
- 2) Housing criteria are:
- A) An individual will experience homelessness upon release from a setting defined in 24 CFR 578.3; or
- B) An individual is at imminent risk of institutional placement because the individual's need for housing is not met by existing family or other resources.
- b) Participation limitations are as follows:
- 1) Year 1, July 1, 2019 through June 30, 2020: 0 individuals. The Department will not implement Assistance in Community Integration until Year 2.
- 2) Year 2, July 1, 2020 through June 30, 2021: 2,250 individuals.
- 3) Year 3, July 1, 2021 through June 30, 2022: 2,800 individuals.
- 4) Year 4, July 1, 2022 through June 30, 2023: 3,375 individuals.
- 5) Year 5, July 1, 2023 through June 30, 2024: 3,750 individuals.
- c) Assistance in Community Integration Services consists of:

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- 1) Pre-tenancy support services are:
 - A) Performing a functional needs assessment identifying the individual's:
 - i) housing related preferences;
 - ii) needs for support to maintain community integration;
 - iii) needed assistance in budgeting for housing and living expenses; and
 - iv) access to social services to assist the individual with completion of documentation to obtain sources of tenancy;
 - B) Connecting individuals with social services to help find and apply for housing that meets the individual's medical care needs;
 - C) Developing an individualized housing support and crisis plan, based on the functional needs assessment, to establish short and long-term measurable goals, how to achieve the goals, and how to address concerns about attaining the goals;
 - D) Participating in person-centered housing support and crisis plan meetings at Assistance in Community Integration Services eligibility redeterminations, at a minimum, or at housing support and crisis plan revision meetings, as needed; and
 - E) Providing supports and interventions identified in the housing support and crisis plan.
- 2) Tenancy sustaining services are:
 - A) Supporting service planning and participation in person-centered housing support and crisis plan meetings at Assistance in Community Integration Services eligibility redeterminations, at a minimum, or at housing support and crisis plan revision meetings,

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as needed, to update and modify the plan to reflect changing needs and barriers to housing retention;

- B) Linking the individual with;
- i) health homes;
 - ii) primary medical care, substance use treatment, mental health, vision, dental and nutritional providers;
 - iii) hospitals and emergency departments;
 - iv) vocational, educational, employment and volunteer supports;
 - v) crisis and end of life planning services;
 - vi) probation or parole services, if relocating in a different jurisdiction; and
 - vii) other support individuals and groups;
- C) Assisting the individual with documentation, navigation, and monitoring of applications to secure entitlement benefits from agencies;
- D) Assisting the individual in accessing supports to preserve the most independent living arrangement and developing independent living skills, including counseling and skills coaching;
- E) Providing supports to communicate with the landlord or property manager, when authorized by the individual, regarding the individual's disability and necessary reasonable accommodations, and planning for the individual in case of emergency; and
- F) Connecting the individual to resources and training to assist the individual with household management and tenancy and lease compliance.

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- 3) Non-covered services are:
- A) Payment of rent or room and board;
 - B) Capital costs of development or modification of housing;
 - C) Utility expenses and other recurring bills;
 - D) Goods or services for leisure or recreation;
 - E) Duplicative services provided by other State or federal programs;
and
 - F) Services to individuals in a correctional institution or institution meeting the federal definition of an Institution for Mental Diseases (see 42 CFR 435.1010).
- d) Services shall be provided by an enrolled provider and performed by an individual:
- 1) Who:
 - A) Holds a bachelor's degree in a human or social services field; or
 - B) Holds an associate degree in a field related to human or social services with field experience; or
 - C) Has at least one year of case management experience; and
 - 2) Has knowledge of the principles, methods and procedures to support an individual's ability to obtain and maintain residence in an independent community setting.
- e) Reimbursement for Assistance for Community Integration Services shall be:
- 1) The amount approved for payment based on the type and amount of service required by and actually delivered, and provided consistent with any service limitations, utilization controls, or prior approval processes established or authorized by the Department.

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- 2) The payment amount for a service is determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>.
- 3) Payment for Assistance in Community Integration Services is effective for dates of service on or after July 1, 2020.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1030 Supported Employment Services

- a) To be eligible for Supported Employment Services, an individual must be age 14 or older and have at least one behavioral health need described in subsection (a)(1) and at least one risk factor described in subsection (a)(2).
 - 1) Behavioral Health Needs are:
 - A) Serious and persistent mental health needs requiring improvement, stabilization, or prevention of deterioration of functioning, resulting from mental illness; or
 - B) Substance use disorder (SUD) needs when assessment pursuant to the American Society of Addiction Medicine (ASAM) criteria indicates the individual meets ASAM level 1.0 or higher.
 - 2) Risk Factors are:
 - A) Lack of gainful employment for at least 90 consecutive days due to mental health or substance use impairment;
 - B) Two or more inpatient substance use disorder treatments in the preceding 24 months; or
 - C) Risk of deterioration from mental illness or SUD evidenced by:
 - i) Social isolation;

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- ii) Care for mental illness or SUD requires multiple provider types, including behavioral health, primary care, long-term supports and services, or other supportive services;
 - iii) Psychiatric history with no significant functional improvement without treatment or supports; or
 - iv) Dysfunction in role performance, including:
 - Disruptive employment or school behavior creating risk of employment termination or school suspension;
 - Multiple employment terminations or school suspensions or expulsions;
 - Requires support or accommodations to succeed in a structured employment or school setting; or
 - Performance significantly below expectations for the individual's cognitive or developmental level.
- b) Participation limitations are as follows:
- 1) Year 1, July 1, 2019 through June 30, 2020: 0 individuals. The Department will not implement Supported Employment Services until Year 2.
 - 2) Year 2, July 1, 2020 through June 30, 2021: 2,250 individuals.
 - 3) Year 3, July 1, 2021 through June 30, 2022: 2,800 individuals.
 - 4) Year 4, July 1, 2022 through June 30, 2023: 3,375 individuals.
 - 5) Year 5, July 1, 2023 through June 30, 2024: 3,750 individuals.
- c) Supported Employment Services consist of any combination of the following services necessary for an individual to obtain and maintain employment in the community:

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- 1) Pre-employment Services
 - A) Pre-vocational and job-related discovery and assessment;
 - B) Development of the person-centered employment plan of care;
 - C) Individualized job development and placement;
 - D) Job carving negotiations with the individual and employer to modify an existing job description when the individual can perform one or more, but not all, the duties in the existing job description;
 - E) Counseling the individual so the individual understands the State and federal benefits for which the individual might be eligible, and the implications work and earnings may have on eligibility for those benefits if the individual returns to work; and
 - F) Transportation only in conjunction with delivery of an authorized service.
- 2) Employment Sustaining Services
 - A) Career advancement counseling is aimed at expanding the individual's career opportunities through higher education, credentialing and certificate programs; determining the individual's job satisfaction in the individual's current employment; and opportunity for advancement with the current employer or advancement by changing employers;
 - B) Assistance in negotiating with an employer for necessary job accommodations and assistive technology needs;
 - C) Gathering, recording and evaluating data specific to the individual's job for skill matching and amelioration of maladaptive behaviors;
 - D) Job coaching;

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- E) Counseling the individual so the individual understands the State and federal benefits for which the individual might be eligible, and the implications work and earnings may have on eligibility for those benefits if the individual continues to work;
 - F) Transportation only in conjunction with delivery of an authorized service;
 - G) Providing asset development by assisting the individual to identify resources and jobs that will meet the individual's expressed needs and desires; and
 - H) Providing follow-along supports, for, or on behalf of, the individual, as authorized by the individual, through regular communication with the individual's supervisor or manager to reinforce and stabilize job placement in the community.
- 3) Non-covered services are:
- A) Employer contacts not made in the performance of an authorized service under subsection (c)(1) or (c)(2), or for the benefit of a specific individual receiving Supported Employment Services;
 - B) Employment support in sub-minimum wage or sheltered workshop settings;
 - C) Facility-based habilitation or personal care services;
 - D) Wage or wage enhancements for individuals; and
 - E) Duplicative services provided by other State or federal programs.
- d) Services shall be provided by an enrolled provider and performed by an individual who:
- 1) Holds a bachelor's degree in a human or social services field;

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- 2) Holds an associate degree in a field related to human or social services with field experience; or
 - 3) Has one-year case management experience; and
 - 4) Has knowledge of the principles, methods and procedures to support an individual's ability to obtain and maintain residence in an independent community setting.
- e) Reimbursement for Supported Employment Services shall be:
- 1) The amount approved for payment based on the type and amount of service required and actually delivered, and provided consistent with any service limitations, utilization controls, or prior approval processes established or authorized by the Department.
 - 2) The payment amount for a service is determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>
 - 3) Payment for Supported Employment Services is effective for dates of service on or after July 1, 2020.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1035 Intensive In-Home Services

- a) To be eligible for Intensive In-Home Services (IIH), an individual must be three years of age to 21 years of age and meet the following requirements:
- 1) Completion of an individualized treatment plan pursuant to Integrated Assessment and Treatment Planning (IATP) as defined in 89 Ill. Adm. Code 140.453;
 - 2) Be participating in the Integrated Health Home program in either Tier A or Tier B, as defined in 89 Ill. Adm. Code 140.992, and enrolled in an Integrated Health Home; and

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- 3) Meet the following IIH qualifying criteria:
- A) Demonstrated history of symptoms of psychotic or other thought disorder, including frequency of hallucinations, delusions, unusual thought processes, strange thought processes, or bizarre or idiosyncratic behavior, with evidence of ongoing delusions or hallucinations, or both; or
- B) Service Utilization History and Presentation Profile
- i) A treatment history of more than one psychiatric hospital admission in the preceding 12 months or one or more crisis episodes within the preceding six months; and
- ii) Meeting three or more of the clinical criteria from a completed IM+CANS in the following categories:
- Behavioral or emotional needs;
 - Risk behaviors;
 - Caregiver Resources and needs;
 - Life functioning domains.
- b) Participation limitations are as follows:
- 1) Year 1, October 1, 2018 through September 30, 2019: 10,775 individuals.
- 2) Year 2, October 1, 2019 through September 30, 2020: 15,852 individuals.
- 3) Year 3, October 1, 2020 through September 30, 2021: 18,650 individuals.
- 4) Year 4, October 1, 2021 through September 30, 2022: 18,650 individuals.
- 5) Year 5, October 1, 2022 through September 30, 2023: 18,650 individuals.
- c) Intensive In-Home Services consist of:

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- 1) Intensive In-Home – Clinical (IIH-C)
 - A) A Clinical Intervention Plan reviewed, approved and signed by an LPHA, detailing the target behaviors and goals specifically related to IIH Services, based upon the completed IATP;
 - B) IIH-C is delivered as strength-based, individualized, therapeutic face-to-face, time limited, focused intervention driven by the IIH Clinical Intervention Plan for maximum symptom reduction in the individual, delivered in the individual's home or home-like setting;
 - C) Provided by a QMHP;
 - D) Supported by skills development and stabilization services provided through Intensive In-Home – Support (IIH-S) Services; and
 - E) Time limited for an initial length of 60 days but may be extended for two more 30 day time periods with the approval of the Department, but not to exceed 120 days per each separate episode meeting the qualifications in subsection (a)(3).

- 2) Intensive In-Home – Support (IIH-S)
 - A) IIH-S is provided only to recipients of IIH-C as a direct adjunct to IIH-C;
 - B) Is a time limited focused intervention to develop skills and stabilize an individual in his or her home or home-like setting, and support the individual and family in implementing therapeutic interventions, skills development, and behavioral techniques for symptom reduction included in the Clinical Intervention Plan;
 - C) Provided by an MHP; and
 - D) Time limited to the same lengths as IIH-C in subsection (c)(1)(E).

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- d) Services may only be provided by Community Mental Health Centers certified by the Department or its agent pursuant to 59 Ill. Adm. Code 132 or Behavioral Health Clinics as described in 89 Ill. Adm. Code 140.499.
- e) Reimbursement for Intensive In-Home Services shall be:
- 1) Based on the type and amount of service required and delivered, including a minimum of two interventions per week, with additional adjusted payments available if the following outcomes are met:
 - A) During the initial 60 day authorization, the individual remains enrolled in an Integrated Health Home;
 - B) The individual remains in the community without hospitalization or other institutionalization; and
 - C) During any 30-day authorized extension, the individual meets the criteria in subsections (e)(1)(A) and (B) and the individual does not experience a crisis event that requires a call to the Crisis and Referral Service (CARES) Line;
 - 2) Determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>
 - 3) Effective for dates of service on or after October 1, 2018.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 146.1040 Respite Services

- a) To be eligible for Respite Services, an individual must:
- 1) Be three years of age to 21 years of age;
 - 2) Be attributed to Tier A or Tier B of an Integrated Health Home under 89 Ill. Adm. Code 140.992 and enrolled in an Integrated Health Home;

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- 3) Meet the Department's Intensive In-Home Service eligibility requirements in Section 146.1035(a); and
 - 4) Have a family caregiver in need of relief.
- b) Participation limitations are as follows:
- 1) Year 1, July 1, 2018 through June 30, 2019: 0 individuals. The Department will not implement Respite Services until Year 3.
 - 2) Year 2, July 1, 2019 through June 30, 2020: 0 individuals. The Department will not implement Respite Services until Year 3.
 - 3) Year 3, July 1, 2020 through June 30, 2021: 3,871 individuals.
 - 4) Year 4, July 1, 2021 through June 30, 2022: 3,871 individuals.
 - 5) Year 5, July 1, 2022 through June 30, 2023: 3,871 individuals.
- c) Covered Respite Services
- 1) Provide time-limited relief for family caregivers scheduled and planned as part of a child's individualized care plan developed, reviewed, approved, and signed by a QMHP, LPHA, or MHP to help prevent stressful situations and avoid crises;
 - 2) Are culturally competent and aligned with a family's beliefs and preferences;
 - 3) Cannot exceed 130 hours annually or 21 hours monthly, or seven hours daily;
 - 4) Are only offered as an adjunct to other treatment services; and
 - 5) Cannot be used as emergency child care.
- d) Services shall be provided by an enrolled provider and performed by an individual who:

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- 1) Holds a bachelor's degree in a human or social services field; or
 - 2) Holds an associate degree in a field related to human or social services with field experience;
 - 3) Has one-year case management experience; and
 - 4) Has knowledge of the principles, methods and procedures to support an individual's ability to obtain and maintain residence in an independent community setting.
- e) Reimbursement for Respite Services shall be:
- 1) The amount approved for payment based on the type and amount of service required and delivered, and provided consistent with any service limitations, utilization controls, or prior approval processes established or authorized by the Department.
 - 2) The payment amount for a service is determined in accordance with the rate methodologies outlined in the Department's published fee schedule, available at <https://www.illinois.gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/default.aspx>
 - 3) Effective for dates of service on or after July 1, 2020.

(Source: Added at 43 Ill. Reg. _____, effective _____)

OFFICE OF THE AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Code of Regulations
- 2) Code Citation: 74 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
420.310	Amendment
420.320	Amendment
420.720	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3-6, 3-7, 3-8 (c) and 3-8 (d) of the Illinois State Auditing Act [30 ILCS 5/3-6, 3-7, 3-8 (c), and 3-8 (d)].
- 5) A Complete Description of the Subjects and Issues Involved: The primary purpose of the proposed rulemaking is to update our Code of Regulations to reflect changes in professional standards applicable to our engagements, including the Government Auditing Standards (also referred to as the "Yellow Book") and federal Uniform Guidance. Government Auditing Standards are promulgated by the U.S. Comptroller General. The Uniform Guidance is issued by the federal Office of Management and Budget and codified in the Code of Federal Regulations. We are at the same time proposing to shorten the time frame for agencies to respond to our audit findings and recommendations from 21 to 14 calendar days in order to make our audit releases more timely. Finally, we insert language to ensure that our rules do not conflict with other State law pertaining to audits and attestation engagements conducted by other State agencies.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on the Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create, enlarge or modify a State Mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Pursuant to Section 3-7 of the Illinois State Auditing Act, written comments may be submitted within 60 days after publication of this Notice to:

Katie Antonacci
Office of the Auditor General
740 E. Ash Street
Springfield IL 62703

217/782-6046
888/261-2887 (TTY)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking incorporates by reference the latest revisions to professional standards. Accounting firms performing audits on behalf of the Auditor General are already required to follow current auditing standards so should not be affected by this update.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Knowledge and application of generally accepted government auditing standards are necessary.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERAL

PART 420
CODE OF REGULATIONS

SUBPART A: STANDARDS OF CONSTRUCTION FOR REGULATIONS

Section	
420.10	Introduction
420.20	General Provisions

SUBPART B: DEFINITIONS

Section	
420.110	Introduction
420.120	General Provisions
420.130	Abbreviations
420.140	Specific Definitions

SUBPART C: INVESTIGATIONS

Section	
420.210	Introduction
420.220	General Particulars
420.230	Right to Information
420.240	Investigative Personnel
420.250	Investigation Procedures and Reports

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS
AND PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS
CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section	
420.310	Introduction
420.320	General Provisions
420.330	Examination and Evaluation Standards (Repealed)
420.340	Reporting Standards (Repealed)

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SUBPART E: FREQUENCY OF MANDATORY FINANCIAL AUDITS,
COMPLIANCE AUDITS OR OTHER ATTESTATION ENGAGEMENTS

Section	
420.410	Introduction
420.420	General Provisions
420.430	Miscellaneous Provisions

SUBPART F: REVIEW OF RECEIPT OR COLLECTION
OF STATE REVENUE BY STATE AGENCIES

Section	
420.510	Introduction (Repealed)
420.520	Review of Receipt or Collection of State Revenues by State Agencies (Repealed)
420.530	Miscellaneous Provisions (Repealed)

SUBPART G: MAINTENANCE OF INFORMATION

Section	
420.610	Introduction
420.620	General Provisions
420.630	Confidential Information
420.640	Disclosure and Dissemination of Information

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section	
420.710	Introduction
420.720	Consultations with Heads of Agencies and Individuals

AUTHORITY: Subparts A and B implementing and authorized by Section 3-7 of the Illinois State Auditing Act [30 ILCS 5/3-7]; Subpart C implementing and authorized by Sections 3-8(b), 3-8(c), and 3-8(d) of the Illinois State Auditing Act [30 ILCS 5/3-8(b), 3-8(c), and 3-8(d)]; Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act [30 ILCS 5/3-6]; Subpart E implementing and authorized by Section 3-8 of the Illinois State Auditing Act [30 ILCS 5/3-8]; Subpart G implementing and authorized by Sections 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act [30 ILCS 5/3-7, 3-8(a) and 3-11]; Subpart H implementing and authorized by Sections 3-7, 3-8(c), and 3-8(d) of the Illinois State Auditing

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Act [30 ILCS 5/3-7, 3-8(c) and 3-8(d)].

SOURCE: Rules and Regulations of the Auditor General filed March 8, 1976, effective March 18, 1976, and amended: effective April 15, 1976; effective September 1, 1976; amended at 3 Ill. Reg. 5, p. 865, effective January 27, 1979; amended at 3 Ill. Reg. 5, p. 868, effective January 27, 1979; amended at 3 Ill. Reg. 15, p. 107, effective April 12, 1979; amended at 3 Ill. Reg. 34, p. 99, effective August 20, 1979; amended at 3 Ill. Reg. 48, p. 138, effective November 29, 1979; amended at 4 Ill. Reg. 40, p. 49, effective September 19, 1980; codified at 5 Ill. Reg. 10575; amended at 6 Ill. Reg. 2587, effective March 10, 1982; amended at 7 Ill. Reg. 1216, effective February 5, 1983; amended at 7 Ill. Reg. 6475, effective May 15, 1983; amended at 7 Ill. Reg. 6481, effective May 15, 1983; amended at 8 Ill. Reg. 7214, effective May 25, 1984; amended at 8 Ill. Reg. 17244, effective September 15, 1984; amended at 14 Ill. Reg. 15327, effective September 10, 1990; amended at 15 Ill. Reg. 3429, effective March 1, 1991; amended at 20 Ill. Reg. 701, effective January 31, 1996; amended at 30 Ill. Reg. 2260, effective February 20, 2006; amended at 32 Ill. Reg. 16372, effective October 10, 2008; amended at 43 Ill. Reg. _____, effective _____.

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS AND
PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS CONDUCTED BY
STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section 420.310 Introduction

- a) Subject:
 - 1) This Subpart establishes the professional standards applicable to:
 - A) audits and attestation engagements conducted pursuant to the authority of the Auditor General; and
 - B) audits and attestation engagements conducted by State agencies of local government agencies or private agencies that are grantees or recipients of public funds of the State or of federal funds through projects administered by a State agency, but only to the extent these standards are not in conflict with any other applicable law, rule or regulation.
 - 2) The standards established in this Subpart D concern the scope and quality

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of the engagement and prescribe the contents and attributes of an acceptable report.

- b) Authority. This [Subpart Dregulation](#) is promulgated pursuant to the authority of Section 3-6 ISAA [30 ILCS 5/3-6].
- c) Referenced Statutes:
 - Section 3-7 ISAA. 30 ILCS 5/3-7.
 - Section 2-12(c) ISAA. 30 ILCS 5/2-12(c)
- d) Effective Date. This Subpart becomes effective on September 19, 1980.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 420.320 General Provisions

General Standards:

- a) Scope:
 - 1) The full scope of an audit and/or attestation engagement conducted by the Auditor General may encompass:
 - A) An examination of financial transactions, accounts and reports;
 - B) An examination of compliance with applicable laws and regulations and conformity with applicable fiscal and business practices;
 - C) A review of efficiency and economy in the use of resources and soundness of managerial and other operational aspects;
 - D) A review to determine whether intended program results are effectively achieved; and
 - E) A review of the controls and integrity associated with computerized information systems.

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- 2) The scope for a particular audit and/or attestation engagement conducted by the Auditor General shall include:
 - A) That prescribed by Section 1-13 of the [ISAA Illinois State Auditing Act](#) for compliance audits and other attestation engagements conducted pursuant to the provisions of Sections 3-1 and 3-2 of the [ISAA Illinois State Auditing Act](#);
 - B) That prescribed by Section 1-13.5 of the [ISAA Illinois State Auditing Act](#) for financial audits conducted pursuant to the provisions of Sections 3-1 and 3-2 of the [ISAA Illinois State Auditing Act](#);
 - C) That specified by an authorizing resolution approved by the Legislative Audit Commission or by either house of the General Assembly for engagements conducted pursuant to the provisions of Sections 3-2 and 3-4 of the [ISAA Illinois State Auditing Act](#);
 - D) That specified by the terms of the agreement for reimbursable federal audits conducted pursuant to the provisions of Section 3-3A of the [ISAA Illinois State Auditing Act](#);
 - E) That specified by the Auditor General in a notice provided to the Legislative Audit Commission for engagements conducted pursuant to Section 3-3 of the [ISAA Illinois State Auditing Act](#);
 - F) That prescribed by Section 1-13.5 of the [ISAA Illinois State Auditing Act](#) for engagements conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]; and
 - G) That specified by the terms of the engagement for change-over engagements conducted pursuant to Section 3-2.1 of the [ISAA Illinois State Auditing Act](#).
- 3) The scope for a particular audit or attestation engagement conducted by a State agency (other than the Office of the Auditor General) of a local or private agency shall be that specified by the terms of the agreement making the grant or award of funds to the local or private recipient agency.

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~~However, all such audits or attestation engagements shall, at a minimum, comply with the requirements of subsection (b) of this Section.~~

- b) General, Fieldwork and Reporting Standards. All audits and attestation engagements subject to the provisions of the ~~ISAA Illinois State Auditing Act~~ and regulations issued under that Act shall be conducted in accordance with current standards applicable to the engagement, which may include: generally accepted auditing standards (GAAS) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) and other relevant clarified Statements on Auditing Standards (SAS) ~~issued by the Auditing Standards Executive Committee; and~~ Statements on Standards for Attestation Engagements (SSAE) promulgated by the Auditing Standards Board ~~issued by senior technical bodies of the AICPA;~~ generally accepted government auditing standards, as embodied in Government Auditing Standards (2018 Revision for financial audits, attestation engagements, and reviews of financial statements for periods ending on or after June 30, 2020, and for performance audits beginning on or after July 1, 2019; for all others, the 2011 July 2007 Revision) (GAS) issued by the Comptroller General of the United States; and 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) (commonly referred to as the Uniform Guidance) ~~issued pursuant to the the federal Single Audit Act Amendments of 1996 (31 USC 7501 through -7507), and circulars implementing that Act issued by the Office of Management and Budget (OMB), including Circular A-133 establishing requirements for audits of States, Local Governments and Non-Profit Organizations.~~ Copies of GAAS, SSAE and SAS may be ordered on the internet at www.aicpa.org/research/standards ~~www.epa2biz.com or by calling 1-888-777-7077.~~ Copies of GAS may be downloaded from the internet at https://www.gao.gov/yellowbook/overview. ~~www.gao.gov/govaud/ybk01.htm~~. Print copies may be obtained by contacting the ~~Superintendent of Documents,~~ U.S. Government Publishing/Printing Office (GPO) online or by calling at 202-512-1800 or 1-866-512-1800 ~~by visiting the GPO website at http://bookstore.gpo.gov (stock number 020-000-00288-3).~~ Copies of the Uniform Guidance ~~OMB circulars~~ may be obtained from the Office of Federal Financial Management, Office of Management and Budget, Washington, D.C. 20503 or downloaded from the internet at www.grants.gov/web/grants/learn-grants/grant-policies/omb-uniform-guidance-2014.html ~~www.whitehouse.gov/omb/circulars~~. These incorporations by reference do not include any later amendments or editions.

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- c) Specific standards for audits of regional offices of education and educational service centers conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]. By statute, this Section does not apply to an educational service center serving a school district in a city having a population exceeding 500,000.
- 1) "Books and records" as used in this subsection (c) means all financial statements, fiscal documents, vouchers for distributions, records of cash receipts, records of obligation and expenditure of funds, records of accounts and funds, journals, ledgers and subsidiary records of the ledgers, computer programs and data files integral to records of funds and accounts in the care, custody or control of the regional superintendent of schools or educational service center, and required for the purpose of enabling the Auditor General to perform the audits required by Section 2-3.17a of the School Code. The regional office of education and educational service center shall maintain records in accordance with this subsection (c), as applicable. Financial records shall be maintained on either a cash or accrual basis of accounting. However, supporting information must be maintained to allow preparation of an accrual statement as required by [this](#) subsection (c)(2).
 - 2) For audit purposes, each regional office of education and educational service center subject to audit by the Auditor General shall make available to the Auditor General or its designee all books and records during regular business hours on such days in each fiscal year as the Auditor General or its designee shall deem necessary to make and complete the required audits. The records shall be completed in auditable form by August 15 of the succeeding fiscal year. Financial reports are to be available no later than August 31 in order that the annual audit may be done by an independent auditor selected by the Auditor General. Annual financial statements are to be prepared on an accrual basis of accounting in accordance with generally accepted accounting principles.
 - 3) Each regional office of education and educational service center subject to audit by the Auditor General shall make available the books and records necessary to make the required audit by providing to the Auditor General or its designee full, complete and unrestricted access to those books and records and to those persons who may have prepared, reviewed, reported on or otherwise have knowledge of them.

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- 4) Each regional office of education and educational service center subject to audit by the Auditor General shall retain all books and records for a period of five years or until each required audit is resolved. This provision shall not be construed to shorten any record retention requirement otherwise applicable to the records.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section 420.720 Consultations with Heads of Agencies and Individuals

- a) Responses to Proposed Findings by Agencies-
 - 1) When the Office of the Auditor General has determined the proposed findings and recommendations to be included in a report, a copy shall be forwarded to the head of each agency covered by the engagement. Upon receiving a copy of the proposed findings and recommendations, an agency head (or his or her designee) shall have:
 - A) ~~57~~ days from receipt of the proposed findings and recommendations in which to request a conference (if the agency head desires one) with the Office of the Auditor General concerning the proposed findings and recommendations. All requested conferences shall be completed within ~~1014~~ days from the agency's receipt of the proposed findings and recommendations. If no conference was held, the reason therefore shall be included in the workpapers.
 - B) ~~1421~~ days from receipt of the proposed findings and recommendations in which to deliver to the Auditor General any written comments the agency may have concerning the findings and recommendations involving the agency.
 - 2) A copy of the agency's written comments will be included in the final version of the report if the comments are received in the Springfield office of the Auditor General on or before the ~~14th~~ ~~21st~~-day after the agency's receipt of the proposed findings and recommendations.

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- 3) In the absence of a written response from the agency, within ~~1421~~ days from the receipt by the agency of the proposed findings and recommendations, the report may be issued without response. Written comments received after ~~1421~~ days will be placed in the engagement file.
 - 4) Where size of the agency or the complexity of the engagement would require additional response time, the Division director assigned to the engagement by the Auditor General, upon request from the agency head, may extend any time period or deadline specified by this Section.
- b) Responses to Proposed Findings by Individuals-
- 1) When the audit manager has determined the proposed findings and recommendations to be included in a report, the audit manager shall forward to each individual who is identified by name in a recommendation contained in the report those proposed findings and recommendations which relate to that individual. After the receipt of these materials, the individual shall have ~~1421~~ days in which to deliver to the Auditor General any written comments the individual may have concerning the findings or recommendations involving him or her. Copies of an individual's written comments will be included in the final version of the report if they are received in the Springfield office of the Auditor General on or before the ~~14th 21st~~-day after the proposed findings and recommendations were received by the individual. Comments received after ~~1421~~ days will be placed in the engagement file.
 - 2) When an individual who is the subject of a report demonstrates an inability because of personal hardship to meet the deadlines specified in this Section, the Division director may extend the specified time period or deadline.
- c) Responses to New Matter in Report Digest. When a Report Digest contains findings and recommendations not previously submitted with the proposed report text, a copy of the Report Digest shall be forwarded to the agency and/or individual covered by the engagement for comment. The agency and/or individual covered by the new material will have 7 days from receipt of the Report Digest in which to make written comment.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Plumbing Code
- 2) Code Citation: 77 Ill. Adm. Code 890
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
890.120	Amendment
890.130	Amendment
890.210	Amendment
890.230	Amendment
890.320	Amendment
890.330	Amendment
890.340	Amendment
890.360	Amendment
890.610	Amendment
890.630	Amendment
890.660	Amendment
890.690	Amendment
890.740	Amendment
890.920	Amendment
890.930	Amendment
890.1130	Amendment
890.1150	Amendment
890.1200	Amendment
890.1210	Amendment
890.2000	New Section
890.2010	New Section
890.2020	New Section
890.2030	New Section
890.3000	New Section
890.3010	New Section
890.3020	New Section
890.3030	New Section
890.3040	New Section
890.3050	New Section
890.3060	New Section
890.Appendix A. Table A	Amendment
890.Appendix B. Illustration K	Repealed
890.Appendix C. Illustration A	Repealed
890.Appendix C. Illustration B	Amendment

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890.Appendix C. Illustration C Amendment

- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking addresses public health concerns associated with waterborne opportunistic pathogens (such as Legionella) and hazardous substances (such as lead) in potable water systems and introduces national standards for harvested water systems. The proposed rulemaking includes revisions to language on the installation of dialysis machines to reduce potential cross contamination.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Health Impact Project in August 2017, Sadvig et al. 2008, CDC Vital Signs: Health Care – Associated Legionnaires' Disease Surveillance Data from 20 States and a Large Metropolitan Area – United States, 2015,
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The Department is amending the Illinois Plumbing Code to update policies and practices in plumbing to reflect current industry standards, emerging technology, and to protect public health.
- 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 the publication of this issue of the *Illinois Register* to:

Erin Conley
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor

DEPARTMENT OF PUBLIC HEALTH

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Springfield IL 62761

217/782-2043

e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Municipalities with public water supplies
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGEPART 890
ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
890.110	Applicability
890.120	Definitions
890.130	Incorporated and Referenced Materials
890.140	Compliance with this Part
890.150	Workmanship
890.160	Used Plumbing Material, Equipment, Fixtures
890.170	Sewer and/or Water Required
890.180	Sewer and Water Pipe Installation
890.190	Piping Measurements
890.200	Operation of Plumbing Equipment

SUBPART B: PLUMBING MATERIALS

Section	
890.210	Materials
890.220	Identification (Repealed)
890.230	Safe Pan Material and Construction

SUBPART C: JOINTS AND CONNECTIONS

Section	
890.310	Tightness
890.320	Types of Joints
890.330	Special Joints
890.340	Use of Joints
890.350	Unions
890.360	Water Closet and Pedestal Urinal
890.370	Prohibited Joints and Connections in Drainage Systems
890.380	Increases and Reducers

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SUBPART D: TRAPS AND CLEANOUTS

Section	
890.410	Fixture Traps/Continuous Waste
890.420	Pipe Cleanouts
890.430	Cleanout Equivalent
890.440	Acid-Proof Traps

SUBPART E: INTERCEPTORS – SEPARATORS AND BACKWATER VALVES

Section	
890.510	Grease Interceptor Requirements
890.520	Gasoline, Oil and Flammable Liquids
890.530	Special Waste Interceptors
890.540	Laundries (Repealed)
890.550	Backwater Valves – Sanitary System and Storm System (Repealed)

SUBPART F: PLUMBING FIXTURES

Section	
890.610	General Requirements – Material and Design
890.620	Overflows
890.630	Installation
890.640	Prohibited Fixtures
890.650	Water Closets
890.660	Urinals
890.670	Strainers and Fixture Outlets
890.680	Lavatories
890.690	Shower Receptors and Compartments
890.700	Sinks
890.710	Food Waste Disposal Units
890.720	Drinking Fountains
890.730	Floor Drains/Trench Drains
890.740	Kidney Dialysis Machines
890.745	Dental Units
890.750	Hydromassage/Whirlpool Bathtubs
890.760	Pressure Type Water Treatment Units
890.770	Dishwashing Machines

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890.780	Garbage Can Washers
890.790	Laundry Trays/Sinks and Drains
890.800	Special Fixtures and/or Items Designed for a Particular Purpose
890.810	Minimum Number of Plumbing Fixtures
890.820	Outside Kiosks Serving Food

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Section	
890.910	Hangers, Anchors and Supports
890.920	Vertical Piping
890.930	Horizontal Piping

SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Section	
890.1010	Indirect Waste Piping
890.1020	Material and Size
890.1030	Length and Grade
890.1040	Air Gaps
890.1050	Receptors
890.1060	Special Wastes and Chemical Wastes

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section	
890.1110	Quality of Water Supply
890.1120	Color Code
890.1130	Protection of Potable Water
890.1140	Special Applications and Installations
890.1150	Water Service Pipe Installation
890.1160	Potable Water Pumping and Storage Equipment
890.1170	Potable Water Supply Tanks and Auxiliary Pressure Tanks
890.1180	Flushing/Disinfection of Potable Water System
890.1190	Water Supply Control Valves and Meter
890.1200	Water Service Sizing
890.1210	Design of a Building Water Distribution System
890.1220	Hot Water Supply and Distribution
890.1230	Safety Devices

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890.1240 Miscellaneous

SUBPART J: DRAINAGE SYSTEM

Section

890.1310 Materials
890.1320 Drainage System Installation
890.1330 Drainage Fixture Units (DFUs)
890.1340 Determination of Sizes for Drainage System
890.1350 Offsets in Drainage Piping
890.1360 Sanitary Wastes below Sewer
890.1370 Floor Drains
890.1380 Storm Water Drainage within a Building

SUBPART K: VENTS AND VENTING

Section

890.1410 Materials
890.1420 Stack Vents, Vent Stacks, Main Vents
890.1430 Vent Terminals
890.1440 Vent Terminal Size (Repealed)
890.1450 Vent Grades and Connections
890.1460 Fixtures Back-to-Back (Repealed)
890.1470 Fixture Trap Vents
890.1480 Types of Fixture Trap Vents
890.1490 Installation of Vents for Fixture Traps (Repealed)
890.1500 Installation of Wet Venting
890.1510 Stack Venting (Repealed)
890.1520 Circuit and Loop Venting
890.1530 Pneumatic Ejectors
890.1540 Relief Vents
890.1550 Offsets at an Angle Less than 45 Degrees from the Horizontal in Buildings of Five or More Stories
890.1560 Main Vents to Connect at Base (Repealed)
890.1570 Vent Headers
890.1580 Size and Length of Vents
890.1590 Combination Waste and Vent (Floor and Hub Drains Only)
890.1600 Special Venting for Island Fixtures

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SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section

890.1710	General Requirements
890.1720	Water Closets
890.1730	Urinals
890.1740	Combination Lavatory/Toilet
890.1750	Service Sinks/Lavatory
890.1760	Sinks
890.1770	Cabinet Showers
890.1780	Flush Valves
890.1790	Soap Dishes
890.1800	Floor Drains

SUBPART M: INSPECTIONS, TESTS, MAINTENANCE, AND ADMINISTRATION

Section

890.1910	Inspections
890.1920	Testing of Plumbing Systems
890.1930	Test Methods
890.1940	General Administration
890.1950	Violations

SUBPART N: BUILDING WATER QUALITYSection

<u>890.2000</u>	<u>Approval of Water Treatment Technologies</u>
<u>890.2010</u>	<u>Compliance with Community Water Supply Requirements</u>
<u>890.2020</u>	<u>Decorative Fountains and Aesthetic Water Fixtures</u>
<u>890.2030</u>	<u>Response to Water Outages and Boil Orders</u>

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SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 890.120 Definitions

For the purpose of administering and enforcing this Part, the following terms, which consist of words or expressions that have a precise meaning in plumbing, shall have the meaning indicated. Refer to Appendix A for standards applicable to plumbing appurtenances and fixtures defined in this Section.

"Abut" or "Abutting": To border, to touch, to terminate at point of contact, adjacent.

"Accessible": Easily approached or entered with minor modifications, such as the removal of an access panel, door or similar obstruction (e.g., drywall, gypsum board, plasterboard, or paneling). Concrete, asphalt and ceramic tile are not considered accessible.

"Aesthetic Water Fixtures": Plumbing fixtures designed for aesthetics, including, but not limited to, decorative fountains, water walls, ornamental pools, artificial waterfalls or artificial streams capable of producing aerosols.

"Air Break" (See "Air Gap".)

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"Air Gap": The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. An air gap in a drainage system is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle or interceptor at a point above the flood level rim. (See Appendix B.Illustrations A and B.)

"Anchor": An approved support for securing pipe, fixtures and equipment to walls, ceilings, floors or any other structural members.

"Antimicrobial": An additive or surface coating that prohibits the growth of bacteria or staphylococci.

"Anti-siphon Ballcock": A device consisting of a float valve with a flow-splitter to provide for tank and trap refill that has an integral vacuum breaker and that is used in conjunction with water closet flush tanks.

"Approved": Accepted or acceptable under an applicable specification stated or cited in this Part or accepted as suitable for the proposed use.

"Area Drain": A drain placed in the floor of a basement areaway, a depressed or basement entry way, a loading platform, or a paved driveway that cannot otherwise be drained.

"Aspirator": A device supplied with water under positive pressure that passes through an integral orifice, causing a partial vacuum and resulting in movement of fluid by siphonage.

"At-Risk": Any person who is more susceptible than the general population to developing a drinking water associated illness because of factors including, but not limited to, age, health, medication, occupation, medical treatment, medical diagnosis or immunodeficiency.

"Atmospheric Vacuum Breaker": A device consisting of a soft disc, reaction cup, fully guided stem guide, air vent port, and air port shield or hood to prevent fouling of the vent port, used for protection against back siphonage.

"Authorities Having Jurisdiction": Any entity that the Illinois Plumbing License Law authorizes to enforce the Law.

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"Back Pressure": A condition caused when a force is exerted and reverses the flow of gas, water or air in a direction opposite the intended normal direction of flow.

"Back Siphonage": A condition caused when a negative force or vacuum is exerted and reverses the flow of gas, water or air to a direction opposite the intended normal direction of flow.

"Back Siphonage Preventer": A device designed to prevent reverse flow in a water system, specifically back siphonage. The device should be used only where no back pressure may occur.

"Back Water Valve": A device or valve that is installed in a sanitary sewer, storm drain or storm sewer to prevent sewage or drainage from backing up.

"Backflow": The reversal of flow from that normally intended. Hydraulic conditions that cause backflow include back siphonage, back pressure and aspiration.

"Backflow Preventer": A device or an assembly used to prevent contamination of the potable water supply through an actual or potential cross-connection.

"Backflow Preventer, Double Check Valve Backflow Preventer Assembly" or "DCV": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves that operate normally in the closed position; two tight-closing, resilient seated shut-off valves; and four test cocks.

"Backflow Preventer, Dual Check Valve Type with Atmospheric Vent": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate chamber able to automatically vent to atmosphere.

"Backflow Preventer, Double Check Detector Backflow Prevention Assembly" or "DCDA": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves, designed to operate normally in the closed position; two tight-closing, resilient seated shut-off valves; and four test cocks. The assembly must include a bypass line with a water meter and double check assembly.

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"Backflow Preventer, Dual Check Valve Type": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves, designed to operate normally in the closed position.

"Backflow Preventer, Dual Check Valves, Post-Mix Carbonated Beverage Dispenser Type": A plumbing appurtenance used to prevent carbonated water or carbon dioxide from backflow into a potable water system. The assembly consists of two internally force loaded, independently acting check valves, designed to operate normally in the closed position, residing in a common body.

"Backflow Preventer, Reduced Pressure Detector Backflow Prevention Assembly" or "RPDA": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force loaded hydraulic operated relief for venting to atmosphere, designed to operate normally in the open position, two tight-closing, resilient seated shut-off valves, four test cocks, and a metered reduced pressure backflow prevention assembly bypass.

"Backflow Preventer, Reduced Pressure Principle Backflow Prevention Assembly" or "RPZ": A plumbing appurtenance consisting of two internally force loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force loaded, hydraulically operated relief for venting to atmosphere, designed to operate normally in the open position, two tight-closing resilient shut-off valves, and four test cocks.

"Ballcock": A device consisting of a float valve equipped with a flow-splitter to provide a tank and trap refill; used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": Any group of two or more identical adjacent fixtures that discharge into a common horizontal waste or soil branch. (See Appendix B.Illustration C.)

"Blackwater": Water containing sewage, bodily fluids or other biological wastes from toilets, dishwashers, kitchen sinks, floor drains and utility sinks.

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"Boiler Blow-Down": A controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": Any part of the piping system other than a main, riser or stack. (See Appendix B.Illustration D.)

"Branch Interval": A length of soil or waste stack corresponding in general to a story height, but in no case less than 8 feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": A horizontal vent connecting one or more individual vents with a vent stack or stack vent. (See Appendix B.Illustration E.)

"Building" or "Facility": Any structure used or intended for supporting or sheltering any use or occupancy. This may include, but is not limited to, mobile food units, prefabricated structures, and free standing plumbing appliances or appurtenances such as ice or water vending machines.

"Building Classification": The Department's designation of buildings into differing types based upon use or occupancy, such as residential buildings, dormitories, office buildings, food service establishments, etc.

"Building Drain": The part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain's developed length terminates 5 feet outside the building foundation wall. (See Appendix B.Illustration F.)

"Building Sewer": The part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer or private sewage disposal system. The building sewer commences 5 feet outside the building foundation wall. (See Appendix B.Illustration F.)

"Building Storm Drain": The lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate or cooling water inside the walls of a building to a point 5 feet beyond the outside of the building foundation wall.

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"Building Sub-drain": The portion of a sanitary drainage system (see definition of "Drainage System") that cannot drain by gravity into the building drain. (See Appendix B.Illustration G.)

"Building Trap": A device, fitting, or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Certified Local Health Department": A local health department that meets the requirements set forth in Section 600.210 and Subparts C and D of the Certified Local Health Department Code (77 Ill. Adm. Code 600) and is so designated by the Department.

"Chemical Waste System": Piping that conveys corrosive or toxic chemical waste to the drainage system.

"Circuit Vent": A branch vent that serves two or more traps and extends from the front of the last fixture connection of a horizontal waste branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures. (See Appendix B.Illustration H.)

"Clear Water" or "Clear Water Waste": Cooling water and condensate waste from refrigeration or air conditioning equipment, cooled condensate from steam heating systems, and seepage water.

"Closed Water System": A system that has a backflow device or assembly installed in the water supply system to contain backflow within the premises. Other plumbing appurtenances, such as a single check valve or a water pressure regulator installed in the water supply system, may also create a closed water system.

"Code": State or local statutes, ordinances, or administrative rules, e.g., requirements for plumbing methods, materials, etc. This Part)will be referenced in this rule as "Part". At the local level, a county, city, township, village or sanitary/water district shall adopt a plumbing ordinance or resolution and plumbing rules, and the ordinance or resolution and rule shall be filed with the clerk's office. A standard for plumbing contained in any local rule or ordinance that has not been officially adopted can be construed only as a recommended standard.

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"Cold Water": Water that is delivered at ambient temperatures or has not passed through a water heater, has not been exposed to an external heat source, and has not been blended with water above ambient temperatures. ~~Water below 85 degrees Fahrenheit.~~

"Combination Fixture": A fixture combining two or more compartments or receptors.

"Combination Waste and Vent System": A system of waste piping with the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Combined Building Sewer": A sewer that receives storm water and sewage.

"Common Vent": A vent connecting at the junction of two fixture drains and serving as a vent for both fixtures. (See Appendix B.Illustration I.)

"Connection": The joining of two pieces of pipe, or pipes and fittings, valves or other appurtenances.

"Contaminant": Any solid, liquid or gaseous matter that, when present in a potable water supply distribution system, may cause the water to degrade so that water quality standards are not met or physical illness, injury or death to persons consuming the water could result.

"Contaminated Water": Water not suitable for human use or that does not meet the water quality standards of rules of the Illinois Pollution Control Board titled Primary Drinking Water Standards.

"Continuous Vent": A vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal. (See Appendix B.Illustration J.)

"Continuous Waste": A drain or waste line from two or more fixtures or sink compartments (of a single fixture), such as a combined three- compartment sink, connected to a single common trap.

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"Critical Level": The mark on an atmospheric vacuum breaker established by the manufacturer and stamped "-CL-". This determines the minimum elevation above the flood-level rim or top of the fixture, whichever shall apply, at which the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker shall constitute the critical level.

"Cross-Connection": Any actual or potential connection or arrangement between two otherwise separate piping systems, one containing potable water and the other containing fluids or gases of any kind that do not meet potable water quality standards, in which the non-potable substances in one system may flow into the potable water system or enter it through a means such as back pressure, back siphonage or aspiration.

"Cross-Connection Control Assembly": A tested and approved plumbing appurtenance, complete with shut-off valves, installed in a potable water line to prevent potable water from being mixed with any substance from a piping system containing non-potable substances, connected in any manner to the potable water supply.

"Cross-Connection Control by Containment": The installation of a backflow prevention device or assembly on the service line to a premises to protect water quality.

"Cross-Connection Control by Isolation": The installation of a backflow prevention device or assembly at each actual or potential cross-connection within a premises to protect water quality.

"Cross-Connection Control" or "CCC": The identification and elimination of all unprotected connections between a potable water system and any other substance.

"Cross-Connection Control Device": A plumbing appurtenance installed in a potable water line to prevent any substance of any kind from being mixed.

"Cross-Connection Control Device Inspector": An individual who holds an Illinois Plumbing License and who has been certified in accordance with 35 Ill. Adm. Code 653.802 (Specific Conditions and Installation Procedures) of the Illinois Environmental Protection Agency's rules titled Design, Operation and Maintenance Criteria to inspect, test, maintain and repair cross-connection control

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devices and assemblies. The certification attests to an inspector's understanding of the principles of backflow and back siphonage, and the public health hazard presented by the improper installation of cross-connection control devices.

"Cross-Connection, Non-Pressure Type": A submerged inlet installation where a potable water pipe is connected or extended below the overflow rim of a receptacle, or an environment that contains a non-potable substance at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is connected to a closed vessel or piping system that contains a non-potable substance above atmospheric pressure.

"Dead End": For the purposes of a water distribution system, dead end means any pipe, tube, fixture or plumbing appurtenance~~A pipe~~ that is subject to persistent low or no flow conditions due to lack of use, construction or design, such as capped pipes, stagnant fire service lines, stagnant lawn irrigation service lines or unused fixtures. Also known as "dead legs". For the purposes of a building drain system, dead end means a pipe that is terminated at a developed distance of 2 feet or more by means of a plug or other closed fitting, except piping serving as a cleanout extension to an accessible area. (See Appendix J.Illustration ~~AB.Illustration K.~~)

"Department": The Illinois Department of Public Health.

"Developed Length": The length of a pipe measured along the center line of the pipe, including fittings.

"Diameter": The length of a straight line passing through the center of an object, e.g., a circle. (For the diameter of a pipe, see "Pipe Diameter".)

"Drain": Any pipe that carries waste water in a building drainage system. (See Appendix B.Illustration L.)

"Drain Laying": The laying and connecting of piping from 5 feet outside the foundation wall of a building to the public sanitary sewer system in the street or alley.

"Drainage Fixture Unit" or "DFU": The mathematical factor used by the

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plumbing industry to estimate the probable load on the drainage system caused by discharge from various plumbing fixtures. One drainage fixture unit is equivalent to 7½ gallons per minute or 1 cubic foot per minute.

"Drainage Piping" (See "Drainage System".)

"Drainage System": All piping within public or private premises that conveys sewage, rain or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems, although both are part of the overall plumbing system.

"Durham System": A soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of the diameter of a circle or, if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing an air gap.)

~~"Existing Plumbing" or "Existing Work": A plumbing system or any part of a plumbing system that has been installed prior to January 1, 2014.~~

"Extracted Mechanical Joint": A joint that is developed with a special drilling tool used to penetrate a copper pipe wall, after which two steel pins are extended from the drill. While rotating, the drill head is withdrawn from the pipe under power, raising an external collar from the hole in the pipe. The branch pipe is then brazed into the collared outlet.

"Fire Sprinkler System": A system of piping and appurtenances used to convey water or other fire extinguishing substances to fire sprinklers.

"Fixed": Stationary, immovable or immobile, as in a fixed air gap.

"Fixture Branch": A water supply pipe, soil pipe or waste pipe serving one or more fixtures.

"Fixture Carrier": A device designed to support an off-the-floor plumbing fixture.

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"Fixture Drain": The vertical or horizontal outlet pipe from the trap of the fixture to the junction of that pipe with any other drain pipe. (See Appendix B.Illustration M.)

"Fixture Supply": A water supply pipe connecting the fixture to a branch or main water supply pipe.

"Fixture Supply Stop": A valve used to control water supply to an individual plumbing fixture, appurtenance or appliance.

"Float Valve": An automatic opening valve, operated by a float, used to control the water level in a vessel, tank or other container.

"Flood Level": The elevation at which a liquid will overflow the fixture or receptacle.

"Flood Level Rim": The top edge of a receptacle or fixture over which a liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Overflow rim" is used interchangeably with flood level rim.

"Flooded": When the liquid in a fixture equals the maximum capacity of the fixture or when the level of the liquid in the fixture rises to the fixture's flood level rim. Any attempt to add liquid to a flooded fixture causes liquid to overflow.

"Flush Valve": A device for the purpose of flushing water closets and other similar fixtures.

"Flushometer Valve": A device actuated by hand, a photoelectric cell, or other electronic control that discharges a predetermined quantity of water to fixtures for flushing purposes. The valve is closed by direct water pressure.

"Food-Service Establishment": [An operation defined in 77 Ill. Adm. Code 750.100 \(Food Code\).](#)~~Any establishment selling or serving, to the public, food or liquid beverages that can be consumed on the premises.~~

"Grade": The fall, pitch or slope of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fraction of an inch fall per foot

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length of pipe. This may also be expressed as a percentage. (See Appendix B. Illustration O.)

"Graywater": Untreated waste water that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. Graywater includes waste water from bathtubs, showers, lavatories, clothes washers and laundry tubs. Also known as gray water, grey water, and greywater.

"Graywater Harvesting System": A plumbing system intended to collect, convey, store, treat and distribute graywater for approved uses.

"Grease Interceptor": A device used to separate and retain grease, oils and other floating matter from sewage waste while permitting the remaining flow to discharge into the drainage system. See "Interceptor".

"Group of Fixtures": Two or more fixtures adjacent to or near each other.

"Hangers": Devices for supporting and securing pipe, fixtures and equipment to walls, ceilings, floors or any other structural member.

"Harvested Water": A non-potable source of water that includes, but is not limited to, graywater, clearwater, rainwater, or reclaimed water.

"Harvested Water System": A plumbing system intended to collect, convey, store, treat and distribute harvested water for approved uses.

"High Hazard Substance": Any substance that, when present in the potable water system, can cause illness, injury or death if consumed or used.

"Historic Buildings": All buildings, parts of buildings, facilities or sites individually listed in or eligible for listing in the National Register of Historic Places; a "contributing" building or site in a National Register Historic District as determined by the Illinois Historic Preservation Agency (IHPA) or as determined by a "Certified Local Government" designated by IHPA; a building or site designated as a historic or architectural landmark by a local Landmarks Commission or local Historic Preservation Commission; or buildings that undergo historic reconstruction.

"Horizontal Branch": A drain pipe extending laterally from a soil or waste stack

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or building drain, with or without vertical sections or branches, that receives the discharge from one or more fixture drains and conducts the discharge to the soil or waste stack or to the building drain. (See Appendix B.Illustration P.)

"Horizontal Pipe": Any pipe or fitting that makes an angle of less than 45 degrees with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

"Hot Water": Water at a temperature of not less than ~~160~~¹²⁰ degrees Fahrenheit.

"House Drain" (See "Building Drain".)

"House Trap" (See "Building Trap".)

"Indirect Waste": A pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Dry Vent": A pipe installed to vent a single fixture trap that connects with the vent system above the fixture served, or that terminates in the outside atmosphere. (See Appendix B.Illustration CC.)

~~"Individual Water System": A piping system that supplies potable water for a single family dwelling and includes the water service line and all potable water piping.~~

"Industrial Wastes": Liquid wastes resulting from the processes employed in industrial and commercial establishments.

"Insanitary": Contaminated. Not hygienic or sufficiently unclean to endanger health.

"Interceptor": A device designed and installed to separate and retain hazardous or undesirable matter from normal waste and to permit normal sewage or liquid waste to discharge into the drainage system. Interceptors may be designed to remove gas, oil, sand, grit and grease. "Separator" is also commonly used to

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mean an "interceptor."

"Invert": The lowest part of the internal cross-section of a pipe or conduit.

"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before rising to connect to the vent system 6 inches above the flood level rim or terminating to the atmosphere. (See Section 890.1600, "Special Venting for Island Fixtures".)

"Joint": The juncture of two pipes, a pipe and a fitting, or two fittings.

"Kiosk": A freestanding place of employment that has five or fewer employees at any time, located inside or outside a building.

"Kitchen or Bar Sink Faucet": A faucet that discharges into a kitchen or bar sink in domestic or commercial installations. Supply fittings that discharge into other types of sinks, including clinic sinks, floor sinks, service sinks and laundry trays, are not included.

"Labeled": An indication that an agency approved by the Department or that is an ANSI-accredited certification program has certified the plumbing material to be in compliance with applicable standards in accordance with this Part.

"Lavatory Faucet": A faucet that discharges into a lavatory basin in a domestic or commercial installation.

"Lawn Sprinkler System": Any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable. Does not include an irrigation system used primarily for agricultural purposes. (Section 2 of the Illinois Plumbing License Law)

"Lead Free": When used with respect to solder and flux, refers to products containing not more than 0.2 percent lead and, when used with respect to wetted surfaces of pipe, pipe fittings, and fixtures, refers to materials containing no more than a weighted average of 0.25 percent lead. Exemptions include *pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services, such as manufacturing, industrial*

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processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger. (Section 1417(a)(4)(A) and (B) of the Safe Drinking Water Act)

"Length of Pipe": The overall distance measured along the center line of a pipe. See "Developed Length".

"Line Valve": A valve in the water supply distribution system, except those immediately controlling one fixture supply.

"Liquid Waste": The discharge from any fixture, appliance or appurtenance, in connection with a plumbing system that does not receive fecal matter.

"Load Factor": The percentage of the total connected fixture unit flow rate that is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow above the point being considered, and probability of simultaneous use. Load factor represents the ratio of the probable load to the potential load.

"Local Ventilating Pipe": A pipe on the fixture side of the trap through which vapors or gases or foul air is removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent that loops back to connect with a stack vent instead of a vent stack. Its use is limited to floor drains and floor outlet fixtures.

"Low Hazard Substance": Any substance that, when present in the potable water system, may cause the water to be discolored or have an unusual odor or an unpleasant taste, but will not cause illness, injury or death if consumed.

"Main": The principal artery of a piping system to which branches may be connected.

"Main Vent": The principal artery of the venting system to which vent branches may be connected. A main vent may be a vent stack or stack vent. (See

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Appendix B.Illustration Q.)

"Maximum Demand": In plumbing, the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment of the building fixtures.

"Manhole": An opening constructed to permit a person to gain access to an enclosed space. In a sewer or any portion of the plumbing system, it is used to eliminate restriction of flow at changes of direction or junctions and to facilitate cleaning.

"Metering Faucet": A self-closing faucet that dispenses a specific volume of water for each actuation cycle. The volume or cycle duration can be fixed or adjustable.

"Minor Repairs": Repairs that do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

"Mixed Water": Water at a temperature of not less than 121 degrees Fahrenheit and not more than 159 degrees Fahrenheit.

"Multi-~~Person~~person Showers": Shower compartments designed and intended for use by two or more persons simultaneously.

"New Plumbing" or "New Work": Any plumbing system or part of a plumbing system, or any addition to or alteration of an existing system, being installed or recently completed.

"Non-Potable Water": Water that does not meet drinking water quality standards specified in the Pollution Control Board's rules titled Primary Drinking Water Standards, and is not suitable for human consumption or culinary use, or is of unknown quality.

"Non-Toxic Transfer Fluids": Fluids having no normal detrimental effect on humans.

"Occupancy": The purpose for which a building is currently used. In the case of a single family residence, occupancy shall mean taking possession of and living in

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the premises as one's sole and exclusive residence for a period of not less than six months after the completion of construction or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": A combination of elbows or bends that brings one section of pipe into a line parallel with another section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible and open to inspection. Open plumbing is also referred to as an exposed plumbing installation.

"Opportunistic Pathogens": Organisms capable of causing disease when a host's resistance is lowered due to factors including, but not limited to, age, health, medication, occupation, medical treatment, medical diagnosis or immunodeficiency. Opportunistic pathogens include, but are not limited to, Legionella pneumophila, Pseudomonas aeruginosa, Nontuberculous mycobacteria and Staphylococcus aureus.

"Overflow Rim": The top edge of a receptacle or fixture over which a liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded).

"Flood level rim" is used interchangeably with overflow rim.

"Part": This Illinois Plumbing Code in its entirety or any emergency rule that the Department adopts, during the effective period of the emergency rule.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by means of a "Peppermint Test".

"Peppermint Test": A test for leakage using peppermint oil and hot water as the media, and the sense of smell to determine any leak; also known as a "scent test" (see Section 890.1930(e)).

"Pet Cock": A small faucet or valve used to drain water, steam or air.

"pH": An expression of acidity and alkalinity on a scale from zero to 14, with 7.0 being neutral. Numbers less than 7.0 indicate increasing acidity as the number decreases, and numbers greater than 7.0 indicate increasing alkalinity as the number increases.

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"Pipe": A cylindrical conduit or conductor, the wall thickness of which is sufficient to receive a standard pipe thread.

"Pipe Diameter": The distance measured from the inside wall of a pipe (passing through the center of the pipe) to the opposite inside wall. Any referenced pipe diameter or pipe size shall mean the nominal size or diameter.

"Pipefitting": The installation of piping other than piping that is defined as plumbing.

"Pipe Increments": Increasing or decreasing pipe size by a given number – the following examples constitute one pipe size change: 1, 1¼, 1½, 2, 2½, 3, 3½, 4, 4½, 5.

"Piping": An assembly of pipes or conduit with fittings of compatible design. This term is commonly interchanged with "Pipe".

"Pitch": Synonymous with "grade". (See "Grade".)

"Plumbing": See the Illinois Plumbing License Law.

"Plumbing Appliance": A special class of plumbing fixture intended to perform a special function. This term includes water heaters, water coolers, drinking fountains, and heat exchanger and water treatment equipment other than water softeners.

"Plumbing Appurtenance": An accessory or device used in a plumbing system which demands no additional water supply, nor adds any discharge load to a fixture or the drainage system. Plumbing appurtenances include instruments, gauges, relief valves, limit switches, backflow assemblies, solenoid valves and devices between solenoid valves.

"Plumbing ~~Fixtures~~Fixture": Installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid-borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected. ~~Approved, installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquid or liquid borne waste, with or without discharge of the waste into the drainage~~

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~~system to which they may be directly or indirectly connected; an installed appurtenance to the potable water supply system that makes available intended potable water, or a receptor that receives and discharges liquids or liquid borne waste either directly or indirectly into the drainage system; or a permanent appendage usually designed as a receptacle and intended to receive or discharge liquid or liquid borne waste to a drainage system.~~ Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures. ([Section 2 of the Illinois Plumbing License Law](#))

"Plumbing Inspector": An employee or agent of State or local government who holds a valid Illinois Plumbing License and is authorized to inspect plumbing.

"Plumbing System": See the Illinois Plumbing License Law.

"Pop-Up Waste": A waste outlet into which a sliding metal or plastic stopper is fitted, and the stopper can be raised to drain the waste. A common pop-up waste used for lavatories has a lever that passes out the side of the drain fitting and connects to a lift rod that extends on top of the lavatory or sink. The rod is lifted to lower the stopper, or depressed to raise the stopper and drain the lavatory.

"Potable Water": Water that meets drinking water quality standards specified in the Pollution Control Board's rules titled Primary Drinking Water Standards and is suitable for human consumption or culinary use.

"Pre-Rinse Spray Valve": A hand-held device for use with commercial dishwashing and ware-washing equipment that sprays water on dishes, flatware and other food service items for the purpose of removing food residue before cleaning and sanitizing the items.

"Pressure Gradient Monitor": A device used to protect the quality of water, failsafe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve" (See "Relief Valves".)

"Private" or "Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments and private bathrooms of hotels or

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motels where the fixtures are intended for the use of a single family or an individual; handwashing stations (lavatories) within residents' rooms, within shared or common resident restrooms, or designated for staff use only in hospitals/long-term care units/mental health facilities, and hand-washing stations where food is being prepared.

"Private Sewage Disposal System": Any sewage handling or treatment facility receiving domestic sewage from fewer than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to the Private Sewage Disposal Licensing Act and Private Sewage Disposal Code.

"Private Sewer": A sewer privately owned and not directly controlled by a public authority.

"Private Water Supply": Any potable water supply that provides water for drinking, culinary and sanitary purposes and serves an owner-occupied single family dwelling.

"Proper" or "Properly": To be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this Part and manufacturer's recommendations.

"p.s.i."; "P.S.I."; or "psi": Pounds per square inch gauge of pressure.

"Public" or "Public Use": Any installation or use of plumbing fixtures or facilities except those in residences, apartments or private bathrooms of hotels/motels where the fixtures are intended for the personal use of an individual or single family only.

"Public Area": An area within a building accessible to all persons, including, but not limited to, mercantile units, private clubs and membership organizations.

"Public Sanitary Sewer": A sewer that is controlled by a public authority and is intended to receive and transport sewage.

"Public Water System": A system for providing piped water to the public for human consumption, if the system has at least 15 service connections or regularly

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serves an average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage and distribution facility under the control of the operator of the system and used primarily in connection with the system; and any collection or pretreatment storage facilities not under control of the operator of the system that are used primarily in connection with that system. The public water system ends at and with the water service connection.

"Quarter Bend": A fitting changing direction of 90 degrees .

"Quick Closing Valve": A valve or faucet that closes automatically when released or one that has fast action closing.

"Rainwater": Water from natural precipitation collected from roof surfaces or other manmade, above-ground collection surfaces.

"Rainwater Harvesting System": A plumbing system intended to collect, convey, store, treat and distribute rainwater for use.

"Readily Accessible": Direct access without the necessity of removing or moving any panel, door or similar obstruction.

"Receptor": Devices or fixtures that receive the discharge from indirect waste pipes.

"Reclaimed Water": Water resulting from the treatment of wastewater, as defined by this Part, that receives a level of treatment consistent with its intended use.

"Reduced Pressure Zone Principle Backflow Preventer Assembly" or "RPZ" (See "Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly" or "RPZ".)

"Relief Valves":

Temperature relief valve – A valve designed to release water to the atmosphere at a predetermined temperature setting.

Pressure relief valve – A valve designed to relieve excessive pressure to the atmosphere at a predetermined setting.

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Temperature and pressure relief valve or pressure-temperature relief valve – A valve incorporating a temperature relief valve and a pressure relief valve in one unit.

Vacuum relief valve – A valve that admits air to the system when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent that permits circulation of air in or between drainage and vent systems. (See Appendix B.Illustration S.)

"Restroom": As a minimum, will consist of one water closet and one lavatory, all located in the same room.

"Return Offset": A double offset installed so as to return the pipe to its original alignment.

"Revent Pipe" (See "Individual Dry Vent".) (See Appendix B.Illustration U.)

"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe that extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roughing-In": The installation of all parts of the plumbing system that can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

"Safe Pan": An appurtenance installed beneath piping or a fixture to collect and drain any leakage. Safe pans are generally found in food preparation/storage areas and sterile areas of health care facilities that have overhead, exposed drainage piping. Safe pans are not intended to receive discharges from temperature and pressure relief valves.

"Safe Waste" (See "Indirect Waste".)

"Sanitary Sewer": A public or private sewer into which building sewers are connected.

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"Sanitary Waste": Sewage containing excrement and liquid wastes or ordinary wastes derived from a plumbing system.

"Self Closing Faucet": A faucet that closes itself after the actuation or control mechanism is deactivated. The actuation or control mechanism can be mechanical or electronic.

"Semi-Private Water System": A water supply that is not a public water system and that serves a segment of the public other than an owner-occupied single family dwelling. (See Section 19 of the Illinois Groundwater Protection Act.)

"Separator" (See "Interceptor".)

"Service Connection": The tap at the water main and any pipe to the property line.

"Service Line": Piping, tubing, and necessary appurtenances installed on any conduit from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, any building or exterior plumbing fixtures.

"Sewage": Any waste containing animal, human or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by pumping means.

"Sillcock": A type of lawn faucet. A faucet used on the outside of a building to which a garden hose may be attached.

"Single Family Dwelling": Any building consisting of one dwelling unit that is designed for residential use by one family. Does not include group homes or dwellings operated by human service providers and occupied by unrelated or unassociated persons.

"Size of Pipe or Tubing": Pipe is generally sized according to the approximate dimension of its bore or inside diameter, whereas tubing is usually sized by measuring its outside diameter. Both are expressed in inches and fractions of inches. For purposes of this Part, any referenced pipe or tubing size shall mean the nominal size or diameter as designated by the commercial manufacturer.

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"Slope": Synonymous with "grade." (See "Grade".)

"Soil Pipe": Any pipe that conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain.

"Special Waste Pipe": Piping that conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Special Wastes": Wastes that require special handling and treatment before they may be discharged into the plumbing system. (See Subpart H.)

~~"Sprinkler System":~~

~~Fire sprinkler system – a system of piping and necessary appurtenances for conveying water or other extinguishing substances to outlets for the purpose of fire extinguishment.~~

~~Lawn sprinkler system – a system of piping installed for irrigation purposes.~~

"Stack": Any vertical line of soil, waste or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. (See Appendix B.Illustration V.)

"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.

"Sterilizer":

Boiling Type Sterilizer – a fixture (non-pressure type) used for boiling instruments, utensils or other equipment (used for sterilization). Some devices are portable; others are connected to the plumbing system.

Instruments Sterilizer – a device for the sterilization of various instruments.

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Pressure (Autoclave) Sterilizer – a fixture (pressure vessel) designed to use steam under pressure for sterilizing.

Pressure Instrument Washer-Sterilizer – a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

Sterilizer Vent – a separate pipe or stack that is trapped below the lowest exhaust and indirectly connected to the building drainage systems and that receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric or exhaust vent.

Water Sterilizer – a device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer that is used for conveying [rainwater](#), ~~rain water~~, surface water, ground water, subsurface water, site drainage, condensate, [clearwater](#), cooling water or other similar liquid waste (excluding sewage) from the building storm drain to an approved point of discharge.

["Stormwater": Rainwater collected at grade or below-grade surfaces.](#)

"Sub-soil Drain": A drain that collects sub-soil drainage and conveys it to a place of disposal.

"Sub-soil Drainage": Liquid waste, such as run-off water, seepage water or clear water waste, free of fecal matter and graywater.

"Sump": A receptacle that receives sanitary or storm waste, located below the normal grade level of the gravity system and emptied by pumping or gravity.

"Sump Pump": A pump for the removal of storm, subsoil and clear water waste drainage from a sump.

"Supports": A hanger, anchor or other device for securing or holding pipe fixtures to walls, ceilings, floors or structural members.

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"Swimming Pool": See the Swimming Facility Act for minimum sanitary requirements for the design and operation of swimming facilities.

"Tempered Water": Water ranging in temperature from 85 degrees Fahrenheit to, ~~but not including,~~ 120 degrees Fahrenheit.

"Terminal Heating Device": A device located within the environment to be conditioned that directly transfers its heating energy by radiation or forced or gravity convection.

"Test Cock": A small cock, faucet or valve set in a water pipe, pump, backflow device or water jacket and used to drain water or test pressure.

"Toxic": Not fit for human consumption; poisonous.

"Toxic Transfer Fluids": Sanitary waste, graywater, or mixtures containing harmful substances, including, but not limited to, ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Trap": A fitting or device designed and constructed to provide, when properly vented, a liquid seal that will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. (See Appendix B.Illustration W.)

"Trap Arm": The portion of a fixture drain between a trap and its vent.

"Trap Primer": A device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip of the trap. (See Appendix B.Illustration W.)

"Tube": A cylindrical conduit or conductor, the wall thickness of which is less than that needed to receive a standard pipe thread. Compare with "Pipe".

"Tuberculation": A condition that develops on the interior of pipe due to corrosion, resulting in the creation of small, hemispherical lumps (tubercules) on the inner walls of the pipe.

"Union": A coupling device used to join two pipes end-to-end, but allow them to

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be disconnected and re-connected. This joint can be assembled and disassembled without removing any adjacent pipes.

"Unisex Restroom": A restroom shared by males and females and having only one water closet and one lavatory located in the same room. In addition, a single urinal may be installed.

"Vacuum": A pressure less than atmospheric pressure, sometimes referred to as suction. It is usually measured in inches of mercury below atmospheric pressure, such as 10 or 20 inches of mercury. To vacuum also means to siphon.

"Vacuum Breaker": A device that prevents the creation of a vacuum by admitting air at atmospheric pressure, used to prevent back siphonage.

"Vacuum Breaker, Hose Type" or "HVB": A back siphonage prevention device designed for hose connections that are not under continuous pressure, and meeting the requirements of ASSE 1011.

"Vacuum Relief Valve": A device to prevent excessive vacuum in a pressure vessel.

"Vent Pipe": A pipe in a plumbing system that is used to equalize pressure and ventilate the plumbing system. Also see the definition of "Vent System".

"Vent Stack": A vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system and terminating to the atmosphere or in the stack vent.

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system and to provide a circulation of air within the system to protect trap seals from siphonage and back pressure.

"Venturi": A short section in a pipe with a reduced diameter or cross-sectional area (forming a throat) compared to the larger ends, thereby increasing the velocity of the fluid passing through the throat and decreasing the pressure at the throat. This decrease in pressure allows another fluid to be drawn into the venturi.

"Vertical Pipe": Any pipe or fitting that makes an angle of 45 degrees or less with the vertical.

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"Wall Hung Water Closet": A water closet installed so that no part of the water closet touches the floor.

"Waste" (See "Sanitary Waste".)

"Waste Pipe": A pipe that conveys only waste material.

"Wastewater": Sewage, industrial waste, or other waste, or any combination of these.

"Water Closet": A fixture with a water-containing receptor that receives liquid and solid body waste and, on actuation, conveys the waste through an exposed integral trap into a drainage system. Also referred to as a toilet.

"Water Distribution Pipe": A pipe within the building or on the premises that conveys water from the water service to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel due to a sudden stoppage of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit. It is also called hydraulic shock.

"Water Hammer Arrester": A device to absorb hydraulic shock.

"Water Heater": An appliance for supplying hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed 150 degrees Fahrenheit.

"Water Main": A water supply pipe for public or community use.

"Water Outlet": An opening through which water is supplied to a fixture, device, appliance or appurtenance, or into the atmosphere.

"Water Riser Pipe" (See "Riser".)

"Water Service" or "Water Service Pipe": The pipe from the water main or source of potable water supply to the water distribution pipe of the building served.

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"Water Softening Equipment": Equipment installed for the sole purpose of removing calcium, magnesium and other cations from hard water. Water softening equipment does not include reverse osmosis filtration, multimedia filtration, or other water treatment technologies installed to control opportunistic pathogens or chemical hazards.

"Water Supply Fixture Unit" or "WSFU": The mathematical factor used by the plumbing industry to estimate the probable demand on the water supply system (considering the volume, duration of flow, and intervals between operations) caused by various plumbing fixtures.

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

"Water Supply System": The water service pipe, the water distribution pipe, and all fittings, valves and appurtenances in or associated with the building or premises being served.

"Water Treatment Equipment" or "Water Treatment Technologies": Any device intended to alter biological, physical or chemical characteristics of water to make the water more acceptable for a proposed use, drinking, industrial process, cooling, irrigation, or any other purpose.

"Wet Vent": A vent that also serves as a drain. (See Appendix B.Illustration Y.)

"Yard Hydrant": A valve or faucet for drawing water from a buried pipe that includes a stand pipe with a valve or faucet at the upper end and a threaded valve outlet to which a hose may be attached.

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack. (See Appendix B.Illustration Z.)

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.130 Incorporated and Referenced Materials

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- a) The following State and federal statutes and State administrative rules are referenced in this Part:
- 1) Illinois Plumbing License Law [225 ILCS 320]
 - 2) Private Sewage Disposal Licensing Act [225 ILCS 225]
 - 3) Illinois Groundwater Protection Act [415 ILCS 55]
 - 4) Swimming Facility Act [210 ILCS 125]
 - 5) Illinois Safe Bottled Water Act [410 ILCS 655]
 - 6) Illinois Bottled Water Act [815 ILCS 310]
 - 7) Bed and Breakfast Act [50 ILCS 820]
 - 8) Hazardous Substances Act (15 USC 1263)
 - 9) Primary Drinking Water Standards (35 Ill. Adm. Code 611)
 - 10) ~~Design, Operation and Maintenance Criteria~~ (Specific Conditions and Installation Procedures) (35 Ill. Adm. Code 653.802)
 - 11) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - 12) Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - 13) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - 14) Youth Camp Code (77 Ill. Adm. Code 810)
 - 15) Recreational Area Code (77 Ill. Adm. Code 800)
 - 16) Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - 17) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - 18) Water Quality Standards (35 Ill. Adm. Code 302)

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- 19) Energy Policy Act of 1992 (PL 201-486)
 - 20) Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892)
 - 21) Safe Drinking Water Act (42 USC 1417)
 - 22) Certification and Operation of Environmental Laboratories (77 Ill. Adm. Code 465)
 - 23) [Swimming Facility Code \(77 Ill. Adm. Code 820\)](#)
 - 24) [Environmental Protection Act \[415 ILCS 5\]](#)
 - 25) [Permits \(35 Ill. Adm. Code 602\)](#)
 - 26) [Ambulatory Surgical Treatment Center Act \[210 ILCS 5\]](#)
 - 27) [Hospital Licensing Act \[210 ILCS 85\]](#)
 - 28) [Nursing Home Care Act \[210 ILCS 45\]](#)
 - 29) [Assisted Living and Shared Housing Act \[210 ILCS 9\]](#)
 - 30) [Community Mental Health Act \[405 ILCS 20\]](#)
 - 31) [Certified Local Health Department Code \(77 Ill. Adm. Code 600\)](#)
- b) See Appendix A for approved materials and standards that are incorporated by reference in this Part.
- c) The following nationally recognized standards and federal regulations are incorporated by reference in this Part (see also Appendix A):
- 1) 2011 American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Handbook – HVAC Applications

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- 2) 2012 American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Handbook – HVAC Systems and Equipment
- 3) January 20, 2004, Department of Energy: Conservation Program for Consumer Products (10 CFR 430)
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this Part refer to the regulations or standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: PLUMBING MATERIALS

Section 890.210 Materials

All materials, piping, fittings, appliances, appurtenances, faucets, fixture fittings, fixtures and devices used in all plumbing systems shall be approved by the Department, in accordance with the following criteria:

- a) Compliance with the requirements of this Part.
- b) Compliance with the applicable standard (see Appendix A: Table A).
- c) Labeled by an agency that is approved by the Department or is an ANSI-accredited certification program (see Appendix A: Table A).
 - 1) Labeling indicates that the agency certifies the plumbing material to be in compliance with applicable standards.
 - 2) Labeling includes the manufacturer's identification of material. Each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system shall have cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, class of product and the standard that applies.
- d) Testing. The approved agency has tested a representative sample of the material or piping being labeled to the relevant standard. The approved agency maintains

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a record of all tests performed, which provides sufficient detail to verify compliance with the testing standard.

- e) Inspection and identification. The approved agency periodically performs inspections, which shall include in-plant inspections during the manufacturing process, to verify that the product being manufactured meets the applicable standard.
- f) Independent. The approved agency discloses all possible conflicts of interest.
- g) Equipment. An approved agency has necessary equipment to perform all required tests. The equipment shall be calibrated according to manufacturer's recommendations.
- h) Personnel. An approved agency employs personnel experienced and educated in conducting, supervising and evaluating tests.
- i) Manufacturer's Identification of Material. The approved agency ensures that each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system has cast, stamped or indelibly marked on it the maker's mark or name, weight, type, class of product and the standard that applies.
- j) Materials that do not meet the applicable standards in Appendix A will be evaluated by the Department upon receipt of plans, specifications, independent testing data and other such records required by the Department and may receive approval for use pursuant to Section 890.1940, with the written consent of the Department.
- k) All plumbing materials shall be lead free.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.230 Safe Pan Material and Construction

- a) Material. Safe pans shall be made only of ~~lead~~, copper, aluminum, galvanized steel, stainless steel, ABS, PVC or fiberglass material.
 - 1) ~~Lead sheets for safe pans shall weigh at least 4 pounds per square foot.~~

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- ~~12)~~ Copper sheets for safe pans shall weigh at least 12 ounces per square foot.
- ~~23)~~ Aluminum, galvanized steel and stainless steel safe pans shall be of at least 24 gauge material.
- ~~34)~~ ABS or PVC safe pans or liners shall be 30 mil or 40 mil.
- ~~45)~~ Fiberglass for safe pans or liners shall be equally durable to the ABS and PVC material described in subsection (a)(3) ~~of this Section.~~
- b) Construction. All safe pans shall be constructed with preformed dam corners, shall be watertight, adequately reinforced and provided with a drain opening designed to make a watertight joint. ABS and PVC safe pans and liners shall be solvent welded together with the proper cement.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: JOINTS AND CONNECTIONS

Section 890.320 Types of Joints

- a) ~~Caulked joints. Caulked joints for (drain, waste and vent systems only) cast iron hub and spigot pipe shall be firmly packed with oakum or hemp and filled with molten lead at least 1 inch deep and be firmly caulked not to extend more than 1/8 inch below the rim of the hub. Paint, varnish, or other coatings shall not be permitted on the jointing material until after a plumbing inspector has been given the opportunity to test and approve or disapprove the joint. (See Appendix C.Illustration A.)~~
- ~~a~~b) Threaded/Screwed Joints. Threaded joints shall conform to American National Taper Pipe Thread, ASME B.1.20.1 (General Purpose). All burrs shall be removed; pipe ends shall be reamed or filed to size of the bore, and all chips shall be removed. Pipe joints compound shall be insoluble in water and non-toxic.
- e) ~~Wiped Joints. Joints in lead pipe or fittings, or between lead pipe fittings and brass or copper pipe ferrules, solder nipples, or traps shall be full-wiped joints. Wiped joints shall have exposed surface on each side of the joint at least 3/4 inch and at least as thick as the material being joined. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at the~~

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~~wall or floor. Joints between lead pipe and cast iron, steel or wrought iron shall be made by means of a caulking ferrule, soldering nipple or bushing.~~

- bd) Soldered Joints. The surface to be soldered shall be cleaned bright. The joints shall be properly fluxed (lead free) and made with approved lead free solder conforming to ASTM Standard B32. Joints in copper water tubing shall be made with approved cast bronze or wrought copper pressure fittings, properly soldered together. All solders or flux containing more than 0.2 percent lead shall bear a warning label that states that the solder or flux is not approved for private or potable water use as required by Section 4 of the federal Hazardous Substances Act (15 USC 1263). Use of this product in making joints or fittings in any private or public potable water system is prohibited. No part of a drain, waste and vent (DWV) system shall be joined or fitted with a solder or flux containing more than 0.2 percent lead.
- ce) Flared Joints. Flared joints for plastic pipe and tubing and soft copper water tubing shall be made with approved fittings. The tubing shall be expanded with a proper flaring tool. (See Appendix C.Illustration B.)
- df) Hot-Poured Joints. Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry surface shall have a bond of at least 100 pounds per square inch (psi). All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a primer such as oil or tar shall be applied. The compound shall not soften sufficiently to destroy effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit, and not be soluble in any of the waste carried by the drainage system. Approximately 25 percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar rope or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one hour after pouring.
- eg) Precast Joints. Precast collars shall be formed in both the spigot and bell of the pipe in advance of use. Prior to making joint contact, surfaces shall be cleaned. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket.
- fh) Brazed Joints. Brazed joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved for brazed joints and for

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the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact. (See Section 890.330(b).) An extracted mechanical joint may be made in copper tube types K or L only for water distribution. The joint shall be made with a mechanical extraction tool and joined by brazing. To prevent the branch tube from being inserted beyond the depth of the extracted joint, depth stops shall be provided. This joint shall be for above-ground use only.

- ~~g)~~ Cement Mortar Joints. Except for repairs, cement mortar joints are prohibited.
- ~~j)~~ ~~Burned Lead (Welded). (For DWV system only) Every burned (welded) joint shall be made so that the two or more sections to be joined shall be uniformly fused together into one continuous piece. The weld shall be at least as thick as the lead being joined.~~
- ~~h)~~ Bituminized Fiber Pipe Joints. Joints in bituminized fiber pipe shall be made with tapered type couplings of the same composition as the pipe. ~~Joints between bituminized fiber pipe and metal pipe shall be made by means of an adaptor coupling caulked as required in subsection (a).~~
- ~~i)~~ Plastic Pipe Joints
- 1) Every joint in plastic piping shall be made with approved fittings by either solvent-welded or fusion-welded connections, compression fittings, approved insert fittings, metal clamps and screws of corrosion-resistant material, or threaded joints. (See Appendix A. Table A for approved pipe, fittings and solvent.)
 - 2) Joints and Fittings in Plastic Pipe. Potable water piping fittings and joints shall be in accordance with the manufacturer's recommendations subject to the following: (See Appendix A. Table A, "Approved Standards for Fittings".)
 - A) Polyethylene (PE) pipe shall be installed only with compression fittings, insert and clamp type fittings or thermal-welded joints and fittings. All clamps shall be of corrosion-resistant material. ~~Fittings shall not prevent the plumbing systems from meeting the demand requirements found in Appendix A. Tables N and O. The inside diameter (ID) of any insert fitting shall not be less than the~~

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~~minimum allowable size for water service/distribution piping. (See Appendix A.Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)~~

- B) Polyvinyl chloride (PVC) pipe shall be installed with solvent-welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be made with the use of adaptor fittings. The fittings shall be molded from PVC. The primer and solvent cement used shall be in accordance with the manufacturer's recommendation for PVC piping.
- ~~C) Polybutylene (PB) pipe shall be installed only with insert and clamp type fittings, compression type, flanged type, or thermal-welded joints and fittings. All clamps shall be of corrosion-resistant material. The ID of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Appendix A.Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)~~
- 3) Joints in Plastic Drainage. Joints in plastic drainage piping or vent piping within a building shall be solvent welded. Threaded or flanged joints may be used with adaptor fittings. The solvent cement shall be specific for the type of piping material listed in Appendix A.Table A. O-ring expansion joints are acceptable if accessible.
- ~~j) Ground Joint Connections. Ground joint connections (when accessible) may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint connections shall not be used in any inaccessible drainage piping.~~
- ~~k) No-Hub Soil Pipe Joints. Shielded joints for no-hub cast iron soil pipe shall be made with an elastomeric gasket covered by either a stainless steel shield secured by two or more stainless steel bands or clamps, or covered by cast iron couplings secured with stainless steel nuts and bolts. When a stainless steel shield is used, the shield and clamps shall be corrosion resistant and homogeneous throughout. The joint materials shall comply with ASTM C564 and CISPI 310 or FM 1680.~~
- ~~l) Compression Type Joints~~
- 1) Compression type joints for hub and spigot cast iron soil pipe shall be

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made with neoprene insert gaskets in accordance with ASTM C564. The pipe shall comply with the specifications contained in ASTM A-74 with regard to hub and spigot dimensions and tolerances. (See Appendix C.Illustration C.)

- 2) Compression type joints for copper water tube or brass tube shall be made with brass ferrules and ground joint connections.

mp) Grooved Type Mechanical Couplings

- 1) Cut grooved type mechanical couplings, fittings and valves used on standard weight ~~galvanized steel pipe~~, cast iron pipe or ductile iron pipe shall comply with the grooving dimensions of the AWWA specifications C606, limited to water distribution piping and downspout pipe above ground.
- 2) Rolled grooved type mechanical couplings, fittings and valves used on standard weight ~~galvanized steel pipe~~ or type K or L copper tubing shall comply with the manufacturer's standard, limited to water distribution piping above ground. Fittings, couplings, and valves shall be compatible with the pipe material. Transition adapters shall be dielectric type.
- 3) Gaskets for use with potable water piping shall be fabricated from material that is non-toxic, durable and impervious.

ne) Copper Press Fittings. Copper press fittings for joining copper water tubing shall have an elastomeric o-ring that forms the joint. The fitting shall be made by pressing the socket joint under pressure in accordance with the manufacturer's installation requirements and NSF/ANSI Standard 61.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.330 Special Joints

- a) Copper Tubing to Screwed Pipe Joints. Joints from copper tubing to threaded pipe shall be made by the use of a cast bronze or wrought copper adaptor fitting. The joint between copper tubing and the fitting shall be soldered or, if flared or compression, must be accessible.

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- b) Welding or Brazing. Brazing or welding shall be in accordance with the provisions of Section 6 of the Code for Pressure Piping, ASME B31.1.
- c) Slip Joints. In drainage and water piping, slip joints may be used on the inlet side of the trap or in the trap seal, and on the exposed fixture supply. Slip joints shall not be used in any inaccessible piping. Push-on angle and straight stop valves are permitted, provided that they meet the following specifications: they are installed by being pushed onto copper or chlorinated polyvinyl chloride (CPVC); they are mechanically secured by metal tabs that grip the piping; they are sealed with o-rings; and they are capable of withstanding a water pressure of 150 psi and a temperature of 210 degrees Fahrenheit.
- d) Expansion Joints. Expansion joints shall be accessible and may be used where necessary to provide for expansion or contraction of the piping. The expansion joint material shall conform to the type of piping on which it is installed.
- e) Compression type couplings shall not be used in unexposed water piping except for water services, water meter yokes, and stop box connections.
- f) Grooved Type Mechanical Couplings. Grooved type mechanical couplings, in accordance with Section 890.320(p), may be used in potable water and roof drain piping. These couplings shall not be used in waste, soil or vent piping.
- g) Plastic Pipe to Non-Plastic Pipe Joints. Joints between plastic pipe and non-plastic pipe shall be made only by one of the following methods:
 - 1) Pressure Piping
 - A) Approved insert fittings (in accordance with Appendix A.Table A);
 - B) Threaded adaptors;
 - C) Flanges; or
 - D) Flared fittings.
 - 2) Non-pressure Piping – DWV
 - ~~A) Caulked lead joints with caulked adaptors;~~

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- AB) No-hub soil pipe shielded couplings with approved adaptor having a raised bead;
- BE) Compression type joints for hub and spigot cast iron pipe; or
- CD) Threaded adaptors.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.340 Use of Joints

- a) Clay Sewer Pipe. Joints in vitrified clay pipe or between vitrified clay pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(df), (eg) or (le), if applicable.
- b) Concrete Sewer Pipe. Joints in concrete sewer pipe or between concrete sewer pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(df), (eg) or (le), if applicable.
- c) Cast Iron Pipe. A joint in cast iron water supply pipe shall be made in accordance with Section 890.320(~~a~~) and (b) or shall be a mechanical joint in accordance with AWWA C151. Joints in cast iron soil pipe shall be made in accordance with Section 890.320(a), (~~b~~), (kn), (le) or (mp).
- d) Screw Pipe to Cast Iron. Joints between wrought iron, steel, brass, or copper pipe and cast iron pipe shall be ~~either caulked or~~ threaded joints that are made as provided in Section 890.320(~~a~~) or (b) and shall be made with proper adaptor fittings.
- ~~e) Lead to Cast Iron, Wrought Iron or Steel. Joints between lead and cast iron, wrought iron, or steel pipe shall be made by means of wiped joints to a caulking ferrule, soldering nipple, or bushing as provided in Section 890.320(c).~~
- ef) Copper Water Tube. Joints in copper tubing shall be made with cast bronze or wrought copper pressure fittings, properly soldered or brazed, or by means of compression or flared joints as provided in Sections 890.320(bd), (ce), (fh) and (mp)(2). Flared joints and compression fittings shall not be installed underground except for water services, water meter yokes, and stop box connections.

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- fg)** Plastic Pipe. Joints between plastic pipe and non-plastic material shall be made only with an appropriate type adaptor as provided in Section 890.320(~~h~~) and 890.330(g).
- 1) Plastic-Commingling. There shall be no commingling of plastic materials within the same plumbing system except through the use of proper adaptors or approved solvent as listed in Appendix A. Table A, for connections transitioning from one material to another, only.
 - 2) Plastic Pipe. Plastic pipe shall not be installed in any tunnel or chase that contains uninsulated hot water, hot air or steam piping that causes the ambient air temperature in the tunnel or chase to exceed 180 degrees Fahrenheit.
- gh)** Building Sewer Connections. An elastomeric coupling seal conforming to ASTM C 425, ASTM C 443, ASTM C 564, ASTM D 4161, ASTM F 477, ASTM D 3139, ASTM D 3212, or ASTM D 412 tests may be used to adapt any two building sewer pipes for different materials or size changes. The flexible couplings shall be attached to the pipe with stainless steel clamps or bolts. The manufacturer's recommended method of installation shall be followed.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.360 Water Closet and Pedestal Urinal

Fixture connections between drainage pipes and water closets, floor outlet service sinks and pedestal urinals, and earthenware trap standards shall be made by means of brass, copper, ~~hard lead~~, plastic, or iron flanges; ~~caulked~~, soldered, screwed or solvent welded to the drainage pipe. Flanges of ~~hard lead~~, plastic and iron flanges for no-hub or compression joints shall be secured to the floor. The connection shall be bolted, with a gasket, washer or setting compound, between the earthenware and the flange. The floor flange shall be set on an approved firm base. The use of putty or non-drying plumber's putty manufactured specifically for plumbing installation is acceptable.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART F: PLUMBING FIXTURES

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Section 890.610 General Requirements – Material and Design

- a) Quality, Function and Efficacy of Fixtures: Plumbing fixtures shall comply with approved designs, be constructed from approved materials, have smooth, impervious surfaces and be free of defects and concealed fouling surfaces. Any appliance, appurtenance or fixture installed pursuant to this Part shall be certified for its intended use and purpose by one or more approved agencies listed in Appendix A. Any appliance that amends or alters potable water in a plumbing system shall be certified by one or more agencies listed in Appendix A for efficacy in achieving its listed use and purpose. In the absence of a suitable standard for certification, approval may be sought pursuant to Section 890.1940 by submitting plans, specifications, independent testing data and other such records as may be required by the Department in making a determination of approval for use. (See Appendix A, Table A ("Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings)" and "Approved Standards for Plumbing Appliances/Appurtenances/Devices".)
- b) Used plumbing material, equipment and fixtures for plumbing installations shall comply with this Part.
- c) Any plumbing equipment condemned by the Department because of wear, damage, defects or sanitary hazards shall not be used in a plumbing system.
- d) In buildings other than residential, hot water shall be generated, distributed and maintained at 160 degrees Fahrenheit or higher. Any mixing or tempering of hot water for use in plumbing fixtures, appliances or appurtenances shall occur within 12 inches before any fixture, appliance or appurtenance. Mixing and tempering devices shall comply with the requirements of this Part. Distribution of tempered or mixed water is prohibited.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.630 Installation

- a) **Cleaning.** Plumbing fixtures shall be installed in a manner to afford easy access for cleaning.
- b) **Securing Fixtures.** Floor outlet or wall hung fixtures shall be secured by screws or bolts of copper, brass or other equally durable corrosion resistant materials.

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- c) Wall-Hung Fixtures. Wall-hung fixtures shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the fixture connection.
- d) Setting. Plumbing fixtures and traps shall be set level and in a true alignment.
- e) Potable Water Supply Connection. Fixtures, appliances or appurtenances designed and intended to be supplied with cold water shall be supplied with the cold water connected on the user's right side or in accordance with the manufacturer's instructions. Fixtures, appliances or appurtenances designed and intended to be supplied with hot water shall be supplied with hot water connected on the user's left side or in accordance with the manufacturer's instructions. Fixtures, appliances and appurtenances designed and intended to be supplied with tempered water or mixed water shall be supplied with tempered or mixed water connected on the user's left side or in accordance with the manufacturer's instructions and in compliance with Section 890.610(d), as applicable.~~Hot and cold, tempered and cold, or tempered water only shall be supplied to all plumbing fixtures that are designed for hot and cold, tempered and cold, or tempered water. All mixing faucets and single lever faucets shall have both hot or tempered and cold water connected to them with the hot or tempered water supply on the left side of the faucet.~~ The cross piping of cold water and hot, mixed or tempered~~and cold~~ water to a mixing faucet by internal modification of the faucet is prohibited~~shall not be allowed~~. Each lavatory and sink faucet shall have supply pipes that are accessible.
- f) Improper Location. Piping, fixtures or equipment shall not be located or installed so as to interfere with the normal operation of windows, doors or other exit openings. Plumbing fixtures shall be installed in an area where there is sufficient room for the fixture to be used for its intended purpose.
- g) When plumbing is installed it shall meet the requirements of the Illinois Accessibility Code.
- h) Surrounding Materials. Where water closets or urinals are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the water closet or urinal, and extending from the back of the water closet or urinal to the wall, shall be of non-absorbent material.
- i) A water heater thermostat shall not be an acceptable alternative water temperature

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control device.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.660 Urinals

- a) Automatic Flushing Tank-
- 1) Flushing tanks shall be used for washout urinals only. Tanks flushing more than one ~~(1)~~ urinal shall be automatic, shall provide a sufficient volume of water to flush all urinals simultaneously, and shall flush at least four ~~(4)~~ times per hour. One automatic flushing tank may serve no more than three ~~(3)~~ washout urinals.
 - 2) Float Valves. Float valves or ball cocks, if provided for flushing tanks, shall be of the anti-siphon type and of sufficient capacity to refill the trap.
- b) Urinal Flush Valves. No valve shall be used to flush more than one ~~(1)~~ blow-out, siphon-jet or pedestal urinal. One ~~(1)~~ properly sized automatic flush valve may serve more than one ~~(1)~~, but not more than a battery of three ~~(3)~~ washout urinals, and shall flush at least four ~~(4)~~ times per hour. The water supply line to each urinal flush valve shall be as required by the manufacturer, but not less than ~~three-fourths~~ ~~(3/4)~~ inch. Protection against backflow shall be provided by an approved vacuum breaker. (See Sections 890.1130(a), (b); (c) and 890.1140.)
- c) Trough urinals are prohibited.
- d) Nonwater Urinals. Nonwater urinals, with the exception of hybrid urinals, shall connect to a branch drain that serves one or more lavatories, water closets or water using urinals that discharge upstream of the urinals.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.690 Shower Receptors and Compartments

- a) Shower Installation. All shower compartments, except those built directly on a slab floor or having receptors constructed of precast stone, terrazzo, concrete, molded stone, molded fiberglass, or an equally durable material such as cultured stone or synthetic stone, shall have a ~~lead~~, copper, ABS, PVC or fiberglass

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shower pan. (See Section 890.220.) All sides of the shower pan shall turn up at least 2 inches above the finished shower floor level. Precast molded receptors shall have a minimum ¼ inch thick flange. Traps shall be constructed so that the pan is fastened to the trap at the seepage entrance, making a water-tight joint between the pan and the trap. Shower receptacle waste outlets shall be at least 2 inches in diameter and have a removable strainer.

- b) Water Temperature Safety. All shower compartments and shower-bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall comply with ASSE 1016/ASME A112.1016/CSA B125.16, ~~in accordance with Section 890.210,~~ and be designed with a maximum handle rotation limit/stop, or comply with ~~ASSE 1017 or~~ ASSE 1070, in accordance with Section 890.210. The automatic safety water mixing device shall be adjusted to a maximum setting of 115 degrees Fahrenheit at the time of installation. ~~The temperature of mixed water provided to multi-shower units or multi-person showers shall be controlled by a master automatic safety water mixing device, or the mixed water temperature shall be~~ individually regulated by automatic safety mixing valves for each shower unit. A water heater thermostat shall not be an acceptable alternative water temperature control device.
- c) Dimensions. Single family shower compartments or stalls shall have at least 1,024 square inches outside dimension (OD) floor area and shall be at least 32 inches in shortest outside dimension. All other shower compartments or stalls shall have no less than 1,296 square inches outside dimension floor area and shall be at least 32 inches in shortest outside dimension.
- d) Materials. Shower walls shall be constructed of durable, smooth, non-absorbent, non-corrosive and waterproof materials, such as fiberglass, enameled metal or plastic sheeting. All shower compartments or stalls shall have a slip-resistant floor (bottom) surface.
- e) Public or Institution Showers. Floors of public shower rooms shall be drained so that no waste water from any bather will pass over areas occupied by other bathers. This will not prohibit the use of column showers.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 890.740 Kidney Dialysis Machines

- a) The water supply inlet to kidney dialysis equipment shall have a reduced pressure principle backflow preventer assembly complying with ASSE 1013 or a fixed air gap.
 - 1) A portable dialysis unit or machine shall have a reduced pressure principle backflow preventer assembly installed on the water supply inlet on the unit.
 - 2) Stationary dialysis equipment within a facility shall require, at the filter room or the dialysis machines, a reduced pressure principle backflow preventer assembly on the water supply or a water supply with a fixed air gap.
 - 3) Dialysis equipment shall be installed in accordance with this Part and the manufacturer's specifications. Any conflicts shall be submitted to the Department for resolution.
- b) The water supply to a dialysis reuse room or dialysis machine repair room shall be isolated from all other deionized (DI) or reverse osmosis (RO) water lines by an RPZ or an air gap.
- c) A sign no smaller than 8 by 10 inches with the wording "This Water For Dialysis Only" shall be placed above a sink with DI water or RO water supplied to the faucet.
- d) The discharge for each dialysis unit or machine, portable or stationary, shall be provided with an individual indirect waste connection to the sanitary drainage system. Each stand pipe shall be individually trapped and vented, or a vertical common vent may serve two dialysis stations. (See Appendix K.Illustration O.) Vents shall be installed in accordance with Appendix A.Table I.
- e) The discharge from kidney dialysis equipment shall be separated from the kidney dialysis equipment water supply inlet and dialysate additives. Compliance with this requirement may be achieved by:
 - 1) Two Separate Wall Boxes. One wall box is provided for water supply and dialysate additives and a separate box is provided for dialysis waste. The

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wall box receiving patient waste shall:

- A) Provide a fixed air gap of at least one inch;
 - B) Offer protection, such as a compartment door or access panel, to protect against splatter, splashing or overflow to prevent contamination of the other wall box compartments or the rest of the dialysis station (Note: An air gap may not be contained in a sealed compartment.);
 - C) Allow for easy observation and sampling of the discharge; and
 - D) The drain outlet from the wall box shall be a minimum of 1½ inches in diameter.
- 2) Compartmentalized Wall Box. A single wall box may be installed when separation of waste and water supply and dialysate additives have been provided. Separation may be achieved by:
- A) Installation of a wall box designed with isolated compartments that provide a physical barrier between waste and water supply and dialysate additives. The compartment designated to receive dialysis patient waste shall be designed and installed to comply with subsection (e)(1); or
 - B) Quick Connection Fitting. A quick connection fitting may be installed in the wall box to receive the patient waste. This fitting shall be located below all other water supply and dialysate additive connections. The fitting receiving the waste shall be piped to discharge to an indirect waste receptor at a location isolated from the wall box. Isolated means either physically separated from the wall box by a wall or panel or located a minimum of 18 inches vertically and horizontally from the nearest edge of the wall box. The indirect discharge shall be installed to comply with subsection (e)(1).
- f) All plumbing materials associated with dialysis equipment, including the reduced pressure principle (RPZ) backflow preventer assembly device, shall consist of non-metallic materials approved in Appendix A. Table A.

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- g) All water and dialysis supply lines and waste lines to and from dialysis machines shall be designated to prevent cross-contamination.
- h) Traps
- 1) A minimum developed length of 8 inches shall be provided from the wall box outlet to the weir of the trap.
 - 2) The developed length from the wall box outlet to the trap weir shall not exceed 24 inches.
 - 3) Traps serving dialysis patient stations shall be a minimum of 1½ inches.
- i) Drainage Fixture Units. Drainage Fixture Units (DFU) for the discharge from a kidney dialysis machine shall be assigned based on actual flows from the dialysis stations.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Section 890.920 Vertical Piping

- a) Attachment. Vertical piping shall be secured at intervals to keep the pipe in alignment and carry the weight of the pipe at its maximum capacity. Stacks shall be supported at their base and, if over two ~~(2)~~ stories in height, shall be supported at each floor by floor clamps. (See Appendix G: Illustrations A and B.)
- b) Cast Iron Soil Pipe. Cast iron soil pipe shall be supported at not less than every story height and at its base. Hubless or compression gasket joint shall be supported at not less than every story height, at its base and at intervals to keep the pipe in alignment and to adequately support the weight of the pipe at its maximum capacity. (See Appendix G: Illustrations A and B.)
- c) Threaded Pipe. Threaded pipe shall be supported at every other story height. Supports shall be of ferrous material.

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- d) Copper Tube. Hard drawn copper tube and annealed copper tubing shall be supported at least every story at not more than ~~ten (10)~~ foot intervals. On long lines where there are provisions for expansion and contraction, anchors may be a maximum of four ~~(4)~~ stories apart for cold water risers and drain/waste/vent (DWV) stacks, and two ~~(2)~~ stories apart for hot water risers, provided there are sleeves or similar devices at intermediate floors to restrain lateral movement. Supports shall be of copper material or other material which will not react with the piping material, and which will properly support the pipe.
- e) ~~Lead Pipe. Lead pipe shall be supported at intervals not exceeding four (4) feet. Supports shall be of lead or softer material.~~
- ef) Plastic Pipe. Hangers and straps shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe. Wire pipe hooks shall not be used to support plastic pipe. Restraining joints and expansion joints shall be installed as required. All vertical piping shall be maintained in straight alignment with supports at each floor level or at intervals of ~~ten (10)~~ feet, whichever is less. Trap arms in excess of ~~three (3)~~ feet shall be supported as close as possible to the trap.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.930 Horizontal Piping

- a) Support. Horizontal piping shall be supported at sufficiently close intervals to keep the piping in alignment and prevent sagging.
- b) Cast Iron Soil Pipe. Where joints occur, suspended cast iron pipe shall be supported within 18 inches of each hub or joint and at not more than 5 foot intervals; however, pipe exceeding 5 feet in length may be supported at not more than 10 foot intervals. Hubless or compression gasket joints must be supported at least at every other joint except that when the developed length between hubless or compression gasket joints exceeds 4 feet, supports shall be provided at each joint. Supports shall be placed on or immediately adjacent to the joint. Suspended pipes shall be braced to prevent horizontal movement.
- c) Threaded Pipe. Threaded pipe 1½ inches and larger shall be supported at least at 12 foot intervals; smaller pipe (e.g., 1¼ inch pipe) shall be supported at least at 8 foot intervals. Supports shall be of ferrous material.

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- d) Copper Tube. Hard drawn copper tube shall be supported at least every 8 feet for one inch and smaller tube, and at 10 foot intervals for larger sizes. Annealed copper tubing shall be supported at least every 8 feet. Supports shall be of copper material or other material of sufficient strength to support the tubing and which will not react with copper piping material.
- e) ~~Lead Pipe. Lead pipe shall be supported for its entire length. Supports in contact with the pipe shall be of lead or softer material.~~
- ef) Plastic Pipe. Hangers and straps shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe. Wire pipe hooks shall not be used to support plastic pipe. Restraining joints and expansion joints shall be installed as required. All horizontal piping shall be supported at intervals of not more than 4 feet, and at ends of branches, and at changes of direction or elevation. Trap arms in excess of 3 feet shall be supported as close as possible to the trap.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section 890.1130 Protection of Potable Water

- a) Cross-Connection (Submergence). Potable water supply piping and water discharge outlets shall not be submerged in any sewage or toxic substance. Potable water supply piping or water discharge outlets that are submerged in other substances shall be provided with backflow protection as listed in subsection (f). (See Appendix I. Illustrations B and C.)
- b) Approval of Devices and Maintenance. All devices and assemblies for the prevention of backflow shall comply with the standards listed in Appendix A. Table A. All reduced pressure principle (RPZ), reduced pressure detector (RPDA), double check (DCA) and double check detector (DCDA) backflow prevention assemblies shall be tested and approved by a Cross-Connection Control Device Inspector (CCCDI) before initial operation, and at least annually after initial inspection. Records to verify testing and maintenance shall be available at the site of the installation.
- c) Backflow. The water distribution system shall be protected against backflow.

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Each water outlet shall be protected from backflow by having the outlet end from which the water flows spaced a sufficient distance above the flood-level rim of the receptacle into which the water flows to provide a minimum fixed air gap. When it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessible backflow prevention device or assembly in accordance with subsection (f) of this Section or Section 890.1140.

- d) Fire Safety Systems. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:
- 1) Backflow protection is not required for fire safety systems constructed as follows:
 - A) The system shall be looped, with no dead ends, to allow circulation, to prevent the stagnation of water in the line;
 - B) The system shall not have any non-potable connections or a fire department hose (Siamese) connection;
 - C) The system shall have 20 sprinkler heads or less; and
 - D) The system shall be constructed of potable water supply quality pipe in accordance with Appendix A.Table A.
 - 2) When backflow protection is required, a double detector check valve or double check valve backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when a fire safety system has no chemical additives or non-potable connection and:
 - A) The fire safety system has no fire department hose connections; or
 - B) The fire safety system has one or more fire department hose connections (for boosting pressure and flow to the fire safety system) that are served only by fire fighting apparatus connected to a public water supply or a fire department that does not use chemical additives or rely upon any non-potable water supply.
 - 3) A fixed air gap with a break tank or other storage vessel or [an RPZ_a](#)

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~~reduced pressure principle~~ backflow preventer assembly ~~(RPZ)~~ shall be installed at the fire safety system's point of connection to the potable water supply if:

- A) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly.); or
 - B) Non-potable water flows into the fire safety system by gravity; or
 - C) There is a permanent or emergency connection through which water can be pumped into the fire safety system from any other non-potable source; or
 - D) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: it must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.
- e) Prohibited Connections
- 1) Sewage Lines. There shall be no direct connection between potable water lines and sewage lines or equipment and vessels containing sewage. Connections shall be made only through a minimum fixed air gap as outlined in subsection (f)(5).
 - 2) Chemical or Petroleum Pressure Vessels. No direct connection shall occur between any potable water supply and any pressure vessel, i.e., storage tank, tank car, tank truck or trailer, or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals. When it is necessary to discharge from a potable water line to a pressure vessel, the discharge shall be through a minimum fixed air gap as outlined in subsection (f)(5).

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Exception: Chemical pressure vessels containing chemicals used in the water treatment process, for uses other than private purposes, are exempt from this subsection (e)(2).

- 3) If water under pressure is required, as in subsections (e)(1) and (2), it shall be supplied by means of an auxiliary pump taking suction from a tank provided for this purpose only with an over-rim supply having the required minimum fixed air gap.
 - 4) A potable water line to a single wall refrigerant condenser shall be provided with a backflow preventer complying with ASSE 1012 or 1013.
 - 5) No pipe or fitting of the water supply system shall be drilled or tapped nor shall any band or saddle be used except at the water main in the street.
Exception: See Section 890.320(~~f~~h) for potable water use only.
- f) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:
- 1) Inlet to receptacles containing low hazard substances (steam, compressed air, food, beverages, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly;
 - C) atmospheric vacuum breaker unit;
 - D) double check valve backflow preventer assembly;
 - E) double check backflow preventer with atmospheric vent assembly;
or
 - F) dual check valve.

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- 2) Inlet to receptacles containing high hazard substances (vats, storage containers, plumbing fixtures, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- 3) Coils or jackets used as heat exchangers in compressors, degreasers and other equipment involving high hazard substances:
 - A) fixed air gap fitting; or
 - B) reduced pressure principle backflow preventer assembly.
- 4) Direct connections that are subject to back pressure:
 - A) Receptacles containing low hazard substances (vats, storage containers, plumbing fixtures, etc.):
 - i) fixed air gap fitting;
 - ii) reduced pressure principle backflow preventer assembly;
 - iii) double check valve backflow preventer assembly;
 - iv) double check backflow preventer with atmospheric vent assembly; or
 - v) dual check valve.
 - B) Receptacles containing high hazard substances (vats, storage containers, etc.):
 - i) fixed air gap fitting; or
 - ii) a reduced pressure principle backflow preventer assembly.

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- 5) Inlet to or direct connection with sewage or lethal substances: fixed air gap fitting.
- 6) Hose and spray units or stations shall be protected by one of the appropriate devices as indicated below:
 - A) Fixed air gap;
 - B) Reduced pressure principle backflow preventer assembly;
 - C) Double check valve backflow preventer assembly;
 - D) Double check valve backflow preventer with atmospheric vent assembly;
 - E) Dual check valve backflow preventer assembly;
 - F) Atmospheric vacuum breaker unit.
- g) Installation of Devices or Assemblies
 - 1) Devices of All Types. Backflow preventer assemblies and devices shall be installed to be accessible for observation, maintenance and replacement services. Backflow preventer devices or assemblies shall not be installed where they would be subject to freezing conditions, except as allowed in Section 890.1140(d).
 - 2) All in-line backflow/back siphonage preventer assemblies shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer. Relocation of the valves is not permitted.
 - 3) A protective strainer shall be located upstream of the first check valve on all backflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.
 - 4) Atmospheric vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker.

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- 5) No in-line double check valve backflow preventer assembly (DCV) or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than 5 feet above a floor, or be installed where it is subject to freezing or flooding conditions. After installation, each DCV and RPZ shall be field tested in-line in accordance with the manufacturer's instructions by a cross-connection control device inspector before initial operation. (See subsection (b).)
- 6) A dual check backflow preventer with atmospheric vent assembly shall not be installed where it is subject to freezing or flooding conditions.
- 7) Closed water systems with hot water storage shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank. Exception: In existing buildings with a closed water system, a properly sized pressure relief valve may be substituted in place of a thermal expansion tank. For closed water systems created by backflow protection in manufactured housing, as required in Section 890.1140(i), a ballcock with a relief valve may be substituted for the thermal expansion tank.

h) [Dead ends shall not be installed, constructed or maintained in any plumbing system.](#)

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.1150 Water Service Pipe Installation

- a) **Underground Water Service.** Water service pipe shall be installed outside the foundation wall in accordance with either subsection (a)(1) or (2) and shall comply with both subsections (a)(3) and (4).
 - 1) Water service and building drain or building sewer may be installed in separate trenches with a minimum of 10 feet horizontal separation. Material listed in Appendix A.Table A (Approved Materials for Building Sewer and Approved Materials for Water Service Pipe) shall be used, provided that the material is specific for this type of installation. (See Appendix I.Illustration E.)

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- 2) The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. The building sewer shall be of material listed in Appendix A.Table A (Approved Building Drainage/Vent Pipe) for a building drain. (See Appendix I.Illustration F for the proper installation of water service, building drain and building sewer.)
 - 3) The minimum depth for any water service pipe shall be at least 36 inches or the maximum frost penetration of the local area, whichever is of greater depth.
 - 4) No water service pipe shall be installed or permitted outside of a building or in an exterior wall unless the pipe is protected from freezing, in accordance with Section 890.1210(a).
- b) Potable Water Piping and Sanitary Sewer Crossing Installation Requirements
- 1) Potable water piping that passes above or below a sanitary sewer shall be installed with a minimum vertical separation of 18 inches for a distance of 10 feet on either side from the center of the sanitary sewer.
 - 2) If potable water piping passes beneath a sanitary sewer or drain, the sanitary sewer or drain shall be constructed of materials as specified in Appendix A.Table A (Approved Building Drainage/Vent Pipe) for building drains and shall extend on each side of the crossing to a distance of at least 10 feet as measured at right angles to the water line. The potable water piping shall comply with Appendix A.Table A as specified for a water service pipe (Approved Materials for Water Service Pipe). (See Appendix I.Illustration G.)
 - 3) When compliance with subsection (b)(1) or (2) is not possible, a pressure rated pipe, approved for building drain material listed in Appendix A.Table A, shall encase the water service pipe. The casing pipe shall be sealed with a casing seal and extend 10 feet on either side of the center of the sanitary sewer pipe. The sleeve or case shall be at least two times the size of the water service.

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- c) When compliance with subsection (a) or (b) is not possible, the Department shall be contacted for consideration of alternative methods.
- d) Stop-and-Waste Valve. Combination stop-and-waste valves and cocks shall not be installed in an underground potable water pipe. Frost-free hydrants and fire hydrants shall not be considered stop-and-waste valves. (See Section 890.1140(e).)
- e) Replacement or Repair of Existing Service Lines. If any portion of a service line is constructed of materials not approved under Appendix A, and the service line is to be modified, repaired or replaced, then the portion constructed of unapproved materials and all downstream portions of the service line must be replaced with approved materials listed in Appendix A. Repair of existing service lines shall be made in accordance with Section 890.350(b) and only using materials approved in Appendix A.
- f) Any service line intended to supply seasonal or infrequent uses, such as lawn irrigation systems, fire protection systems, which may include fire hydrant leads, fire hydrant loops, fire sprinkler systems or hose reels, shall be installed in a manner to prevent stagnation of water. This shall be achieved by installing service lines in accordance with one of the following methods:
- 1) Install a combined building water service capable of meeting the larger of the domestic or fire suppression system flow requirements;
 - 2) Install a service line designed to ensure the water age within the service line does not exceed 48 hours under normal building operations with the design certified by an Illinois licensed professional engineer, an Illinois licensed architect or an individual Certified in Plumbing Design (CPD) by the American Society of Plumbing Engineers and approved in writing by the Department; or
 - 3) Cross-Connection Control by Containment: Install an approved backflow device, within a distance no greater than two times the nominal inside pipe diameter of the service line, from the water main or pipe supplying the water service.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 890.1200 Water Service Sizing

- a) Water Service Pipe Sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables M, N, O, P and Q. Water service pipe and fittings shall be at least $\frac{3}{4}$ inch diameter. Plastic water pipe shall be rated at a minimum of 160 psi at 73.4°F. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.
- b) Demand Load. The calculation of the water service demand load for a building shall be based on the total number and types of fixtures installed in the building, assuming the simultaneous use of such fixtures.
- e) ~~Unused sections of water service or water distribution piping ("dead ends"), where the water in the piping may become stagnant, are prohibited. A developed length of more than 2 feet shall be considered a dead end.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 890.1210 Design of a Building Water Distribution System

- a) Design and Installation. The design and installation of the hot and cold water building distribution systems shall provide a volume of water at the required rates and pressures to ensure the safe, efficient and satisfactory operation of fixtures, fittings, appliances and other connected devices during periods of peak use. No distribution pipe or pipes shall be installed or permitted outside of a building or in an exterior wall or attic unless the pipe is protected from freezing.
- b) Size of Water Distribution Pipes. The fixture supply for each fixture shall be at least the minimum size provided in Appendix A, Table D. The size of all other water distribution pipes shall be determined by calculating the water supply demand (in water supply fixture units) for that portion of the water distribution system served by the pipe. Using Appendix A, Tables M, N, O, P and Q, the cumulative water supply demand or load shall be calculated for all fixtures, piping, valves and fittings served by the water distribution pipe, and the pipe shall meet the minimum size provided in Appendix A, Table N or O, as applicable. Exception: As an alternative to using Tables M, N, O, P and Q to design and size the piping in the water distribution system, the system may be designed and sized

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employing current engineering practices, provided that the design/plans are approved in writing by an Illinois licensed professional engineer, an Illinois licensed architect or an individual Certified in Plumbing Design (CPD) by the American Society of Plumbing Engineers and approved in writing by the Department.

- c) **Minimum Water Pressure.** The minimum constant water service pressure on the discharge side of the water meter shall be (at least) 20 psi, and the minimum constant water pressure at each fixture shall be at least 8 psi or the minimum recommended by the fixture manufacturer.
- d) **Auxiliary Pressure. Supplementary Tank.** If the pressure in the system is below the minimum 8 psi at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank of a capacity to supply sections of the building installation that are too high to be supplied directly from the public water main shall be installed.
- e) **Low Pressure Cut-Off.** When a booster pump, except those used for fire protection, is used on an auxiliary pressure system, a low-pressure cut-off switch shall be installed on the booster pump to prevent the creation of pressures less than 5 psi on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within 5 feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.
- f) **Water Hammer Prevention.** Building water distribution piping shall be installed in a manner that reduces the occurrence of water hammer. Water distribution systems with fast acting or solenoid-operated valves shall be equipped with approved mechanical devices, installed in accordance with the manufacturers' instructions. Air chambers and fixtures that create a dead leg or allow water to stagnate are prohibited. When water hammer occurs in a water distribution system, the building owner shall cause the installation of approved mechanical devices necessary to eliminate water hammer.~~All building water supply systems shall be provided with air chambers or approved mechanical devices or water hammer arrestors to absorb pressure surges. Water pressure absorbers shall be installed at the ends of long pipe runs or near batteries of fixtures.~~
 - 1) ~~Air Chambers — An air chamber that is installed in a fixture supply shall be at least 12 inches in length and the same diameter as the fixture supply, or an air chamber with an equivalent volume may be used. An air~~

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~~chamber that is installed in a riser shall be at least 24 inches in length and at least the same size as the riser.~~

~~2) Mechanical Devices – If a mechanical device or water hammer arrestor is used, the manufacturer's specifications for location and installation shall be followed.~~

g) Excessive Static Water Pressure

1) If water main pressure exceeds 80 psi, a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in the water service pipe near the entrance to the building to reduce the water pressure to 80 psi or lower, except where the water service pipe supplies water directly to a water pressure booster system, an elevated water tank, or to pumps provided in connection with a hydropneumatic or elevated water supply tank system. Sillcocks and outside hydrants may be left on full water main pressure.

2) When the water pressure exceeds 80 psi at any plumbing fixture, a pressure reducing valve, pressure gauge and a strainer with a by-pass relief valve shall be installed in a water supply pipe serving the fixture to reduce the water pressure at the fixture to 80 psi or lower.

h) Approval of Auxiliary Pressure Systems. Whenever, in any building, structure or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, installation plans shall be approved by the Department prior to installation in accordance with Section 890.1940.

i) Variable Street Pressures. If the water main has a wide fluctuation in pressure, the water distribution system shall be designed for minimum pressure available at the main.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART N: BUILDING WATER QUALITY

Section 890.2000 Approval of Water Treatment Technologies

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Water treatment technologies are plumbing appliances and shall comply with Section 890.610(a) or be submitted to the Department for approval prior to installation in accordance with Section 890.1940.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.2010 Compliance with Community Water Supply Requirements

Facility plumbing systems utilizing water treatment technologies or supplemental disinfectants, including but not limited to, chlorine, monochloramine, chlorine dioxide, and copper-silver ions for the control of opportunistic pathogens shall comply with the Drinking Water Systems Code, the Environmental Protection Code and Environmental Protection Act, as applicable.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.2020 Decorative Fountains and Aesthetic Water Fixtures

- a) Decorative fountains or aesthetic water fixtures, including, but not limited to, water walls or spray fountains shall be designed, installed and maintained in accordance with this Part.
- b) Decorative fountains and aesthetic water fixtures shall not be supplied from a harvested water system.
- c) Decorative fountains and aesthetic water fixtures that utilize recirculation and provide for direct contact by the public shall comply with the Swimming Facility Code.
- d) Owners and operators of decorative fountains and aesthetic water fixtures shall develop and maintain a disinfection and maintenance program. This does not apply to single family dwellings.
- e) Owners and operators shall maintain records for the disinfection and maintenance program for at least 3 years. These records shall include, but are not limited to, the disinfection and maintenance schedule, maintenance and disinfection records, and any associated sampling and analyses if a sampling plan is in place. The records shall be made available to the Department upon request. This does not apply to single family dwellings.

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- f) Decorative fountains and aesthetic water fixtures shall not be installed in food establishments.
- g) Decorative fountains and aesthetic water fixtures shall not be installed in health care facilities subject to the Ambulatory Surgical Treatment Center Act, Hospital Licensing Act, Nursing Home Care Act, Assisted Living and Shared Housing Act or Community Mental Health Act.
- h) Decorative fountains and aesthetic water fixtures shall not be installed as part of a building's humidification system.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.2030 Response to Water Outages and Boil Orders

- a) Health Care Facilities Subject to the Ambulatory Surgical Treatment Center Act, Hospital Licensing Act, Nursing Home Care Act, Assisted Living and Shared Housing Act, or Community Mental Health Act
 - 1) Upon becoming aware of a water outage or drop in system pressure below 20 psi, the facility owner or operator shall:
 - A) Take measures to isolate the facility water distribution system from the water service;
 - B) Cease to open or operate plumbing fixtures during the outage; and
 - C) Maintain the building water distribution system full of water to reduce the amount of trapped air and scale delamination resulting from the outage.
 - 2) Upon notification of a boil order from the water supplier, the facility owner or operator shall:
 - A) Notify building occupants in writing, through postings or warning signs, that water from the tap is not fit for consumption;

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- B) Contact the water supplier to obtain data on the potable water quality, including disinfectant levels at the service entrance to the facility;
 - C) Upon re-establishment of potable service as announced by the water supplier, the facility shall flush the water distribution system to clear out the stagnant water in the plumbing and flush any non-potable water remaining in the water service piping or main in the street or right of way. To protect patients and residents, flushing shall not occur in occupied rooms or areas;
 - D) Assess the quality of both the water in the plumbing system and the incoming water. The facility shall, at a minimum, assess the concentration of the residual disinfectant, and collect one water sample at the water service entrance to be analyzed for total coliforms. Samples should be submitted to laboratories certified for the analysis of coliforms in drinking water in accordance with accreditation requirements developed by a national accreditation body, such as the National Environmental Laboratory Accreditation Conference (NELAC) Institute (TNI); and
 - E) Implement enhanced water quality surveillance for at least 7 days before returning to surveillance require by the mandated facility water quality management plan.
- b) Food Establishments
Upon notification of a boil order from the water supplier, the facility owner or operator shall:
- 1) Contact the certified local health department having jurisdiction regarding operational conditions and requirements, including requirements to close the food establishment;
 - 2) Contact the water supplier to obtain data on the potable water quality, including disinfectant levels at the service entrance to the facility; and
 - 3) Upon re-establishment of potable service as announced by the water supplier, the facility shall flush the water distribution system to clear out

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the stagnant water in the plumbing and flush any non-potable water remaining in the water service piping or main in the street or right of way.

- c) Non-residential Buildings, Including, But Not Limited to, Universities, K-12 Schools and Daycares
Upon notification of a boil order from the water supplier, the facility owner or operator shall:
- 1) Notify building occupants in writing, through postings or warning signs, that water from the tap is not fit for consumption;
 - 2) Contact the water supplier to obtain data on the potable water quality, including disinfectant levels at the service entrance to the facility; and
 - 3) Upon re-establishment of potable service as announced by the water supplier, the facility shall flush the water distribution system to clear out the stagnant water in the plumbing and flush any non-potable water remaining in the water service piping or main in the street or right of way. To protect patients and residents, flushing shall not occur in occupied rooms or areas.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART O: HARVESTED WATER SYSTEMSSection 890.3000 On-Site Collected Rainwater and Stormwater

This Section shall apply to the design, installation, construction, alteration, operation, maintenance, or repair of rainwater and stormwater harvesting systems intended to supply applications such as water closets, urinals, and lawn sprinkler systems with sprinkler heads at single family dwellings, multi-family dwellings, and non-residential buildings.

- a) Rainwater harvesting systems shall be designed in accordance with CSA B805-17/ICC 805-2017 based upon end use application.
- b) The plans and specifications for a rainwater harvesting system shall be submitted to the Department for approval before installation in accordance with Section 890.1940 when:

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- 1) System collection and storage is more than 5,000 gallons of harvested rainwater storage;
 - 2) End use applications of the system are not considered under CSA B805-17/ICC 805-2017; or
 - 3) Populations potentially impacted by the end use of the on-site rainwater harvesting systems are considered at-risk.
- c) Rainwater collected solely for subsurface irrigation, drip irrigation, or non-aerosolized surface applications shall comply with Section 890.3050.
 - d) Owners of rainwater harvesting systems shall maintain records of maintenance and operation and those records shall be made available to the Department or authorized unit of local government upon request. These records shall be maintained with the system for a period of not less than five years.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.3010 On-Site Collected Graywater

This Section shall apply to the design, installation, construction, alteration, operation, maintenance, or repair of graywater harvesting systems intended to supply applications such as water closets, urinals, and lawn sprinkler systems with sprinkler heads at single family dwellings, multi-family dwellings, and non-residential buildings.

- a) Graywater harvesting systems shall be designed in accordance with NSF/ANSI 350 and 350-1 based upon end use application.
- b) The plans and specifications for graywater harvesting systems shall be submitted to the Department for approval prior to installation in accordance with Section 890.1940 when:
 - 1) System collection and storage is more than 200 gallons per day of harvested graywater storage;
 - 2) End use applications of the system are not considered under NSF/ANSI 350 and 350-1; or

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- 3) Populations potentially impacted by the use of on-site graywater harvesting systems are considered at-risk.
- c) Graywater collected solely for subsurface irrigation, drip irrigation, or non-aerosolized surface applications shall comply with Section 890.3050.
- d) Owners of graywater harvesting systems shall maintain records of maintenance and operation and such records shall be made available to the Department or authorized unit of local government upon request. These records shall be maintained with the system for a period of not less than five years.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.3020 Reclaimed Water Applications

- a) Producers and users of reclaimed water may develop standards based on fitness for intended use. Those requirements are not subject to the requirements of this Subpart except when the public may be exposed to reclaimed water via potential ingestion, inhalation or skin contact.
- b) All harvested systems using reclaimed water that may result in public exposure to harvested water shall be submitted to the Department for approval prior to installation of those systems in accordance with Section 890.1940.
- c) Responsible parties for reclaimed water shall take all necessary precautions to prevent public exposure to reclaimed water to protect the public health.
- d) Producers of reclaimed water, such as units of local government, may establish agreements to provide or sell reclaimed water. The Department shall be notified of reclaimed water purchase agreements when water quantities provided are greater than 50,000 gallons per day, 250,000 gallons per month, or 5,000,000 gallons per year.
- e) Producers and users of reclaimed water shall maintain records of water purchase agreements and quantities sold or transferred for at least 5 years. Those records shall be made available to the Department or authorized unit of local government upon request.

(Source: Added at 43 Ill. Reg. _____, effective _____)

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Section 890.3030 On-Site Collected Blackwater

Any plumbing system designed to collect, convey, store, treat and distribute blackwater shall be submitted to the Department for approval prior to installation of that system, in accordance with Section 890.1940.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.3040 Harvested Water System Isolation

All systems utilizing harvested water shall be isolated from potable water systems in accordance with Section 890.1130.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.3050 Harvested Water Systems for Subsurface Irrigation

Harvested water collected solely for the purpose of subsurface irrigation, drip irrigation, or non-aerosolized surface applications are not subject to the requirements of Sections 890.3010 and 890.3020. Responsible parties for subsurface irrigation applications using harvested water shall take all necessary precautions to prevent public exposure and to protect public health. Irrigation systems shall be installed in accordance with the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 890.3060 Combined Source Harvested Water Systems

All harvested water systems designed to collect and store more than one type of harvested water shall limit end use of the harvested water to the most restrictive application described in the applicable standards.

(Source: Added at 43 Ill. Reg. _____, effective _____)

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Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards**Section 890.TABLE A Approved Materials and Standards**

All materials shall meet at least one of the approved standards listed.

Approved Building Drainage/Vent Pipe

- | | | |
|----|--|--|
| 1) | Acrylonitrile Butadiene Styrene (ABS) Pipe | ASTM D 2661-2011
ASTM F 628-2012
CSA B181.1-2011 in B1800 |
| | Joints | ASTM D 2235-2011
CSA B602-2010 |
| | Solvent Cement ¹ | ASTM D 2235-2011
ASTM D 3138-2011
CSA B181.1-2011 in B1800 |
| 2) | Brass Pipe | ASTM B 43-2009 |
| 3) | Cast Iron Pipe | ASTM A 74-2009
ASTM A 888-2011
ASTM C 564-2012
CISPI 301-2009
CSA B70-2012
FM 1680-1989 |
| 4) | Chlorinated Polyvinyl Chloride (CPVC)
(Pipe and Fittings for Chemical Waste Drainage Systems) | ASTM F2618-2009 |
| 5) | Copper/Copper Alloy Pipe | ASTM B 42-2010
ASTM B 302-2012 |
| 6) | Copper/Copper Alloy Tubing
(K-L-M or DWV) ² | ASTM B 75/B75M-2011
ASTM B 88-2009
ASTM B 251-2010
ASTM B 306-2009 |

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7)	Galvanized Steel Pipe²	ASTM A 53/A53M-2012
78)	Glass Fiber Borosilicate Pipe ³	ASTM C 1053-2010
89)	High Silicon Content Cast Iron Pipe ³	ASTM A 377-2008e1 CSA B70-2012
940)	Polypropylene Pipe ³	CSA B137.1-2009 in B137
1044)	Polyvinyl Chloride (PVC) Pipe and Fittings	ASTM D 2665-2012 ASTM D 2949-2010 CSA B137.2-2009 in B137 CSA B181.2-2011 in B1800
1142)	Polyvinyl Chloride (PVC) Pipe with Cellular Core ⁴	ASTM F891-2010 ASTM F1760-2011 ASTM D 2855-2010 ASTM F 656-2010 ASTM D 2564-2012 ASTM D 3138-2011
	Joints	
	Primer	
	Solvent Cement ¹	
1243)	Polyvinylidene Fluoride ³	ASTM D 3222-2010
1344)	Solder	ASTM B 32-2008
1445)	Stainless Steel – types 304 and 316L	ASME A112.3.1-2007 (R2012)
1546)	Stainless Steel Buttweld Fittings	ASTM A 403/A 403M-2012 ASTM A 774/A 774M-2009
1647)	Stainless Steel Flanges	ASTM A 2400/A 240M-2012a
1748)	Identification of Piping Systems	ASME A13.1-2007

Agency Notes:

¹ Solvent cement must be handled in accordance with ASTM F 402-1993.

² Type M copper tubing ~~and~~; DWV copper tubing, ~~and galvanized steel pipe~~ are approved for

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above-ground uses only.

³ Approved for corrosive waste or corrosive soil conditions.

⁴ PVC pipe with cellular core is approved only for gravity drainage and venting.

⁵ ASME B.1.20.1-1983

Approved Materials for Building Sewer

- | | | |
|----|--|---|
| 1) | Acrylonitrile Butadiene Styrene (ABS) Pipe | ASTM D 2661-2011
ASTM D 2751-2005
ASTM F 628-2012
CSA B181.1-2011 in B1800 |
| | Joints | ASTM D 2235-2011
CSA B602-2010 |
| | Solvent Cement ¹ | ASTM D 2235-2011
ASTM D 3138-2011
CSA B181.1-2011 in B1800 |
| 2) | Asbestos Cement Pipe | ASTM C 428/C 428M-2011e1
CSA B127.1-1999 (R2009) |
| 3) | Cast Iron Soil Pipe/Fittings | ASTM A 74-2009
CSA B70-2012 |
| | Hubless Soil Pipe | CISPI 301-2009
CISPI 310-2011
CSA B70-2012
FM 1680-1989 |
| | Rubber Gaskets | ASTM C 564-2012
ASTM D 4161-2010
CSA B70-2012
CSA B602-2010 |
| 4) | Copper/Copper Alloy Tubing | ASTM B 88-2009 |
| 5) | Concrete Pipe | ASTM C 14-2011
ASTM C 76-2013
ASTM C 443-2012
CSA B602-2010 |
| 6) | High-Density Polyethylene (HDPE) Pipe | ASTM D 3350-2012 |

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|-----|---|--|
| 7) | Polyvinyl Chloride (PVC) Pipe | ASTM F 1866-2007
ASTM D 2665-2012
ASTM D 2949-2010
ASTM D 3034-2008
CSA B182.1-2011 in B1800
CSA B182.2-2011 in B1800
CSA B182.4-2011 in B1800
CSA B181.2-2011 in B1800 |
| | Joints | ASTM D 2855-2010
ASTM D 3212-2013
CSA B602-2010 |
| | Primer | ASTM F 656-2010 |
| | Solvent Cement ¹ | ASTM D 2564-2012
ASTM D 3138-2011
CSA B181.2-2011 in B1800 |
| 8) | Polyvinyl Chloride (PVC) Pipe with Cellular Core ² | ASTM F 891-2010 |
| | Joints | ASTM D 2855-2010
ASTM D 412-2006ae2 |
| | Primer | ASTM F 656-2010 |
| | Solvent Cement ¹ | ASTM D 2564-2012
ASTM D 3138-2011 |
| 9) | Solder | ASTM B 32-2008 |
| 10) | Vitrified Clay Pipe ² | ASTM C 4-2009
ASTM C 700-2013
ASTM C 425-2009 |
| 11) | Polypropylene Pipe ² | ASTM F 2389-2010
AWWA C901-2008
AWWA C906-2012
(Material Code PE3408) ³
(Material Codes PE2406 and PE3406) ⁴ |
| 12) | Identification of Piping Systems | ASME A13.1-2007 |

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Agency Notes:

- ¹ Solvent cement must be handled in accordance with ASTM F 402-1988.
² PVC pipe with cellular core and vitrified clay pipe are approved only for gravity drainage.
³ Dimension Ratio (DR) 17 or less.
⁴ Dimension Ratio (DR) 13.5 or less.

Approved Materials for Water Service Pipe

1)	Acrylonitrile Butadiene Styrene (ABS) Pipe ²	ASTM D 1527-2005
	Joints	ASTM D 2235-2011
	Solvent Cement ¹	ASTM D 2235-2011
2)	Brass Pipe ²	ASTM B 43-2009
3)	Cast Iron (ductile iron) ²	ASTM A 377-2008e1
	Water Pipe	CSA B70-2012
		AWWA C151-2009
4)	Chlorinated Polyvinyl Chloride (CPVC) Pipe ²	ASTM D 2846/D 2846M-2009be1
		ASTM F 441/F 441M-2012
		ASTM F 442/F 442M-2012
		CSA B137.6-2009 in B137
	Joints	ASTM D 2846/D 2846M-2009be1
		CSA B137.6-2009 in B137
	Solvent Cement ¹	ASTM F 493-2010
		CSA B137.6-2009 in B137
5)	Copper/Copper Alloy Pipe ^{2,3}	ASTM B 42-2010
		ASTM B 302-2012
6)	Copper/Copper Alloy Tubing ^{2,3}	ASTM B 88-2009
7)	Galvanized Steel Pipe²	ASTM A 53/A 53M-2012
8)	Poly Butylene (PB) Pipe/Tubing²	CSA B137.8-2009 in B137

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<u>79</u>)	Polyethylene (PE) Pipe ²	ASTM D 2239-2012a AWWA C901-2008 AWWA C906-2012 (Material Code PE3408) ⁴ (Material Codes PE2406 and PE3406) ⁵
<u>810</u>)	Polyethylene (PE) Tubing ²	ASTM D 2737-2012a CSA B137.1-2009 in B137
<u>911</u>)	Polypropylene Pipe ²	ASTM F 2389-2010
<u>1012</u>)	Polyvinyl Chloride (PVC) Pipe ²	ASTM D 1785-2012 ASTM D 2241-2009 ASTM D 2672-2009 ASTM F 477-2010 AWWA C900-2007 CSA B137.3-2009 in B137
	Joints	ASTM D 2855-2010 ASTM D 3139-2011 CSA B137.2-2009 in B137 CSA B137.3-2009 in B137
	Primer Solvent Cement ¹	ASTM F 656-2010 ASTM D 2564-2012 CSA B137.3-2009 in B137
<u>1113</u>)	Stainless Steel Pipe ²	ASTM A 312/A 312M-2012a ASTM A 403/A 403M-2012 ASTM A 511/A 511M-2012
<u>1214</u>)	Welded Copper Water Tube ²	ASME B31.1-2012 ASTM B 447-2012a WK and WL
<u>1315</u>)	Solder	ASTM B 32-2008

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Agency Notes:

- ¹ Solvent cement must be handled in accordance with ASTM F 402-1988.
² Water service pipe must meet the appropriate NSF standard for potable water.
³ Type K or L copper may be installed underground.
⁴ Dimension Ratio (DR) 17 or less.
⁵ Dimension Ratio (DR) 13.5 or less.
⁶ ASME B.1.20.1-1983.

Approved Materials for Water Distribution Pipe

- | | | |
|----|--|--|
| 1) | Brass Pipe ² | ASTM B 43-2009 |
| 2) | Chlorinated Polyvinyl Chloride ² (CPVC) Pipe/Tubing | ASTM D 2846/D 2846M-2009be1
ASTM F 441/F 441M-2012
ASTM F 442/F 442M-2012
CSA B137.6-2009 in B137 |
| | Joints | ASTM D 2846/D 2846M-2009be1
CSA B137.6-2009 in B137 |
| | Solvent Cement ¹ | ASTM F 493-2010
CSA B137.6-2009 in B137 |
| 3) | Copper/Copper Alloy Pipe ² | ASTM B 42-2010
ASTM B 302-2012
AWWA C606-2011 |
| 4) | Copper/Copper Alloy Tubing ² | ASTM B 88-2009 |
| 5) | Cross Linked Polyethylene ²
Distribution Systems | ASTM F 876-2013a
ASTM F 877-2011a
ASTM F 1807-2012
ASTM F 1960-2012
ASTM F 2080-2012
ASTM F 2098-2008
ASTM F 2159-2011
ASSE 1061-2011 |
| | Joints | |

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		CSA B137.5-2009 in B137
6)	Galvanized Steel Pipe²	ASTM A 53-2012 AWWA C606-2011
7)	Poly Butylene (PB) Pipe/Tubing²	CSA B137.8-2009 in B137
68)	Polypropylene Pipe ²	ASTM F 2389-2010
79)	Polyvinyl Chloride (PVC) Pipe ^{2, 3}	ANSI/NEMA Z535.1-2006 (R2011) ASTM D 1785-2012 ASTM D 2241-2009 ASTM D 2672-2009 CSA B137.3-2009 in B137 ASTM D 2855-2010 ASTM F 441/F 441M-2012 CSA B137.2-2009 in B137 CSA B137.3-2009 in B137 ASTM F 656-2010 ASTM D 2564-2012 CSA B137.3-2009 in B137
	Joints	
	Primer	
	Solvent Cement ¹	
810)	Stainless Steel Pipe ²	ASTM A 312/A 312M-2012 ASTM A 403/A 403M-2012 ASTM A 511/A 511M-2012
911)	Welded Copper Water Tube ²	ASTM B 447-2012a WK, WL and WM
1012)	Solder	ASTM B 32-2008

Agency Notes:

¹ Solvent cement must be handled in accordance with ASTM F 402-1988.

² Water distribution pipe must meet the appropriate NSF standard for potable water. Plastic shall be rated at 160 psi at 73.4 degrees Fahrenheit.

³ Use for cold or tempered water only.

⁴ ASME B.1.20.1-1983.

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⁵ Safety Color.

**Approved Materials and Standards for
Plumbing Fixtures and Fixture Fittings**

1)	Bathtub Liners (plexiglass/ABS or acrylic/plastic)	IAPMO/ANSI Z124.8-2013
2)	Bathtubs, Plastic	CSA B45.5-2011/IAPMO Z124-2011
3)	Bidets	ASME A112.19.2-2013/CSA B45.1-2013
4)	Enameled Cast Iron and Enameled Steel Plumbing Fixtures	ASME A112.19.1-2008/CSA B45.2-2008
5)	Fittings: Plumbing Fixture Fittings (metering valves, faucets, etc.)	ASME A112.18.1-2012/CSA B125.1-2012
	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances	ANSI/APSP 16-2011 CSA C22.2 No. 218.1-M1989 (R2011) CSA C22.2 No. 218.2-1993 (R2008)
6)	Floor Drains and Trench Drains	ASME A112.6.3-2001 (R2007) CSA B79-2008
7)	Flushometer Bowls	ASME A112.19.2-2013/CSA B45.1-2013
	Flushometers	CSA B125.3-2011 ASSE 1037-1990 CSA B125.3-2011
8)	Grease Interceptors	ASME A112.14.3-2000 (R2004)
9)	Low Consumption (1.6 gpf) Water Closets ¹	ASME A112.19.2-2013/CSA B45.1-2013 ASME A112.19.14-2006 (R2-11)

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10)	Plastic Lavatory	CSA B45.5-2011/IAPMO Z124-2011
11)	Plastic Shower Receptors/Shower Stalls	CSA B45.5-2011/IAPMO Z124-2011
12)	Plastic Water Closets Bowls/Tanks	CSA B45.5-2011/IAPMO Z124-2011
13)	Plastic Urinals Fixtures	CSA B45.5-2011/IAPMO Z124-2011
14)	Porcelain Enameled Formed Steel Plumbing Fixtures, including Bathtub Liners	ASME A112.19.1-2008/CSA 45.2-2008
15)	Stainless Steel Plumbing Fixtures (Residential)	ASME A112.19.3-2008/CSA B45.4-2008
16)	Vitreous China Plumbing Fixtures	ASME A112.19.2-2013/CSA B45.1-2013
17)	Vitreous China Nonwater Urinals	ASME A112.19.19-2006 (R2011)
18)	Whirlpool Bathtub Appliances	ASME A112.19.7-2012/CSA B45.10-2012 CSA C22.2 No. 218.2-1993 (R2008)

Agency Note:

The water pressure at each fixture installation shall meet the manufacturer's minimum recommended level for the fixture.

**Approved Standards for Plumbing
Appliances/Appurtenances/Devices**

1)	Anti-Backflow Freezeless Wall Hydrants	ASSE 1019-2011 ASME A112.18.1-2012/CSA B125.1-2012
2)	Anti-Scald Control Valve	ASSE 1016-2011/ASME A112.1016-2011/CSA B125.16- 2011

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- 3) Anti-siphon Self-Drain Frost Proof Sillcock ASSE 1019-2011
CSA B125.3-2012
- 4) Automatic Ice Making Equipment NSF/ANSI 12-2009
CSA C22.2 No. 120-M1991
(R2008)
- 5) Automatic Storage Type Water Heater Less Than 75,000 BTU/HR ANSI Z21.10.1-2009/CSA 4.1-2009
ASHRAE 90.1 2010
ASHRAE 90.2-2007
ANSI Z21.10.1a-2009/CSA 4.1a-2009
ANSI Z21.10.1b-2011/CSA 4.1b-2011
- 6) Back Water Valves ASME A112.14.1-2003 (R2012)
CSA B181.1-2011 in B1800
CSA B181.2-2011 in B1800
CSA B182.1-2011 in B1800
CSA B70-2012
- 7) Circulating Tank, Instantaneous ANSI Z21.10.1-2009/CSA 4.1-2009
ANSI Z21.10.1a-2009/CSA 4.1a-2009
ANSI Z21.10.1b-2011/CSA 4.1b-2011
ANSI Z21.10.3-2011/CSA 4.3-2011
ANSI Z21.13-2010/CSA 4.9-2010
ANSI Z21.13a-2010/CSA 4.9a-2010
ANSI Z21.13b-2012/CSA 4.9b-2012
CSA B140.12-2003 (R2008)
CSA C22.2 No. 110-1994 (R2009)
UL 499-2005

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- 8) Circulating Tank, Instantaneous, Automatic ANSI Z21.10.3-2011/CSA 4.3-2011
ANSI Z21.13-2010/CSA 4.9-2010
ANSI Z21.13a-2010/CSA 4.9a-2010
ANSI Z21.13b-2012/CSA 4.9b-2012
UL 174-2004
CSA 4.1-2011
CSA B140.12-2003 (R2008)
CSA C22.2 No. 110-1994 (R2009)
- 9) Detergent/Chemical Feeders for Commercial Use ASSE 1055-2009
CSA C22.2 No. 0-2010
CSA C22.2 No. 0.4-2004 (R2009)
CSA C22.2 No. 68-1992 (R2008)
CSA C22.2 No. 142-M1987 (R2009)
- 10) Dishwashing Machine (Commercial) ASSE 1004-2008
ANSI Z83.21-2005/CSA C22.2 No. 168-2005
ANSI Z83.21a-2012/CSA C22.2 No. 168a-2012
CSA C22.2 No. 0-2010
CSA C22.2 No. 0.4-2004 (R2009)
- 11) Dishwashing Machine (Residential) ASSE 1006-1986 (R1989)
CSA C22.2 No. 167-2008
- 12) Diverters for Residential – Anti-Siphon ASME 1112.18.1-2012/CSA B125.1-2012
- 13) Double Check Detector Assembly ASSE 1048-2011
CSA B64-2011
- 14) Double Check With Atmospheric Vent ASSE 1012-2009
CSA B64-2011

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|-----|---|---|
| 15) | Double Check Valve Assembly | ASSE 1015-2011
CSA B64-2011 |
| 16) | Drinking Fountains | ASHRAE 18-2008 (R2013)
UL 399-2008
ASME A112.19.2-2013/CSA 45.1-13 |
| 17) | Drinking Water Treatment Units – Health Effects | NSF/ANSI 53-2011a |
| 18) | Drinking Water Treatment Units – Aesthetic Effects | NSF/ANSI 42-2011 |
| 19) | Drinking Water Treatment Chemicals | NSF/ANSI 60-2012 |
| 20) | Dual Check Valve | ASSE 1024-2004
CSA B64-2011 |
| 21) | Dual Check Valve (Carbonated Beverage) (Relief Port Required) | ASSE 1022-2003
CSA B64-2011 |
| 22) | Food Waste Disposal (Commercial) | ASSE 1009-1990
CSA C22.2 No. 1-2010
CSA C22.2 No. 68-1992 |
| 23) | Food Waste Disposal (Residential) | ASSE 1008-2006
CSA C22.2 No. 0-2010
CSA C22.2 No. 68-2008 |
| 24) | Gas Water Heater Above 75,000 BTU | ANSI Z21.10.3-2011/CSA 4.3-2011 |
| 25) | Gas Water Heater 75,000 BTU or Less | ANSI Z21.10.1-2009/CSA 4.1-2009
ANSI Z21.10.1a-2009/CSA 4.1a-2009
ANSI Z21.10.1b-2011/CSA 4.1b-2011 |

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- 26) Gas Water Heater (Continuous Use) ANSI Z21.10.1-2009/CSA 4.1-2009
ANSI Z21.10.1a-2009/CSA 4.1a-2009
ANSI Z21.10.1b-2011/CSA 4.1b-2011
- 27) Gas Water Heater – Space Heating ANSI Z21.10.1-2009/CSA 4.1-2009
ANSI Z21.10.1a-2009/CSA 4.1a-2009
ANSI Z21.10.1b-2011/CSA 4.1b-2011
- 28) Grease Interceptors PDI-G 101-2010
ASME A112.14.3-2000 (R2004)
- 29) Handheld Showers ASSE 1014-2005
ASSE 1016-2011/ASME
A112.1016-2011/CSA B125.16-2011
- 30) Home Laundry Equipment ASSE 1007-1986 (R1992)
CSA C22.2 No. 0-2010
CSA C22.2 No. 0.4-2004 (R2009)
CSA C22.2 No. 169-1997 (R2012)
- 31) Hot Water Dispensers-Electrical ASSE 1023-1979
CSA C22.2 No. 64-2010
- 32) Hot Water Generating/Heat Recovery Equipment NSF/ANSI 5-2012
- 33) Ice Makers UL 563-2009
CSA B45-2008
CSA C22.2 No. 0-2010
CSA C22.2 No. 0.4-2004 (R2009)
CSA C22.2 No. 63-1993 (R2008)
CSA C22.2 No. 120-M1991 (R2008)

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- | | | |
|-----|--|---|
| 34) | Individual Pressure Balancing
In-line valves for individuals fixture fittings | ASSE 1066-1997 |
| 35) | Mixing Valves | ASSE 1016-2011/ASME |
| | Automatic Compensating Valves for Individual
Shower and Tub/Shower Combinations | A112.1016-2011/CSA B125.16-
2011 |
| | Temperature Actuated Mixing Valves for Hot
Water Distribution | ASSE 1017-2009 |
| | Automatic Temperature Control Mixing Valves | ASSE 1069-2005 |
| | Water Temperature Limiting Devices | ASSE 1070-2004 |
| | Mixing Valves for Plumbed Emergency
Equipment | ASSE 1071-2012 |
| 36) | Oil Fired Water Heaters | UL 732-2010
CSA B140.0-2003 (R2008)
CSA B140.12-2003 (R2008)
CSA C22.2 No. 0-2010
CSA C22.2 No. 3-M1988 (R2009) |
| 37) | Pressure Relief Valve | ANSI Z21.22-1999 (R2008)/CSA
4.4-M1999 (R2008)
ANSI Z21.22a-2000 (R2008)/CSA
4.4a-2000 (R2008)
ANSI Z21.22b-2001 (R2008)/CSA
4.4b-2001 (R2008) |
| 38) | Pressurized Flushing Device | ASSE 1037-1990 |
| 39) | Reduced Pressure Detector Assembly | ASSE 1047-2011
CSA B64-2011 |
| 40) | Reduced Pressure Principle Backflow Preventer | ASSE 1013-2011
CSA B64-2011 |

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|-----|---|---|
| 41) | Refuse Compactors/Compactor System | NSF/ANSI 13-2012
CSA C22.2 No. 0-2010
CSA C22.2 No. 68-2008 |
| 42) | Relief Valves For Hot Water System | ANSI Z21.22-1999 (R2008)/CSA
4.1-M1999 (R2008)
ANSI Z21.22a-2000 (R2008)/CSA
4.4a-2000 (R2008)
ANSI Z21.22b-2001 (R2008)/CSA
4.4b-2001 (R2008) |
| 43) | Reverse Osmosis Drinking Water Treatment System | NSF/ANSI 58-2012 |
| 44) | Spray Type Dishwashing Machine for Commercial Use | NSF/ANSI 3-2012 CSA C22.2 No.
0-2010
CSA C22.2 No. 0.4-2004 (R2009)
ANSI Z83.21-2005/CSA C22.2
No. 168-2005
ANSI Z83.21a-2012/CSA C22.2
No. 168a-2012 |
| 45) | Trap Seal Primer Valve | ASSE 1018-2001
CSA B125.3-2012 |
| 46) | Vacuum Breakers, Anti-siphon | ASSE 1001-2008
CSA B64-2011 |
| 47) | Vacuum Breakers Hose Connection | ASSE 1011-2004
CSA B64-2011 |
| 48) | Vacuum Breaker (Laboratory Faucet) | ASSE 1035-2008
CSA B64-2011 |
| 49) | Vacuum Breakers Pressure Type | ASSE 1020-2004
CSA B64-2011 |
| 50) | Vacuum Relief Valve | ANSI Z21.22b-2001 (R2008) |

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		CSA B64-2011
51)	Vending Machine for Food/Beverage	NSF/ANSI 25-2012 CSA C22.2 No. 0-2010 CSA C22.2 No. 120-M1991 (R2008) CSA C22.2 No. 128-1995 (R2009) ASSE 1002-2008
52)	Water Closet Personal Hygiene Devices	ASME A112.4.2-2009
53)	Water Closet Tank Ballcock	ASSE 1002-2008 CSA B64-2011 CSA B125.3-2012
54)	Water Hammer Arresters	ASSE 1010-2004
55)	Water Heater Drain Valve	ASME A121.18.1-2011/CSA B125.1-2011
56)	Water Pressure Reducing Valves (Domestic)	ASSE 1003-2009 CSA B356-2010
57)	Water Softening Equipment Softener and Treatment Devices	NSF/ANSI 44-2012
<u>58)</u>	<u>Drinking Water System Component</u>	<u>NSF/ANSI 61-2016</u>

Approved Standards for Fittings

1)	Cast Iron Threaded Drainage Fittings	ASME B16.12-2009
2)	Cast Copper Alloy Solder Pressure Fittings	ASME B16.18-2012
3)	Cast Copper Alloy Solder Drainage Fitting (DWV)	ASME B16.23-2011
4)	Copper Fittings	ASME B16.15-2011 ASME B16.51-2011 ASME B16.18-2012

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		ASME B16.22-2012 ASME B16.23-2011 ASME B16.26-2011 ASME B16.29-2012 NSF/ANSI 61-2012
5)	Forged Steel Fittings, Socket, Welded, Threaded	ASME B16.11-2011
6)	Gray Iron/Ductile Iron	AWWA C 110-2009 AWWA C 151-2009
7)	Malleable Iron	ASME B 16.3-2011
8)	Plastic	ASTM D 2466-2006 ASTM D 2467-2006 ASTM D 2564-2012 ASTM F409-2012 ASTM F438-2009 ASTM F439-2012 CSA B137.3-2009 in B137 CSA B181.2-2011 in B1800 CSA B182.1-2011 in B1800 CSA B137.6-2009 in B137 CSA B137.6-1999 in B137
9)	Plumbing Fixture Fittings (Metering valves, faucets, etc.)	ASME A112.18.1-2012/CSA B125.1-2012
10)	Steel	ASME B 16.9-2012 ASME B 16.11-2011
11)	Wrought Copper/Bronze Solder Pressure Fitting	ASME B 16.22-2012
12)	Wrought Copper and Wrought Copper Alloy Solder (Drainage Fittings)	ASME B16.29-2012 ASME B16.22-2012
13)	Wrought Steel Buttwelding Fittings	ASME B16.9-2012

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- 14) Wrought Steel Buttwelding Short Radius Ells ASME B16.9-2012

Approved Standards for Harvested Water Systems

- 1) Rainwater Harvesting Systems (except references to the use of harvested water in decorative fountains and references to the 2015 International Plumbing Code) CSA B805-2018/ICC 805-2018
- 2) Graywater Harvesting Systems (except references to the use of harvested water in decorative fountains and car washing and the use of blackwater) NSF/ANSI 350
NSF/ANSI 350-1

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 890.APPENDIX B Illustrations for Subpart A

Section 890.ILLUSTRATION K Dead End (Repealed)

~~(Referenced in Section 890.120, Definition of "Dead End.")~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

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Section 890.APPENDIX C Illustrations for Subpart C

Section 890.ILLUSTRATION A Caulked Joints (Repealed)

~~(Referenced in Section 890.320(a))~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

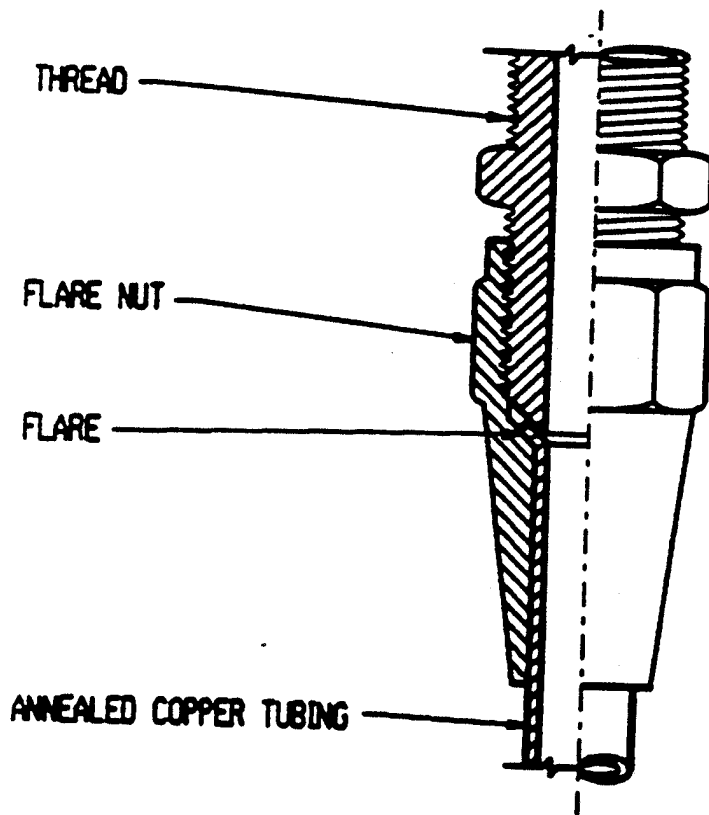
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Section 890.APPENDIX C Illustrations for Subpart C

Section 890.ILLUSTRATION B Flared Joints

(Referenced in Section 890.320(e))



(Source: Amended at 43 Ill. Reg. _____, effective _____)

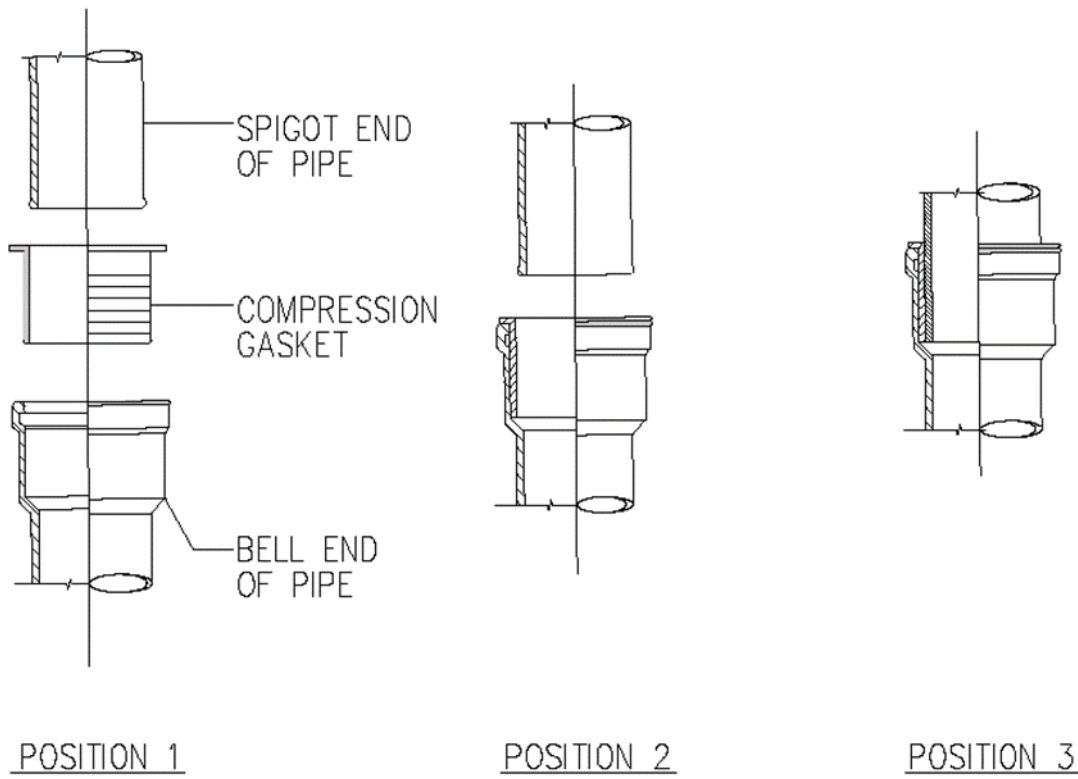
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Section 890.APPENDIX C Illustrations for Subpart C

Section 890.ILLUSTRATION C Positions of Application for Compression Type Joints

~~(Referenced in Section 890.320(o)(1))~~



(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Trust Fund Collection Rules
- 2) Code Citation: 20 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1800.10	Amendment
1800.20	Amendment
1800.30	Amendment
1800.40	Repealed
1800.100	New Section
1800.110	New Section
1800.120	New Section
1800.130	New Section
1800.140	New Section
1800.150	New Section
1800.200	New Section
1800.300	New Section
1800.310	New Section
1800.320	New Section
1800.330	New Section
1800.400	New Section
1800.410	New Section
1800.420	New Section
1800.430	New Section
1800.440	New Section
1800.500	New Section
1800.510	New Section
1800.520	New Section
1800.600	New Section
1800.610	New Section
1800.620	New Section
1800.630	New Section
1800.640	New Section
1800.700	New Section
1800.800	New Section
1800.810	New Section
1800.900	New Section
1800.910	New Section
1800.920	New Section

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1800.1000 New Section
1800.1010 New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].
- 5) Complete Description of the Subjects and Issues Involved: The Office of the Secretary of State has been charged with providing administrative support to the Motor Vehicle Theft Prevention and Insurance Verification Council. The proposed administrative regulations set forth the parameters for the Council to consider in collecting funds for deposit into the Trust Fund, disbursement of grants, and structure of the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

217/785-3094
Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER VI: ILLINOIS MOTOR VEHICLE THEFT PREVENTION
AND INSURANCE VERIFICATION COUNCIL

PART 1800

TRUST FUND COLLECTION RULES

SUBPART A: GENERAL PROVISIONS

Section	
1800.10	Purpose, <u>Applicability</u> and Authorization
1800.20	Definitions
1800.30	Collection Process
1800.40	Public Inquiries (<u>Repealed</u>)

SUBPART B: GRANT AGREEMENT CRITERIA AND PROCEDURES

<u>Section</u>	
<u>1800.100</u>	<u>Eligible Recipients</u>
<u>1800.110</u>	<u>Eligible Programs and Activities</u>
<u>1800.120</u>	<u>Grant Agreement Process</u>
<u>1800.130</u>	<u>Grant Agreement</u>
<u>1800.140</u>	<u>Special Conditions</u>
<u>1800.150</u>	<u>Modification or Amendment of the Grant Agreement</u>

SUBPART C: APPROVAL FOR PROGRAMMATIC OR BUDGET REVISIONS

<u>Section</u>	
<u>1800.200</u>	<u>Requests for Programmatic or Budget Revisions</u>

SUBPART D: GENERAL PROVISIONS REGARDING AWARDS

<u>Section</u>	
<u>1800.300</u>	<u>Personnel</u>
<u>1800.310</u>	<u>Procurement Standards</u>
<u>1800.320</u>	<u>Project Income</u>
<u>1800.330</u>	<u>Publicity and Publications</u>

SUBPART E: COST PRINCIPLES

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Section

<u>1800.400</u>	<u>Applicable Legal Guidelines</u>
<u>1800.410</u>	<u>Trust Fund Disbursements</u>
<u>1800.420</u>	<u>Allowable Costs</u>
<u>1800.430</u>	<u>Unallowable Costs</u>
<u>1800.440</u>	<u>Indirect Costs</u>

SUBPART F: IMPLEMENTING ENTITY RECORD KEEPING

Section

<u>1800.500</u>	<u>Financial Records</u>
<u>1800.510</u>	<u>Program Records</u>
<u>1800.520</u>	<u>Retention and Access Requirements for Records</u>

SUBPART G: IMPLEMENTING ENTITY REPORTING REQUIREMENTS

Section

<u>1800.600</u>	<u>Fiscal Reports</u>
<u>1800.610</u>	<u>Program Performance Reports</u>
<u>1800.620</u>	<u>Due Dates of Reports</u>
<u>1800.630</u>	<u>Grant Review Committee</u>
<u>1800.640</u>	<u>Final Program Report</u>

SUBPART H: PROPERTY MANAGEMENT

Section

<u>1800.700</u>	<u>Requirements for Use and Disposition of Property</u>
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SUBPART I: MONITORING PROGRAM PERFORMANCE

Section

<u>1800.800</u>	<u>Site Visits</u>
<u>1800.810</u>	<u>Audits</u>

SUBPART J: SUSPENSION AND TERMINATION

Section

<u>1800.900</u>	<u>Suspension</u>
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1800.910 Extension
1800.920 Termination

SUBPART K: APPEALS

1800.1000 Applicable Legal Guidelines
1800.1010 Appeal Procedures

AUTHORITY: Implementing and authorized by the Illinois Motor Vehicle Theft Prevention Act [20 ILCS 4005].

SOURCE: Emergency Rules adopted at 15 Ill. Reg. 8702, effective May 30, 1991, for a maximum of 150 days; emergency expired October 27, 1991; new rules adopted at 18 Ill. Reg. 4852, effective March 14, 1994; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS**Section 1800.10 Purpose, Applicability and Authorization**

The rules contained in this Part are applicable to the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council provision of financial support to eligible recipients to improve and support the administration of motor vehicle theft; to deter and investigate recyclable metal theft; and to assist law enforcement agencies in the prosecution of recyclable metal theft. These rules establish procedures for the collection of money due from insurers of private passenger motor vehicles for each calendar year to be deposited in the Motor Vehicle Theft Prevention and Insurance Verification Trust Fund as authorized by the Illinois Motor Vehicle Theft Prevention and Insurance Verification Act [20 ILCS 4005] (the Act).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1800.20 Definitions

"The Act" – The ~~term "the Act" means the~~ Illinois Motor Vehicle Theft Prevention and Insurance Verification Act [20 ILCS 4005].

~~"Authority" – The term "Authority" means the Illinois Criminal Justice Information Authority.~~

"Adverse Act" – Any or all of the following:

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The suspension by the Director of the performance of a Grant Agreement for more than 28 calendar days aggregated within a 12 month period, exclusive of any period of extension that may be granted;

The termination of a Grant Agreement by the Director;

The denial by the Director of a request for a material revision to a Grant Agreement.

"Award" – The financial support in the form of money, property or services made available by the Council to an eligible recipient through the use of the Illinois Motor Vehicle Theft Prevention and Insurance Verification Trust Fund.

"Business Organization" – Any business entity or association of business entities duly authorized to conduct business in the State of Illinois.

"Chairperson" – The Chairperson of the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council, who is the Director of the Secretary of State Department of Police.

"Council" – The term "Council" means the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council.

~~"Department" – The term "Department" means the Illinois Department of Insurance.~~

"Director" – The Director of the Secretary of State Department of Police. The Director serves as the Chairperson of the Council.

"Earned Car Year~~ear-year~~" – The term "earned car year" means the proportion of a calendar year during which a private passenger motor vehicle can be identified as being insured for physical damage insurance coverage.

"Eligible Recipient" – A federal or State agency, unit of local government, corporation, neighborhood, community, or business organization entitled to receive Illinois Motor Vehicle Theft Prevention and Insurance Verification Trust Funds pursuant to the Act.

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"Expendable Property" – Tangible property other than nonexpendable property.

"Grant Agreement" – The award contract between the Council and an implementing entity under which the Council provides financial support to carry out specified programs, services or activities pursuant to the Act.

"Grant Review Committee" – A committee of selected Council members charged with annually reviewing the grants issued by the Council.

"Implementing Entity" – The party seeking or designated to receive funds awarded by the Council pursuant to this Part.

"Nonexpendable Property" – Tangible property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

"Physical Damage Insurance Coverage" – The term ~~"physical damage insurance coverage"~~ means motor vehicle insurance provided for theft and/or comprehensive coverage.

"Private Passenger Motor Vehicle" – ~~Any~~ The term ~~"private passenger motor vehicle"~~ includes any private passenger car, station wagon, jeep, or pickup truck with a load capacity of 1,500 pounds or less not used principally for business purposes, and small farm trucks.

This term includes, but is not limited to sport utility vehicles, jeeps, pick-up trucks, mini-vans, vans and conversion vans.

The term excludes uninsured motor vehicles, motorcycles, motor homes, motor scooters, golf carts, off-road recreational vehicles, all terrain vehicles, off-highway motorcycles, street cars and special mobile equipment as defined under Chapter 1 of the Illinois Vehicle Code [625 ILCS 5/Ch. 1].

"Property" – Property of any kind, including real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions or copyrights).

"Quorum" – In order to constitute a quorum, one more than half of all members must be physically present.

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"Secretary" – The Illinois Secretary of State.

"Total ~~Earned Car Year~~earned car years" – The ~~term "total earned car years" is~~ ~~the~~ sum of an insurer's earned car years of exposure for the calendar year, rounded to the nearest whole dollar. EXAMPLE: For ~~By way of examples, for~~ purposes of calculating the amount to be remitted by insurers to the Council, a private passenger motor vehicle insured for physical damage insurance coverage for three ~~(3)~~ months during a calendar year would constitute 0.25 total earned car years and would be assessed \$.25 ($\$1.00 \times .25$); and four ~~(4)~~ private passenger motor vehicles insured for six ~~(6)~~ months each during the calendar year would constitute the sum of two ~~(2)~~ total earned car years and would be assessed a fee of \$2.00.

"Trust Fund" – The Illinois Motor Vehicle Theft Prevention and Insurance Verification Trust Fund established by the Act.

"Trust Funds" – Funds from the Illinois Motor Vehicle Theft Prevention and Insurance Verification Fund established by the Act.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1800.30 Collection Process

Money to be deposited by the Council into the ~~Motor Vehicle Theft Prevention~~ Trust Fund shall be collected from insurers by the Council in the following manner:

- a) By March 1 of each calendar year, the Council ~~will shall~~ send correspondence to all insurers authorized to write private passenger motor vehicle physical damage insurance coverages ~~that which~~ are included in Class 2 and Class 3 as defined by Section 4 of the Illinois Insurance Code [215 ILCS 5/4] during the preceding calendar year. The names and addresses of ~~these such~~ insurers shall be identified by the Department of Insurance and shall be provided to the Council by February 1 of each calendar year.
- b) The correspondence will advise these insurers that, pursuant to the Act, they are required to submit to the Council by April 1 of the appropriate year an amount equal to \$1.00 multiplied by the insurer's total earned car years of private passenger motor vehicle insurance policies providing physical damage insurance coverage, ~~as defined herein~~, written in the State during the preceding calendar

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year.

- c) The correspondence ~~will shall~~ include a [link to an online payment system and a worksheet that which](#) shall be ~~entered electronically~~ returned with the correct remittance, if applicable. If an insurer owes no money pursuant to the Act, that fact must be noted on the worksheet returned to the Council. ~~The Such~~ worksheet shall require the insurer to report the following information: insurer company's name, address, phone number and ~~federal Taxpayer Identification Number~~ [Federal taxpayer identification number](#); total earned car years of exposure for the preceding calendar year; the total fee due; the name, title and phone number of the person completing the worksheet; the person's signature; and the date.
- d) Any remittance due shall be ~~remitted electronically~~ returned to the Council by April 1 of the appropriate year. ~~and shall be in the form of a certified or corporate check made payable to: "TREASURER, STATE OF ILLINOIS". The remittance shall be sent to:~~
- ~~Illinois Motor Vehicle Theft Prevention Council
c/o Illinois Criminal Justice Information Authority
120 South Riverside Plaza, Suite 1016
Chicago, Illinois 60606-3997
Attention: Chief Fiscal Officer~~
- e) Upon receipt by the Council of the remittance due, the money ~~will shall~~ be deposited into the ~~Illinois Motor Vehicle Theft Prevention~~ Trust Fund.
- f) On or before April 15 of each year, the Council shall ~~prepare~~ [provide the Department with](#) a report indicating the insurers that returned the worksheet required in ~~subsection (c)~~ [Section 1800.30](#) on time (April 1); the amount of funds, if any, contributed; and the insurers that did not return the worksheet or that returned the worksheet late.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1800.40 Public Inquiries ([Repealed](#))

~~All inquiries pertaining to the collection process should be directed to:~~

~~Program Director~~

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~~Illinois Motor Vehicle Theft Prevention Council
c/o Illinois Criminal Justice Information Authority
120 South Riverside Plaza, Suite 1016
Chicago, Illinois 60606-3997
(312) 793-8550
TDD: (312) 793-4170~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

SUBPART B: GRANT AGREEMENT CRITERIA AND PROCEDURESSection 1800.100 Eligible Recipients

- a) Consistent with the Act, awards can be made to federal and State agencies, units of local government, corporations, and neighborhood, community and business organizations.
- b) To be eligible for a Grant Agreement under the Act, nongovernmental recipients must provide the Council, along with a program proposal, either of the following:
 - 1) Proof of nonprofit status by presenting all of the following, when applicable:
 - A) References to the applicant organization's listing in the Internal Revenue Service's (IRS') most recent list of tax-exempt organizations described in the Internal Revenue Code (26 USC 501(c));
 - B) A copy of a currently valid IRS tax exemption letter;
 - C) A statement from the Illinois Department of Revenue, the Illinois Secretary of State, or the Illinois Attorney General certifying that the applicant organization has a current nonprofit status; and
 - D) A certified copy of the organization's certificate of incorporation filed with the Illinois Secretary of State that clearly establishes nonprofit status, and a copy of the most recent annual report required by the Illinois Attorney General or Secretary of State; or

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- 2) Proof of authorized business activity in the State of Illinois by presenting:
 - A) A certified copy of a certificate of incorporation or other appropriate and necessary authorization to conduct business in Illinois filed with the State of Illinois or a unit of local government;
 - B) A federal or Illinois Taxpayer Identification Number; and
 - C) When applicable, a copy of an annual report required by law for the most recent year.
- c) The Council may require additional documentation to verify the legitimacy of a nongovernmental recipient. The documentation may include, but is not limited to:
 - 1) Any brochures or publications explaining the activities of the organization;
 - 2) A copy of the recipient's Articles of Incorporation;
 - 3) A copy of the recipient's By-laws; and
 - 4) A copy of the recipient's Partnership Agreement.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.110 Eligible Programs and Activities

The following programs and activities are eligible for funding:

- a) Programs designed to reduce motor vehicle theft or to improve the administration of motor vehicle theft laws;
- b) Programs designed to inform vehicle owners about the financial and social costs of motor vehicle theft and to suggest to those owners methods for preventing motor vehicle theft;
- c) Programs, plans, activities, strategies and projects consistent with the purposes of the Act; and

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- d) Programs, plans, activities, strategies and projects designed to reduce recyclable metal theft in the State of Illinois.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.120 Grant Agreement Process

- a) The Council will annually review the eligible purposes for the Trust Funds and, based upon an analysis of statistical data, empirical material, and the needs and requests of federal and State agencies, units of local government, corporations and neighborhood, community or business organizations made pursuant to oral and written comment and testimony received at public meetings conducted under the Open Meetings Act [5 ILCS 120], will develop and approve a statewide motor vehicle theft prevention strategy.
- b) The statewide strategy will include:
- 1) Statewide planning capabilities for improving and supporting motor vehicle theft law enforcement, prosecution, and the administration of motor vehicle theft laws to prevent, combat and reduce motor vehicle theft and fraud-related motor vehicle theft in Illinois;
 - 2) An overview of the motor vehicle theft problem in Illinois, including discussions of the nature and extent of the problem, current efforts to address the problem, resource needs, and areas of greatest need within the State; and
 - 3) A description of the strategy for addressing the problem, including the identification of eligible program areas.
- c) Consistent with the statewide strategy, the Council will solicit and negotiate program proposals from eligible recipients.
- d) The Council will give priority to those eligible recipients with the greatest need. To that end, and based upon the statewide strategy, the following criteria shall be used to identify those eligible recipients with the greatest need:
- 1) An analysis of demographic, insurance and appropriate criminal justice data;

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- 2) Comments from the general public and federal, State and local officials; and
 - 3) Current research findings.
- e) The Council will, at a public meeting, designate programs, implementing entities, and amounts of funding that address one or more of the purposes consistent with the Act and the statewide strategy. The Council's decision to designate these proposed programs, implementing entities, and fund amounts shall be based upon equal consideration of the following factors, consistent with the strategy and purpose of the Council:
- 1) The recommendations of the Council members;
 - 2) Comments from the general public and federal, State and local officials;
 - 3) The proven effectiveness of a similar program, by making a prudent assessment of the problem to be addressed by the proposed program;
 - 4) The likelihood that a proposed program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations, previous tests, or demonstrations;
 - 5) The availability of funds;
 - 6) The overall cost of the proposed program;
 - 7) The implementing entity's ability to effectively and efficiently carry out the program; and
 - 8) The relation of the proposed program to, and impact on, other agencies, proposals or funded programs.
- f) No final action will be taken by the Council without a quorum physically present at the time of the vote. A person not physically present will not be counted for the purpose of determining a quorum and will not be entitled to vote. However, that person may be replaced by a proxy as authorized by subsection (g).

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- g) If a member appointed to the Council is not able to be physically present at any meeting, he or she may select a proxy to attend and vote in his or her stead. The proxy shall be required to bring a letter signed by the appropriate member, delegating authority to the proxy for purposes of attendance at, and voting during, the Council meeting. The vote of the proxy shall be given the same weight as the vote of an appointed member to the Council.
- h) The Council will vote on the grant applications and a simple majority affirmative vote of the Council members will direct the Council to enter into Grant Agreements with those implementing entities designated by the Council under subsection (e), specifying the terms and conditions under which programs, services or activities are to be conducted and the date Trust Funds are to be received.
- i) If the Council or any Council member is associated with the designated implementing entity, the Council will document terms and conditions, in writing, that will become part of the Grant Agreement and must be accepted by the implementing entity in order for the Grant Agreement to become effective.
- j) If a member of the Council seeks consideration for designation as an implementing entity, that member and all representatives of that member must first recuse themselves from all discussions and votes required for implementation and designation.
- k) Each member of the Council, including the Chairperson, shall have one vote.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.130 Grant Agreement

The award document is the Grant Agreement. It provides the basis for Council financial support to the implementing entity. The Agreement shall incorporate the program proposal and budget and, when fully executed, shall formalize the contractual relationship between the Council and implementing entity. The Agreement shall also specify the terms and conditions of the Grant Agreement, including, but not limited to, reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with the applicable laws and regulations, the prohibition of subcontracting or assignment of agreements without prior written approval of the Council, and the status of the implementing entity as an independent contractor.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.140 Special Conditions

- a) Special conditions will be imposed by the Council to accomplish the purposes of the Act if the Council:
- 1) needs to impose those conditions in order to fulfill its duties or agreements with other entities; or
 - 2) reasonably deems those conditions to be in the best interests of the people of the State of Illinois.
- b) Special conditions that are imposed at the time of the Grant Agreement will be included in the Grant Agreement.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.150 Modification or Amendment of the Grant Agreement

- a) Revisions or amendments to a Grant Agreement shall begin on the effective date of the amendment and may be retroactive to a date agreed upon by the implementing entity and the Council.
- b) Except as provided in Section 1800.140, no alteration, variation, modification, termination, addition to, or attempted waiver of any of the provisions of a Grant Agreement shall be valid or binding unless in writing, dated, and signed by the parties, and attached to the original Grant Agreement. The parties shall agree to renegotiate, modify or amend the Grant Agreement should federal or State law or regulations require alteration of the Grant Agreement.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART C: APPROVAL FOR PROGRAMMATIC OR BUDGET REVISIONS**Section 1800.200 Requests for Programmatic or Budget Revisions**

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- a) Requests for programmatic or budget revisions shall be in writing and addressed to the Director.
- b) Requests for material revisions shall be reported by the Director to the Council at or before the next Council meeting.
- c) The Council shall approve any revision to a Grant Agreement if that action is necessary to fulfill the terms of the agreement.
- d) Response to the request shall be in writing and signed by the Director or a designee and mailed within two weeks after receipt of the recipient's request.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL PROVISIONS REGARDING GRANT AGREEMENTSSection 1800.300 Personnel

The personnel policies and procedures of an implementing entity shall be set forth in writing and be available for review by the Council. They shall reflect sound and prudent business judgment and shall comply with all applicable State and federal laws and regulations.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.310 Procurement Standards

All procurement transactions shall be conducted by the implementing entity in a manner that provides, to the maximum extent practicable, open and free competition. Implementing entities may use their own procurement regulations that reflect applicable State and local law, rules, and regulations, provided that all procurements made with Trust Funds minimally adhere to the Illinois Procurement Code [30 ILCS 500].

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.320 Project Income

- a) Project income shall consist of all gross income (including the acquisition of forfeited property and assets) earned by the implementing entity during the Grant Agreement period as a direct result of the award of Trust Funds, regardless of

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when the income is realized. "Direct result" shall be determined by the Council and means a specific act or set of activities that are directly attributable to Trust Funds and that are directly related to the goals and objectives of the funded project.

- b) All project income earned during the Grant Agreement period shall:
- 1) regardless of when the income is realized, be retained by the implementing entity;
 - 2) in accordance with the Agreement and with the prior approval of the Council, be added to the Trust Funds committed to the project by the Council and implementing entity;
 - 3) be used only for further program goals or objections; and
 - 4) be monitored during the duration of each grant.
- c) Implementing entities shall account for all project income. Project income shall be reported in the fiscal reports required by Section 1800.600.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.330 Publicity and Publications

Any publication of the results or accomplishments of any Council-funded activity or program shall clearly state:

- a) the percentage of the total cost of the program or project funded with Trust Funds;
- b) the dollar amount of Trust Funds awarded for the project or program; and
- c) the following or a comparable acknowledgment:

"This project was supported by a grant from the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council. The opinions and views expressed in this report are not necessarily those of the State of Illinois or the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council."

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All implementing entities shall make this statement when issuing press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Trust Funds.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART E: COST PRINCIPLESSection 1800.400 Applicable Legal Guidelines

The Council and all implementing entities shall operate in conformance with the following State statutes and any rules, regulations and guidelines issued pursuant to those statutes: the Illinois Motor Vehicle Theft Prevention and Insurance Verification Act [20 ILCS 4005]; the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Procurement Code [30 ILCS 500]; the Drug Free Workplace Act [30 ILCS 505]; State Property Control Act [30 ILCS 605]; and the State Comptroller Act [15 ILCS 405].

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.410 Trust Fund Disbursements

Implementing entities should anticipate a delay of approximately four to six weeks between the date the Grant Agreement is executed and the receipt of trust funds. Implementing entities should consider this delay when calculating the disbursement request by projecting which obligations will need to be liquidated upon receipt of the State warrant. Grant funds will be disbursed in whole when the implementing entity has satisfied any applicable requirements of the Grant Agreement.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.420 Allowable Costs

Trust Funds may be used for costs that are directly attributable to, necessary for, and essential to, the program as evidenced by the Grant Agreement, except for those costs enumerated in Section 1800.430. However, the use of Trust Funds for the following costs requires prior written approval by the Council before those costs are deemed allowable:

- a) Expenditures incurred before or after the program period;

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- b) Office space rental;
- c) Office equipment purchase, or rental costs for desks, chairs, tables, file cabinets, book shelves, typewriters, electronic data processing equipment, or adding machines;
- d) Construction or remodeling costs;
- e) Liens;
- f) Audit costs;
- g) Buy money; otherwise known as cash used to attempt to purchase vehicles suspected to be stolen;
- h) The Secretary's costs to administer the Council and the Trust Fund, which shall not exceed 10% in any one fiscal year of the amount collected in the same fiscal year.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.430 Unallowable Costs

Trust Funds may not be used for the following expenditures:

- a) Liability insurance;
- b) Professional membership/dues;
- c) First class travel;
- d) Entertainment;
- e) Expenditures in excess of approved budget;
- f) Bad debts;
- g) Fines and penalties;

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- h) Contributions and donations;
- i) Premium items and souvenirs;
- j) Lobbying.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.440 Indirect Costs

The Council will not provide implementing entities funds for the indirect cost of a Grant Agreement. The intent of this policy is to achieve broader and more concentrated application of Trust Funds to direct program costs and funded activities.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART F: IMPLEMENTING ENTITY RECORD KEEPING**Section 1800.500 Financial Records**

All recipients of Trust Funds from the Council must maintain:

- a) Records that fully disclose the total cost of the project for which the Trust Funds were awarded;
- b) Records that fully disclose the disposition of all Trust Funds for the project, including a current property inventory; and
- c) Any other records requested by the Council to facilitate an effective audit.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.510 Program Records

Every recipient of Trust Funds from the Council must maintain records that document the programmatic activities performed pursuant to the Grant Agreement. These records shall be the basis for monthly program performance reports submitted by the recipient of funds to the Council. They shall also be subject to review by the Council and Council staff during site visits.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.520 Retention and Access Requirements for Records

All financial and program records, supporting documents and all other books and records pertaining to, and required to be maintained by the terms of, any Council award shall be maintained and retained by the implementing entity for a period of five years after conclusion or termination of the grant to allow for audit by the Council, the State of Illinois, the federal government, and any person duly authorized by the Council. Records shall be retained beyond the five year period if an audit is in progress or if the findings of a completed audit, and if any claim, litigation or other action begun before the expiration of the five year period, have not been resolved satisfactorily. If any of these conditions occurs, the records shall be retained until the audit is completed or the matters at issue are resolved.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART G: IMPLEMENTING ENTITY REPORTING REQUIREMENTS**Section 1800.600 Fiscal Reports**

Implementing entities shall submit monthly fiscal reports to the Council detailing program expenditures in a form and manner required by the Council.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.610 Program Performance Reports

Implementing entities shall submit monthly performance reports to the Council detailing achievement relative to the performance measures contained in the Grant Agreement in a form and manner required by the Council.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.620 Due Dates of Reports

Monthly fiscal reports and program performance reports are due on or before the 15th day of the following month.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.630 Grant Review Committee

- a) The Grant Review Committee shall consist of five members of the Council and will be selected by nomination and vote of the Council.
- b) The Chairperson will also act as the Chairperson of the Grant Review Committee.
- c) The Grant Review Committee shall meet at least once every four years in Springfield, Illinois.
- d) Each award recipient shall appear before the Grant Review Committee at its meeting, as requested by the Grant Review Committee, and shall answer questions and provide documentation to the Grant Review Committee.
- e) The Grant Review Committee shall then make a recommendation to the Council whether to continue the grant as awarded, to terminate the grant award, or to modify the grant award or the program.
- f) Members of the Grant Review Committee shall recuse themselves from all discussions and votes regarding any grant award or program by which they or their office is employed or may benefit.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.640 Final Program Report

Upon termination of the Grant Agreement, the implementing entity shall submit to the Council, within 60 days, in the form and manner required by the Council, a final program report consisting of the following:

- a) Final financial status report;
- b) Final program performance report;
- c) Property inventory report; and

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- d) Any other information or documentation required by terms or special conditions specified in the Grant Agreement or otherwise required by the Council

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART H: PROPERTY MANAGEMENTSection 1800.700 Requirements for Use and Disposition of Property

- a) Property acquired by an implementing entity wholly or in part with Trust Funds shall be managed, consistent with the law and subject to Council's approval, to ensure that the property is used for purposes consistent with the Act. Title to the property will not be taken by the Council, but shall be vested in the implementing entity, subject to the following restrictions on use and disposition of the property:
- 1) Use by an Implementing Entity. The implementing entity shall retain and use the property acquired with Trust Funds as long as there is a need for the property to accomplish the purpose of the program, whether or not the program continues to be supported by Trust Funds.
 - 2) Disposition of a State Implementing Entity. If it is determined that a need still exists, but the property originally acquired by a State agency to accomplish the purpose of the program is no longer capable of fulfilling this need or is no longer needed to accomplish the purpose of the program and must be sold, traded in, or replaced, the State agency must notify the Council in writing of its proposed plans to dispose of the property at least 30 calendar days prior to selling, trading-in, or replacing the property in conformance with requirements of the State Property Control Act [30 ILCS 605] and related rules. Replacement property shall be used to further purposes of the program. The Director, on behalf of the Council, shall, upon receiving notice of the proposed disposition plans, inform the Director of the Department of Central Management Services of the need for the property to accomplish the purpose of the program and the Act by another implementing entity and make appropriate recommendations as to the disposition of the property.
 - 3) Dispositions by an Implementing Entity Other Than a State Agency

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- A) Need for Alternative Property. If it is determined that a need still exists, but the property originally acquired by an implementing entity other than a State agency to accomplish the purpose of the program is no longer capable of fulfilling this need and must be traded-in or replaced, that implementing entity may use the property as a trade-in or may sell the property and use the proceeds to offset the cost of replacing the property, provided, for property with a value in excess of \$1,000, it notifies the Council in writing of its proposed plans to dispose of the property at least 30 calendar days prior to selling, trading-in or replacing the property and shall obtain the approval of the Council. Replacement property shall be used to further purposes of the program.
- B) Property No Longer Needed. When an implementing entity other than a State agency no longer needs the property to accomplish the purpose of the program, and the value of the property exceeds \$1,000, it shall notify the Council and request disposition instructions. The Council reserves the right to make a final determination whether the property is needed to accomplish the purpose of the program and to take possession and control of the property or to transfer or assign the property to any other implementing entity that has a need or use for the property.
- C) If, at the expiration of the need for funded purposes, the total inventory of any unused expendable personal property exceeds \$500 in value, an implementing entity other than a State agency may, with the approval of the Council, retain the property or sell the property as long as the implementing entity compensates the Council for its share of the cost. However, if the value of the property is less than \$500, that implementing entity may sell or dispose of the property in accordance with its own procedures without compensating the Council, provided it notifies the Council within seven calendar days of the transaction.
- b) The property record shall include a current property inventory report that is updated as property is acquired or disposed of. Property records shall be maintained accurately and provide for:
- 1) a description of the property;

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- 2) manufacturers serial number or other identification number, acquisition date and cost;
 - 3) source of property;
 - 4) percentage of Trust Funds used in the purchase of property;
 - 5) location, use and condition of the property; and
 - 6) ultimate disposition information.
- c) The property inventory report shall be updated by the implementing entity as property is acquired and maintained accordingly. In addition, a complete physical inventory of property shall be taken and the results reconciled with the property records at least annually to verify existence, current use, and continued need for the property.
- d) The implementing entity shall employ a property control system to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage or theft of nonexpendable property shall be investigated and fully documented. Any loss, damage or theft of items purchased with Trust Funds in excess of \$500 shall be reported to the Director within seven calendar days after the loss, damage or theft.
- e) The implementing entity shall employ adequate maintenance procedures to keep the property in good condition.
- f) If the implementing entity is authorized or required by the Council to sell the property, proper sale procedures shall be established for unneeded property that would provide for competition to the extent practicable and result in the highest possible return.
- g) Specific standards for control of intangible property are provided as follows:
- 1) If any program produces processes or inventions that could result in patents or patent rights, in the course of work aided by a Council-funded program, that fact shall be promptly and fully reported to the Council, who shall determine whether protection of the invention or discovery shall be

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sought and how the rights of the invention or discovery (including rights under any patent issued) shall be allocated and administered in order to protect the public interest.

2) When the Grant Agreement results in a book or other material that could be copyrighted, the author or implementing entity is free to copyright the work, but the Council reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for government purposes.

h) Records for property obtained with Trust Funds shall be retained for five years after the final disposition of the property.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART I: MONITORING PROGRAM PERFORMANCESection 1800.800 Site Visits

Council staff shall be responsible for monitoring program performance. Site visits of each funded program may be conducted upon reasonable notice by Council staff. Site visits, at a minimum, include examinations of financial and program records.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.810 Audits

Implementing entities shall be responsible for the performance of an independent audit of the fiscal policies, procedures and practices employed in connection with the awarded program. With the prior written approval of the Council, awarded funds may be used by the implementing entity for this purpose.

(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART J: SUSPENSION AND TERMINATIONSection 1800.900 Suspension

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Notwithstanding Section 1800.910, the Council shall suspend performance of any Grant Agreement for a period not to exceed 28 calendar days when there has been a determination of noncompliance with any State or federal statute, rule or regulation, or with guidelines specified in the Grant Agreement. The Council shall reinstate performance of an agreement that has been so suspended if the noncompliance is corrected within 28 calendar days from the date of suspension. However, notwithstanding Section 1800.910, a Grant Agreement for which performance has been suspended shall be terminated by the Council if performance of the Grant Agreement is not reinstated within 28 calendar days from its suspension. Written notice of all such actions by the Council shall be submitted to the implementing entity and members of the Council as soon as possible, but within seven calendar days.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.910 Extension

Upon the request of an implementing entity, the Council may extend the time period for required performance beyond 28 calendar days if the noncompliance for which performance of the Grant Agreement was suspended can be corrected within the extended period and the correction would result in fulfillment of the terms of the Agreement. Any additional extension shall not exceed 14 calendar days. An extension may only be granted upon a majority vote of the Council. Since an extension granted by the Council pursuant to this Section is initiated by the implementing entity, it shall not be deemed an adverse action under this Part. However, a Grant Agreement for which the period of suspended performance has been extended pursuant to this Section shall be terminated by the Council if performance of the Grant Agreement has not been reinstated by the Council before the extension period has expired. The termination may then be appealed as provided in Section 1800.1010. Written notice of all such actions by the Council shall be submitted to the implementing entity and all members of the Council as soon as possible, but within seven calendar days.

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.920 Termination

The Council shall immediately terminate any Grant Agreement, for any reason of noncompliance specified in Section 1800.900 above, if performance of the agreement has been suspended on at least one prior occasion or if the noncompliance cannot be corrected by the implementing entity within 28 calendar days from the date of suspension. Written notice of termination by the Council shall be submitted to the implementing entity and members of the Council as soon as possible, but within seven calendar days.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

SUBPART K: APPEALS**Section 1800.1000 Applicable Legal Guidelines**

The appeals procedures of the Council shall be subject to the provisions of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Added at 43 Ill. Reg. _____, effective _____)

Section 1800.1010 Appeal Procedures

- a) An implementing entity may appeal any adverse action by writing to the Council within 14 calendar days from the date the notice of the adverse action is mailed to the implementing entity. The written appeal shall contain specific reasons stating why the action taken by the Director should be modified and the action requested of the Council, and shall be signed and dated by the implementing entity's authorized official.
- b) If no timely appeal is taken from an adverse action of the Council, that action will be deemed final action and Council members shall be notified by telephone, mail, electronic mail, or equivalent written means within seven calendar days after the final action.
- c) When an appeal is timely filed, the Chairperson of the Council shall arrange for the Council to hear and decide the appeal within 49 calendar days after the receipt of the written appeal. The implementing entity shall have the right to appear before the Council and to present oral or written testimony and to be represented at the hearing by counsel. The implementing entity shall be notified of the hearing date at least seven calendar days prior to the hearing.
- d) At the hearing, the Council shall consider the written appeal to the adverse action submitted pursuant to subsection (a), any written or oral response to that appeal by Council staff, and any testimony given by the implementing entity or Council staff to questions posed by Council members.
- e) The Council shall render a decision on the appeal before adjourning the hearing.

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(Source: Added at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Secretary of State Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2000
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2000.15	Amendment
2000.1005	Amendment
2000.1510	Amendment
2000.2005	Amendment
2000.2010	Amendment
2000.2050	Amendment
2000.4015	Amendment
2000.4025	Amendment
2000.4030	Amendment
2000.4035	Amendment
2000.4545	Amendment
2000.5037	Amendment
2000.5039	Amendment
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].
- 5) Complete Description of the Subjects and Issues Involved: The Procurement Bulletin that we've been using will no longer be available to SOS after January 1st. To continue to meet the publication requirements of the Procurement Code, SOS has chosen the Higher Education Procurement Bulletin to meet its publication needs.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

217/785-3094
Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000
SECRETARY OF STATE STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	Title
2000.01	Title
2000.05	Policy
2000.08	Illinois Procurement Code
2000.10	Application
2000.15	Definition of Terms Used in This Part
2000.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Rules
2000.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Conduct and Oversight of Procurements
2000.1005	Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Illinois Procurement Bulletin
2000.1510	Illinois Procurement Bulletin
2000.1560	Supplemental Notice
2000.1570	Error in Notice
2000.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

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- 2000.2005 General Provisions
- 2000.2010 Competitive Sealed Bidding
- 2000.2012 Multi-Step Sealed Bidding
- 2000.2015 Competitive Sealed Proposals
- 2000.2020 Small Purchases
- 2000.2025 Sole Economically Feasible Source Procurement
- 2000.2030 Emergency Procurements
- 2000.2035 Competitive Selection Procedures for Professional and Artistic Services
- 2000.2036 Other Methods of Source Selection
- 2000.2037 Tie Bids and Proposals
- 2000.2038 Mistakes
- 2000.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 2000.2043 Suppliers
- 2000.2044 Vendor List/Required Use
- 2000.2045 Prequalification
- 2000.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 2000.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 2000.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 2000.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

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2000.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section

2000.2560 Prevailing Wage
2000.2570 Equal Employment Opportunity; Affirmative Action
2000.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

2000.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

2000.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section

2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference

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- 2000.4530 Correctional Industries
- 2000.4535 Sheltered Workshops for the Disabled
- 2000.4540 Gas Mileage
- 2000.4545 Small Business
- 2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 2000.5013 Conflicts of Interest
- 2000.5015 Negotiations for Future Employment
- 2000.5020 Exemptions
- 2000.5030 Revolving Door
- 2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- 2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions
- 2000.5039 Procurement Communication Reporting Requirement

SUBPART Q: CONCESSIONS

- Section
- 2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 2000.5510 Complaints Against Vendors or Subcontractors
- 2000.5520 Suspension
- 2000.5530 Resolution of Contract Controversies
- 2000.5540 Violation of Statute or Rule
- 2000.5550 Protests
- 2000.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

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Section

- 2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective November 8, 1999; amended at 35 Ill. Reg. 4629, effective March 3, 2011; recodified Title header at 39 Ill. Reg. 5903; amended at 39 Ill. Reg. 11100, effective July 24, 2015; amended at 40 Ill. Reg. 13954, effective September 23, 2016; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 2000.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined in this Section, and each term listed in this Section shall have the meaning set forth in this Section unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" – A written unilateral or bilateral modification to a contract term, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including but not limited to such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract.

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"Award" – The selection of a vendor for a contract.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person other than an individual acting as a sole proprietor who submits a bid.

"Bidder or Offeror Authorized to do Business in Illinois" – A person (other than an individual acting as a sole proprietor) that is a legal entity authorized to do business in Illinois by the SOS Department of Business Services.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" – [Any Procurement Bulletin promulgated and produced by a State agency or institution as set forth in the Illinois Procurement Code.](#)~~The Illinois Procurement Bulletin.~~

"Change Order" – A change order shall have the same meaning as an "amendment".

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as

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used in the Code and this Part does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds issued by or on behalf of any State agency, or contracts, other than for "concessions", that the State agency signs, but has no financial obligation to the other parties.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" – Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"DCMS" – The Department of Central Management Services.

"Items" – Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

"Multi-Year Contract" – A multi-year contract is a contract with a performance term of more than 12 months.

"Offeror" – A person who responds to an Invitation for Bids, Request for Proposals or other form of solicitation.

"Procurement Officer" – The Chief Procurement Officer (CPO) or appropriate State Purchasing Officer (SPO) who conducts the particular procurement, or a designee of either.

"Proposal" – The response to a Request for Proposals.

"Protest Review Office" – The office address of the person designated in the solicitation documents to which protests must be directed. The person designated in the solicitation documents will respond to or coordinate the response to the protest.

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"Qualified Products List" – An approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Renewal" – An extension of an original contract with materially identical terms to the original contract.

"Request for Information" or "RFI" – The process by which a purchasing agency requests information from offerors for all State contracts for leases of real property or capital improvements.

"Request for Proposals" or "RFP" – *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Responsible Bidder or Offeror" – A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time the bid or proposal is submitted for State contract.

"Reverse Auction" – A source selection technique that allows for purchase of supplies or services through a competitive auction process. A reverse auction allows bidders to electronically submit prices for an Invitation for Bids during a predefined time period and is designed to obtain the lowest cost for supplies and services.

"Service" – *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* [30 ILCS 500/1-15.90] and the financing thereof.

"Solicitation" – An Invitation for Bids, a Request for Proposals or other request to one or more vendors to respond to a procurement need expressed by the State.

"SOS" – The Office of the Secretary of State.

"Specification" – Any description of the physical, functional, or performance

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characteristics, or of the nature, of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"State" – The Office of the Secretary of State.

"Subcontract" – A contract between one person and another person who has or is seeking a contract subject to this Code, pursuant to which the subcontractor provides to the contractor some or all of the goods, services, property, remuneration or other form of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency.

"Subcontractor" – A person or entity that enters into a contractual agreement, for an amount greater than the small purchases limits set by Section 20-20 of the Code (or an amount set by rule pursuant to Section 20-20(c) of the Code) or Section 35-35 of the Code or Section 45 of the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535/45], with a contractor who has or is seeking a contract subject to the Code, to provide the contractor some or all of the goods, services, property, remuneration or other form of consideration that are the contractor's contractual obligations.

"Supplies" – *All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.* [30 ILCS 500/1-15.110]

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART C: PROCUREMENT AUTHORITY

Section 2000.1005 Conduct and Oversight of Procurements

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- a) Chief Procurement Officer. The Secretary of State shall designate a chief procurement officer (CPO) for purposes of the Code and this Part. The CPO may conduct any or all procurements on behalf of the SOS. The CPO shall have at least 5 years of experience in State budgeting or procurement activities, or shall be a certified professional public buyer or certified public purchasing officer by the Universal Public Purchasing Certification Council. The CPO shall be a resident of the State of Illinois and shall owe a fiduciary duty to the State. The CPO is responsible for signing all written award determination letters, stating the reasoning for any contract award decision. The CPO shall perform other duties as required by law.
- b) State Purchasing Officer. The Secretary may appoint one or more SPOs to conduct procurement in accordance with the terms of the appointment and this Part. The employee performing the duties of the SPO shall be classified as a Merit Compensation employee pursuant to Secretary of State Department of Personnel rules (80 Ill. Adm. Code 410 and 420) and, upon attaining certified status, shall have the employment protections afforded that status. SPOs must be certified as a professional public buyer or a public purchasing officer by the Universal Public Purchasing Certification Council within 18 months after appointment. In the absence of an SPO, the CPO may designate a temporary acting SPO. The SPO shall exercise procurement authority at the direction of the CPO, and the decisions of an SPO are subject to review by the CPO. The SPO may enter into contracts for the Office of the Secretary of State. The SPO shall perform other duties as required by law.
- c) Procurement Compliance Monitor. The Secretary of State Inspector General, appointed pursuant to Section 14 of the Secretary of State Act [15 ILCS 305/14], or his or her designee, shall serve as the Procurement Compliance Monitor. If a designee is appointed to serve as the monitor, that designee shall be classified as a Merit Compensation employee pursuant to Secretary of State Department of Personnel rules (80 Ill. Adm. Code 410 and 420) and, upon attaining certified status, shall have the employment protections afforded that status. It shall be the duty of the monitor to oversee and review the procurement processes. The monitor shall have direct communication with the Secretary. The monitor shall:
 - 1) have the right to review all contracts, attend any procurement meeting, and access reports and files;

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- 2) issue reports to the CPO regarding outstanding procurement problems;
 - 3) ensure transparency and compliance with procurement laws;
 - 4) report findings of waste to SOS departments. If the department does not correct circumstances causing the waste, the monitor shall report to the CPO and the Inspector General; and
 - 5) perform other duties as required by law.
- d) Procurement Policy Board. The Secretary shall appoint a Secretary of State Procurement Policy Board (SOS PPB). The SOS PPB shall consist of 5 members. In making appointments to the SOS PPB, the Secretary shall consider an individual's knowledge and experience in State government procurements and operations. The members shall receive no compensation for serving on the SOS PPB other than reimbursement for expenses reasonably incurred in the performance of their duties . Except as provided in subsection (e), the SOS PPB shall:
- 1) be authorized to review, comment upon, and recommend rules and practices governing the procurement, management, control and disposal of supplies, services, professional or artistic services, construction, and capital improvements procured by the Office of the Secretary of State;
 - 2) be authorized to review any proposal, bid or contract, and may issue recommendations regarding procurement matters;
 - 3) be notified by the CPO if a conflict of interest is identified, discovered or reasonably suspected to exist. In the event of such notification, the SOS PPB is to recommend action and give its recommendation to the CPO and Secretary. The SOS PPB's recommendation shall be published in the ~~Procurement~~ Bulletin;
 - 4) report to the Inspector General whenever the PPB has cause to believe there has been a violation of the Procurement Code; and
 - 5) perform other duties as required by law.

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- e) Real Estate Review Board. The Secretary shall appoint a Secretary of State Real Estate Review Board (RRB), consisting of 4 members plus the Property Management Administrator. The 4 appointed members shall include 2 real estate professionals, one attorney, and one accountant. The RRB shall be authorized to review, comment upon, and recommend rules and practices governing the procurement, leasing, management, control and disposal of real property by the Secretary of State. Reviews of real property transactions shall consider issues related to legality; fair market value; verifications of property information, including square footage, property taxes, etc.; accuracy of rent allocation schedules; accuracy of vendor disclosure documents; and possible conflicts of interest.
- f) Chief Internal Auditor. The Secretary shall appoint a chief internal auditor. The auditor must have a Bachelor's degree, and must be either a certified internal auditor, or a certified public accountant with at least 4 years of auditing experience, or an auditor with 5 years of experience. Any chief internal auditor appointed on or after July 1, 2010, shall be appointed for a period of 5 years and may only be removed for cause. The chief internal auditor shall report directly to the Secretary. Subject to the approval of the Secretary, and consistent with the Fiscal Control and Internal Auditing Act [30 ILCS 10], the chief internal auditor shall:
- 1) direct the internal audit functions and activities;
 - 2) prepare audit reports and assess program goals;
 - 3) be responsible for the preparation of an annual audit plan for submission to and subject to the approval of the Secretary; and
 - 4) perform other duties as required by law.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 2000.1510 Illinois Procurement Bulletin

Notice of any procurement action required by the Code to be publicized in [a recognized](#)~~the~~ [Illinois](#) Procurement Bulletin will be forwarded to [the appropriate State agency or](#)

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~~institution~~DCMS for inclusion in the appropriate volume of the Bulletin ~~in accordance with rules promulgated by DCMS (44 Ill. Adm. Code 1).~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 2000.2005 General Provisions

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
 - 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.
 - 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the Procurement Officer, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
 - 1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the State.

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- 2) After opening bids or proposals, the Procurement Officer may request bidders or offerors who submitted timely bids or proposals to extend the time during which the State may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.
- c) Electronic and Facsimile Submissions
- 1) The Invitation for Bids (IFB) or Request for Proposals (RFP) may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.
 - 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the SOS at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
 - 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) Intent to Submit
- The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.
- e) Only One Bid or Proposal Received
- If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:
- 1) new bids or offers may be solicited, including under sole source (Section 2000.2025) or emergency (Section 2000.2030) procedures; or

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- 2) the procurement may be canceled.
- f) Alternate or Multiple Bids or Proposals
- 1) Alternate bids or proposals may be accepted if:
 - A) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 2000.2025 (Sole Economically Feasible Source Procurement) ~~of this Part~~; or
 - C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.
 - 2) Multiple bids or proposals may be accepted if:
 - A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
 - B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.
 - 3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.
- g) Multiple Items
An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
- h) "All or None" Bids or Proposals

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All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

- i) **Conditioning Bids or Proposals Upon Other Awards**
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
 - 1) be rejected unless the vendor removes the condition; or
 - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

- j) **Unsolicited Offers**
 - 1) **Processing of Unsolicited Offers.** The Procurement Officer may consider unsolicited offers and shall have final authority with respect to evaluation, acceptance and rejection of such unsolicited offer.
 - 2) **Conditions for Consideration.** An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
 - 3) **Award.** An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 2000.2020), sole source (Section 2000.2025), or emergency (Section 2000.2030) procurement.

- k) **Clarification of Bids and Proposals**
The Procurement Officer may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of best and finals as authorized elsewhere in this Part.

- l) **Extension of Time on Indefinite Quantity Contracts**
The time of performance of an indefinite quantity contract may be extended upon

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agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.

- m) Increase in Quantity on Definite Quantity Contracts
 - 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the Procurement Officer determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage.
 - 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the applicable small purchase (Section 2000.2020) threshold.
- n) Subsequent Purchase Request

If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of the SOS, the SPO receives a purchase request for the same item and for the same or lesser quantity, the SPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.
- o) Assignment, Novation or Change of Name
 - 1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
 - A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;

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- C) the transferor waives all rights under the contract as against the State; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.
- 3) Change of Name. A vendor may submit to the Procurement Officer a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.
- 4) Reports. All change of name or novation agreements under this subsection (o) shall be reported to the CPO of DCMS within 30 days after the date the agreement becomes effective so that the bid list may be updated.
- p) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
- q) Use of Source Selection Method that is Not Required
If SOS uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the SOS is not bound to strict compliance with the Code and rules governing the method of source selection used.
- r) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.
- s) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
- t) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure

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requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

- u) Documentation of Procurement Actions
- Each SPO shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:
- 1) Procurement Business Case, signed by the CPO or SPO, that establishes the reason for the contract decision or other form of decision memo showing CPO or SPO approvals to proceed with the contract award;
 - 2) ~~Procurement~~ Bulletin postings;
 - 3) Solicitation document (e.g., IFB) and all amendments, clarifications and Best & Final requests;
 - 4) Vendors' responses, including clarifications and responses to Best & Final requests;
 - 5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision);
 - 6) Protest and resolution;
 - 7) Contract and any order, change, amendments, renewal or extension;
 - 8) Contractor Performance Reviews;
 - 9) All information from subsections (u)(1) through (8), less information exempt from disclosure under the Freedom of Information Act [5 ILAC 140], shall be prepared and available for inspection and copying, with information from subsections (u)(1) through (5) available on the date any award is posted to the ~~Procurement~~ Bulletin.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 2000.2010 Competitive Sealed Bidding

- a) **Application**
Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) **The Invitation for Bids**
 - 1) **Use.** The Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) **Content.** The Invitation for Bids shall include, at a minimum, the following:
 - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance by the State;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
 - 3) **Incorporation by Reference.** The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
- c) **Bidding Time**
Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.

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- d) Bidder Submissions
- 1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.
 - 2) Bid Samples and Descriptive Literature
 - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the State.
- e) Public Notice
- 1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the ~~Illinois Procurement~~ Bulletin (see Section 2000.1510).
 - 2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.
 - 3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.
- f) Pre-Bid Conference
- A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance

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mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

- g) Amendments to Invitations for Bids
 - 1) Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB it amends.
 - 2) Distribution. Amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.
 - 3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.
- h) Pre-Opening Modification or Withdrawal of Bids
 - 1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.
 - 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.
 - 3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.
- i) Receipt, Opening and Recording of Bids
 - 1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time

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and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

3) Confidential Data. The SPO shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2) Responsibility. Responsibility of prospective vendors is covered by Section 2000.2046 (Responsibility) ~~of this Part~~.

3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

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- A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:
- i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
 - ii) examination of such elements as appearance, finish, taste, or feel;
 - iii) other examinations to determine whether it conforms with any other purchase description requirements.
- B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.
- 4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.
- 5) Price Negotiation. Negotiations are permitted with the low bidder to

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obtain a lower price for the item bid.

- k) Documentation of Award
Following award, a record showing the successful bidder shall be made a part of the procurement file.
- l) Award to Other Than Low Bidder
 - 1) The Procurement Officer, but not a designee, may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The written explanation must be published in the appropriate volume of the ~~Procurement~~ Bulletin.
 - 2) This action may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the agency, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.
 - 3) The explanation must include:
 - A) a description of the SOS's needs;
 - B) a determination that the anticipated cost will be fair and reasonable;
 - C) a listing of all reasonable and responsive bidders; and
 - D) the name of the bidder selected, pricing, and the reasons for selecting that bidder.
 - 4) The explanation shall be filed with the Legislative Audit Commission and the SOS PPB.
- m) Publicizing Award
The successful bidder shall be notified of award and the notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 2000.2020 (Small Purchases)-of this

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~~Part~~, notice of award shall be published in the Bulletin.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 2000.2050 Specifications and Samples

- a) Responsibilities Regarding Specifications
 - 1) The Procurement Officer shall write the necessary specifications except as noted in this subsection (a).
 - 2) If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the SPO. If no such specification exists, the Procurement Officer shall have the authority to prepare specifications for use in such purchases. In an emergency under Section 20-30 of the Code, any necessary specification may be utilized without regard to the provisions of this Subpart.
- b) Procedures for the Development of Specifications
 - 1) If the SPO develops a specification for a common or general use item or has developed a qualified products list in accordance with this Section for a particular supply or service, it shall be used unless the SPO authorizes use of another specification.
 - 2) All procurements shall be based on specifications that accurately reflect the State's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
 - 3) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate State needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

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- 4) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.
 - 5) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the State's requirements.
- c) Brand Name or Equal Specification
- 1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:
 - A) no specification for a common or general use specification or qualified products list is available;
 - B) time does not permit the preparation of another form of specification, not including a brand name specification;
 - C) the nature of the product or the nature of the State's requirement makes use of a brand name or equal specification suitable for the procurement; or
 - D) use of a brand name or equal specification is in the State's best interest.
 - 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.
 - 3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
 - 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict

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competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

- d) Brand Name Only Specification
- 1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the State's needs.
 - 2) Use. Brand name alone may be specified in order to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the SPO. The Procurement Officer may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.
 - 3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 2000.2025 (Sole Economically Feasible Source Procurement) ~~of this Part.~~
 - 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 2000.2020) and emergency (Section 2000.2025) provisions ~~of this Part.~~
- e) Qualified Products List
- 1) Use. A qualified products list may be developed by the Procurement Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy State requirements.
 - 2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products

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for testing and examination to determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.

- 3) **Testing and Confidential Data.** Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.
- f) **Proven Products**
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.
- g) **State Required Samples**
- 1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.
 - 2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the State's right to require adherence to specifications.
 - 3) No payment will be made for State Required Samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. Such request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.
- h) **Product Demonstration**
Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the State's discretion and

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will not entitle the bidder to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

- i) Specifications Prepared by Other Than State Personnel
 - 1) Specifications may be prepared by other than State personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the Procurement Officer determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, and provided the Procurement Officer retains the authority to finally approve the specifications. Contracts for the preparation of specifications by other than State personnel shall require the specification writer to adhere to State requirements.
 - 2) The person who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the Secretary of State, and not a designee, determines in writing that it would be in the best interest to accept such a bid or proposal from that person. A notice to that effect shall be published in the Bulletin.

- j) Pre-solicitation Assistance/Specifications Prepared by Other Than State Personnel
 - 1) Prior to issuing a solicitation, an SPO may issue an RFI to obtain services of any person or business to conduct research, analyze requirements or provide general design or other assistance to help the SOS develop its procurement strategy, specifications and documents and to identify and address other related needs. No services can be obtained to assist the SOS in reviewing, drafting or preparing an RFP or RFI or to provide similar assistance.
 - 2) Notice. A Request for Information shall be published in the ~~Illinois Procurement~~ Bulletin for at least 7 calendar days. All information received in response to an RFI shall be published in the Bulletin for at least 7 calendar days.
 - 3) The RFI shall contain at least the following:
 - A) the name of the requesting agency;

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- B) a brief description of the agency's need; and
- C) a statement that the RFI is not a solicitation.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 2000.4015 Acquisition of Leases by RFI

All leases, except those falling under the exceptions listed in Section 2000.4020 or emergency procurements (Section 2000.4045) will be acquired as follows:

- a) All leases will be procured by a Request for Information (RFI). RFIs will contain at a minimum the following information:
 - 1) A description of the general type of property to be leased.
 - 2) The proposed use of the property.
 - 3) The proposed term of the lease.
 - 4) Preferred location of the property.
 - 5) General information such as size of space, configuration desired and any other appropriate requirements.
 - 6) Address to which requests for proposal may be sent.
 - 7) Date on which responses are due.
- b) Notice of the RFI shall be:
 - 1) published at least 14 days prior to the deadline for responding in both the ~~Illinois Procurement~~ Bulletin and a newspaper having general circulation in the area in which space is being sought.
 - 2) Of an appropriate size to draw attention and shall be placed in the legal

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advertisement section.

- c) A proposal package shall be mailed to all parties requesting one in writing. Proposal packages may also be mailed to owners of property that may meet the State's needs.
- d) Proposal packages shall at a minimum include:
 - 1) A Proposal Form.
 - 2) A copy of the Agency Program Requirements.
 - 3) An envelope for submitting the proposal.
 - 4) The date on which proposals must be submitted.
- e) All responses to the RFI will be publicly opened on the announced opening date. Names of all parties submitting proposals will be made available to the public.
- f) Secretary of State representatives may conduct discussions with respondents to further clarify the needs of the State or obtain further information on responses.
- g) On the basis of the responses to the RFI, the CPO or designee shall make a written determination of which RFIs submitted are responsive to the State's basic criteria.
- h) Secretary of State representatives will enter into negotiations with all parties submitting responsive RFIs for the purpose of obtaining the best terms for the State. A written record of all negotiations will be maintained by the Secretary of State.
- i) The Secretary of State representative shall review all relevant information and shall recommend to the CPO which proposal should be accepted.
- j) The CPO will make the final award, which will be announced in the [Illinois Procurement Bulletin](#).
- k) The lease will be reduced to writing and executed by all parties.

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- l) Should the lowest priced proposal not be selected, the CPO shall publish notice, along with the reasons for such selection, in the next available edition of the ~~Procurement~~ Bulletin.
- m) The State reserves the right to reject any and all proposals and to request and evaluate "best and final" proposals. All decisions on compliance, evaluations, terms and conditions shall be made solely at the State's discretion and made to favor the State.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998

Leases in effect prior to July 1, 1998 may be renewed or extended without advertisement or an RFI process if:

- a) The CPO determines that the renewal or extension is in the best interest of the State.
- b) The CPO publishes notice of the renewal or extension in the next available issue of the ~~Procurement~~ Bulletin.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 2000.4030 Renewal of Leases Entered into After July 1, 1998

- a) Leases may be renewed if:
 - 1) The CPO determines in writing that such renewal is in the best interest of the State.
 - 2) Notice of such renewal is published in the ~~Procurement~~ Bulletin at least 60 days prior to the exercise of such option.
- b) Documentation justifying renewals shall be maintained in Secretary of State lease files.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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Section 2000.4035 Purchase Options

- a) All leases of free standing facilities shall contain an option to purchase exercisable by the State.
- b) Purchase options may be omitted if:
 - 1) The lease is with a governmental entity or a not-for-profit entity.
 - 2) The CPO determines that the purchase option is not in the State's best interest and publishes his/her written determination in the [Procurement Bulletin](#).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART O: PREFERENCES

Section 2000.4545 Small Business

- a) **Set-Aside**
The CPO for DCMS may determine categories of supplies or service procurements that will be set aside for small business located in Illinois. The SPO may contact DCMS to determine whether a particular procurement has been set aside for small business, and, if so, the SOS may honor the set aside to the extent practicable.
- b) **Small Business List**
The SOS may refer to the list of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) **Required Use**
If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) **Withdrawal of Set-Aside**

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If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the [Illinois Procurement Bulletin](#) with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.

e) Criteria for Small Business

Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

- 1) Independently owned and operated.
- 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- 3) With annual sales for most recently ended fiscal year no greater than:
 - A) \$10,000,000 for wholesale business;
 - B) \$10,000,000 for construction business; or
 - C) \$6,000,000 for retail business.
- 4) With no more than 250 employees if a manufacturing business.
 - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on

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a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

- B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler, or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and a wholesaler may not have total sales exceeding \$16,000,000, and the retail component may not exceed \$6,000,000 and the wholesale component may not exceed \$10,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART P: ETHICS

Section 2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions

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- a) Introduction
Illinois law [~~10 ILCS 5/9-35 and 30 ILCS 500/20-160 and 50-37~~] (the statutes) restricts political contributions by vendors and affiliated entities; requires registration with the State Board of Elections (SBEL); requires a copy of the registration certificate stamped by SBEL (Registration Certificate) to be submitted with bids/proposals and contracts; and requires solicitation and contract certifications relative to the requirements of the law. This Section supplements requirements found in the statutes and does not excuse compliance with any of those requirements.
- b) General Registration Requirements
 - 1) These requirements apply to contracts, bids and proposals that are subject to the Illinois Procurement Code:
 - A) Bids/proposals referenced in this Section are those submitted in response to a competitive solicitation that is posted to the ~~Illinois Procurement~~ Bulletin on or after January 1, 2009, regardless of the value assigned to the procurement.
 - B) Bids and proposals include pending bids and proposals.
 - C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of \$50,000, whose aggregate value of bids/proposals for State contracts exceeds \$50,000, or whose aggregate value of State contracts and bids/proposals exceeds \$50,000.
 - D) This value is calculated on a calendar-year basis.
 - 2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.
 - 3) An "executive employee" means:

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- A) the President, Chairman of the Board, or Chief Executive Officer of a business entity and any other individual that fulfills equivalent duties as the President, Chairman of the Board, or Chief Executive Officer of a business entity.
 - B) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.
- c) Bids and Proposals
- 1) A copy of the Registration Certificate must be submitted with bids/proposals.
 - 2) If the Registration Certificate is not timely submitted, the SOS will reject the bid/proposal.
 - 3) The SOS will not reject a bid/proposal if absence of the Registration Certificate is the result of delay or error by the State, but will require the Registration Certificate before making an award.
- d) Contracts
- A copy of the Registration Certificate must be in the procurement file as set forth in this subsection (d), unless the Vendor certifies it is not required to register.
- 1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals exceeds \$50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.
 - 2) For indefinite quantity/estimated value contracts, a vendor who is otherwise not required to register shall register with SBEL when the value

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of orders placed pursuant to an indefinite/estimated value contract plus all other contracts and bids/proposals exceeds \$50,000.

- 3) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals, exceeds \$50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.
- 4) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.
- 5) Contract certification required by the statutes shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Illinois Procurement Code and those written, two-party contracts that need not be filed with the Comptroller. The SOS may require written confirmation of the rule-imposed certification at any time.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 2000.5039 Procurement Communication Reporting Requirement

- a) Unless otherwise specified in this Section, any written or oral communication received by a Secretary of State *employee who, by the nature of his or her duties, has the authority to participate personally or substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract or a project, shall be reported to the SOS Procurement Policy Board.* [30 ILCS 500/50-39(a)]
 - 1) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first in a series of related communications described in subsection (b), the Secretary of State employee shall report the communication to the SOS Procurement Policy Board.

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- 2) *No trade secrets or other proprietary or confidential information shall be included in any communication reported to the SOS Procurement Policy Board. [30 ILCS 500/50-39(b)]*

- b) A communication must be reported if it is material, regarding a potential action, relating to an active procurement matter, and not otherwise excluded from reporting.
 - 1) Materiality
 - A) *"Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.*
 - B) *A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to a communication initiated by an SOS employee for the purpose of providing information to evaluate new products, trends, services, or technologies. [30 ILCS 500/50-39(g)]*
 - C) In determining whether a communication is material, the SOS employee must consider:
 - i) whether the information conveyed is new or already known to the SOS (or repeated or restated privately) and other participants in the communication; and
 - ii) the likelihood that the information would influence a pending procurement matter.
 - 2) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.
 - 3) *"Active procurement matter" means a procurement process beginning with the requisition or determination of need by an agency and continuing*

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through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or SOS Procurement Policy Board review period, if applicable. The Chief Procurement Officer may designate a document for an agency to use in documenting a determination of need. "Active procurement matter" also includes communications relating to change orders, renewals or extensions. [30 ILCS 500/50-39(g)] "Procurement processes" includes the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property (whether the State is the lessor or lessee), or capital improvements, and includes master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Active procurement matters include:

- A) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;
- B) drafting, reviewing or preparing any Invitations for Bid, Requests for Information, Requests for Proposals, sole source procurement justifications, emergency procurement justifications or selection information;
- C) evaluating bids, responses and offers, and other communications among an evaluation team and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;
- D) letting or awarding a contract;
- E) resolving protests;
- F) determining inclusion on prequalification lists or prequalification in general;
- G) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;

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- H) allowing a conflict or subcontract pursuant to Section 50-60 of the Code; and
 - D) determining, drafting, preparing, executing, denying or approving change orders or the renewal or extension of an existing contract.
- c) This Section does not apply to the following communications:
- 1) *Statements by a person publicly made in a public forum. However, communications made in a public forum, if made again privately, must be reported;*
 - 2) *Statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*
 - 3) *Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract;*
 - 4) *Statements made by an SOS employee to:*
 - A) *the employee's department head;*
 - B) *other SOS employees;*
 - C) *employees of the Executive Ethics Commission;*
 - D) *the Office of the Executive Inspector General for the Secretary of State; or*
 - E) *an employee of another State agency who, through the communication, is either:*
 - i) *exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State Purchasing Officer; or*

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- ii) *exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;*
 - 5) *Unsolicited communications providing general information about products, services or industry best practices, before those products or services become involved in a procurement matter;*
 - 6) *Communications received in response to procurement solicitations pursuant to the Illinois Procurement Code, including, but not limited to, vendor responses to a Request for Information, Request for Proposal, Request for Qualifications, Invitation for Bid or a small purchase, sole source or emergency solicitation, or questions and answers posted to the ~~Procurement~~ Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines;*
 - 7) *Communications that are privileged, protected or confidential under law;*
 - 8) *Communications that are part of a formal procurement process as set out by statute, rule or the solicitation, guidance or procedures, including, but not limited to, the posting of procurement opportunities, the processes for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes.*
[30 ILCS 500/50-39(a)]
- d) Notwithstanding any exemption provided in subsection (c), an SOS employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active procurement matter if that communication attempts to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.
- e) Notwithstanding any exemption provided in subsection (c), an SOS employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active

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procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or nonmonetary, to any person or entity.

- f) This Section does not apply to communications concerning procurements that are exempt from the Illinois Procurement Code.
- g) For purposes of this Section, "Secretary of State employee" or "SOS employee" means:
 - 1) any person employed full-time, part-time or pursuant to a personal services contract and whose employment duties are subject to the direction and control of the SOS with regard to the material details of how the work is to be performed;
 - 2) any appointed or elected commissioner, trustee, director or board member of a board of the SOS; or
 - 3) any other person appointed to a position in or with the SOS, regardless of whether the position is compensated.
- h) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120], but also includes other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required, such as educational seminars and conferences.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Public Use of the Capitol Complex and Springfield Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2005.30	Amendment
2005.40	Amendment
- 4) Statutory Authority: Authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].
- 5) Complete Description of the Subjects and Issues Involved: The proposed changes are necessary to allow the SOS Department of Police to ensure the safety of those wishing to access the Capitol Complex.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor II
298 Howlett Building
Springfield IL 62756

217/785-3094
Awilliams3@ilsos.net

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATE

PART 2005

PUBLIC USE OF THE CAPITOL COMPLEX AND SPRINGFIELD FACILITIES

Section	
2005.10	Applicability
2005.20	Definitions
2005.30	Business Hours and Public Access
2005.40	Prohibited Activities
2005.50	Demonstrations
2005.60	Use of Building for Non-Demonstration Activity or Fund Raising Events
2005.70	Distribution of Leaflets and Solicitation of Funds
2005.80	Secretary of State Police Department
2005.90	Severability

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15656, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days; emergency expired April 25, 2002; amended at 26 Ill. Reg. 9948, effective June 24, 2002; amended at 36 Ill. Reg. 7662, effective May 2, 2012; amended at 39 Ill. Reg. 2710, effective February 5, 2015; amended at 42 Ill. Reg. 188, effective December 19, 2017; amended at 43 Ill. Reg. _____, effective _____.

Section 2005.30 Business Hours and Public Access

- a) The public business hours of the Capitol Complex Buildings are 8 a.m. to 5 p.m., unless otherwise posted, Monday through Friday, except holidays declared by the Governor pursuant to Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635], and on weekends and holidays between 9 a.m. and 4 p.m. for purposes of public Capitol Building tours only. When the General Assembly is in session, and the start of a committee meeting or session is sooner or later than the

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limits listed in this subsection, the public hours shall be one hour before the earliest committee meeting or session of either house for the opening time, and one hour after the adjournment of the last committee meeting or session of either house for the closing time in the Capitol Building or in whatever building the legislative function is held.

- b) Entrance to any building during times other than stated in subsection (a) is prohibited, except for the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:
- 1) members of the General Assembly;
 - 2) employees of the General Assembly;
 - 3) employees of the executive departments whose offices are in the building;
 - 4) representatives of news media who have offices in the Capitol Building;
 - 5) any authorized maintenance, repairer, contractor or other service employee, while performing duties that have been arranged for by the Department of Physical Services; and
 - 6) any person who is specifically requested to enter into any building or office by an authorized individual listed in subsections (b)(1) to (4).
- c) Proper identification of all persons, such as a press pass, government photo identification card, a driver's license or other document that shows the identity of the person, may be demanded by security personnel, and employees may be required to sign in and out of a building after 5 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard or investigator does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas. All persons entering into the buildings of the Capitol Complex ~~shall~~ may be required to wear their government photo identification card outside their clothing at all times when accessing any non-public areas of the Capitol Complex or buildings ~~it has been determined by the Director of the Department of Police that security concerns warrant that display~~. All visitors to the Capitol Complex who do not possess a government photo identification card issued by either the Office

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[of the Secretary of State or the Department of Central Management Services](#) will be required to submit themselves to security screening measures prior to entry. Lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards may be issued photo identification cards by the Secretary of State Department of Police.

- d) All persons and vehicles entering into the Capitol Complex and its buildings may be subject to search, including, but not limited to, inspection of vehicles, trunks, parcels and packages, metal detector screening, X-Ray scans and inspection of bulky personal items brought into the Capitol Complex.
- e) Firearms, firearm ammunition, knives, razors or other blade instruments, stun guns or tasers, explosive devices, flammable, corrosive or explosive compounds, incendiary devices, irritants or noxious compounds (i.e., tear gas or pepper spray), and toy or dummy weapons, all contraband and any other items deemed to be inappropriate or that could be used as a weapon shall be prohibited. The Director of the Department of Police may permit exemptions to these prohibitions for law enforcement, military and ceremonial personnel who are performing their official duties.
- f) Emergency responders who are responding to a bonafide emergency situation within the Capitol Complex are not subject to screening or searches.
- g) Public access to any building or area of the grounds may be restricted if it is determined by the Director of the Department of Police that a situation has arisen that threatens the security of persons and buildings within the Capitol Complex.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 2005.40 Prohibited Activities

- a) No animals, except guide dogs to assist persons with disabilities, or dogs utilized by police officers and firefighters in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall [sleep, shelter](#), camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the State

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Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i).

- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.
- e) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.
- f) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d). Permission will be granted for demonstrations only.
- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- h) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.
- i) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d). Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director. The location shall not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds, i.e., damage to grass or grounds that would require replacement. The only locations that are authorized

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for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas that have an underground watering system on them.

- j) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.
- k) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals, within the Capitol Building rotunda shall not exceed 75dB(A). If the noise level from these persons exceeds this limit, the Director or the Director of the Department of Police, or his or her designee, shall direct all persons to decrease the noise, or to reduce the numbers of people, within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).
- l) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to State property.
- m) No smoking, vaping, or use of electronic cigarettes is permitted in any building or structure in the Capitol Complex.
- n) No skateboard riding, rollerblading, recreational scooter-riding, or skating is allowed on the Capitol Complex. The riding of bicycles is permitted only in parking lots of the Capitol Complex and not on any Capitol Complex sidewalks or pathways.
- o) [No masks that cover a person's face may be worn on the Capitol grounds.](#)

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1010.421	Amendment
1010.425	Amendment
1010.426	Amendment
1010.459	New Section
- 4) Statutory Authority: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking will set forth the procedures that an "authorized organization" must follow in order to distribute a decal for the IL Secretary of State's universal special plate, as established under the Illinois Vehicle Code. The General Assembly authorized the universal special plate to be used as a fundraising mechanism that multiple organizations can use to represent their various causes. An "authorized organization" is an entity that has statutory authority to issue a decal to a universal special plate as set forth under the Illinois Vehicle Code. Additional amendments have been made and are necessary to ensure that the Secretary of State can adequately regulate remitters that provide services to the constituents. The proposed amendments will allow the Secretary of State to better protect the public from fraud and improper transactions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Gina Harrison
Legal Advisor II
100 W. Randolph St. #5-400
Chicago IL 60601

312/814-7246
Gharrison2@ilsos.net

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Some not-for-profit corporations may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

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

SUBPART B: TITLES

- Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193 Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195 Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

- Section
1010.200 Homemade Trailers – Title and Registration

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- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

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

SUBPART E: SPECIAL PERMITS AND PLATES

Section

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

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1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

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

SUBPART G: MISCELLANEOUS

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

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads

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1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

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

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4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. _____, effective _____.

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State

- a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may supply, upon request, Temporary Permit plates to the following for issuance by them, provided they have the necessary computer hardware, software and communication devices for accessing the Secretary of State's Internet site for the registration of Temporary Permit plates:
 - 1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. All dealers receiving Temporary Permits shall maintain records [as required by 92 Ill. Adm. Code 1019.40](#) reflecting the information required for completion of the receipt form for a Temporary Permit plate. Failure to do so may result in the denial, revocation, or suspension of a dealer's license under IVC Section 5-501.
 - 2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. All Remittance Agents receiving Temporary Permits shall maintain records reflecting the information

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required for completion of the receipt form for a Temporary Permit. Failure to do so may result in the denial, revocation, or suspension of a Remittance Agent's license under IVC Sections 3-906 and 3-907.

- 3) Currency exchanges licensed by, and in good standing with, the Department of Financial and Professional Regulation. Currency exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permits. Each currency exchange may issue Temporary Permits only to persons whose applications the currency exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All currency exchanges receiving Temporary Permits shall maintain records of their issuance reflecting the information required for completion of the receipt form for a Temporary Permit plate.
- b) Issuers of Temporary Permits must be in compliance with the following:
- 1) Within two business days after receipt of Temporary Permit plates from the Secretary of State the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and acknowledge receipt of the plates. The issuer shall store the Temporary Permit plates in a secure location to prevent theft, loss or misuse of the plates. Temporary Permit plates shall be issued in numerical sequence as received from the Secretary of State. Temporary Permit plates shall be issued only in conjunction with applications for vehicle registration and all required information regarding the Temporary Permit plate shall be completed on the vehicle registration application form.
 - 2) Contemporaneous with the issuance of a Temporary Permit plate, the issuer shall access the Secretary of State's Internet site for the registration of Temporary Permit plates and enter all requested information with regard to the vehicle for which the Temporary Permit plate was issued and the individuals or entity to which the Temporary Permit plate was issued. When accessing the Secretary of State's Internet site and entering information, issuers shall comply with all protocols provided by the Secretary of State, including, but not limited to, user identification procedures and passwords.

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- 3) Prior to delivering a Temporary Permit plate to the applicant or attaching a Temporary Permit plate to a vehicle, the issuer shall lift the clear overlay covering the expiration date area, blacken in with a permanent black marker the month and year during which the Temporary Permit will expire, making certain to blacken in the entire box including the portion of the silver hologram strip running through the box designating the month, and remove the white backing from the overlay and apply the overlay securely over the expiration date area.
- 4) Temporary Permit plates issued for motor driven cycles or motorcycles shall be of the reduced size designed for motor driven cycles or motorcycles.
- 5) Temporary Permit plates shall be issued only by the dealer, remittance agent, or currency exchange that received the Temporary Permit from the Secretary of State.
- 6) Temporary Permit plate receipt forms shall contain all of the information requested, where applicable. The original of the plate receipt form shall be given to the applicant and the copy shall be maintained by the issuer.
- 7) Temporary Permit plate receipt forms shall bear the name of the issuing entity and the signature of the issuing employee.
- 8) Issuers of Temporary Permits shall reimburse the Secretary of State \$50 per Temporary Permit for lost, missing, stolen, or destroyed Temporary Permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the Temporary Permits were destroyed by fire or flood, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises.
- 9) Issuers shall maintain copies of receipt forms for all Temporary Permit plates issued for a period of 3 years.
- 10) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all unissued Temporary Permit plates to

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the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received by the Secretary of State.

- c) The Secretary of State shall have free access to the offices and places of business to examine fully all Temporary Permit books and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this Section.
- d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.
- e) Denial or Revocation of the Authority to Issue Temporary Permits
 - 1) The Secretary of State may refuse to issue Temporary Permits to any dealer, remittance agent or currency exchange that has committed any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes. The Secretary of State may demand the return of any unused Temporary Permits from any dealer, remittance agent or currency exchange for any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes, or for any other violation relating to the use or issuance of Temporary Permits.
 - 2) If the Secretary of State refuses to issue or revokes unused Temporary Permits, he or she shall so order in writing and notify the dealer, remittance agent or currency exchange by mail. A dealer, remittance agent or currency exchange may request an administrative hearing to review the order.
 - 3) If the Secretary of State revokes unused Temporary Permits, the affected dealer, remittance agent or currency exchange shall not be entitled to apply for or issue any Temporary Permits for a period of 90 days following receipt of the revocation order. A second or subsequent offense resulting in the revocation of Temporary Permits may result in the dealer, remittance agent or currency exchange being prohibited from receiving any Temporary Permits from the Secretary of State.
 - 4) Secretary of State personnel may initiate an action against a dealer, remittance agent or currency exchange by filing a complaint with the Secretary of State's Administrative Hearings Department. Thereafter, a

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notice of hearing shall be issued to the dealer, remittance agent or currency exchange specifying the alleged violation. The dealer, remittance agent or currency exchange shall be entitled to an administrative hearing pursuant to IVC Section 2-118 and regulations promulgated under that Section.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1010.425 Non-Resident Drive-Away Permits

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

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

"Non-Resident Drive-Away Permit" – a temporary registration permit as provided in IVC Section 3-603 ~~that of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, pars. 3-603) which~~ allows a vehicle to be operated on the highway for the primary purpose of allowing the vehicle to be driven from the place of acquisition to a destination outside of Illinois within a ~~ten~~ (10) day period. The permit can be issued by a licensed dealer, remittance agent, or at most Secretary of State facilities.

"Permit Purchaser" – an Illinois resident or non-resident purchasing a Non-Resident Drive-Away Permit for a vehicle to be driven to a destination outside of Illinois.

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

b) If a permit purchaser obtains a Non-Resident Drive-Away Permit at a Secretary of State facility:

- 1) The permit purchaser shall complete a Vehicle Permit Application. The appropriate fee as required by IVC Section 3-811 ~~of the Illinois Vehicle Code~~ must accompany the application.
- 2) The permit purchaser shall provide proof that he/she owns the vehicle.

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Acceptable ownership documents include, but are not limited to:

- A) a title issued in the permit purchaser's name;
 - B) a title assigned to the permit purchaser;
 - C) a Manufacturer's Certificate of Origin issued or assigned to the permit purchaser;
 - D) a registration identification card which has been expired less than one ~~(1)~~ year; or
 - E) verification through the Secretary of State computer file.
- 3) The Secretary of State employee shall attach a photocopy of the proof of ownership to the second part of the permit (the agent's copy). If ownership is verified through the Secretary of State's computer file, the information shall be written on the agent's copy.
- 4) The permits shall be issued in numerical sequence and completed in full containing the following information:
- A) the expiration date of the permit;
 - B) the name and address of the permit purchaser (must show out-of-state address);
 - C) the year, make and vehicle identification number of the vehicle;
 - D) the name and address of the Secretary of State issuing facility; and
 - E) the signature of the Secretary of State employee.
- c) If a dealer or remittance agent wishes to obtain permits for issuance as an authorized agent of the Secretary of State:
- 1) The dealer/remittance agent shall submit an application accompanied by the appropriate fee for each permit to the Secretary of State ~~that~~which contains the following information:

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

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- 1) a non-resident of Illinois who purchases a vehicle from an Illinois resident;
- 2) a non-resident of Illinois who purchases a vehicle from another non-resident of Illinois within the State of Illinois;
- 3) an Illinois resident who has expired Illinois registration or Illinois registration that will expire in less than ~~ten (10)~~ days and who has or will be establishing residency in another state, if the out-of-state address is provided on the application; or
- 4) an Illinois resident who was issued an Illinois title, but was not issued license plates because he/she is moving to another state, if the out-of-state address is provided on the application.

g) Under no circumstances may a Non-Resident Drive-Away Permit be issued to a wholesaler or licensed dealer.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1010.426 Seven Day Permits

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

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

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

"Permit Purchaser" – an Illinois resident purchasing a Seven Day Permit

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for his/her non-registered vehicle.

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

"IVC" – Illinois Vehicle Code.

- b) If a permit purchaser obtains a Seven Day Permit at a Secretary of State facility:
- 1) The appropriate fee must accompany the transaction as provided in IVC Section 3-403.
 - 2) The permit purchaser shall provide proof that he/she owns the vehicle. Acceptable ownership documents include, but are not limited to:
 - A) a title issued in the permit purchaser's name;
 - B) a title assigned to the permit purchaser;
 - C) a Manufacturer's Certificate of Origin issued or assigned to the permit purchaser;
 - D) a registration identification card that has been expired less than one year; or
 - E) verification through the Secretary of State computer file.
 - 3) The Secretary of State employee shall attach a photocopy of the proof of ownership to the second part of the permit (the agent's copy). If ownership is verified through the Secretary of State's database, the information shall be written on the agent's copy.
 - 4) The permits shall be issued in numerical sequence and completed in full containing the following information:
 - A) the issuance date and expiration date of the permit;
 - B) the name and address of the permit purchaser;
 - C) the year, make and vehicle identification number of the vehicle;

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- D) the name and address of the Secretary of State issuing facility; and
 - E) the signature of the Secretary of State employee.
- c) If a dealer or remittance agent wishes to obtain permits for issuance as an authorized agent of the Secretary of State:
- 1) The dealer/remittance agent shall submit an application accompanied by the appropriate fee as provided in IVC Section 3-403 for each permit to the Secretary of State that contains the following information:
 - A) the name and address of the authorized agent and his/her license number;
 - B) the type and quantity of permits being requested; and
 - C) the signature of the authorized agent.
- d) The sale of permits by an authorized agent is as follows:
- 1) If a permit purchaser obtains a permit from an authorized agent rather than a Secretary of State facility, he/she shall provide proof of ownership to the authorized agent as provided in ~~subsections~~ subsection (b)(2)(A) through (D).
 - 2) The authorized agent shall attach a photocopy of the proof of ownership to the second part of the permit (agent's copy as provided in subsection (b)(3)) and complete the Seven Day Permit in full as provided in subsection (b)(4). The only difference is that the permit will contain the name, address and signature of the authorized agent rather than the Secretary of State facility address and the Secretary of State employee's signature.
 - 3) The authorized agent shall issue the permits in numerical order. The authorized agent shall maintain records of the permits issued for 3 years. The Secretary of State or his or her representative shall have the authority to inspect the records of any authorized agent issuing Seven Day Permits.

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- e) The permit shall be displayed in the upper left corner of the rear window of the vehicle. License plates are not to be displayed on the vehicle if the permit is being used. The permit can be issued to both first and second division vehicles, but second division vehicles must be operated on empty weight. When properly displayed, the permit is an official document recognized by law enforcement agencies.
- f) Seven Day Permits may be issued for a variety of situations, including, but not limited to, the following:
- 1) test driving a vehicle being sold by a non-dealer without current registration;
 - 2) driving a homemade trailer to a Secretary of State facility for inspection pursuant to IVC Section 3-104(1);
 - 3) driving a vehicle that has a registration renewal hold due to failure to comply with the emissions requirements to an EPA testing station; and
 - 4) driving a vehicle that must be inspected to an authorized inspection site pursuant to IVC Section 3-308 or 13-101.
- g) Under no circumstances shall a Seven Day Permit be issued to a wholesaler.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1010.459 Universal Plate Decal

a) Definitions

"Authorized organization" – an entity that has statutory authority to issue a decal to a universal special plate as set forth in the Illinois Vehicle Code.

"Universal special plate" – a unique standard or motorcycle size registration plate with a space on the left hand side of the registration plate measuring 1½" wide x 2" high for standard plates or 1" wide x 1½" high for motorcycle size plates in which various authorized organizations may create and sell decals to be placed on the registration plate.

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"Decal" – a sticker or adhesive backed picture designed, manufactured and distributed by an authorized organization that affixes to the universal special plate.

- b) Purpose
This Section sets forth the procedures that an authorized organization that has been authorized to distribute a decal for the universal special plate, as established under the IVC, must follow. The universal special plate is a plate authorized by the General Assembly to be used as a fundraising mechanism that multiple organizations may use to represent their various causes.
- c) Authorized Organization
- 1) The authorized organizations approved by the General Assembly are set forth in IVC Section 3-699.14.
 - 2) It is the responsibility of the authorized organization to design the decal it chooses to issue. The design must be approved by the Secretary prior to issuance to the public. Upon approval of the design, it is the responsibility of the authorized organization to purchase, distribute and maintain a sufficient inventory of the decals.
 - 3) The authorized organization must make the decal available to any registered vehicle owner who has selected the organization to support under the statute.
 - 4) The authorized organization shall communicate to the Secretary the method of receipt it will issue registered vehicle owners for presentation to the Secretary as evidence of purchase.
 - 5) The authorized organization may charge a one time fee not to exceed \$25 per decal to the registered vehicle owner to recoup the costs of manufacturing and administration of the decal program.
- d) Registered Vehicle Owner
- 1) The registered vehicle owner must select an organization approved by the General Assembly.

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- 2) The registered vehicle owner must obtain the decal from the authorized organization of his or her choosing prior to application for the universal special plate. Upon application, the registered vehicle owner must present a receipt, as designated by the authorized organization, to the Secretary as evidence the decal was purchased.
 - 3) The registered vehicle owner must maintain the chosen authorized organization's decal for the entire length of the registration. To choose a different authorized organization, one must apply for a new universal special plate.
 - 4) The decal must be placed in the designated area on the universal special plate.
- e) Decal Sticker Requirements
- 1) The authorized organization must contract with a manufacturer to produce the decal. A copy of the contract between the authorized organization and the manufacturer must be provided to and approved by the Secretary prior to production of the decal. The Secretary shall notify the authorized organization within 30 days after receipt if he or she has any objections to the terms and/or conditions of the contract. Information concerning the costs may be redacted from the contract prior to submission.
 - 2) All decals produced for the authorized organization shall meet specific requirements. The decal must:
 - A) fit within a 1½" wide x 2" high space for a standard size registration plate.
 - B) fit within a 1" wide x 1½" high space for a motorcycle size registration plate.
 - C) adhere to the surface of the registration plate without the necessity of additional adhesive on the reflective material or application surface, or the use of water, other solvents, or heat techniques.
 - D) be precoated with a pressure sensitive adhesive that will create a durable bond to clean, dry, well-painted surfaces or unpainted

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corrosion proof metals. The adhesive must permit application to the prescribed surfaces and clean registration plates at temperatures as high as 125°F and as low as -10°F. The adhesive shall remain adhered at all temperatures for a minimum of 5 years under normal conditions of use.

E) maintain the integrity of the design chosen by the authorized organization for a minimum of 5 years under normal conditions of use.

- 3) The manufacturer must guarantee the correctness of the decals. Defective decals that will not properly attach to a registration plate, or those that are not properly pressure sealed, must be replaced by the manufacturer at no cost to the Secretary or the registered vehicle owner.
- 4) If, at any time, it becomes apparent that an authorized organization's decals have failed to satisfy the minimum requirements set forth in this Section, the Secretary may order the authorized organization to destroy all additional decals in inventory and replace any decals issued to a vehicle owner with a decal that meets the above specifications. Any compensation the authorized organization receives from the manufacturer when decals are ordered to be replaced shall be determined by the terms of the contract between the authorized organization and the manufacturer. The authorized organization shall not issue any additional decals until the defect has been addressed to the satisfaction of the Secretary.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1019.10	Amendment
1019.20	Amendment
1019.30	Amendment
1019.40	Amendment
- 4) Statutory Authority: Implementing Chapter 3, Article IX, and authorized by Section 2-104(b), of the Illinois Vehicle Code [625 ILCS 5].
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking is necessary to ensure that the Secretary of State can adequately regulate remitters that provide services to the constituents. The proposed amendments will allow the Secretary of State to better protect the public from fraud and improper transactions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Amy Williams
Legal Advisor
298 Howlett Building
Springfield IL 62756

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217/785-3094
Awilliams3@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1019
REMITTANCE AGENTS

Section

1019.5	Definitions
1019.10	Application for Remittance Agency License and Renewal
1019.20	Denial of Application for Remittance Agent's License
1019.30	Suspension and Revocation of Remittance Agents' Licenses
1019.35	Processing Transactions
1019.40	Recordkeeping Requirements
1019.45	Severability Clause

AUTHORITY: Implementing Chapter 3, Article IX, and authorized by Section 2-104(b), of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989; amended at 14 Ill. Reg. 5813, effective April 15, 1990; amended at 42 Ill. Reg. 223, effective December 19, 2017; amended at 43 Ill. Reg. _____, effective _____.

Section 1019.10 Application for Remittance Agency License and Renewal

- a) If a person wishes to become a remittance agent, he/she shall file an application and bond pursuant to Sections 3-904 and 3-905 of the Illinois Vehicle Code [625 ILCS 5] (IVC). The application shall be filed with the Office of the Secretary of State as set forth in subsection (f).
- b) The notarized application shall contain the following information:
 - 1) the previous year's license number if the person is currently licensed as a remittance agent;
 - 2) the name of the business;
 - 3) the location of the business. The business shall be permanently mounted on a fixed foundation and may not include a trailer with axle attached and still moveable. The location of the business shall also include a working

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printer and facsimile capabilities;

- 4) the applicant's home address, home telephone number and business telephone number;
 - 5) the applicant's business, occupation or profession;
 - 6) the total amount of cash, checks, electronic payments or money orders made payable to the remitter received for remittance to the State in the highest 15 day period in the preceding year if the person is currently licensed;
 - 7) whether the applicant, a member of his/her immediate family, or any employee of the applicant is an employee of the Secretary of State;
 - 8) whether the applicant has ever been involved in administrative, civil or criminal litigation and if so, the type of litigation, the date and suit or charge, the court in which the matter was heard, the style or caption of the case, the disposition of the matter, and if the judgment has been satisfied; and
 - 9) a list of the employees and an authorization to conduct a background check of each employee.
- c) A surety bond shall be posted for each location where the applicant intends to do business as a remittance agent. Each bond shall be for ~~\$20,000~~\$10,000 or in the amount of cash, checks, electronic payments or money orders made payable to the remitter received for remittance to the Department during the highest 15 day period in the year preceding the year for which the license is applied, whichever is greater. The bond shall be issued by a bonding or insurance company authorized to do business in Illinois. The Department shall use a list issued by the Department of Insurance to determine if the bonding or insurance company is authorized to issue the bond.
- d) The applicant shall also submit the statutory fee provided in IVC Section 3-905 for application. A license is issued for a period of one year terminating on December 31 each year.
- e) A remittance agent wishing to renew his/her license shall submit the material

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required by this Section to the Department between September 1 and December 31 of the year before the new license will become effective.

- f) All remittance agent license applications and corresponding materials should be submitted to:

Office of the Secretary of State
Vehicle Services Department
Howlett Building, Room 069
Springfield, Illinois 62756

- g) The Department will make available the application form to any person who requests one. Only the Department's form will be accepted to apply for a license to operate as a remittance agent.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1019.20 Denial of Application for Remittance Agent's License

- a) Pursuant to [IVC Section 3-906 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code \(Ill. Rev. Stat. 1987, ch. 95½, par. 3-906\)](#), the Department shall deny an application for remittance agent's licenses under the circumstances outlined in [IVC Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code \(Ill. Rev. Stat. 1987, ch. 95½, par. 3-906\)](#). If a person's application is denied, he/she shall be sent his/her application and a notice of the denial by certified mail within [30 days after two \(2\) weeks of](#) the date the application was submitted. The notice shall contain the reason for the denial and inform the applicant of his opportunity to request an administrative hearing to contest the denial pursuant to 92 Ill. Adm. Code 1001.
- b) Renewal of a remittance agent's license shall be denied if upon investigation it is discovered that the remittance agent is not financially sound and/or of good business integrity or is otherwise ineligible for a license as provided in [IVC Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code \(Ill. Rev. Stat. 1987, ch. 95½, par. 3-906\)](#). Auditors from the Department of Accounting Revenue within the Office of the Secretary of State shall conduct yearly inspections which includes but are not limited to examination of the temporary permits and the bond amounts. The auditors shall also be authorized by the Department to inspect the remittance agent's business records

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and to report any irregularities (e.g., failure to keep records as required by [IVC Section 3-910](#) ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-910)~~) to the Department. Any further investigation shall be conducted by the Department of Police within the Office of the Secretary of State.

- c) The Department shall consider written complaints (i.e., from family, friends, neighbors, business associates, customers, other agencies, and the auditors from the Department of Accounting Revenue or Department of Police) in denying a remittance agent's license. Upon receipt of a complaint, the Secretary of State police shall investigate the matter. If, upon this investigation, it is discovered that a basis for denial exists pursuant to [IVC Section 3-906](#) ~~of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906)~~, the remittance agent's current license shall be suspended or revoked as provided in Section 1019.30 if he/she is currently licensed as a remittance agent.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1019.30 Suspension and Revocation of Remittance Agents' Licenses

- a) Pursuant to [IVC Section 3-907](#) ~~of the Illinois Vehicle Code~~, the Department shall suspend a person's remittance agent's license under the following circumstances:
- 1) he/she fails to keep records as provided in IVC Section 3-910;
 - 2) he/she fails to furnish information requested by the Department or file a bond as required by IVC Section 3-905; or
 - 3) it is discovered that he/she or a member of his/her immediate family is an employee of the Secretary of State.
- b) The suspension shall remain in effect for 30 days during which an audit shall be conducted to determine compliance with IVC Section 3-900. If he/she has come into compliance, his/her remittance agent's license shall be restored. If the remittance agent has not come into compliance, he/she shall have his/her remittance agent privileges revoked.
- c) A person shall have his/her remittance agent's license revoked under the following

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circumstances:

- 1) he/she attempts to do business or does business as a remittance agent while his/her privileges are suspended;
 - 2) he/she fails to remit to the Department or the Illinois Department of Revenue the proper fees required by IVC Section 3-906(4), or the check submitted is returned by the bank because of insufficient funds, or the payment submitted electronically is dishonored for any reason, and if he/she fails to submit the proper fees within 10 days after a written request by the Department;
 - 3) he/she engages in a fraudulent activity or forgery while operating as a remittance agent, as determined by the Department after the investigation;
 - 4) he/she is guilty of violating any provision of IVC Chapter 2, 3 or 4 or the Use Tax Act [35 ILCS 105] or the Service Occupation Tax Act [35 ILCS 115];
 - 5) he/she has been suspended ~~two (2)~~ times or more in one year; or
 - 6) he/she has been convicted of anya felony.
- d) The Department shall consider written complaints (i.e., family, friends, neighbors, business associates, customers, other agencies, and auditors from the Department of Accounting Revenue) in determining whether a remittance agent's license shall be suspended or revoked. Upon receipt of a complaint, the Department of Police within the Office of the Secretary of State shall investigate the matter to determine if a basis exists under this Section for a suspension or revocation.
- e) A revocation shall be for at least one year. The remittance agent shall be notified by certified mail that his/her license to operate as a remittance agent is going to be revoked. The notice shall contain the effective date of the revocation, the violation that is the cause of the revocation, and how he/she can contest the revocation. The remittance agent shall be given 10 days from the date of the notice before the revocation will become effective. In order to be reinstated following a revocation, the person shall request an administrative hearing as provided in 92 Ill. Adm. Code Ch. II. The person's remittance agent license shall not be restored until the Secretary is satisfied that he/she will comply with the

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provisions of the Illinois Vehicle Title & Registration Law [625 ILCS 5/Ch. 3, Art. IX] and is of good business integrity.

- f) If a person wishes to contest the suspension or revocation of his/her remittance agent's license, he/she shall request an administrative hearing pursuant to IVC Section 3-907 and 92 Ill. Adm. Code 1001.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1019.40 Recordkeeping Requirements

- a) Each person licensed as a remittance agent as defined in IVC Section 3-900 shall maintain for a period of 3 years a record of each transaction involving a remittance to the Department.
- b) The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Accounting Revenue Department or the officers from the Department of Police within 30 minutes after a request. The records shall contain the following information:
- 1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the records shall reflect the location where the transaction was received and/or processed, or where the records are kept.
 - 2) The name and address of the applicant submitting the transaction and a color copy of the applicant's driver's license or identification card. If a remittance agent does not make the initial contact with the applicant but receives a transaction from another remittance agent, dealer, currency exchange, or financial institution, the second remittance agent shall record the original applicant's name and that of the initiating remittance agent, dealer, currency exchange, or financial institution.
 - 3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.
 - 4) The type of application that the transaction involves.

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- 5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash", "check", "electronic payment" or "money order" payable to the Secretary of State, or "check", "electronic payment" or "money order" payable to the remitter.
- 6) The initiating remittance agent shall record the amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash", "check", "electronic payment", or "money order" payable to the Department of Revenue, or "check", "electronic payment", or "money order" payable to the remitter.
- 7) The date the fee and transaction were received by the remittance agent.
- 8) The date the fee and transaction were delivered to the Department and the method of delivery.
- 9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution, if applicable. If it is the policy of the remittance agent to have the applicant pick up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.
- 10) [A copy of the applicant's bill of sale.](#)

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1501.101	Amendment
1501.108	Repealed
1501.109	Repealed
1501.115	New Section
1501.116	New Section
1501.117	New Section
1501.118	New Section
1501.201	Amendment
1501.301	Amendment
1501.309	Amendment
1501.311	New Section
1501.501	Amendment
1501.505	Amendment
1501.507	Amendment
1501.520	Amendment
1501.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].
- 5) Effective Date of Rules: December 17, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 7990; May 18, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS COMMUNITY COLLEGE BOARD

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- 11) Differences between Proposal and Final Version: Non-substantive changes suggested by the Joint Committee on Administrative Rules have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes have been requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1501.206	New Section	42 Ill. Reg. 20592; November 26, 2018

- 15) Summary and Purpose of Rulemaking: This rulemaking updates the Lincoln's ChalleNGe Scholarship Grant to reflect current terminology and agency operating practice. The rulemaking codifies existing ICCB policies and practices regarding data collection, security and confidentiality, and sharing. The rulemaking updates residency definitions and student tuition to clarify Senior Citizen Tuition Waiver eligibility. The rulemaking authorizes community colleges to award a General Education Core Curriculum (GECC) Credential to GECC completers. Lastly, the rulemaking provides an exemption to the Board's current rules on course credit hours and midterm class lists certifications for students who participate in an approved program with an intensified or accelerated schedule.
- 16) Information and questions regarding these adopted rules shall be directed to:

Matt Berry
Deputy Director for Legislative and External Affairs
Illinois Community College Board
401 East Capitol Ave.
Springfield IL 62701-1711

217/785-7411
matt.berry@illinois.gov

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

1501.101	Definition of Terms and Incorporations by Reference
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Repealed)
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[1501.APPENDIX A](#) [Fee Schedule for Data Matching](#)

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092,

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effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016; amended at 41 Ill. Reg. 11274, effective August 28, 2017; amended at 41 Ill. Reg. 15723, effective December 18, 2017; amended at 42 Ill. Reg. 2819, effective January 24, 2018; amended at 42 Ill. Reg. 18869, effective October 3, 2018; amended at 42 Ill. Reg. 24855, effective December 17, 2018.

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section 1501.101 Definition of Terms and Incorporations by Reference

a) Definitions

"Act" means the Public Community College Act [110 ILCS 805].

"Board" means the Board of Trustees of an Illinois public community college district.

"Classification of Instructional Programs" or "(CIP)" means a taxonomic scheme that supports the accurate tracking and reporting of fields of study and program completion activity.

"College" means an Illinois public community college.

"Executive Director" means the executive officer and the executive secretary of the ICCB.

"ICCB" or "State Board" means the Illinois Community College Board.

"ICCB Grants" means funds appropriated by the State of Illinois to ICCB for community colleges.

"Student Member" means the member of ICCB who has been selected by ICCB's Student Advisory Committee. The student member has all the privileges of membership defined in Section 2-3 of the Act.

"Recognition Continued" means a status granted to a district that generally meets ICCB standards.

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"Recognition Continued-with Conditions" means a status granted to a district that generally does not meet ICCB standards. A district is judged not to meet ICCB standards when one or more of the following conditions exist:

the district continues to be out of compliance with standards cited during the previous visit;

applicable standards are disregarded; and/or

the district is found to be out of compliance with significant applicable standards.

"Recognition Interrupted" is a status granted to a district that fails to meet ICCB standards within a specified period of time after being assigned a status of recognition continued-with conditions.

"Shared Data Agreement" means a written contract between parties that defines the care and handling of sensitive or restricted use data, including, but not limited to, the terms of the agreement, ownership of the data, security measures and access to the data, uses of the data, data confidentiality procedures, duration of the agreement, and disposition of the data at the completion of the contract.

"Student Advisory Committee" or "SAC" means the ICCB student advisory committee created by Section 2-1 of the Act.

"Student-Level Data" means demographic, performance, and other data that pertains to a single student.

- b) Incorporation by Reference
"Program Classification Structure", 2nd Edition (Technical Report 106) (1978). Collier, Douglas J. This document may be obtained from the National Center for Higher Education Management Systems (NCHEMS), 3035 Center Green Drive, Suite 150, Boulder CO 80301-2251 or from info@nchems.org. This incorporation by reference does not include any later editions or amendments.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.108 Organization of ICCB (Repealed)

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~~The ICCB staff is organized into the following three (3) administrative divisions for the purpose of conducting the agency's business:~~

- ~~a) Agency Division, which includes policy and rule administration, legislative, internal auditing, and overall supervision of ICCB functions.~~
- ~~b) Operations Division, which includes finance and facilities, planning and research, and internal fiscal administration functions.~~
- ~~c) Programs Division, which includes curricular, student services, and management information functions.~~

(Source: Repealed at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.109 Appearance at ICCB Meetings (Repealed)

~~With at least seven (7) days prior written notice to the Chair or the Executive Director of the ICCB and with the concurrence of the Chair, a representative of any college or the public at large may bring matters to the attention of the ICCB or provide comment on matters already before the ICCB. The written notice requirement may be waived by the Chair.~~

(Source: Repealed at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.115 Data Repository

Under the authority of the P-20 Longitudinal Education Data System Act (105 ILCS 13), ICCB is the State Education Authority responsible for collecting and maintaining authoritative enrollment, completion, and student characteristic information on community college students. Illinois Community College system data collection, administrative data matching, and reporting is coordinated through ICCB.

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.116 Use, Security and Confidentiality of Data

- a) The ICCB and entities accessing ICCB data shall comply with all applicable federal and State laws which regulate the privacy and use of, and access to, shared data. (See, e.g., the Family Educational Rights and Privacy Act (20 USC 1232g);

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the Illinois School Student Records Act [105 ILCS 10]; the Data Processing Confidentiality Act [30 ILCS 585]; the Freedom of Information Act [5 ILCS 140]; Section 487 of the Higher Education Act of 1965, as amended (20 USC 1094)).

- b) ICCB data is confidential and shall not be used or shared for any purpose other than that which is directly related to internal operations of ICCB or that which is stipulated in an ICCB shared data agreement with another entity. Entities accessing ICCB data shall be responsible for meeting ICCB shared data agreement security procedures and protocols, pursuant to Section 1501.117, to protect the integrity of the data accessed, stored, transmitted or received.

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.117 Shared Data Agreements

- a) Student-level data furnished by the ICCB on behalf of Illinois community colleges is licensed by ICCB and remains the property of ICCB.
- b) All requests for data files, data products, aggregations or reports containing student-level data elements, except in the case of State and federal mandated accountability reporting, shall be made in writing to ICCB using ICCB forms.
- c) All requests shall be approved by the Executive Director prior to execution of a shared data agreement.
- d) All data obtained from ICCB shall be used solely for the purpose identified by the requesting entity. The scope and term of this usage will be detailed in a shared data agreement specific to each request. Use of the data for any other purpose shall require a separate and specific written request, approval, and shared data agreement.
- e) The entity in receipt of ICCB student-level data must comply with applicable laws and regulations with respect to the protection of privacy, security and dissemination of the confidential information. Upon completion of the data sharing purpose, the entity shall return it to ICCB or destroy it and any copies, as specified in the data sharing agreement.

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

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Section 1501.118 Processing Fees

The Board may charge fees to the requesting entity for providing access to data files or producing studies, data products or analyses of data. A schedule of fees for datasets and products is set forth in Appendix A. In addition to standard data product fees, the Board will assess a 30 percent surcharge for complex requests related to longitudinal analysis and generation of outcomes measures. Providing outcomes measures includes data compilation for performance and evaluation and interpretation of results.

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to ICCB in accordance with ICCB requirements and on forms provided by ICCB, where applicable. Listed in this Section is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

- January 15 • annual financial statements and notice of publication (see Section 1501.506)
- January 31 • certificate of tax levy (see Section 1501.510(f))
• construction project status reports (see Section 1501.607(a))
- February 1 • annual African American Employment Plan Survey (see Section 1501.308(b))
• annual Hispanic/Latino Employment Plan Survey (see Section 1501.308(b))
• annual Asian Employment Plan Survey (see Section 1501.308(b))
• annual Bilingual Needs and Bilingual Pay Survey (see Section 1501.308(b))
- February 15 • spring semester (2nd term) enrollment survey (see Section 1501.406(b))
- March 1 • annual Underrepresented Groups Report (see Section 1501.406(c))
- March 31 • policies for the award of academic credit for prior learning (see Section 1501.311(a))
- June 15 • annual faculty, staff salary and benefits data (see Section 1501.308(a))

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- July 1
- Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(a))
- July 15
- report of out-of-state extensions (see Section 1501.307(h)(4))
 - annual noncredit course enrollment (see Section 1501.406(d))
- August 1
- annual student enrollment and completion data (see Section 1501.406(a))
 - square footage and acreage (facility information) (see Section 1501.510(b))
- September 1
- budget and tax survey (see Section 1501.510(d))
 - program review report (see Section 1501.303(d)(6))
 - program review listing (see Section 1501.303(d)(6))
 - facilities data (see Section 1501.510(e) and 1501.607(c))
 - annual Student Identification data submission (see Section 1501.406(f))
 - annual report of student course information submission (see Section 1501.406(g))
- October 1
- fall semester enrollment data (see Section 1501.406(a))
 - fall semester enrollment survey (see Section 1501.406(b))
- October 15
- faculty, staff and salary data (see Section 1501.308(a))
 - fiscal year budget (see Section 1501.504)
- November 1
- summer graduate reporting (for the Integrated Postsecondary Education Data System Graduation Rate Survey) (see Section 1501.406(e))
- December 30
- external audit (see Section 1501.503(a))
 - annual instructional cost report (see Section 1501.510(c))
 - unexpended special initiative grant funds (see Section 1501.519(d))
- 30 days after the end of each term – credit hour claims (see Section 1501.406(b) and Section 1501.507(a))

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

SUBPART C: PROGRAMS

Section 1501.301 Definition of Terms

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"Adult Basic Education" means basic skills courses designed to bring students to a competency of Grade 8 equivalency, including English as a Second Language.

"Adult Secondary Education" means courses designed to bring students to a competency of Grade 12 equivalency, including English as a Second Language, and the high school equivalency examination preparation.

"Associate Degree" means an award for satisfactory completion of a curriculum of 60 semester credit hours or more.

"Associate in Applied Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to prepare individuals for employment in a specific field.

"Associate in Arts Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the arts, humanities, or social or behavioral sciences or one of the professional fields with these disciplines as a base.

"Associate in Engineering Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in engineering.

"Associate in Fine Arts Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the fine arts: art, music, or theater.

"Associate in General Studies Degree" means an award for the satisfactory completion of a curriculum that has been individually designed by mutual agreement between the student and his/her college-appointed advisor to meet the student's educational intent.

"Associate in Science Degree" means an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the mathematical, biological, or physical sciences or one of the professional fields with these disciplines as a base.

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"Baccalaureate/Transfer Education" means coursework intended to prepare individuals for transfer into a baccalaureate curriculum in a related field of study.

"Branch" means an administrative unit of a college that has a continuing educational mission and serves as a secondary instructional site for the college.

"Bridge Instruction" means coursework in adult education, remedial education, career and technical education, vocational skills education, or a combination of these types of education, to prepare individuals for entering credit courses and curricula.

"Campus" means an organized administrative unit of a college that has a continuing educational mission and serves as a primary instructional site for the college.

"Career and Technical Education" means organized educational programs of study that prepare students for employment in a specific field and should be aligned with related secondary and/or upper-division programs that require a common knowledge and skill set.

"Certificate" means an award for satisfactory completion of a series of courses or curriculum of less than 59 semester credit hours.

"General Certificate" means a noncredit award for satisfactory completion of a series of courses of 30 semester credit hours or less in adult basic education, adult secondary education, remedial education, vocational skills, or general studies.

"Occupational or Career and Technical Certificate" means a credit award for satisfactory completion of a prescribed curriculum intended to prepare an individual for employment in a specific field.

"College" means a district's administrative unit that is authorized by the Illinois Board of Higher Education to grant postsecondary-level degrees and certificates, is recognized by the ICCB, and provides a comprehensive program of instruction in accordance with Section ~~1-2(e)~~101-2(e) of the Act.

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"Contact Hour" means instructional time based on a 50-60 minute clock hour of instructional activity that may include classroom, online, laboratory, clinical or work-based instruction or any combination of those instructional methods.

"Course" means a sequential presentation, through one or more instructional modes, of subject matter in a particular field to meet specific objectives within a designated time period, such as a semester or a quarter.

"Credit for Prior Learning" means evaluation and assessment of a student's life learning through employment, training and experiences outside an academic environment from which skills that comprise terminal objectives are mastered to an acceptable degree of proficiency for college credit, certification or advanced standing toward further education or training.

"Curriculum" means an approved unit of instruction consisting of a series of courses designed to lead to an associate degree or a certificate.

"District Curriculum" means a curriculum approved for offering within a district, on the basis of student interest, employment demand, and available resources within the district.

"General Studies Curriculum" means a curriculum designed to meet individual student goals, in the promotion of personal improvement and self-understanding.

"Regional Curriculum" means a curriculum approved for offering within a particular region of the State, on the basis of student interest and employment demand within the region. An institution holding authority to offer a regional curriculum shall not exclude additional districts, including those within the defined region or regional consortia of colleges, from requesting approval to offer the same curriculum in its district.

"Statewide Curriculum" means a curriculum approved for offering on the basis of student interest and employment demand statewide. An institution holding authority to offer a statewide curriculum shall not exclude additional districts from requesting approval to offer the same curriculum statewide, regionally or in its district.

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"Educational Agency" means an agency, corporation, or other defined legal entity that offers instruction.

"Electronic Exchange System" means an online tool for organizing ICCB proposals and tracking their status.

"Extension Center" means an instructional site for the college that is used for offering some of the college's courses and/or programs for a limited duration.

"GECC" means the General Education Core Curriculum of the Illinois Articulation Initiative.

"General Education Core Curriculum Credential" or "GECC Credential" means a credential provided by the college for completion of the 37 to 41 credit hours to satisfy the GECC.

"Higher Learning Commission" or "HLC" means an independent corporation that serves as one of six regional institutional accreditors in the U.S. and accredits degree-granting post-secondary educational institutions in the North Central Region, which includes Illinois.

"Instructional Activity" means classroom, online, laboratory, clinical or work-based instruction or any combination of those instructional methods.

"Internship/Practicum" means a course of planned and supervised training that allows the application of theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

"Laboratory" means a course of planned and supervised training in which students learn new methods or principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

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"Lecture" means a course presented in an oral or related format that allows for content to be discussed among class participants.

"PBVS Program of Study" means any of the programs listed in Section 10 of the Career and Workforce Transition Act [110 ILCS 151].

"Principal Site" means the official mailing address of the college.

"Private Business Vocational School" or "PBVS" means a non-degree granting institution that is regulated and approved by the Board of Higher Education under the Private Business and Vocational Schools Act of 2012 [105 ILCS 426] and that is nationally accredited by an accreditor approved by the U.S. Department of Education.

"Public Service" means noncredit classes and other activities of an educational nature, such as workshops, seminars, forums, exhibits, and the provision of college facilities and expertise to the community, designed to be of service to the public.

"Remedial Education" means courses in computation, communication (that is, writing and speaking), and reading, designed to improve the competency of high school graduates, or those persons achieving high school equivalency through standardized testing, to the level necessary for placement into communication and mathematics courses required of first-year college students. Remedial courses reiterate basic skills that students were expected to have mastered before entry into postsecondary education.

"Research" means investigations or experiments to discover or interpret facts, to revise accepted theories, or to apply those revised theories.

"Secondary School" means a private or parochial secondary school, public secondary school district, or public unit school district.

"Unit of Instruction" means any one of the following:

An organized program of study consisting of a sequence of courses that results in the award to a student of a certificate or an associate degree.

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Any existing organized program of study offered at a new geographical location outside of the college district.

Any organized administrative entity that would have a continuing instructional mission, including but not limited to a college, campus or branch.

"Unit of Research or Public Service" means a college's subdivision (~~e.g., such as~~ a division, institute or center); that administers one or more research or public service programs.

"Vocational Skills Education" means courses designed to provide short-term job entry training, to upgrade the skills of persons already employed, or to review skills for career re-entry.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.309 Course Classification and Applicability

- a) **Course Classification.** Information on courses for which credit is to be awarded shall be submitted to ICCB through an electronic exchange system in order for the courses to be classified into appropriate instructional and funding categories and added to the college's Management Information System (MIS) Course Master File.
- b) **Course Credit Hour Determination**
 - 1) **Credit hours for courses for which ICCB credit hour grants are to be claimed** shall be determined on the basis of an expected 45 hours of combined classroom/laboratory and study time for each semester hour or 30 hours of that time for each quarter credit hour.
 - 2) **Lecture Courses.** Courses with students participating in lecture/discussion oriented instruction shall be assigned one semester credit hour or equivalent for each 15 classroom contact hours, at a minimum, of instruction per semester or equivalent. It is assumed that two hours of outside study will be invested for each classroom contact hour.
 - 3) **Laboratory Courses.** Courses in which students participate in

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laboratory/clinical-laboratory oriented instruction shall be assigned one semester credit hour or equivalent for each 30-45 classroom contact hours, at a minimum, of instruction per semester or equivalent. It is assumed that one hour of outside study will be invested for each two laboratory contact hours.

- 4) Clinical Practicum courses. Courses in which students participate in clinical practical experiences shall receive one semester credit hour or equivalent each 30-60 contact hours, at a minimum, per semester or equivalent. It is expected that one hour of outside study time will be invested for each two clinical practicum contact hours.
- 5) Internship Courses. Courses in which students participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one semester credit hour or equivalent for each 75-149 contact hours, at a minimum, per semester credit hour or equivalent.
- 6) Students who participate in an approved program with an intensified or accelerated schedule shall be exempt from the contact hour requirements of this subsection (b).
- c) Course Syllabus. A syllabus shall be developed and maintained for each credit course and shall be available to the public and students upon request. A syllabus contains the description of the course, specific objectives of the course, a topical outline, and the method for evaluating student performance.
- d) Course Applicability. All credit courses must be part of an approved unit of instruction (~~pursuant to~~ see Section 1501.302), and the approved unit of instruction for each course shall be indicated on the college's ICCB MIS Course Master File.
 - 1) Lower-division Baccalaureate Courses. Courses designed to meet lower-division baccalaureate degree requirements shall be applicable to associate transfer degrees. For each baccalaureate course offered, the college shall either obtain approval for the course to be listed as a Statewide articulated transfer course by a general education or baccalaureate major panel of the Illinois Articulation Initiative or maintain current written articulation agreements or transfer equivalency documents with:
 - A) at least three Illinois public universities;

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- B) at least three baccalaureate degree-granting institutions to which a majority (51%) of the college's students transfer; or
 - C) one or more baccalaureate degree-granting institutions to which a majority (51%) of the college's students, majoring in the field for which the course is required, transfer.
- 2) GECC Credential. Upon a student's completion of the GECC, a college is authorized to award a GECC credential, which shall, at a minimum, consist of a notation on a transcript for the student achieving the credential.
- ~~32~~) Remedial Course Credit. No remedial course credit shall be applicable to associate degrees designed for transfer to institutions granting baccalaureate degrees.
- ~~43~~) Adult Basic Education Course Credit. No adult basic education course credit applies to degrees or to certificates, except the Adult Basic Education Certificate.
- ~~54~~) Adult Secondary Education Course Credit. No adult secondary or college preparatory education course credit applies to degrees or certificates, except the Adult Secondary Education Certificate.
- ~~65~~) Career and Technical Education Course Credit. Courses designed to prepare individuals with a technical skill shall be applicable towards the requirements or electives for completion of an associate's degree (applied or transfer) or a career and technical education certificate.
- ~~76~~) General Studies Course Credit. General studies course credit applies only to the Personal Development; Homemaking; Improving Family Circumstances; Intellectual and Cultural Studies; Community and Civic Development; and Health, Safety and Environment Certificates.
- e) Special Upper-Division Courses
- 1) A college may offer any course that is offered by a university, regardless of numbering system, if the university normally permits its own students

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to take the course as lower-division students. These courses will be eligible for ICCB grants, if they meet all other criteria.

- 2) If at least three public universities in Illinois agree, or if a public university that is the principal recipient of transfers from the community college agrees, certain special courses taught at the upper-division level may be offered by a college and be eligible for ICCB grants, provided they meet all other criteria.
- f) Independent Study. Independent Study course credit shall not exceed 25 percent of the credit hour requirements for a student to earn an associate degree. The topic of an independent study course shall be listed on the student's permanent academic record.
- g) Internships. An internship experience for credit that is designed to provide the student an opportunity to put into practice the theories and techniques learned in the classroom/laboratory shall be applicable to an associate degree or certificate, provided at least 12 semester credit hours or equivalent in the corresponding curriculum are completed by the student before, or are taken by the student concurrently with, the experience.
- h) Courses Approved as Repeatable
 - 1) Courses in which the content varies from term to term or from student to student (e.g., independent study, special topics, and internship courses) or in which a student is expected to gain increased depth of knowledge and skill through repetition shall, at the request of the college, be approved for repeatability under the following conditions:
 - A) The number of times the course may be taken for credit does not exceed four times, or the semester or quarter equivalent, e.g., a single course can be taken one time and repeated no more than three times per student;
 - B) The method of determining the amount of credit to be awarded for each section of the course, for each term, or for each student is specified in the college's catalog, on the course syllabus, and on the course classification form, and the subject matter and number of credits for which the student enrolled is specified on the student's

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permanent academic record;

- C) The college's catalog, the course syllabus, and the course classification form requesting approval of repeatability by the ICCB indicate the number of such credits that will apply to degree or certificate completion for a single course or a combination of related courses; and
 - D) The total number of credit hours for a single course or for a combination of related courses that are applicable to degree or certificate completion does not exceed the maximums established in subsection (b) governing credit hour determination, subsection (f) governing independent study, or Section 1501.507(b)(10) governing the maximum rate of credit hour production.
- 2) Vocational skill courses that must be retaken periodically by law for persons employed in an occupation or vocation to maintain employment shall, at the request of the college, be approved for repeatability beyond the limits described in subsection (h)(1)(A) under the following conditions:
- A) The content of the course is determined by law and does not change from one year to the next; and
 - B) A copy of the law (or regulation administering it) and a course syllabus accompany the course classification form requesting repeatability.
- 3) An adult basic, adult secondary, or a remedial education course that is organized into discrete modules and offered for variable credit shall, at the request of the college, be approved for repeatability under the following conditions:
- A) No discrete module is repeated more than three times;
 - B) The title of a module completed and the grade received is permanently recorded on the student's permanent academic record; and

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- C) The content and number of credit hours for a discrete module is shown on the course syllabus and on the course classification form requesting approval of repeatability by ~~the~~ ICCB.
- 4) An adult basic, adult secondary or remedial education course that is not organized into discrete modules shall, at the request of the college, be approved for repeatability under the following conditions:
 - A) The number of times the course may be taken for credit does not exceed four times, or the semester or quarter equivalent; e.g., a single course can be taken one time and repeated no more than three times per student.
 - B) The variety of skill levels included in the course and the methods used to accommodate individual differences based on an assessment of student skills is specified in the course syllabus; and
 - C) The course title and the grade received is permanently recorded on the student's academic record each time that the course is taken.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.311 Credit for Prior Learning**a) Policy and Procedures**

- 1) Each college shall electronically submit to ICCB for review its policies for the award of academic credit for prior learning. This submission shall be made by March 31 of each calendar year for policies effective in the subsequent Fall semester.
 - A) These policies shall include a listing of the types of documentation acceptable to the college and the dates of inclusion for which credit for prior learning is acceptable.
 - B) At a minimum, each college shall publish the procedures for students to earn credit for prior learning in its catalog and on its official website.

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- C) Colleges shall regularly monitor, evaluate and, if necessary, revise credit for prior learning activities.
- 2) As a part of these policies, each college shall adopt a specific policy for the awarding of academic credit for military training that is considered applicable to the requirements of the student's certificate or degree program.
- A) The policy shall apply to any student who is enrolled at the college and who has successfully completed a military training course or program as part of his or her military service that is:
- i) recommended for credit by a national higher education association that provides credit recommendations for military training courses and programs;
 - ii) included in the student's military transcript issued by any branch of the armed services; or
 - iii) otherwise documented as military training or experience.
- B) These policies may be incorporated into the college's broader credit for prior learning policies.
- 3) This Section is not applicable to secondary/postsecondary articulation agreements or dual enrollment.
- b) Awarding Credit for Prior Learning
- 1) Credit for prior learning can be awarded only after the assessment of prior learning experiences and only for documented learning that demonstrates achievement of all terminal objectives for a specific course or courses.
- 2) Colleges awarding credit for prior learning must validate credit on a course-by-course basis. The following publications and methods are acceptable for validating prior learning for awarding credit:
- A) Standardized tests:

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- i) College-Level Examination Program (CLEP);
 - ii) Excelsior College/Formerly American College Testing Proficiency Examination Program (ACT-PEP/RCE EXCELSIOR);
 - iii) Defense Activity for Nontraditional Educational Support (DANTES);
 - iv) Advanced Placement (AP);
 - v) International Baccalaureate (IB);
- B) College examinations:
- i) Examination (written, oral, demonstration or a combination of all three) that is equivalent to the comprehensive final exam;
 - ii) Evaluation by an area dean or designated subject expert;
- C) Published guides:
- i) American Council on Education (ACE) for military training and experiences;
 - ii) ACE (non-collegiate) for industrial and corporate training programs;
 - iii) Other published guides developed by nationally recognized organizations;
- D) Portfolios:
- i) Credit through the development of a portfolio;
 - ii) Evaluation by subject matter experts.
- 3) Credit may not be awarded twice for the same learning.

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- c) Standard for Awarding Credit for Prior Learning
- 1) The student must enroll at the college and meet all admission requirements for the program in which course credit for prior learning is being sought. A college may seek an exception to this provision by making a request and receiving subsequent approval from ICCB.
 - 2) Fifteen credit hours toward a degree must be completed at the college prior to awarding credit for prior learning to degree seeking students.
 - 3) Twenty-five percent of the required credits for a certificate must be completed at the college, prior to awarding credit for prior learning to certificate seeking students.
 - 4) College validation procedures should be objective to the extent that external evaluators would reach the same conclusion given the material reviewed.
- d) If pursuing a transfer degree (Associate of Arts (AA), Associate of Science (AS) or Associate in General Studies (AGS)), credit for prior learning will only be granted for the purpose of satisfying graduation requirements. These credits might not transfer to other colleges.
- e) All work assessed for prior learning must meet or exceed a grade level of "C". Minimum cut-off scores on standardized tests are set at a "C" grade level.
- f) In the process of determining if credit can be awarded for prior learning, colleges shall charge students only for the cost of the prior learning assessment services and not for the amount of credit awarded.

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

"Annual Financial Statement" means an annual financial report and an annual program report that are required to be published by a district. An annual financial

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report includes a statement of revenues and expenditures, along with other basic financial data. An annual program report includes a narrative description of programs offered, goals of the district, and student and staff data.

"Attendance at Midterm" means a student is "in attendance at midterm" in a course if the student is currently enrolled in and actively pursuing completion of the course.

"Auditor" means a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records before the end-of-registration date of the college for that particular term.

"Capital Renewal Grants" means State grants allocated proportionally to a community college district based on the latest fall on-campus nonresidential gross square feet of facilities as reported to ICCB. These grants are to be used for miscellaneous capital improvements such as rehabilitation, remodeling, improvement and repair; architect/engineer services; supplies, fixed equipment and materials; and all other expenses required to complete the work.

"Lincoln's Challenge Scholarship Grants" means scholarships provided to a community college for graduates of the Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs.

"Midterm Class List Certification" means the college's process for certifying to ICCB students in attendance at the midterm as part of the proof that a student's credit hours are eligible for State funding. The district shall file with ICCB a document outlining the process (including but not limited to specific steps and/or procedures, steps for obtaining an electronic midterm certification signature, etc.) it follows as part of that certification and the district shall file an amended process any time changes are made, but not less than once every five years.

"Midterm Certification Signature" means midterm class lists obtained and maintained by the college that are manually signed and dated by faculty or electronic signature of the faculty.

If the college chooses to accept an electronic signature of faculty, then the college must include in the midterm class list certification process a written summary explaining what steps are in place that ensure:

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Appropriate administrative and operational controls are in place to ensure faculty only have access to midterm class lists they teach;

Appropriate controls are in place to only allow an electronic signature at the midpoint of the class during a specified period (that is, one or two weeks before and one or two weeks after the midpoint of the class);

A faculty member's identity is authenticated and attributed to the midterm certification signature;

The integrity of the electronically signed midterm class list of a course section has been secured and verified; and

The college has the capability of generating signed printed midterm class lists that support the ICCB credit hour claim submission.

A final grade sheet electronic signatures process, if adopted, should be implemented in the same manner as the electronic midterm certification signature.

"Residency – Applicability Proof" means the college's processes, in accordance with Section 2-16.02 of the Act, for verifying to ICCB the residency status of its students as part of the proof that its credit hours are eligible to receive ICCB grants. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. A district shall file descriptions of any revisions to its process with ICCB before their implementation.

"Residency – General Provisions". The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, a student shall have occupied a dwelling within the State or district for at least 30 days immediately before the date established by the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

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Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Students who are currently under the legal guardianship of the Illinois Department of Children and Family Services or have been recently emancipated from the Department and had a placement change into a new community college district shall be exempt from the 30-day requirement if they demonstrate proof of current in-district residency. Documentation of current residency may be submitted to the district from the student, a caseworker or other personnel of the Department, or the student's attorney or guardian ad litem.

"~~Residency~~—District Provisions". Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; or

students attending under a chargeback or contractual agreement with another community college.

"~~Residency~~—Special State Provisions". Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

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federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of State correctional/rehabilitation institutions located in Illinois;

or

employed full time in Illinois.

"Senior Citizen" means a person 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act [320 ILCS 25].

"Special Initiatives Grants" means funds for conducting special initiatives activities. Special initiatives activities are based upon criteria specified in a grant agreement between the college or vendor and ICCB.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.505 Student Tuition

Each community college district will establish its own student tuition rates for in-district residents, in-~~state~~State out-of-district residents, out-of-~~state~~State residents, and out-of-country residents in accordance with the State policies prescribed in Section 6-4 of the Illinois Community College Act [110 ILCS 805/6-4] and ~~in~~ this Section.

- a) In-District Tuition. The local community college board of trustees may set the tuition rates for in-district residents within the following policies:
 - 1) The local community college board of trustees may set tuition rates for its in-district residents, including variable rates for each of its programs, terms, time of enrollment, courses, delivery method, or other identifiable grouping of courses, as long as the weighted average of the tuition for all credit courses, including adult education, is no more than 1/3 the college district's per capita cost. The method of calculating the per capita cost will be as prescribed in Section 6-2 of the Illinois Community College Act.
 - 2) A public community college shall charge in-district tuition rates for students who are currently under the legal guardianship of the Illinois

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Department of Children and Family Services or who have been recently emancipated from the Department and meet the general residency provisions in Section 1501.501.

- 2) ~~A public community college shall permit senior citizens (as defined in 110 ILCS 990/1(c) as persons 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act) to enroll without the payment of tuition in regularly scheduled credit courses, other than credit courses designed specifically for senior citizens, provided that available classroom space exists and tuition paying students enrolled constitute the minimum number required for the course.~~
 - 3) A public community college shall charge in-district tuition rates for students utilizing benefits under the federal All-Volunteer Force Educational Assistance Program or the federal Post-9/11 Veterans Educational Assistance Act of 2008 or any subsequent variations of that Act.
- b) Out-of-District Tuition. The local community college board of trustees may set the tuition rates for out-of-district residents living within Illinois within the following policies:
- 1) The college will use the calculation for out-of-district tuition for chargeback purposes as prescribed in Section 6-2 of the ~~Illinois Community College~~ Act. The depreciation rate used in the out-of-district tuition calculation for capital expenditures for equipment and temporary buildings shall be 12.5 percent ~~aeach~~ year for eight years and for permanent facilities 2 percent ~~aeach~~ year for 50 years.
 - 2) The college may use the variable tuition provision in Section 6-4 of the ~~Illinois Community College~~ Act to set market-driven out-of-district tuition rates for courses offered via Internet, correspondence, and other distance learning modes.
 - 3) The college may set the out-of-district tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in Section

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~~105 ILCS 5/10-22.20~~ of ~~the Illinois~~ School Code.

- 4) The college may charge in-district tuition to a student who is an out-of-district resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing entity and the college.
 - 5) The college board of trustees may at its option charge in-district tuition to out-of-district residents who are attending an educational institution located within the college district.
 - 6) The college may enter into cooperative agreements for instruction with its neighboring districts for any or all of their programs to provide increased access to education for their students and may charge in-district tuition rates for students from any district within the cooperative agreement.
 - 7) The college may set the out-of-district tuition rate for all other credit instruction offered by the college at a minimum of 1.5 times the highest in-district tuition rate of any of its neighboring contiguous Illinois community college districts.
- c) Out-of-State Tuition. The local community college board of trustees may set the tuition rates for out-of-~~state~~~~State~~ residents within the following policies:
- 1) The college may use the variable tuition provision specified in Section 6-4 of the ~~Illinois Community College~~ Act to set market-driven out-of-~~state~~~~State~~ tuition rates for courses offered via Internet, correspondence, and other distance learning modes.
 - 2) The college may set the out-of-~~state~~~~State~~ tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in [Section 105 ILCS 5/10-22.20](#) of the ~~Illinois~~ School Code.
 - 3) The college may charge in-district tuition to a student who is an out-of-~~state~~~~State~~ resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing

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entity and the college.

- 4) The community college board of trustees may at its option charge in-district tuition to students who are out-of-~~state~~State residents but who are attending educational institutions within the college district.
 - 5) The college may set out-of-~~state~~State tuition rates within interstate agreements for instruction with out-of-~~state~~State institutions in accordance with the agreement, subject to approval by the ICCB.
 - 6) The college may set out-of-~~state~~State tuition rates for all other credit instruction offered by the college at a minimum of 1.67 times its in-district tuition rate.
- d) **Out-of-Country Tuition.** The local community college board of trustees may set the tuition rates for out-of-country residents using the same policies as for out-of-~~state~~State residents described in subsection (c) ~~of this Section~~.
- e) Senior Citizen Tuition Waiver. The local community college board of trustees shall permit senior citizens, as defined in Section 1501.501, who reside within the community college district to enroll without the payment of tuition in regularly scheduled credit courses, other than credit courses designed specifically for senior citizens, provided that available classroom space exists and tuition paying students enrolled constitute the minimum number required for the course.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

Section 1501.507 Credit Hour Claims

- a) **Claims.** Claims for credit hours shall be submitted within 30 days after the end of each term in a format used by ICCB.
- b) **Course Requirements.** Courses that produce credit hours eligible for ICCB grants shall satisfy the following requirements:
 - 1) Courses shall be offered for the number of credit hours for which they are approved by ICCB.
 - 2) Courses that have variable credit hours shall be claimed in specified

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increments only up to the maximum credit value approved for the course.

- 3) Course data shall be posted to the permanent academic record of each student claimed.
- 4) Courses shall be a part of units of instruction that have been approved by ICCB, or the courses must be authorized extensions of existing units of instruction.
- 5) Courses shall have specific written objectives.
- 6) A course outline shall be available for review by any student or citizen.
- 7) Courses shall have a method of evaluating student performance that follows the adopted college grading system.
- 8) Courses shall follow the adopted college policies on student tuition.
- 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
 - C) Physical education courses in teacher education programs as required by the State Educator Preparation and Licensure Board.
- 10) Courses shall produce a maximum rate of one semester credit hour or equivalent per week. Requests for exceptions to this requirement may be submitted to ICCB. The criteria utilized by ICCB for exceptions shall include:
 - A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening to indicate special needs and/or competencies;

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- C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.
- 11) Dual Credit courses offered by the college for high school students during the regular school day shall be college-level and shall meet the following requirements:
- A) State Laws and Regulations and Accreditation Standards. All State laws, ICCB regulations, accreditation standards specified by the North Central Association, and local college policies that apply to courses, instructional procedures and academic standards at the college apply to college-level courses offered by the college on campus, at off-campus sites, and at secondary schools. These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.
 - B) Instructors. The instructors for these courses shall be selected, employed and evaluated by the community college. They shall be selected from individuals with appropriate credentials and demonstrated teaching competencies at the college level. For transfer courses (1.1 PCS ([in the ICCB Program Classification System](#))), these qualifications shall include a minimum of a Master's Degree with 18 graduate hours appropriate to the academic field of study or in the discipline in which they will be teaching. For [career and technical education CTE](#) (1.2 PCS) courses, these qualifications shall include 2,000 hours of work experience and appropriate recognizable credentials, depending on the specific field.
 - C) Qualification of Students. Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation, and adequate time to devote to studying a college-level course. The students' course

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selections shall be made in consultation with high school counselors and/or principals and are restricted to students who are able to demonstrate readiness for college-level work, as determined by placement procedures consistent with those that would be used with college level students. The students shall meet all college criteria and follow all college procedures for enrolling in courses. Credit hours generated by freshman and sophomore students for dual credit courses are not eligible for reimbursement.

- D) Placement Testing and Prerequisites. High school students enrolling in college-level courses must satisfy the same course placement tests or course prerequisites as other college level students, when applicable, to assure that they are qualified and prepared.
 - E) Course Offerings. Courses shall be selected from transfer courses that have been articulated with baccalaureate institutions in Illinois (see 23 Ill. Adm. Code 1501.309(d)) or from courses in ICCB approved certificate or associate in applied science degree programs.
 - F) Course Requirements. The course outlines utilized for these courses shall be the same as for courses offered on campus and at other off-campus sites and shall contain the content articulated with colleges and universities in the State. Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.
 - G) Concurrent Credit. The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and [the](#) practices of the district.
- c) Student Requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
- 1) Students shall be certified by their instructors as being in attendance at midterm by including a certification statement on the midterm class roster,

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signed and dated by the instructor.

- 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at midterm by the instructor shall be considered as having been in attendance at midterm.
- 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at midterm by including a certification statement on the final class roster, signed and dated by the instructor.
- 4) Students shall be residents of the State of Illinois.
- 5) Auditors or visitors in a course shall not produce eligible credit hours.
- 6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:
 - A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;
 - B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;
 - C) If a student completed the course previously and was claimed for funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program;
 - D) If the last time the student completed the course was at least four years previously, the student may be claimed for funding if the student repeats the course to upgrade his/her skills in that area; or
 - E) If a course has been approved by ICCB to be repeated, the student may repeat the course and be claimed as often as approved by

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ICCB.

- d) Exceptions. The following credits will not be eligible for ICCB funding:
- 1) Credit by examination;
 - 2) Military service credit for physical education;
 - 3) Transfer of credit earned at other institutions or in the armed forces;
 - 4) Proficiency examinations;
 - 5) Advanced placement credits;
 - 6) Other methods of program acceleration that do not include instruction.
- e) Midterm Class List Certification Requirements
- 1) The midterm class lists' primary purpose shall be for certification of students' credit hours for State funding eligibility or ineligibility.
 - 2) The process must rely on the course section's instructor's assessment of the students' pursuit of successful completion at the midpoint of the class, as indicated by that instructor's midterm certification signature.
 - 3) The college shall document and communicate district requirements to faculty each semester.
 - 4) The college must be able to provide, upon request, a hardcopy midterm class list print out of each course section, submitted on ICCB credit hour claims, containing either a manual faculty signature or an authenticated electronic faculty signature for either ICCB or external audit purposes.
 - 5) Students who participate in an approved program with an intensified or accelerated schedule shall be exempt from the midterm class list requirements of this subsection (e) provided that a final class list is provided.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

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Section 1501.520 Lincoln's Challenge Scholarship Grants

- a) Lincoln's Challenge Scholarship Grants shall be vouchered to community colleges.
- b) Students can qualify for their first Lincoln's Challenge Scholarship Grant if they meet the following criteria:
 - 1) Graduate from~~Complete~~ the Lincoln's Challenge Academy~~program~~;
 - 2) Earn a high school equivalency certificate~~Complete the GED~~;
 - 3) Enroll at anone of the 48 Illinois public community college colleges in a certificate or degree program the next semester following graduation ~~(For example, the June Lincoln's Challenge graduates would have to enroll in college by the fall semester.)~~;
 - 4) Maintain and complete an academic course load~~Carry an academic load~~ of at least six credit hours in each fall and spring semester. ~~Scholarships for the summer semester will not be awarded~~; and
 - 5) Present the "notification of award" letter signed by the Executive Director~~President/CEO~~ of the Illinois Community College Board to the community college at the time of registration.
- c) The scholarship amount will be awarded up to \$1,000 per student per semester for up to four successive semesters to be used toward the completion of a degree or certificate program. Scholarships for the summer semester will not be awarded.
- d) The scholarship grants shall~~can~~ be used to cover the cost of education, which includes tuition, books, fees, and required educational supplies for specific programs or classes.
- e) ~~The grant will only reimburse the college at the in-district tuition rate.~~
- f) ~~In order to receive the reimbursement, colleges must submit vouchers during the semester the student is enrolled or payment cannot be guaranteed. The following information must be submitted to the ICCB for each student:~~

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- 1) ~~Name;~~
 - 2) ~~Social Security Number;~~
 - 3) ~~Program of study;~~
 - 4) ~~Course Schedule (including credit hours);~~
 - 5) ~~Costs broken out by tuition, fees, books, and required educational supplies; and~~
 - 6) ~~ICCB initial or renewal approval letters. If a renewal, GPA and course completions from the previous semester are required.~~
- eg) ~~To~~ ~~In order to~~ remain qualified for a Lincoln's Challenge Scholarship Grant after initial enrollment, each semester a student must:
- 1) ~~Submit a renewal application~~ Submit a renewal application ~~GPA, course completion, and the letter of application to ICCB the Illinois Community College Board requesting continuation of the scholarship for the following~~ GPA, course completion, and the letter of application to ICCB the Illinois Community College Board requesting continuation of the scholarship for the following ~~next~~ next semester.
 - 2) Submit a grade transcript showing successful completion of a minimum of six credit hours in the previous semester and a minimum Grade Point Average of 2.0.
 - 3) Submit a grade transcript and application ~~The letter must be~~ The letter must be postmarked by ~~July~~ August 1 for application to the fall ~~semester~~ term and January 1 for application to the spring ~~semester~~ term. Applications submitted electronically will be considered postmarked on the date sent.
 - 4) Meet with the community college's designated Lincoln's Challenge Scholarship coordinator at the time of enrollment and at mid-semester, and arrange an exit interview before completing the semester.
 - 5) ~~2)~~ 2) Comply with academic standards as defined by college policy. Exceptions to this subsection (~~eg~~) ~~(52)~~, such as extenuating circumstances, shall be documented and reviewed by ICCB staff and the college's Lincoln's Challenge Scholarship coordinator ~~college contacts~~.

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- 3) ~~Submit documentation showing successful completion of a minimum of 6 credit hours in the last semester and a GPA of 2.0 or higher.~~
- f) Scholarship recipients shall notify ICCB of changes to contact information (including mailing address, email address, or phone number) or if the recipient enrolls in a community college other than the one listed on the original application.~~Students may be awarded scholarship funds for the fall and spring semesters of two successive years to be used toward the completion of a degree or certificate program.~~
- g) The grant will only reimburse the college at the in-district tuition rate.
- h) To receive the reimbursement, colleges must submit vouchers during the semester the student is enrolled or payment cannot be guaranteed. The following information must be submitted to ICCB for each student:
- 1) Name;
 - 2) Program of study;
 - 3) Course schedule (including credit hours); and
 - 4) Costs broken out by tuition, fees, books and required educational supplies.
- i) The number of scholarships awarded each year is contingent upon the amount of funds appropriated. The scholarships cannot be guaranteed to students even if all criteria are met. The distribution of available funds ~~amongbetween~~ new and renewed scholarships will be determined by the Illinois Community College Board to maximize use of the funds.
- j) Community colleges may credit student accounts pending reimbursement, but are not required to waive tuition should funds not be appropriated.

(Source: Amended at 42 Ill. Reg. 24855, effective December 17, 2018)

ILLINOIS COMMUNITY COLLEGE BOARD

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Section 1501.APPENDIX A Fee Schedule for Data Matching

<u>NUMBER OF REQUESTOR RECORDS PROCESSED</u>	<u>FEE</u>
<u>Up to 24,000 records</u>	<u>\$1,900</u>
<u>24,001 to 80,000 records</u>	<u>\$3,800</u>
<u>80,001 to 300,000 records</u>	<u>\$8,300</u>
<u>300,001 to 1,000,000 records</u>	<u>\$15,000</u>

(Source: Added at 42 Ill. Reg. 24855, effective December 17, 2018)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Collection of Out-of-Service Mercury Thermostats
- 2) Code Citation: 35 Ill. Adm. Code 190
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
190.120	Amendment
190.130	Amendment
190.135	New Section
190.140	Amendment
- 4) Statutory Authority: Section 25(c) of the Mercury Thermostat Collection Act [415 ILCS 98/25(c)]
- 5) Effective Date of Rules: December 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any incorporated by reference is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 14342; August 3, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Illinois EPA made the following changes: in Section 190.120, within the "thermostat wholesaler" definition, added a comma after "including"; in Section 190.130(a)(1), deleted "of this Part"; in Section 190.130(a)(2), changed "set forth below." to ", as follows:"; in Section 190.135(a)(2), changed "set forth below" to "follows"; in Section 190.135(a)(2)(A), replaced "twenty" with "20"; in Section 190.135(a)(2)(B), replaced "forty" with "40"; in Section 190.135(a)(3)(C), changed "subsection (b)(3)" to "subsection (a)(3)"; in Section 190.135(b), changed "which" to "that"; and in Section 190.135(c), deleted "of this Section".

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- 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 rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Pursuant to its duty to maximize the annual collection of out-of-service mercury thermostats in the State, Illinois EPA adopted amendments that focus less on aspirational numbers and more on concrete, verifiable best practices.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gabriel H. Neibergall
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 190
COLLECTION OF OUT-OF-SERVICE MERCURY THERMOSTATS

Section	
190.100	Purpose
190.110	Applicability
190.120	Definitions
190.130	Annual Collection Goals
190.135	Narrative Collection Program Goals
190.140	Severability

AUTHORITY: Implementing and authorized by Section 25(c) of the Mercury Thermostat Collection Act [415 ILCS 98/25(c)].

SOURCE: Old Part repealed at 22 Ill. Reg. 14327, effective July 15, 1998; new Part adopted at 38 Ill. Reg. 22635, effective November 20, 2014; amended at 42 Ill. Reg. 24897, effective December 11, 2018.

Section 190.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part ~~will~~shall be the same as those applied to the same words or terms in the Mercury Thermostat Collection Act.

"Act" means the Mercury Thermostat Collection Act- [415 ILCS 98].

"Agency" means *the Illinois Environmental Protection Agency*. [415 ILCS 98/10]

"Collection location" means a permanent or temporary physical location at which mercury thermostats are collected for transportation, recycling, and disposal as part of a collection program.

"Collection program" means *a system for collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed*

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or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with the Act. [415 ILCS 98/10]

"Contractor" means a person engaged in the business of installation, service, or removal of heating, ventilation and air-conditioning components. [415 ILCS 98/10]

"Mercury thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air conditioning equipment, including those products or devices used to sense and control room temperature in residential, commercial, industrial, and other buildings. "Mercury thermostat" does not mean thermostats used to sense and control temperature as part of a manufacturing or industrial process. [415 ILCS 5/22.23b(f)]

"Out-of-service mercury thermostat" means a mercury thermostat that is removed, replaced, or otherwise taken out of service. [415 ILCS 98/10]

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or its legal representatives, agents, or assigns. [415 ILCS 98/10]

"Thermostat manufacturer" means a person who owns or owned a name brand of one or more mercury thermostats sold in Illinois. [415 ILCS 98/10]

"Thermostat retailer" means a person who sells in Illinois thermostats of any kind primarily to homeowners or other nonprofessionals through any sale or distribution mechanism. A thermostat retailer that meets the definition of thermostat wholesaler will be considered a thermostat wholesaler. [415 ILCS 98/10]

"Thermostat wholesaler" means a person who is engaged in the distribution and wholesale selling of heating, ventilation, and air-conditioning components, including, but not limited to, thermostats, to contractors, and whose total wholesale sales account for 80% or more of its total sales. A thermostat manufacturer, as defined in this Section, is not a thermostat wholesaler. [415 ILCS 98/10]

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(Source: Amended at 42 Ill. Reg. 24897, effective December 11, 2018)

Section 190.130 Annual Collection Goals

a) Collection programs required under the Act ~~must~~shall be designed to collectively achieve the following annual statewide collection goals:

- 1) Compliance with the Collection Program Goals set forth in Section 190.135; and
- 2) The collection of no fewer than the number of out-of-service mercury thermostats, as follows:

Calendar Year	Mercury Thermostats Taken Out of Service
2015	22,500
2016	25,000
2017	30,000
2018	7,000 <u>32,500</u>
2019	6,000 <u>37,500</u>
2020	5,000 <u>40,000</u>

b) Failure to Achieve Annual Collection Goals in Calendar Year 2015 or 2017

- 1) *If the collection programs do not collectively achieve the collection goals provided for in this Part for calendar year 2015 or 2017, thermostat manufacturers shall, individually or collectively, submit to the Agency for review and approval proposed revisions to the collection programs that are designed to achieve the goals in subsequent calendar years. The proposed revisions shall be submitted to the Agency with the annual report required in Section 20 of the Act. [415 ILCS 98/15(c)]*
- 2) *If the Agency determines the revised collection programs will not collectively achieve the collection goals set forth in this Part, the Agency may require modifications to one or more collection programs that the Agency determines are necessary to achieve the collection goals. Modifications required by the Agency may include improvements to outreach and education conducted under the collection program,*

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expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a \$5 financial incentive in the form of either cash or a coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site. [415 ILCS 98/15(d)(2)]

- c) *Any person adversely affected by a goal established by subsection (a) may obtain a determination of the validity or application of the goal by filing a petition for review on or before January 9, 2015. Any appeal must be filed in with the Appellate Court for the District in which the cause of action arose. During the pendency of the review, the goal under review shall remain in effect. [415 ILCS 98/25(d)]*
- d) *No later than April 1, 2016 and no later than April 1 of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the Agency covering the one-year period ending December 31 of the previous year, to be posted on the manufacturer's website in accordance with Section 20(b) of the Act. [415 ILCS 98/2025(b)]*

(Source: Amended at 42 Ill. Reg. 24897, effective December 11, 2018)

Section 190.135 Narrative Collection Program Goals

- a) Collection Program Goals
- 1) Each collection program must maintain at least 525 collection locations statewide, or 20% more collection locations statewide than were maintained during the previous calendar year, whichever is less.
- 2) Each collection program must engage in outreach to its collection locations, as follows:
- A) Biannual in-person on-site outreach, by a collection program representative, to any collection location in its collection program that returned 20 or fewer mercury thermostats during either of the previous two calendar years.

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- B) Quarterly telephonic outreach to any collection location in its collection program that returned 40 or fewer mercury thermostats during the previous calendar year.
 - C) Quarterly electronic outreach to all collection locations in its collection program.
- 3) Each collection program must include outreach campaigns targeting additional potential program participants.
- A) Each of the following categories of persons must be the target of at least two outreach campaigns:
 - i) Thermostat wholesalers;
 - ii) Contractors;
 - iii) Thermostat retailers; and
 - iv) Homeowners.
 - B) Each collection program's outreach campaigns must include, at a minimum, information about its collection program, a description of the environmental benefits of participating in the collection program, and an offer to participate in its collection program.
 - C) Nothing in subsection (a)(3) prohibits any collection program from individually or collectively conducting additional outreach campaigns that target other audiences.
- b) Each collection program must demonstrate compliance with this Section in its annual reporting that includes the number of thermostats collected pursuant to Section 190.130(d).
- c) Compliance with the Collection Program Goals set forth in subsection (a) will constitute satisfaction of the collection goals established by the Agency in accordance with Section 25(c) of the Act and this Part.

(Source: Added at 42 Ill. Reg. 24897, effective December 11, 2018)

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Section 190.140 Severability

If any Section, subsection, sentence, or clause of this Part is judged invalid, that adjudication ~~will~~[shall](#) not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause of this Part not judged invalid.

(Source: Amended at 42 Ill. Reg. 24897, effective December 11, 2018)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Guidelines for Determination of Construct Only Status Pursuant to 35 Ill. Adm. Code 309.202
- 2) Code Citation: 35 Ill. Adm. Code 393
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
393.101	Repealed
393.102	Repealed
393.103	Repealed
393.104	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 39 of the Environmental Protection Act [415 ILCS 5/39].
- 5) Effective Date of Repealer: December 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 4617; March 16, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final vVersion: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this repealer replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: In response to Executive Order 2016-13, Illinois EPA repealed 35 Ill. Adm. Code 393. See 40 Ill. Reg. 14812 (October 28, 2016). This Part provided policy guidelines for "construct only" permits allowing the construction of a sanitary sewer when the sewerage facilities intended to receive new waste were presently unable to properly transport or treat such new waste. These rules were not necessary because every construction permit is "construct only" unless otherwise specified. Under the Illinois Environmental Protection Act, no person is allowed to operate a sewer without an operating permit.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Gabriel H. Neibergall
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1110.220	Amendment
1110.280	Amendment
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rules: December 12, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 16119; August 24, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Board is updating its metric for determining planning area need from normal travel time to distance for two categories of service, Open Heart Surgery and Freestanding Emergency Center Medical Services. These two categories of service were inadvertently left out when the Board previously made these changes for its other categories of service. In addition, the Freestanding Emergency Center Medical Services category of service is being updated to reflect changes that have been made to the Emergency Medical Services (EMS) Systems Act.

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

Ann Guild
Compliance Analyst
Health Facilities and Services Review Board
69 W. Washington Street, Suite 3501
Chicago IL 60602

312/814-6226
ann.guild@illinois.gov

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

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLANPART 1110
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: APPLICABILITY; PROJECT CLASSIFICATION

Section

- 1110.10 Introduction; Definition of Terms; Referenced Statutes
1110.20 Classification of Projects

SUBPART B: INTRODUCTION; GENERAL INFORMATION;
GENERAL REVIEW CRITERIA

Section

- 1110.100 Introduction
1110.110 Background of the Applicant, Purpose of Project, Safety Net Impact Statement
and Alternatives – Information Requirements
1110.120 Project Scope and Size, Utilization and Unfinished/Shell Space – Review Criteria
1110.130 Additional General Review Criteria for Master Design and Related Projects Only

SUBPART C: CATEGORY OF SERVICE REVIEW CRITERIA

Section

- 1110.200 Medical/Surgical, Obstetric, Pediatric and Intensive Care
1110.205 Comprehensive Physical Rehabilitation Beds
1110.210 Acute Mental Illness and Chronic Mental Illness
1110.215 Neonatal Intensive Care
1110.220 Open Heart Surgery
1110.225 Cardiac Catheterization
1110.230 In-Center Hemodialysis Projects
1110.235 Non-Hospital Based Ambulatory Surgical Treatment Center Services
1110.240 Selected Organ Transplantation
1110.245 Kidney Transplantation
1110.250 Subacute Care Hospital Model
1110.255 Postsurgical Recovery Care Center Alternative Health Care Model
1110.260 Community-Based Residential Rehabilitation Center Alternative Health Care

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- Model
- 1110.265 Long Term Acute Care Hospital Bed Projects
- 1110.270 Clinical Service Areas Other Than Categories of Service
- 1110.275 Birth Center – Alternative Health Care Model
- 1110.280 Freestanding Emergency Center Medical Services
- 1110.290 Discontinuation – Review Criteria
- 1110.APPENDIX A ASTC Services
- 1110.APPENDIX B State Guidelines – Square Footage and Utilization

AUTHORITY: Authorized by Section 12 of, and implementing, the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October 27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg. 14785, effective November 15, 1996; amended at 23 Ill. Reg. 2987, effective March 15, 1999; amended at 24 Ill. Reg. 6075, effective April 7, 2000; amended at 25 Ill. Reg. 10806, effective August 24, 2001; amended at 27 Ill. Reg. 2916, effective February 21, 2003; amended at 32 Ill. Reg. 12332, effective July 18, 2008; amended at 33 Ill. Reg. 3312, effective February 6, 2009; amended at 34 Ill. Reg. 6121, effective April 13, 2010; amended at 35 Ill. Reg. 16989, effective October 7, 2011; amended at 36 Ill. Reg. 2569, effective January 31, 2012; amended at 38 Ill. Reg. 8861, effective April 15, 2014; amended at 39 Ill. Reg. 13659, effective October 2, 2015;

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former Part repealed at 42 Ill. Reg. 5444, and new Part adopted at 42 Ill. Reg. 5447, effective March 7, 2018; amended at 42 Ill. Reg. 24907, effective December 12, 2018.

SUBPART C: CATEGORY OF SERVICE REVIEW CRITERIA

Section 1110.220 Open Heart Surgery

- a) Introduction
This Section contains Review Criteria that pertain to the Open Heart Surgery category of service. Open heart surgical procedures performed on an emergency basis due to a complication occurring during a cardiac catheterization procedure shall not constitute establishment of the open heart surgery category of service ~~when reported to the agency within 30 days of occurrence.~~
- b) Review Criteria
 - 1) Peer Review. The applicant ~~shall~~must document the mechanism for peer review of an open heart surgery program.
 - 2) Establishment of Open Heart Surgery. The applicant ~~shall~~must document that a minimum of 200 open heart surgical procedures will be performed during the second year of operation or that 750 cardiac catheterizations were performed in the latest 12-month period for which data is available. Anticipated open heart surgical volume ~~shall~~must be documented by historical referral volume of at least 200 patients directly referred following catheterization at the applicant facility to other institutions for open heart surgery for each of the last 2 years.
 - 3) Unnecessary Duplication of Services. The applicant ~~shall~~must document that the volume of any existing service within ~~the relevant travel radius~~90 minutes travel time from the applicant will not be reduced below 350 procedures annually for adults and 75 procedures annually for pediatrics. Documentation shall consist of proof of contact of all facilities within ~~the travel radius~~90 minutes travel time currently providing open heart surgery to determine the projected impact the project will have on existing open heart surgery volume. For purposes of subsection (b)(3), the following travel radii apply:

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- A) Category 1: For applicant facilities located in the counties of Cook, DuPage, Lake, Will and Kane, the radius shall be 20 miles.
 - B) Category 2: For applicant facilities in McHenry, Kankakee, Rock Island, St. Clair, Winnebago, Peoria, Sangamon and Champaign, the radius shall be 34 miles.
 - C) Category 3: For applicant facilities in all other counties, the radius shall be 42 miles.
- 4) Support Services. The applicant ~~shall~~must document that the following support services and facilities are immediately available on a 24-hour basis and document how those services will be mobilized in the case of emergencies.
- A) Surgical and cardiological team appropriate for age group served.
 - B) Cardiac surgical intensive care unit.
 - C) Emergency room with full-time director, staffed 24 hours for cardiac emergencies with acute coronary suspect surveillance area and voice communication linkage to the ambulance service and the coronary care unit.
 - D) Catheterization-angiographics laboratory services.
 - E) Nuclear medicine laboratory.
 - F) Cardiographics laboratory, electrocardiography, including exercise stress testing, continuous electrocardiograph (ECG) monitoring and phonocardiography.
 - G) Echocardiography service. This may or may not be a part of the cardiographics laboratory.
 - H) Hematology laboratory.
 - I) Microbiology laboratory.

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- J) Blood gas and electrolyte laboratory with microtechniques for pediatric patients.
 - K) Electrocardiographic laboratory.
 - L) Blood bank and coagulation laboratory.
 - M) Pulmonary function unit.
 - N) Pacemaker installation~~Installation of pacemakers~~.
 - O) Organized cardiopulmonary resuscitation team or capability.
 - P) Preventive maintenance program for all biomedical devices, electrical installations, and environmental controls.
 - Q) Renal dialysis.
- 5) Staffing
- A) The applicant ~~shall~~must document that a cardiac surgical team will be established. The team shall be composed of at least the following:
 - i) Two cardiac surgeons (at a minimum, one of which ~~shall~~must be certified and the other qualified by the American Board of Thoracic Surgery) with special competence in cardiology, including cardiopulmonary anatomy, physiology, pathology and pharmacology; extracorporeal perfusion technique; and interpretation of catheterization angiographic data.
 - ii) Operating room nurse personnel (registered nurse (RN), licensed practical nurse (LPN), surgical technician). The nurse to patient ratio for the ICU module of open heart surgery patient care ~~shall~~should be no less than one nurse per one patient in the immediate recovery phase and one nurse per 2 patients thereafter.

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- iii) Anesthesiologists (board certified by the American Board of Anesthesiology).
 - iv) Adult cardiologists (board certified by the American Board of Internal Medicine with subspecialty certification in cardiology).
 - v) Physician who is board certified in anatomic and clinical pathology, with special expertise in microbiology, bloodbanking, lab aspects of blood coagulation, blood gases and electrolytes.
 - vi) Pump technician, or operator of the extracorporeal pump oxygenator, who ~~shall~~ should have in-depth experience on the active cardiac surgical service that includes perfusion physiology, mechanics of pump operation, sterile technique, and use of monitoring equipment, whether he ~~or~~ she be a physician, nurse or technician.
 - vii) Radiologic technologist experienced in angiographic principles and catheterization procedure techniques who is experienced in the ~~use~~ usage, operation and care of all catheterization equipment.
- B) Documentation shall include a narrative explanation of how positions will be filled.

(Source: Amended at 42 Ill. Reg. 24907, effective December 12, 2018)

Section 1110.280 ~~Introduction~~ Freestanding Emergency Center Medical Services

- a) Introduction
No person shall construct, modify or establish a freestanding emergency center in Illinois, or acquire major medical equipment or make capital expenditures in relation to such a facility in excess of the capital expenditure minimum, as defined by the Act, without first obtaining a permit from the State Board in accordance with this Section. [20 ILCS 3960/5.1a]
- b) Review Criteria

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- 1) These criteria are applicable only to those projects or components of projects involving the freestanding emergency center (FEC) medical services (FECMS) category of service. In addition, the applicant shall address other applicable requirements in this Part, as well as those in 77 Ill. Adm. Code 1100 and 1130. Applicants proposing to establish, expand or modernize an FECMS category of service shall comply with the applicable subsections of this Section, as follows:

PROJECT TYPE	REQUIRED REVIEW CRITERIA
Establishment of Service	(c)(1) – Planning Area Need – 77 Ill. Adm. Code 1100 Formula Calculation (c)(2) – Service to Area Residents (c)(3) – Service Demand for Establishment (c)(4) – Service Accessibility (d)(1) – Unnecessary Duplication of Services (d)(2) – Maldistribution (d)(3) – Impact on Other Providers (d)(4) – Request for Data from Other Providers (f) – Staffing Availability
Expansion of Existing Service	(c)(2) – Service to Area Residents (f) – Staffing Availability
Category of Service Modernization	(e)(1) – Deteriorated Facilities (e)(2) – Documentation (e)(3) – Additional Documentation

- 2) If the proposed project involves the replacement of an FEC facility on site, the applicant shall comply with the requirements listed in subsection (b)(1) for Category of Service Modernization.
- 3) If the proposed project involves the replacement of the FEC facility on a new site, the applicant shall comply with the requirements listed in subsection (b)(1) for Establishment of Service.
- 4) All projects shall meet or exceed the utilization standards for the service, as specified in 77 Ill. Adm. Code 1100.

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- 5) All projects for an FEC ~~shall~~must comply with the licensing requirements established in Section 32.5 of the Emergency Medical Services (EMS) Systems Act, including the requirements that the proposed FEC is located:
 - A) *in a municipality with a population of ~~50,000~~75,000 or fewer inhabitants;*
 - B) *within ~~50~~20 miles of the hospital that owns or controls the FEC; and*
 - C) *within ~~50~~20 miles of the Resource Hospital affiliated with the FEC as part of the EMS system ~~(Section 32.5(a) of the Emergency Medical Services (EMS) Systems Act).~~ [210 ILCS 50/32.5(a)]*
- 6) The applicant shall certify that it has reviewed, understands and plans to comply with all of the following requirements:
 - A) The requirements of becoming a Medicare provider of freestanding emergency services; and
 - B) The requirements of becoming licensed under the Emergency Medical Services (EMS) Systems Act.
- c) Area Need – Establishment or Expansion of Service
 - 1) 77 Ill. Adm. Code 1100 Formula Calculation
No formula need calculation has been established for the FECMS category of service.
 - 2) Service to Area Residents
Applicants proposing to establish or expand an FECMS category of service shall document that the primary purpose of the project will be to provide necessary health care to the residents of the geographic service area (GSA) (see 77 Ill. Adm. Code 1100.510(d), which is defined as 30 minutes travel time from the proposed FEC site.
 - A) For projects to establish an FECMS category of service, the applicant shall document that at least 50% of the projected patient

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volume will be residents of the GSA. Documentation shall consist of patient origin data, as follows:

- i) Letters from authorized representatives of hospitals or other FEC facilities that are part of the Emergency Medical Services (EMS) System for the defined GSA, including patient origin data by zip code. If letters are submitted as documentation, a certification in each letter, by the authorized representative, that the representations contained in the letter are true and correct. A complete set of the letters with original notarized signatures shall accompany the application for permit; or
 - ii) Patient origin data by zip code from independent data sources (e.g., Illinois [Health and Hospital Association CompData](#) or IDPH hospital discharge data), based upon the patient's legal residence, for patients receiving services at the existing GSA facilities' emergency departments (ED), verifying that at least 50% of the ED patients served during the last 12-month period were residents of the GSA.
- B) An applicant proposing to expand an FECMS category of service shall provide patient origin information for all patients served at the existing FEC facility for the last 12-month period, verifying that at least 50% of patients served were residents of the GSA. The applicant shall submit patient origin information by zip code, based upon the patient's legal residence.
- 3) Service Demand – Establishment of FECMS Category of Service
The applicant shall document that establishment of an FECMS category of service is necessary to accommodate the service demand experienced annually by the existing GSA hospitals over the latest 2-year period.
- A) Historical Utilization
The applicant shall document the annual number of ED patients that have received care at facilities that are located in the applicant's defined GSA for the latest 2-year period prior to submission of the application.

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- B) Projected Utilization
The applicant shall document:
- i) the estimated number of patients anticipated to receive services at the proposed FEC. The anticipated number cannot exceed the documented historical caseload of all hospitals that are located in the applicant's defined GSA.
 - ii) if applicable, the estimated number of patients anticipated to receive services at the proposed FEC, based upon rapid population growth in the applicant facility's existing market area.
- C) Projected Service Demand – Documentation Parameters
- i) Population projections shall be produced, using, as a base, the population census or estimate for the most recent year for zip code, county, incorporated place, township, or community area by the U.S. Census Bureau or IDPH;
 - ii) Projections shall be for a maximum period of 10 years from the date the application is submitted;
 - iii) The number of years projected shall not exceed the number of historical years documented;
 - iv) Projections shall contain documentation of population changes in terms of births, deaths, and net migration for a period of time equal to or in excess of the projection horizon;
 - v) Projections shall be for total population and specified age groups for the applicant's market area, as defined by ~~HFSRB~~[HFPB](#) for each category of service in the application; and
 - vi) Documentation [shall be submitted to HFSRB](#) on projections methodology, data sources, assumptions and special adjustments ~~shall be submitted to HFPB~~.

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- 4) **Service Accessibility**
The proposed project to establish or expand an FECMS category of service is necessary to improve access for GSA residents. The applicant shall document the following:
- A) **Service Restrictions**
The applicant shall document that at least one of the following factors exists in the GSA:
- i) The absence of ED services within the GSA;
 - ii) The area population and existing care system exhibit indicators of medical care problems, such as high infant mortality, or designation by the Secretary of Health and Human Services as a Health Professional Shortage Area, a Medically Underserved Area, or a Medically Underserved Population;
 - iii) All existing emergency services within the established radii outlined in 77 Ill. Adm. Code 1100.510(d) meet or exceed the utilization standard specified in 77 Ill. Adm. Code 1100.
- B) **Supporting Documentation**
The applicant shall provide the following documentation, as applicable, concerning existing restrictions to service access:
- i) The location and utilization of other GSA service providers;
 - ii) Patient location information by zip code;
 - iii) Travel-time studies;
 - iv) A certification of waiting times;
 - v) Scheduling or admission restrictions that exist in GSA providers;

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- vi) An assessment of GSA population characteristics that documents that access problems exist; and
 - vii) The most~~Most~~ recently published IDPH Hospital Questionnaire.
- d) Unnecessary Duplication/Maldistribution – Review Criterion
- 1) The applicant shall document that the project will not result in an unnecessary duplication. The applicant shall provide the following information:
 - A) A list of all zip code areas (in total or in part) that are located within the established radii outlined in 77 Ill. Adm. Code 1100.510(d) of the project's site;
 - B) The total population of the identified zip code areas (based upon the most recent population numbers available for the State of Illinois population); and
 - C) The names and locations of all existing or approved health care facilities located within the established radii outlined in 77 Ill. Adm. Code 1100.510(d) from the project site that provide emergency medical services.
 - 2) The applicant shall document that the project will not result in maldistribution of services. Maldistribution exists when the identified facilities within the relevant travel radius, as established by 77 Ill. Adm. Code 1100.510(d),~~Normal Travel Time~~ have an excess supply of ED treatment stations characterized by such factors as, but not limited to:
 - A) Historical utilization (for the latest 12-month period prior to submission of the application) for existing ED within the established radii outlined in 77 Ill. Adm. Code 1100.510(d) of the applicant's site that is below the utilization standard established pursuant to 77 Ill. Adm. Code 1100; or

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- B) Insufficient population to provide the volume or caseload necessary to utilize the ED services proposed by the project at or above utilization standards.
- 3) The applicant shall document that, within 24 months after project completion, the proposed project:
- A) Will not lower the utilization of other GSA providers below the utilization standards specified in 77 Ill. Adm. Code 1100; and
 - B) Will not lower, to a further extent, the utilization of other GSA hospitals or FECs that are currently (during the latest 12-month period) operating below the utilization standards.
- 4) The applicant shall document that a written request was received by all existing facilities that provide ED service located within the established radii outlined in 77 Ill. Adm. Code 1100.510(d) of the project site asking the number of treatment stations at each facility, historical ED utilization, and the anticipated impact of the proposed project upon the facility's ED utilization. The request shall include a statement that a written response be provided to the applicant no later than 15 days after receipt. Failure by an existing facility to respond to the applicant's request for information within the prescribed 15-day response period shall constitute an assumption that the existing facility will not experience an adverse impact ~~on~~ utilization from the project. Copies of any correspondence received from the facilities shall be included in the application.
- e) Category of Service Modernization
- 1) If the project involves modernization of an existing FECMS category of service, the applicant shall document that the existing treatment areas to be modernized are deteriorated or functionally obsolete and need to be replaced or modernized, due to such factors as, but not limited to:
 - A) High cost of maintenance;
 - B) Non-compliance with licensing or life safety codes;
 - C) Changes in standards of care; or

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- D) Need for additional~~Additional~~ space for diagnostic or therapeutic purposes.
- 2) Documentation shall include the most recent:
- A) IDPH Inspection reports; and
 - B) The Joint Commission reports.
- 3) Other documentation shall include the following, as applicable to the factors cited in the application:
- A) Copies of maintenance reports;
 - B) Copies of citations for life safety code violations; and
 - C) Other pertinent reports and data.
- f) Staffing Availability – Review Criterion
- 1) An applicant proposing to establish an FECMS category of service shall document that a sufficient supply of personnel will be available to staff the service. Sufficient staff availability shall be based upon evidence that for the latest 12-month period prior to submission of the application, those hospitals or FECs located in zip code areas that are (in total or in part) within one hour normal travel time of the applicant facility's site have not experienced a staffing shortage with respect to the categories of services proposed by the project.
 - 2) A staffing shortage is indicated by an average annual vacancy rate of more than 10% for budgeted full-time equivalent staff positions for health care workers who are subject to licensing by the Department of Financial and Professional Regulation.
 - 3) An applicant shall document that a written request for such information was received by all existing facilities within the zip code areas, and that the request included a statement that a written response be provided to the applicant no later than 15 days after receipt. Failure by an existing facility

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to respond to the applicant's request for information within the prescribed 15-day response period shall constitute an assumption that the existing facility has not experienced staffing vacancy rates in excess of 10%. Copies of any correspondence received from the facilities shall be included in the application.

- 4) If more than 25% of the facilities contacted indicated an experienced staffing vacancy rate of more than 10% percent, the applicant shall provide documentation as to how sufficient staff shall be obtained to operate the proposed project, in accordance with licensing requirements.

(Source: Amended at 42 Ill. Reg. 24907, effective December 12, 2018)

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
728.101	Amendment
728.102	Amendment
728.103	Amendment
728.104	Amendment
728.106	Amendment
728.107	Amendment
728.109	Amendment
728.120	Amendment
728.130	Amendment
728.131	Amendment
728.132	Amendment
728.133	Amendment
728.134	Amendment
728.135	Amendment
728.136	Amendment
728.138	Amendment
728.139	Amendment
728.140	Amendment
728.141	Amendment
728.142	Amendment
728.143	Amendment
728.144	Amendment
728.145	Amendment
728.146	Amendment
728.148	Amendment
728.149	Amendment
728.150	Amendment
728.Appendix D	Amendment
728.Appendix F	Amendment
728.Appendix H	Amendment
728.Appendix I	Amendment
728.Appendix K	Amendment
728.Table A	Amendment
728.Table B	Amendment

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728.Table C	Amendment
728.Table D	Amendment
728.Table E	Amendment
728.Table F	Amendment
728.Table G	Amendment
728.Table H	Amendment
728.Table I	Amendment
728.Table T	Amendment
728.Table U	Amendment

- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective Date of Rules: November 19, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted rulemaking, a copy of the Board's opinion and order adopted October 4, 2018 in consolidated docket R17-14/R17-15/R18-12/R18-31, 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*: 42 Ill. Reg. 11225; June 22, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No. Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R17-14/R17-15/R18-12/R18-31 summarizes the differences between the amendments adopted in the October 4, 2018 opinion and order and those proposed by the Board on May 24, 2018.

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The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

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

Since the Notices of Proposed Amendments appeared in the June 22, 2018 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: The amendments to Part 728 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 702 through 705, 720 through 727, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in five separate issues of the *Illinois Register*. Included in this issue are the fifth and final group for publication: 35 Ill. Adm. Code 728, 733, 738, and 739.

When the Board filed the adopted amendments and submitted them for publication in the *Illinois Register*, the anticipated schedule for publication of all 20 parts of this rulemaking was as follows:

Group 1: Parts 702, 703, 704, 705, 720, 810, 811, and 812.

Group 2: Parts 721 and 722.

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Group 3: Parts 723, 724, and 726.

Group 4: Parts 725, 727, and 730.

Group 5: Parts 728, 733, 738, and 739.

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] (2016) requires the Board to adopt hazardous waste rules that are identical-in-substance to United States Environmental Protection Agency's (USEPA's) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] (2014). The Illinois hazardous waste rules are in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739. The Board reserved docket R17-14 to incorporate USEPA amendments adopted during the period July 1, 2016 through December 31, 2016 into the Illinois hazardous waste rules. Similarly, the Board reserved docket R18-12 for USEPA hazardous waste rules adopted during the period July 1, 2017 through December 31, 2017 and consolidated it with dockets R17-14, R17-15, and R18-12.

The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking updates the Illinois hazardous waste, underground injection control (UIC), and Municipal Solid Waste Landfill (MSWLF) rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during calendar years 2016 and 2017, embracing two update periods: July 1, 2016 through December 31, 2016 and July 1, 2017 through December 31, 2017.

The following USEPA actions form the basis for the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking:

November 28, 2016 (81 Fed. Reg. 85696)—Hazardous Waste Export-Import Revisions: USEPA revised requirements for importing and exporting hazardous waste at 40 C.F.R. 260 through 267, 271, and 273. USEPA intended to provide greater protection of human health and the environment and greater consistency with current requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD). USEPA also intended to implement electronic submission of import- and export-related documents into an Automated Export System.

November 28, 2016 (81 Fed. Reg. 85732)—Generator Improvements Rule (GIR): USEPA adopted the GIR, which extensively revised requirements for hazardous waste generators. USEPA revised all parts of the hazardous waste rules: 40 C.F.R. 260 through 268, 270, 271, 273, and 279. The GIR also included revisions to RCRA Subtitle

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D rules in 40 C.F.R. 257 and 258. The federal MSWLF rules are codified in 40 C.F.R. 258. USEPA intended that reorganizing the hazardous waste generator requirements would make them simpler. USEPA also intended to address gaps in the rules to make them more effective and protective of human health and the environment. USEPA also corrected inadvertent errors and removed obsolete provisions.

August 29, 2017 (82 Fed. Reg. 41015)—Automated Export System (AES) Filing Compliance Date: USEPA established the AES filing compliance date for hazardous waste exports. As of December 31, 2017, exporters of manifested hazardous waste, universal waste, spent lead-acid batteries for recycling or disposal, and cathode ray tubes (CRTs) for recycling must use the AES for export shipments. After the AES filing compliance date, the use of paper reporting was no longer permissible for these exports.

December 26, 2017 (82 Fed. Reg. 60894)—Barring Claims of Confidential Business Information (CBI) for Hazardous Waste Import, Export, and Transit Documents: USEPA further revised the rules for imports and exports of hazardous waste. No person can assert a confidential business information (CBI) claim for documents relating to import, export, and transit of hazardous waste or to export of excluded CRTs.

Specifically, the amendments to Part 728 incorporate USEPA's action of November 28, 2016 adopting the Generator Improvements Rule.

The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board found are needed.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

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

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- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R17-14/R17-15/R18-12/R18-31 and direct inquiries to the following person:

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

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 4, 2018 at 312/814-3620.
You may also obtain a copy of the Board's opinion and order from the Internet at
<http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section

728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for Case-by-Case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND
ESTABLISHMENT OF TREATMENT STANDARDS

Section

728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section

728.120	Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130	Waste-Specific Prohibitions: Wood Preserving Wastes
728.131	Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132	Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

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- Metals and Containing PCBs
- 728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
- 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
- 728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
- 728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
- 728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
- 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
- 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section

- 728.140 Applicability of Treatment Standards
- 728.141 Treatment Standards Expressed as Concentrations in Waste Extract
- 728.142 Treatment Standards Expressed as Specified Technologies
- 728.143 Treatment Standards Expressed as Waste Concentrations
- 728.144 USEPA Variance from a Treatment Standard
- 728.145 Treatment Standards for Hazardous Debris
- 728.146 Alternative Treatment Standards Based on HTMR
- 728.148 Universal Treatment Standards
- 728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section

- 728.150 Prohibitions on Storage of Restricted Wastes
- 728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
- 728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
- 728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
- 728.APPENDIX D Wastes Excluded from Lab Packs
- 728.APPENDIX E Organic Lab Packs (Repealed)
- 728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
- 728.APPENDIX G Federal Effective Dates
- 728.APPENDIX H National Capacity LDR Variances for UIC Wastes

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728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by USEPA Hazardous RCRA Waste Number 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

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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. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24924, effective November 19, 2018.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) Where a person has been granted an extension to the effective date of a prohibition pursuant to Subpart C ~~of this Part~~ or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where a person has been granted an exemption from a prohibition pursuant to a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the following is true of the waste:
 - A) The waste is disposed into a non-hazardous or hazardous waste

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injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

- B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.
- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:
- A) Any of the following is true of either treatment or management of the waste:
 - i) The waste is managed in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued pursuant to 35 Ill. Adm. Code 309;
 - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
 - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
 - B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver pursuant to Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Waste generated by ~~a VSQG small quantity generators of less than 100 kg of non acute hazardous waste or less than 1 kg of acute hazardous waste~~

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~~per month~~, as defined in 35 Ill. Adm. Code ~~720.110721.105~~;

- 2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
 - 3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and
 - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.
- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.
- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; and
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105.
- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code

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729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act ~~[415 ILCS 5/22.6 or 39(h)]~~ unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

- h) 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 (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (~~20172015~~).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.102 Definitions

When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D ~~of this Part~~, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 ~~of this Part~~ and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

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"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C ~~of this Part~~.

"Hazardous constituent" or "constituents" means those constituents listed in Appendix H to 35 Ill. Adm. Code 721.

"Hazardous debris" means debris that contains a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 or that exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Appendix K ~~of this Part~~.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and "land disposal" includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Land disposal restriction" or "LDR" is a restriction imposed on the land disposal of a hazardous waste pursuant to this Part or 35 Ill. Adm. Code 738. The land disposal of hazardous waste is generally prohibited, except where the activity constituting land disposal is specifically allowed, pursuant to this Part or 35 Ill. Adm. Code 738.

BOARD NOTE: The Board added this definition based on the preamble discussions at 51 Fed. Reg. 40572, 40573-74 (November 7, 1986) and 53 Fed. Reg. 28118, 28119-20 (July 26, 1988). The USEPA publication "Terms of Environment Glossary, Abbreviations, and Acronyms" (December 1997), USEPA, Communications, Education, and Public Affairs, EPA 175/B-97-001, defines "land disposal restrictions" as follows: "Rules that require hazardous wastes to be treated before disposal on land to destroy or immobilize hazardous constituents that might migrate into soil and ground water."

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in

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this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with federal 40 CFR 761.3 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, federal 40 CFR 264.100 or 265.93, or similar regulations in other states with RCRA programs authorized by USEPA pursuant to 40 CFR 271.

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the United States Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Underlying hazardous constituent" means any constituent listed in Table U of ~~this Part~~, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

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- a) Except as provided in subsection (b) ~~of this Section~~, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D ~~of this Part~~, to circumvent the effective date of a prohibition in Subpart C ~~of this Part~~, to otherwise avoid a prohibition in Subpart C ~~of this Part~~, or to circumvent a land disposal restriction imposed by RCRA section 3004 (42 USC 6924).
- b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, or that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section, unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.
- c) Combustion of waste designated by any of the USEPA hazardous waste ~~numberseodes~~ listed in Appendix J ~~to this Part~~ is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):
- 1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;
 - 2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
 - 3) The waste has reasonable heating value, such as greater than or equal to 5,000 Btu per pound, at the point of generation;
 - 4) The waste is co-generated with wastes for which combustion is a required method of treatment;
 - 5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or

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- 6) The waste contains greater than one percent Total Organic Carbon (TOC).
- d) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.104 Treatment Surface Impoundment Exemption

- a) Wastes that are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:
 - 1) Treatment of such wastes occurs in the impoundments;
 - 2) The following conditions are met:
 - A) Sampling and ~~Testing~~testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.
 - B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues that do not meet the treatment standards promulgated under Subpart D ~~of this Part~~; residues that do not meet the prohibition levels established under Subpart C ~~of this Part~~ or imposed by federal statute (where

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no treatment standards have been established); residues that are from the treatment of wastes prohibited from land disposal under Subpart C ~~of this Part~~ (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that are not delisted under 35 Ill. Adm. Code 720.122. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

- C) Subsequent ~~Management~~management. Treatment residues must not be placed in any other surface impoundment for subsequent management.
 - D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;
- 3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of Subpart F of 35 Ill. Adm. Code 724 or Subpart F of 35 Ill. Adm. Code 725, unless any of the following conditions is fulfilled:
- A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);
 - B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:
 - i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;
 - ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and

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- iii) The impoundment is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or
- C) Upon application by the owner or operator, the Board has, pursuant to Subpart D of 35 Ill. Adm. Code 104, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard must be a demonstration that the surface impoundment is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and
- 4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) ~~of this Section~~ have been met. The following certification is required:

I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C

- a) Any person seeking an exemption from a prohibition pursuant to Subpart C for the disposal of a restricted hazardous waste in a particular unit or units must submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:
 - 1) An identification of the specific waste and the specific unit for which the

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demonstration will be made;

- 2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;
 - 3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality;
 - 4) A monitoring plan that detects migration at the earliest practical time;
 - 5) Sufficient information to assure the Agency that the owner or operator of a land disposal unit receiving restricted wastes will comply with other applicable federal, ~~State~~state, and local laws;
 - 6) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.
- b) The demonstration referred to in subsection (a) ~~of this Section~~ must meet the following criteria:
- 1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;
 - 2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must conform with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, each incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;
 - 4) A quality assurance and quality control plan that addresses all aspects of the demonstration and conforms with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-

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530/SW-846, and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011; and

- 5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts, or other natural phenomena.
- c) Each petition referred to in subsection (a) ~~of this Section~~ must include the following:
- 1) A monitoring plan that describes the monitoring program installed at or around the unit to verify continued compliance with the conditions of the adjusted standard. This monitoring plan must provide information on the monitoring of the unit or the environment around the unit. The following specific information must be included in the plan:
 - A) The media monitored in the cases where monitoring of the environment around the unit is required;
 - B) The type of monitoring conducted at the unit, in the cases where monitoring of the unit is required;
 - C) The location of the monitoring stations;
 - D) The monitoring interval (frequency of monitoring at each station);
 - E) The specific hazardous constituents to be monitored;
 - F) The implementation schedule for the monitoring program;
 - G) The equipment used at the monitoring stations;
 - H) The sampling and analytical techniques employed; and
 - I) The data recording and reporting procedures.

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- 2) Where applicable, the monitoring program described in subsection (c)(1) ~~of this Section~~ must be in place for a period of time specified by the Board, as part of its approval of the petition, prior to receipt of prohibited waste at the unit.
- 3) The monitoring data collected according to the monitoring plan specified pursuant to subsection (c)(1) ~~of this Section~~ must be sent to the Agency according to a format and schedule specified and approved in the monitoring plan.
- 4) A copy of the monitoring data collected under the monitoring plan specified pursuant to subsection (c)(1) ~~of this Section~~ must be kept on-site at the facility in the operating record.
- 5) The monitoring program specified pursuant to subsection (c)(1) ~~of this Section~~ must meet the following criteria:
 - A) All sampling, testing, and analytical data must be approved by the Board and must provide data that is accurate and reproducible;
 - B) All estimation and monitoring techniques must be approved by the Board; and
 - C) A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the Board.
- d) Each petition must be submitted to the Board as provided in Subpart D of 35 Ill. Adm. Code 104.
- e) After a petition has been approved, the owner or operator must report any changes in conditions at the unit or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the units as follows:
 - 1) If the owner or operator plans to make changes to the unit design, construction, or operation, the owner or operator must do the following at least 90 days prior to making the change:

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- A) File a petition for modification of or a new petition to amend an adjusted standard with the Board reflecting the changes; or
 - B) Demonstrate to the Agency that the change can be made consistent with the conditions of the existing adjusted standard.
- 2) If the owner or operator discovers that a condition at the site that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Agency within 10 days after discovering the change. The Agency must determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, a petition for modification of or a new petition for an adjusted standard.
- f) If there is migration of hazardous constituents from the unit, as determined by the owner or operator, the owner or operator must do the following:
- 1) It must immediately suspend receipt of prohibited waste at the unit, and
 - 2) It must notify the Agency, in writing, within 10 days after the determination that a release has occurred.
 - 3) Following receipt of the notification, the Agency must, do the following within 60 days after receiving notification ~~do the following~~:
 - A) It must determine whether the owner or operator can continue to receive prohibited waste in the unit under the conditions of the adjusted standard.
 - B) If modification or vacation of the adjusted standard is necessary, it must file a motion to modify or vacate the adjusted standard with the Board.
 - C) It must determine whether further examination of any migration is required pursuant to the applicable provisions of 35 Ill. Adm. Code 724 or 725.
- g) Each petition must include the following statement signed by the petitioner or an authorized representative:

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I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- h) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.
- i) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.
- j) The Board will give public notice and provide an opportunity for public comment, as provided in Subpart D of 35 Ill. Adm. Code 104. Notice of a final decision on a petition will be published in the Environmental Register.
- k) The term of a petition granted pursuant to this Section will be no longer than the term of the RCRA permit if the disposal unit is operating pursuant to a RCRA permit, or up to a maximum of 10 years from the date of approval provided pursuant to subsection (g) ~~of this Section~~ if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.
- l) Prior to the Board's decision, the applicant must comply with all restrictions on land disposal pursuant to this Part once the effective date for the waste has been reached.
- m) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste pursuant to 35 Ill. Adm. Code 702, 703, ~~and~~ 720 through 728, and 738.
- n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard pursuant to this Section.

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(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for Generators-

- 1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) 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), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b).) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T ~~of this Part~~, and are described in detail in Table C ~~of this Part~~. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.
- 2) If the waste or contaminated soil does not meet the treatment standard or if

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the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I ~~of this Part~~. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

- 3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:
 - A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I ~~of this Part~~ and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.
 - B) For contaminated soil, with the initial shipment of wastes to each

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treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I ~~of this Part~~.

- C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.
- 4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under Subpart C ~~of this Part~~. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I ~~of this Part~~. If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in its file.
- 5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code ~~722.115, 722.116, and 722.117~~~~722.134~~ to meet applicable LDR treatment standards found at Section 728.140, the generator must develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F ~~of this Part~~, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited

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wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

- B) Such plan must be kept in the facility's on-site files and made available to inspectors; and
 - C) Wastes shipped off-site pursuant to this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).
- 6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, all waste analysis data must be retained on-site in the generator's files.
- 7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.
- 8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action

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regarding the regulated activity or as requested in writing by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(8) is subject to Board review pursuant to Section 40 of the Act.

- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:
- A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I ~~of this Part~~ and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:
- I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.
- B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.
- C) If the lab pack contains characteristic hazardous wastes (D001-

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D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

- D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7).
- 10) An SQG~~Small quantity generators~~ with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(10) is subject to Board review pursuant to Section 40 of the Act.

- b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3).
- 1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.
- 2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.
- 3) A one-time notice must be sent with the initial shipment of waste or

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contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

- A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.
- B) The one-time notice must include the following requirements:
 - i) USEPA hazardous waste number and manifest number of first shipment;
 - ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;
 - iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f) and subdivisions made within a [USEPA hazardous waste numberseøde](#) based on waste-specific criteria (such as D003 reactive cyanide);
 - iv) Waste analysis data (when available);
 - v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and
 - vi) A certification is needed (see applicable Section for exact wording).

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- 4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.
- B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F ~~of this Part~~ and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of

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subsection (d) rather than the certification requirements of this subsection (b)(4).

- C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T ~~of this Part~~ (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment

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standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U of ~~this Part~~ universal treatment standards, the certification must state as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4) and a notice that includes the information listed in subsection (b)(3) (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the

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hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:
- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b).
 - 2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D ~~of this Part~~. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.
 - 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
 - 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) with respect to such waste.
- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F ~~of this Part~~, and debris that has been delisted) is subject to the following notification and

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certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
 - B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
 - C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the technology from Table F ~~of this Part~~ used to treat the debris.
- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
- 3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F ~~of this Part~~, as follows:
 - A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
 - B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
 - C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state as follows:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant

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penalties for making a false certification, including the possibility of fine and imprisonment.

- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:
- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
 - 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste must determine each USEPA hazardous waste number ~~(waste code)~~ applicable to the waste in order to determine the applicable treatment standards under Subpart D ~~of this Part~~. This determination may be made concurrently with the hazardous waste determination required in Section 722.111. For purposes of this Part, the waste must carry the USEPA hazardous waste number ~~code~~ for any applicable listing under Subpart D of 35 Ill. Adm. Code 721. In addition, the waste must carry one or more of the USEPA hazardous waste number ~~codes~~ under Subpart C of 35 Ill. Adm. Code 721 where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) ~~of this Section~~. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of Table C ~~to this Part~~), the generator must determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.
- b) Where a prohibited waste is both listed under Subpart D of 35 Ill. Adm. Code 721 and exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721, the treatment standard for the USEPA hazardous waste number ~~code~~

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listed in Subpart D of 35 Ill. Adm. Code 721 will operate in lieu of the standard for the USEPA hazardous waste ~~numbered~~ under Subpart C of 35 Ill. Adm. Code 721, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic USEPA hazardous waste ~~numbered~~.

- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under Subpart C of 35 Ill. Adm. Code 721 must be land disposed, unless the waste complies with the treatment standards under Subpart D ~~of this Part~~.
- d) A waste that exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721 is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's on-site files. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes.
 - 1) The notification must include the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
 - B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability groups, and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.
 - 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.

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(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes

- a) The waste specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K181, soil and debris contaminated with this waste, radioactive wastes mixed with this waste, and soil and debris contaminated with radioactive wastes mixed with this waste are prohibited from land disposal.
- b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions are fulfilled:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) A no-migration exemption has been granted from a prohibition pursuant to a petition under Section 728.106, in which case the requirements of subsection (a) ~~of this Section~~ do not apply with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or
 - 5) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, in which case the requirements of subsection (a) ~~of this Section~~ do not apply with respect to these wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract of the waste, or the generator may use knowledge of the waste. If the waste contains

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regulated constituents in excess of the applicable levels set forth in Subpart D ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part apply, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.130 Waste-Specific Prohibitions: Wood Preserving Wastes

- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, and F035.
- b) The following wastes are prohibited from land disposal: soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as F032, F034, F035; and radioactive wastes mixed with USEPA hazardous waste numbers F032, F034, and F035.
- c) This subsection (c) corresponds with 40 CFR 268.30(c), which expired by its own terms on May 12, 1999. This statement maintains structural consistency with the corresponding federal regulations.
- d) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) A person has been granted an extension to the effective date of a prohibition by USEPA pursuant to federal 40 CFR 268.5 (see Section 728.105), with respect to those wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this Section exceeds the

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applicable treatment standards specified in Section 728.140 and Table T ~~to this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~to this Part~~, the waste is prohibited from land disposal and all requirements of Part 728 are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028 are prohibited from land disposal, unless the following condition applies: the dioxin-containing waste is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action.
- b) USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028, and dioxin-containing waste that is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action listed in subsection (a) ~~of this Section~~ are prohibited from land disposal.
- c) This subsection (c) corresponds with 40 CFR 268.31(c), which expired by its own terms on November 8, 1990. This statement maintains structural consistency with the corresponding federal regulations.
- d) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:
 - 1) The wastes meet the standards of Subpart D ~~of this Part~~; or
 - 2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
 - 3) A person has been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and

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units covered by the extension.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs

- a) The following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.
- b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:
 - 1) Low-Halogenated Organics Waste Meeting ~~halogenated organics waste meeting the Treatment Standards~~ treatment standards of Subpart D ~~of this Part~~:
 - A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and
 - B) The wastes meet the treatment standards specified in Subpart D ~~of this Part~~ for USEPA hazardous waste numbers D004 through D011, as applicable; or
 - 2) Low-Halogenated Organics Waste Meeting Alternative Treatment Standard ~~halogenated organics waste meeting alternative treatment standards~~ for Contaminated Soil ~~contaminated soil~~:
 - A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and
 - B) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or
 - 3) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or

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- 4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.144.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.
- b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or
 - 5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D ~~of this Part~~,

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the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise specified.

- d) Disposal of USEPA hazardous waste number K175 wastes that have 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 one of the following:
- 1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or
 - 2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at $\text{pH} \leq 6.0$.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes

- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.
- b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.
- c) The following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.
- d) This subsection (d) corresponds with 40 CFR 269.34(d), which expired by its own terms on May 26, 2000. This statement maintains structural consistency with the corresponding federal regulations.

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- e) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to those wastes covered by the extension.
- f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~of this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers K169, K170, K171, and K172; soils and debris contaminated with these wastes; radioactive wastes mixed with these hazardous wastes; and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

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- b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) The Board has granted an adjusted standard that exempts waste from a prohibition pursuant to Section 728.106, with respect to those wastes and units covered by the adjusted standard;
 - 3) The wastes meet an adjusted standard from an applicable treatment standard granted under Section 728.144;
 - 4) The waste is hazardous debris that has met the treatment standards set forth in Section 728.140 and Table T ~~of this Part~~ or the alternative treatment standards in Section 728.145; or
 - 5) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to these wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K176, K177, and K178, and soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited

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from land disposal.

- b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following applies to the waste:
- 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) Hazardous debris has met the treatment standards in Section 728.140 and Table T ~~to this Part~~ or the alternative treatment standards in Section 728.145; or
 - 5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~to this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

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- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with USEPA hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as USEPA hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA; 33 U.S.C. 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. "CWA-equivalent treatment," as used in this Section, means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that can be demonstrated to perform equally to or better than these technologies.
- b) Radioactive wastes that are mixed with any of USEPA hazardous waste numbers D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero dischargers that engage in CWA-equivalent treatment, as defined in subsection (a) ~~of this Section~~, before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of USEPA hazardous waste numbers K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- c) This subsection (c) corresponds with 40 CFR 268.38(c), which expired by its own terms on September 19, 1996. This statement maintains structural consistency with the corresponding federal regulations.
- d) The requirements of subsections (a), (b), and (c) ~~of this Section~~ do not apply if any of the following applies to the waste:

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- 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144;
 - 4) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~to this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA ~~hazardous waste~~~~Hazardous Waste~~ numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste

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number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).

- c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- d) Radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural consistency with the corresponding federal regulations.
- f) The requirements of subsections (a), (b), (c), and (d) ~~of this Section~~ do not apply if any of the following applies to the waste:
 - 1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;
 - 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or

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- 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes," may be land disposed only if it meets the requirements found in that Table. For each waste, Table T ~~of this Part~~ identifies one of three types of treatment standard requirements:
 - 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T ~~of this Part~~ for that waste (total waste standards);
 - 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T ~~of this Part~~ (waste extract standards); or
 - 3) The waste must be treated using the technology specified in Table T ~~of this Part~~ (technology standard), which is described in detail in Table C ~~of this Part~~, "Technology Codes and Description of Technology-Based Standards:".
- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the

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previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311 (Toxicity Characteristic Leaching Procedure) 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), must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310B (Extraction Procedure Toxicity Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.
- d) Notwithstanding the prohibitions specified in subsection (a) ~~of this Section~~, treatment and disposal facilities may demonstrate (and certify pursuant to Section 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T ~~of this Part~~, provided the following conditions are satisfied:
 - 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) ~~of this Section~~ to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T ~~of this Part~~ by an order of magnitude.

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- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes," and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U ~~of this Part~~ prior to land disposal, as defined in Section 728.102.
- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311 (Toxicity Characteristic Leaching Procedure) 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). If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.
- g) This subsection (g) corresponds with 40 CFR 268.40(g), which expired by its own terms on March 4, 1999. This statement maintains structural consistency with the corresponding federal rules.
- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.
- i) This subsection (i) corresponds with 40 CFR 268.40(i), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal regulations.
- j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented

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in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; 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.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.141 Treatment Standards Expressed as Concentrations in Waste Extract

For the requirements previously found in this Section and for treatment standards in Table A ~~to this Part~~, "Table CCWE-Constituent Concentrations in Waste Extracts," refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes."

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.142 Treatment Standards Expressed as Specified Technologies

- a) The following wastes listed in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes," for which standards are expressed as a treatment method rather than as a concentration level, must be treated using the technology or technologies specified in Table C ~~of this Part~~.
 - 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70 (Incineration), incorporated by reference in 35 Ill. Adm. Code 720.111(b), or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60 (Disposal Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.
 - 2) Nonliquid hazardous wastes containing halogenated organic compounds

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(HOCs) in total concentrations greater than or equal to 1,000mg/kg and liquid HOC-containing wastes that are prohibited pursuant to Section 728.132(e)(1) must be incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. These treatment standards do not apply where the waste is subject to a treatment standard codified in Subpart C ~~of this Part~~ for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established pursuant to Section 728.141(a)).

- 3) A mixture consisting of wastewater, the discharge of which is subject to regulation pursuant to 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process that meet the criteria of the D001 ignitable liquids containing greater than 10 percent total organic constituents (TOC) subcategory are subject to the DEACT treatment standard described in Table C ~~of this Part~~. For purposes of this subsection (a)(3), "de minimis losses" include the following:
 - A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
 - B) Minor leaks from process equipment, storage tanks, or containers;
 - C) Leaks from well-maintained pump packings and seals;
 - D) Sample purgings; and
 - E) Relief device discharges.
- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c), and (d) ~~of this Section~~ for wastes or specified in Table F ~~of this Part~~ for hazardous debris. The applicant must submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the

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Environmental Protection Act ~~[415 ILCS 5/22.6 and 39(h)]~~ and that the treatment method adequately protects human health and the environment. On the basis of such information and any other available information, the Agency must approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c), and (d) ~~of this Section~~ and in Table F ~~of this Part~~, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued must comply with all limitations contained in such determination.

- c) As an alternative to the otherwise applicable treatment standards of Subpart D ~~of this Part~~, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

- 2) The lab pack does not contain any of the wastes listed in Appendix D ~~of this Part~~;
- 3) The lab packs are incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725; and
- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D ~~of this Part~~.

- d) Radioactive hazardous mixed wastes are subject to the treatment standards in Section 728.140 and Table T ~~of this Part~~. Where treatment standards are specified for radioactive mixed wastes in Table T ~~of this Part~~, "Table of Treatment Standards," those treatment standards will govern. Where there is no specific treatment standard for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by USEPA hazardous waste numbercode) applies.

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Hazardous debris containing radioactive waste is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.143 Treatment Standards Expressed as Waste Concentrations

For the requirements previously found in this Section and for treatment standards in Table A ~~to this Part~~, "CCW-Constituent Concentrations in Wastes," refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes."

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.144 USEPA Variance from a Treatment Standard

- a) Based on a petition filed by a generator or treater of hazardous waste, USEPA has stated that it may approve a variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:
 - 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or
 - 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:
 - A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media); or
 - B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it

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would likely discourage aggressive remediation.

BOARD NOTE: A variance from a treatment standard is available only from USEPA. USEPA has reserved to itself the authority to grant a variance from a treatment standard.

- b) Each petition must be submitted in accordance with the procedures in 40 CFR 260.20.
- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.
- d) After receiving a petition for an adjusted treatment standard, USEPA has stated that it may request any additional information or samples that are necessary to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected states and Regional Offices.
- e) USEPA has stated that it will give public notice in the Federal Register of the intent to approve or deny a petition and provide an opportunity for public comment. USEPA has stated that the final decision on a variance from a treatment standard will be published in the Federal Register.
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard must comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- h) Based on a petition filed by a generator or treater of hazardous waste, USEPA has

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stated that it may approve a site-specific variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

- 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or
- 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:
 - A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media); or
 - B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.
- 3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. USEPA has stated that a treatment variance granted under 40 CFR 268.44(h)(3) will include the following features:
 - A) At a minimum, USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:

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- i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from 10^{-4} to 10^{-6} ; and
 - ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis without appreciable risk of deleterious effect during a lifetime.
- B) USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will not consider post-land-disposal controls.
- 4) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) natural background concentrations at the site where the contaminated soil will be land disposed.
- 5) USEPA has stated that public notice and a reasonable opportunity for public comment must be provided before granting or denying a petition.
- i) Each petition for a site-specific variance from a treatment standard must include the information in 40 CFR 260.20(b)(1) through (b)(4).
- j) After receiving an application for a site-specific variance from a treatment standard, USEPA may request any additional information or samples that USEPA determines are necessary to evaluate the petition.
- k) A generator, treatment facility, or disposal facility that is managing a waste covered by a site-specific variance from a treatment standard must comply with the waste analysis requirements for restricted wastes in Section 728.107.
- l) During the petition review process, the petitioner for a site-specific variance must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- m) For any variance from a treatment standard, the petitioner must also demonstrate that compliance with the requested variance is sufficient to minimize threats to

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human health and the environment posed by land disposal of the waste. In evaluating this demonstration, USEPA has stated that it will take into account whether the treatment variance should be granted if the subject waste is to be used in a manner constituting disposal pursuant to 40 CFR 266.20 through 266.23.

- n) This subsection (n) corresponds with 40 CFR 268.44(n), marked "reserved" by USEPA. This statement maintains structural consistency with corresponding federal regulations.
- o) The facilities listed in Table H ~~of this Part~~ are excluded from the treatment standards under Section 728.143(a) and Table B ~~of this Part~~, and are subject to the constituent concentrations listed in Table H ~~of this Part~~.
- p) After USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act ~~[415 ILCS 5/22.4(a)]~~.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment ~~Standards~~~~standards~~. Hazardous debris must be treated prior to land disposal as follows, unless the Agency has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart D for the waste contaminating the debris:
 - 1) General. Hazardous debris must be treated for each "contaminant subject to treatment," defined by subsection (b) ~~of this Section~~, using the technology or technologies identified in Table F ~~of this Part~~.
 - 2) Characteristic ~~Debris~~~~debris~~. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, or 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Table F ~~of this Part~~.

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- 3) Mixtures of ~~Debris Types~~debris types. The treatment standards of Table F ~~of this Part~~ must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 4) Mixtures of ~~Contaminant Types~~contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) ~~of this Section~~ must be treated for each contaminant using one or more treatment technologies identified in Table F ~~of this Part~~. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants ~~Subject~~subject to ~~Treatment~~treatment. Hazardous debris must be treated for each "contaminant subject to treatment:". The contaminants subject to treatment must be determined as follows:
- 1) Toxicity ~~Characteristic Debris~~characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
 - 2) Debris ~~Contaminated~~contaminated with ~~Listed Waste~~listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which treatment standards are established for the waste under Section 728.140 and Table T ~~of this Part~~.
 - 3) Cyanide ~~Reactive Debris~~reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned ~~Exclusion~~exclusion of ~~Treated Debris~~treated debris. Hazardous

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debris that has been treated using one of the specified extraction or destruction technologies in Table F ~~of this Part~~ and that does not exhibit a characteristic of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721 after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table F ~~of this Part~~ is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.

- d) Treatment ~~Residuals~~residuals.
- 1) General ~~Requirements~~requirements. Except as provided by subsections (d)(2) and (d)(4) ~~of this Section~~:
 - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by Subpart D ~~of this Part~~ for the waste contaminating the debris. - 2) Nontoxic ~~Debris~~debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) ~~of this Section~~, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of Subpart D ~~of this Part~~.
 - 3) Cyanide-~~Reactive Debris~~reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for USEPA hazardous waste number D003 under Section 728.140 and Table T ~~of this Part~~.
 - 4) Ignitable ~~Nonwastewater Residue~~nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10 percent total organic carbon is subject to the technology specified in the treatment standard for USEPA hazardous waste number D001: Ignitable Liquids.

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- 5) Residue from Spallingspalling. Layers of debris removed by spalling are hazardous debris that remains subject to the treatment standards of this Section.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.146 Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in Table G to this Part, as formerly referenced in this Section, refer to Section 728.140 and Table T to this Part, "Treatment Standards for Hazardous Wastes:".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.148 Universal Treatment Standards

Table U to this Part, "Universal Treatment Standards (UTS);", identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in Table U to this Part.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator must comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it	Apply to the listed waste now.	–	Must comply with LDRs.

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contaminated the soil*.			
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined not to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Do not apply to the listed waste now.	–	Needs not comply with LDRs.

- * For dates of LDR applicability, see Appendix G ~~of this Part~~. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.
- b) Prior to land disposal, contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) ~~of this Section~~ or according to the universal treatment standards specified in Section 728.148 and Table U ~~of this Part~~ applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) ~~of this Section~~ and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.
- c) Treatment ~~Standards~~ ~~standards~~ for ~~Contaminated Soil~~ ~~contaminated soils~~. Prior to land disposal, contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be treated according to all the standards specified in this subsection (c) or according to the universal treatment standards specified in Section 728.148 and Table U ~~of this Part~~.

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- 1) All ~~Soils~~soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:
 - A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) ~~of this Section~~.
 - B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) ~~of this Section~~.
 - C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U ~~of this Part~~.
- 2) Soils ~~That Exhibit~~that exhibit the ~~Characteristic~~characteristic of ~~Ignitability~~ignitability, ~~Corrosivity~~corrosivity or ~~Reactivity~~reactivity. In addition to the treatment required by subsection (c)(1) ~~of this Section~~, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.
- 3) Soils ~~That Contain Nonanalyzable Constituents~~that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) ~~of this Section~~, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:
 - A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) ~~of this Section~~; or

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- B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.
- d) Constituents ~~Subject~~subject to ~~Treatment~~treatment. When applying the soil treatment standards in subsection (c) ~~of this Section~~, constituents subject to treatment are any constituents listed in Table U ~~of this Part~~, entitled "Universal Treatment Standards," that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.
- e) Management of ~~Treatment Residual~~treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be managed as follows:
- 1) Soil residuals are subject to the treatment standards of this Section;
 - 2) Non-soil residuals are subject to the following requirements:
 - A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
 - B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C ~~of this Part~~ is prohibited, unless the following conditions are met:

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- 1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code [722.116](#) and [722.117](#)~~722.134~~ and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a regulation under this Part and which must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

- 2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:
 - A) Each container is clearly marked with the following to identify ~~its contents and the date each period of accumulation begins; and~~
 - i) The words "Hazardous Waste";
 - ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;
 - iii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with subpart E (Labeling) or subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a

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chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111); and

iv) The date each period of accumulation begins.

- B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
- 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.
- b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA pursuant to 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA pursuant to subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.
- e) The prohibition in subsection (a) ~~of this Section~~ does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or

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728.139.

- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) ~~of this Section~~ do not apply to such PCB wastes prohibited under Section 728.132.
- g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728.APPENDIX~~Appendix~~ D Wastes Excluded from Lab Packs

Hazardous waste with the following USEPA hazardous waste [numberseodes](#) may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~APPENDIX~~Appendix F Technologies to Achieve Deactivation of Characteristics

The treatment standard for many characteristic wastes is stated in Table T ~~of this Part~~, entitled "Treatment Standards for Hazardous Wastes;" as "DEACT and meet Section 728.148 standards;" USEPA has determined that many technologies, when used alone or in combination, can achieve the deactivation portion of the treatment standard. Characteristic wastes that are not managed in a facility regulated by the CWA or in a CWA-equivalent facility, and that also contain underlying hazardous constituents (see Section 728.102(i)) must be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve the universal treatment standards (UTS) for underlying hazardous constituents. This Appendix F presents a partial list of technologies, utilizing the five letter technology codes established in Table C ~~of this Part~~, that may be useful in meeting the treatment standard. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies, provided deactivation is achieved and underlying hazardous constituents are treated to achieve the UTS.

<u>USEPA hazardous waste number</u> <u>code/subcategory</u>	Nonwastewaters	Wastewaters
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1) – Low TOC Nonwastewater Subcategory (containing one percent to <10 percent TOC)	RORGS WETOX INCIN CHOXD BIODG	n.a.
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1) – Ignitable Wastewater Subcategory (containing <one percent TOC)	n.a.	WETOX RORGS INCIN CHOXD BIODG
D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3)	RCGAS FSUBS INCIN ADGAS fb. INCIN ADGAS fb. (CHOXD; or	n.a.

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	CHRED)	
D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2)	WTRRX CHOXD CHRED STABL INCIN	n.a.
D001 Ignitable Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4)	CHRED INCIN	CHRED INCIN
D002 Acid Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH less than or equal to two	RCORR NEUTR INCIN	NEUTR INCIN
D002 Alkaline Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH greater than or equal to 12.5	NEUTR INCIN	NEUTR INCIN
D002 Other Corrosives based on 35 Ill. Adm. Code 721.122(a)(2)	CHOXD CHRED INCIN STABL	CHOXD CHRED INCIN
D003 Water Reactives based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4)	INCIN WTRRX CHOXD CHRED	n.a.
D003 Reactive Sulfides based on 35 Ill. Adm. Code 721.123(a)(5)	CHOXD CHRED INCIN STABL	CHOXD CHRED BIODG INCIN
D003 Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN

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D003 Other Reactives based on 35 Ill. Adm. Code 721.123(a)(1)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
K044 Wastewater treatment sludges from the manufacturing and processing of explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K045 Spent carbon from the treatment of wastewaters containing explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K047 Pink/red water from TNT operations	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN

Note: "n.a." stands for "not applicable-".

"fb." ~~stands~~ Stands for "followed by-".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. APPENDIX Appendix H National Capacity LDR Variances for UIC WastesSee Note^a

<u>USEPA Hazardous Waste Number</u>	<u>Waste Category</u>	<u>Effective Date</u>
D001 (except High TOC Ignitable Liquids Subcategory) ^c	All	February 10, 1994
D001 (High TOC Ignitable Characteristic Liquids Subcategory)	Nonwastewater	September 19, 1995
D002 ^b	All	May 8, 1992
D002 ^c	All	February 10, 1994
D003 (cyanides)	All	May 8, 1992
D003 (sulfides)	All	May 8, 1992
D003 (explosives, reactives)	All	May 8, 1992
D007	All	May 8, 1992
D009	Nonwastewater	May 8, 1992
D012	All	September 19, 1995
D013	All	September 19, 1995
D014	All	September 19, 1995
D015	All	September 19, 1995
D016	All	September 19, 1995
D017	All	September 19, 1995
D018	All, including mixed with radioactive wastes	April 8, 1998
D019	All, including mixed with radioactive wastes	April 8, 1998
D020	All, including mixed with radioactive wastes	April 8, 1998
D021	All, including mixed with radioactive wastes	April 8, 1998
D022	All, including mixed with radioactive wastes	April 8, 1998
D023	All, including mixed with radioactive wastes	April 8, 1998
D024	All, including mixed with radioactive wastes	April 8, 1998

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D025	All, including mixed with radioactive wastes	April 8, 1998
D026	All, including mixed with radioactive wastes	April 8, 1998
D027	All, including mixed with radioactive wastes	April 8, 1998
D028	All, including mixed with radioactive wastes	April 8, 1998
D029	All, including mixed with radioactive wastes	April 8, 1998
D030	All, including mixed with radioactive wastes	April 8, 1998
D031	All, including mixed with radioactive wastes	April 8, 1998
D032	All, including mixed with radioactive wastes	April 8, 1998
D033	All, including mixed with radioactive wastes	April 8, 1998
D034	All, including mixed with radioactive wastes	April 8, 1998
D035	All, including mixed with radioactive wastes	April 8, 1998
D036	All, including mixed with radioactive wastes	April 8, 1998
D037	All, including mixed with radioactive wastes	April 8, 1998
D038	All, including mixed with radioactive wastes	April 8, 1998
D039	All, including mixed with radioactive wastes	April 8, 1998
D040	All, including mixed with radioactive wastes	April 8, 1998
D041	All, including mixed with radioactive wastes	April 8, 1998
D042	All, including mixed with radioactive wastes	April 8, 1998
D043	All, including mixed with radioactive wastes	April 8, 1998
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	August 8, 1990
F007	All	June 8, 1991
F032	All, including mixed with radioactive wastes	May 12, 1999
F034	All, including mixed with radioactive wastes	May 12, 1999
F035	All, including mixed with radioactive wastes	May 12, 1999
F037	All	November 8, 1992
F038	All	November 8, 1992
F039	Wastewater	May 8, 1992
K009	Wastewater	June 8, 1991
K011	Nonwastewater	June 8, 1991
K011	Wastewater	May 8, 1992
K013	Nonwastewater	June 8, 1991
K013	Wastewater	May 8, 1992
K014	All	May 8, 1992
K016 (dilute)	All	June 8, 1991
K049	All	August 8, 1990
K050	All	August 8, 1990
K051	All	August 8, 1990
K052	All	August 8, 1990

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K062	All	August 8, 1990
K071	All	August 8, 1990
K088	All	January 8, 1997
K104	All	August 8, 1990
K107	All	November 8, 1992
K108	All	November 9, 1992
K109	All	November 9, 1992
K110	All	November 9, 1992
K111	All	November 9, 1992
K112	All	November 9, 1992
K117	All	June 30, 1995
K118	All	June 30, 1995
K123	All	November 9, 1992
K124	All	November 9, 1992
K125	All	November 9, 1992
K126	All	November 9, 1992
K131	All	June 30, 1995
K132	All	June 30, 1995
K136	All	November 9, 1992
K141	All	December 19, 1994
K142	All	December 19, 1994
K143	All	December 19, 1994
K144	All	December 19, 1994
K145	All	December 19, 1994
K147	All	December 19, 1994
K148	All	December 19, 1994
K149	All	December 19, 1994
K150	All	December 19, 1994
K151	All	December 19, 1994

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K156	All	July 8, 1996
K157	All	July 8, 1996
K158	All	July 8, 1996
K159	All	July 8, 1996
K160	All	July 8, 1996
K161	All	July 8, 1996
NA	Newly identified mineral processing wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes	May 26, 2000
P127	All	July 8, 1996
P128	All	July 8, 1996
P185	All	July 8, 1996
P188	All	July 8, 1996
P189	All	July 8, 1996
P190	All	July 8, 1996
P191	All	July 8, 1996
P192	All	July 8, 1996
P194	All	July 8, 1996
P196	All	July 8, 1996
P197	All	July 8, 1996
P198	All	July 8, 1996
P199	All	July 8, 1996
P201	All	July 8, 1996
P202	All	July 8, 1996
P203	All	July 8, 1996
P204	All	July 8, 1996
P205	All	July 8, 1996
U271	All	July 8, 1996
U277	All	July 8, 1996
U278	All	July 8, 1996
U279	All	July 8, 1996
U280	All	July 8, 1996
U328	All	November 9, 1992
U353	All	November 9, 1992
U359	All	November 9, 1992
U364	All	July 8, 1996
U365	All	July 8, 1996

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U366	All	July 8, 1996
U367	All	July 8, 1996
U372	All	July 8, 1996
U373	All	July 8, 1996
U375	All	July 8, 1996
U376	All	July 8, 1996
U377	All	July 8, 1996
U378	All	July 8, 1996
U379	All	July 8, 1996
U381	All	July 8, 1996
U382	All	July 8, 1996
U383	All	July 8, 1996
U384	All	July 8, 1996
U385	All	July 8, 1996
U386	All	July 8, 1996
U387	All	July 8, 1996
U389	All	July 8, 1996
U390	All	July 8, 1996
U391	All	July 8, 1996
U392	All	July 8, 1996
U395	All	July 8, 1996
U396	All	July 8, 1996
U400	All	July 8, 1996
U401	All	July 8, 1996
U402	All	July 8, 1996
U403	All	July 8, 1996
U404	All	July 8, 1996
U407	All	July 8, 1996
U409	All	July 8, 1996
U410	All	July 8, 1996
U411	All	July 8, 1996

^a Wastes that are deep well disposed on-site receive a six-month variance, with restrictions, effective in November 1990.

^b Deep well injected D002 liquids with a pH less than two must meet the California List treatment standards on August 8, 1990.

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- ^c Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728.~~APPENDIX~~**Appendix I EP Toxicity Test Method and Structural Integrity Test**

BOARD NOTE: Method 1310B (Extraction Procedure Toxicity Test) is published 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).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~APPENDIX~~Appendix K Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)

BOARD NOTE: A combustion unit is defined as any thermal technology subject to Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726.

<u>USEPA Hazardous Waste Number</u>	<u>Waste Description</u>
D004	Toxicity Characteristic for Arsenic.
D005	Toxicity Characteristic for Barium.
D006	Toxicity Characteristic for Cadmium.
D007	Toxicity Characteristic for Chromium.
D008	Toxicity Characteristic for Lead.
D009	Toxicity Characteristic for Mercury.
D010	Toxicity Characteristic for Selenium.
D011	Toxicity Characteristic for Silver.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating basis on carbon steel; (4) aluminum or zinc-plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

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- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
- F010 Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.
- F011 Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.
- F012 Quenching waste water treatment sludges from metal heat-treating operations where cyanides are used in the process.
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process.
- K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.
- K003 Wastewater treatment sludge from the production of molybdate orange pigments.
- K004 Wastewater treatment sludge from the production of zinc yellow pigments.
- K005 Wastewater treatment sludge from the production of chrome green pigments.
- K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
- K007 Wastewater treatment sludge from the production of iron blue pigments.
- K008 Oven residue from the production of chrome oxide green pigments.
- K061 Emission control dust/sludge from the primary production of steel in electric furnaces.
- K069 Emission control dust/sludge from secondary lead smelting.

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- K071 Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
- K106 Sludges from the mercury cell processes for making chlorine.
- P010 Arsenic acid H_3AsO_4 .
- P011 Arsenic oxide As_2O_5 .
- P012 Arsenic trioxide.
- P013 Barium cyanide.
- P015 Beryllium.
- P029 Copper (I) cyanide $\text{Cu}(\text{CN})$.
- P074 Nickel (II) cyanide $\text{Ni}(\text{CN})_2$.
- P087 Osmium (VIII) tetroxide OsO_4 .
- P099 Potassium silver cyanide $\text{KAg}(\text{CN})_2$.
- P104 Silver cyanide AgCN .
- P113 Thallic (III) oxide Tl_2O_3 .
- P114 Thallium (I) selenite Tl_2SeO_3 .
- P115 Thallium (I) sulfate Tl_2SO_4 .
- P119 Ammonium (V) vanadate NH_3VO_3 .
- P120 Vanadium (V) oxide V_2O_5 .

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P121	Zinc cyanide ZnCN.
U032	Calcium chromate CaCrO ₄ .
U145	Lead phosphate.
U151	Mercury.
U204	Selenous acid H ₂ SeO ₃ .
U205	Selenium (IV) disulfide SeS ₂ .
U216	Thallium (I) chloride TlCl.
U217	Thallium (I) nitrate TlNO ₃ .

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~Table A Constituent Concentrations in Waste Extract (CCWE)

For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~ Table B Constituent Concentrations in Wastes (CCW)

For the requirements previously found in this Section and for treatment standards in Section 728.143, "Constituent Concentrations in Wastes (CCW)", refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. TABLE Table C Technology Codes and Description of Technology-Based Standards

Technology Code	Description of Technology-Based Standard
ADGAS	Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid) – venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.
AMLGM	Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.
BIODG	Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).
CARBN	Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.
CHOXD	Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents: <ol style="list-style-type: none">1) hypochlorite (e.g., bleach);2) chlorine;

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- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; or
- 9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

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- CMBST** High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.
- DEACT** Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.
- FSUBS** Fuel substitution in units operated in accordance with applicable technical operating requirements.
- HLVIT** Vitrification of high-level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.
- IMERC** Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per [USEPA hazardous waste number code](#) with consideration of any applicable subcategories (e.g., high or low mercury sub-categories).
- INCIN** Incineration in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725.
- LLEXT** Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.
- MACRO** Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to

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substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

- NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:
- 1) acids;
 - 2) bases; or
 - 3) water (including wastewaters) resulting in a pH greater than two but less than 12.5 as measured in the aqueous residuals.
- NLDBR No land disposal based on recycling.
- POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.
- PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:
- 1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);
 - 2) caustic (i.e., sodium or potassium hydroxides);
 - 3) soda ash (i.e., sodium carbonate);
 - 4) sodium sulfide;
 - 5) ferric sulfate or ferric chloride;
 - 6) alum; or

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- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

- 1) distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; or
- 5) incineration for the recovery of acid

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A federal national emissions standard for hazardous air pollutants (NESHAP) for mercury (subpart E of 40 CFR 61);
- b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a

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prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per [USEPA hazardous waste numbers](#) with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;
- 5) freeze crystallization;
- 6) ultrafiltration; or
- 7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;

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- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

- RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace."
- RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.
- STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:
- 1) Portland cement; or
 - 2) lime or pozzolans (e.g., fly ash and cement kiln dust) – this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.
- SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as

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temperature and pressure ranges, have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit, such as, the number of separation stages and the internal column design. Thus resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table T ~~to this Part~~ by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR-". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

BOARD NOTE: Derived from Table 1 in 40 CFR 268.42 ([20172015](#)).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~ **Table D Technology-Based Standards by USEPA Hazardous RCRA
Waste Number ~~Code~~**

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T ~~to this Part~~.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~ Table E Standards for Radioactive Mixed Waste

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T ~~to this Part~~.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~Table F Alternative Treatment Standards For Hazardous Debris

- a) Hazardous debris must be treated by either the standards indicated in this Table F or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

- b) Definitions. For the purposes of this Table F, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed without magnification, must be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits must be limited to no more than five percent of each square inch of surface area.

"Contaminant restriction" means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Dioxin-listed wastes" means wastes having any of USEPA hazardous waste numbers FO20, FO21, FO22, FO23, FO26, or FO27.

- c) Notes. In this Table F, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

¹ Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to

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avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

² If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

³ Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

⁴ The demonstration of "equivalent technology" pursuant to Section 728.142(b) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

⁵ Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must be separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) ~~of this Section~~ when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

Technology

Performance or ~~Design~~
and Operating

Contaminant

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<u>Description</u> description	<u>Standard</u> operating standard	<u>Restrictions</u> restrictions
A. Extraction Technologies:		
1. Physical Extraction		
a. Abrasive Blasting: Removal of contaminated debris surface layers using water or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).	Glass, Metal, Plastic, Rubber: Treatment to a clean debris surface. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface.	All Debris: None.
b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface layers are removed.	Same as above	Same as above
c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool that exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards.	Same as above	Same as above
d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated	Same as above	Same as above

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debris surface layers are removed.¹

e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers	Same as above	Same as above.
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2. Chemical Extraction

a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation, surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.	All Debris: Treatment to a clean debris surface; Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit, ² except that this thickness limit may be waived under an "Equivalent Technology" approval pursuant to Section 728.142(b); ⁴ debris surfaces must be in contact with water solution for at least 15 minutes	Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least five percent by weight in water solution or five percent by weight in emulsion; if debris is contaminated with a dioxin-listed waste, ³ an "Equivalent Technology" approval pursuant to Section 728.142(b) must be obtained. ⁴
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b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution that causes the hazardous contaminants to enter the liquid phase and be flushed away from	Same as above	Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least five percent by weight in the solvent.
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the debris along with the liquid or liquid solution while using appropriate agitation, temperature, and residence time.¹

c. Vapor Phase Solvent Extraction: Application of an organic vapor using sufficient agitation, residence time, and temperature to cause hazardous contaminants on contaminated debris surfaces and surface pores to enter the vapor phase and be flushed away with the organic vapor.¹

Same as above, except that brick, cloth, concrete, paper, pavement, rock and wood surfaces must be in contact with the organic vapor for at least 60 minutes.

Same as above.

3. Thermal Extraction

a. High Temperature Metals Recovery: Application of sufficient heat, residence time, mixing, fluxing agents, or carbon in a smelting, melting, or refining furnace to separate metals from debris.

For refining furnaces, treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.

Debris contaminated with a dioxin-listed waste:² Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b).⁴

b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and surface pores and to remove the

All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-

All Debris: Metals other than mercury.

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contaminants from the heating chamber in a gaseous exhaust gas.³

specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the "Equivalent Technology" approval

B. Destruction Technologies

1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (1/2 inch) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the "Equivalent Technology" approval

All Debris: Metal contaminants.

2. Chemical Destruction

a. Chemical Oxidation: Chemical or electrolytic

All Debris: Obtain an "Equivalent Technology"

All Debris: Metal contaminants.

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oxidation utilizing the following oxidation reagents (or waste reagents) or combination of reagents: (1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; or (9) other oxidizing reagents of equivalent destruction efficiency.¹ Chemical oxidation specifically includes what is referred to as alkaline chlorination.

approval pursuant to 35 Ill. Adm. Code.142(b);⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (1/2 inch) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the "Equivalent Technology" approval

b. Chemical Reduction: Chemical reaction utilizing the following reducing reagents (or waste reagents) or combination of reagents: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG); (3) sodium hydrosulfide; (4) ferrous salts; or (5) other reducing reagents of equivalent efficiency.¹

Same as above

Same as above.

3. Thermal Destruction: Treatment in an incinerator operating in accordance with Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill.

Treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such

Brick, Concrete, Glass, Metal, Pavement, Rock, Metal: Metals other than mercury, except that there are no metal restrictions for vitrification.

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<p>Adm. Code 725; a boiler or industrial furnace operating in accordance with Subpart H of 35 Ill. Adm. Code 726, or other thermal treatment unit operated in accordance with Subpart X of 35 Ill. Adm. Code 724, or Subpart P of 35 Ill. Adm. Code 725, but excluding for purposes of these debris treatment standards Thermal Desorption units.</p>	<p>residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.</p>	<p>Debris contaminated with a dioxin-listed waste.³ Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b),⁴ except that this requirement does not apply to vitrification.</p>
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C. Immobilization Technologies:

- | | | |
|---|--|--------------|
| <p>1. Macroencapsulation:
Application of surface coating materials such as polymeric organics (e.g., resins and plastics) or use of a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.</p> | <p>Encapsulating material must completely encapsulate debris and be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes).</p> | <p>None.</p> |
| <p>2. Microencapsulation:
Stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; or (2) lime/pozzolans (e.g., fly ash and cement kiln dust). Reagents (e.g., iron salts, silicates, and clays) may be added to enhance the set/cure time or compressive strength, or to reduce the</p> | <p>Leachability of the hazardous contaminants must be reduced.</p> | <p>None.</p> |

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leachability of the hazardous constituents.²

- | | | |
|---|--|-------|
| 3. Sealing: Application of an appropriate material that adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant | Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes). | None. |
|---|--|-------|

BOARD NOTE: Derived from Table 1 to 40 CFR 268.45 ([20172005](#)).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~ Table G Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in this Section and Section 728.146, refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes." .

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~Table H Wastes Excluded from CCW Treatment Standards

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B ~~to this Part~~, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44, and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

Facility <u>Name</u> and <u>Address</u>	<u>USEPA</u> <u>Hazardous</u> Waste <u>Number</u> <u>Code</u>	See Also	<u>Regulated</u> <u>Hazardous</u> <u>Constituent</u> <u>hazardous</u> <u>constituent</u>	Wastewaters Concentration (mg/l)	Notes	Nonwastewaters Concentration (mg/kg)	Notes
Craftsman Plating and Tinning Corp., Chicago, IL	F006	Section 728.140	Cyanides (Total)	1.2	B	1,800	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
			Nickel	0.44		NA	
Northwestern Plating Works, Inc., Chicago, IL	F006	Section 728.140	Cyanides (Total)	1.2	B	970	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
			Nickel	0.44		NA	

Notes:

- A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.
- B Cyanide wastewater standards for F006 are based on analysis of composite samples.

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- C These owners and operators must comply with 0.86 mg/ℓ for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators must also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.
- D Cyanide nonwastewaters are analyzed using Method 9010C (Total and Amenable Cyanide: Distillation) or 9012B (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)) 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(b), with a sample size 10 g, distillation time one hour and fifteen minutes.
- NA Not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.44(o) ([20172005](#)).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728. ~~TABLE~~ Table I Generator Paperwork Requirements

Required Information <u>information</u>	Subsection of Section 728.107 under Which the Paperwork is Required:			
	(a)(2)	(a)(3)	(a)(4)	(a)(9)
1. USEPA hazardous waste numbers and manifest number of first shipment	✓	✓	✓	✓
2. Statement: this waste is not prohibited from land disposal			✓	
3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice	✓	✓		
4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a <u>USEPA hazardous waste number</u> code based on waste-specific criteria (such as D003 reactive cyanide)	✓	✓		
5. Waste analysis data (when available)	✓	✓	✓	
6. Date the waste is subject to the prohibition			✓	
7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145	✓		✓	

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- | | | | |
|--|---|---|---|
| 8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards | ✓ | ✓ | |
| 9. A certification is needed (see applicable subsection for exact wording) | | ✓ | ✓ |

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) ([20172002](#)).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that ~~formerly hereofore~~ appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

USEPA Hazardous Waste Number Code

Waste Description and Treatment or Regulatory Subcategory¹

Regulated Hazardous Constituent		Wastewaters Concentration ³ in mg/l; or Technology Code ⁴	Nonwastewaters Concentration ⁵ in mg/kg unless noted as "mg/l TCLP"; or Technology Code ⁴
Common Name	CAS ² Number		

D001⁹

Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST	DEACT and meet Section 728.148 standards ⁸ ; or RORGS; or CMBST
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D001⁹

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) – Greater than or equal to 10 percent total organic carbon.

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM
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D002⁹

Corrosive Characteristic Wastes.

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NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
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D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003⁹

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT
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D003⁹

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards ⁸	DEACT and meet Section 728.148 standards ⁸
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D003⁹

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

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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			

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Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Barium	7440-39-3	1.2 and meet Section 728.148 standards ⁸	21 mg/l TCLP and meet Section 728.148 standards ⁸
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D006⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards ⁸	0.11 mg/l TCLP and meet Section 728.148 standards ⁸
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D006⁹

Cadmium-Containing Batteries Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
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D006⁹

Radioactively contaminated cadmium-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	Macroencapsulation in accordance with Section 728.145
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D007⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards ⁸	0.60 mg/l TCLP and meet Section 728.148 standards ⁸
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D008⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Lead	7439-92-1	0.69 and meet Section 728.148 standards ⁸	0.75 mg/l TCLP and meet Section 728.148 standards ⁸
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D008⁹

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD
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D008⁹

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

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sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC
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D009⁹

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number 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)

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Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet Section 728.148 standards ⁸
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D009⁹

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards ⁸
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D009⁹

All D009 wastewaters.

Mercury	7439-97-6	0.15 and meet Section 728.148 standards ⁸	NA
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D009⁹

Elemental mercury contaminated with radioactive materials.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM
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D009⁹

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

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Mercury	7439-97-6	NA	IMERC
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D009⁹

Radioactively contaminated mercury-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	Macroencapsulation in accordance with Section 728.145
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D010⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Selenium	7782-49-2	0.82 and meet Section 728.148 standards ⁸	5.7 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D011⁹

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP and meet Section 728.148 standards ⁸
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D011⁹

Radioactively contaminated silver-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

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Silver	7440-22-4	NA	Macroencapsulation in accordance with Section 728.145
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D012⁹

Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;"₂ USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards ⁸

D013⁹

Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;"₂ 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

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D014⁹

Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards ⁸
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D015⁹

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards ⁸
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D016⁹

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-D (2,4- dichlorophenoxyacetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards ⁸
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D017⁹

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).

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2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards ⁸
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D018⁹

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Benzene	71-43-2	0.14 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
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D019⁹

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D020⁹

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards ⁸	0.26 and meet Section 728.148 standards ⁸
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D021⁹

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Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D022⁹

Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chloroform	67-66-3	0.046 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D023⁹

Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D024⁹

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).

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m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D025⁹

Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D026⁹

Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards ⁸	11.2 and meet Section 728.148 standards ⁸
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D027⁹

Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D028⁹

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Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D029⁹

Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D030⁹

Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards ⁸	140 and meet Section 728.148 standards ⁸
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D031⁹

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).

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Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards ⁸	0.066 and meet Section 728.148 standards ⁸

D032⁹

Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards ⁸	10 and meet Section 728.148 standards ⁸
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D033⁹

Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards ⁸	5.6 and meet Section 728.148 standards ⁸
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D034⁹

Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards ⁸	30 and meet Section 728.148 standards ⁸
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NOTICE OF ADOPTED AMENDMENTS

D035⁹

Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards ⁸	36 and meet Section 728.148 standards ⁸
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D036⁹

Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards ⁸	14 and meet Section 728.148 standards ⁸
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D037⁹

Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D038⁹

Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;"

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USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pyridine	110-86-1	0.014 and meet Section 728.148 standards ⁸	16 and meet Section 728.148 standards ⁸
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D039⁹

Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D040⁹

Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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D041⁹

Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D042⁹

Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards ⁸	7.4 and meet Section 728.148 standards ⁸
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D043⁹

Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards ⁸	6.0 and meet Section 728.148 standards ⁸
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F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, 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

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Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2
(sum of o-, m-, and p-cresol concentrations)			
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p-xylene concentrations)			

F001, F002, F003, F004 & F005

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F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
Methanol	67-56-1	5.6	0.75 mg/l TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST
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F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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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 [USEPA hazardous waste number](#) 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

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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

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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

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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

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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

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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

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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

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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

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Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-	35822-46-9	0.000035	0.0025
Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)			
1,2,3,4,6,7,8-	67562-39-4	0.000035	0.0025
Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)			
1,2,3,4,7,8,9-	55673-89-7	0.000035	0.0025
Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)			
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All	NA	0.000063	0.001
Hexachlorodibenzo-p-dioxins)			
HxCDFs (All	55684-94-1	0.000063	0.001
Hexachlorodibenzofurans)			
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
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

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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)			
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005
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

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Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All	41903-57-5	0.000063	0.001
Tetrachlorodibenzo-p-dioxins)			
TCDFs (All	55722-27-5	0.000063	0.001
Tetrachlorodibenzofurans)			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

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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

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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

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Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total) ⁷	57-12-5	1.2	590

K008

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

K009

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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K010

Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

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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

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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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
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K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST
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K027

Centrifuge and distillation residues from toluene diisocyanate production.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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K035

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
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K037

Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10

K038

Wastewater from the washing and stripping of phorate production.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Phorate	298-02-2	0.021	4.6
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K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST
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K040

Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6
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K041

Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K043

2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
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K045

Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT
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K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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K047

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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	218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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	218-01-9	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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Emission control dust or sludge from secondary lead smelting-Calcium sulfate (Low Lead)
Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

K069

Emission control dust or sludge from secondary lead smelting-Non-Calcium sulfate (High Lead)
Subcategory.

NA	NA	NA	RLEAD
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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K073

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/l TCLP

K084

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

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
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K099

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA
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K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST
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K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST
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K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
NA	NA	CARBN; or CMBST	CMBST

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST
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K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

K141

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

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
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K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	98-86-2	0.010	9.7

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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	63-25-2	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.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloromethane	74-87-3	0.19	30
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.

Benomyl ¹⁰	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBSTP
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
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/l TCLP
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

Wastewater treatment sludge from the production of ethylene dichloride or vinyl chloride monomer.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2,3,4,6,7,8,9- Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
1,2,3,4,6,7,8,9- Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
All pentachlorodibenzo-p- dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
Arsenic	7440-36-0	1.4	5.0 mg/l TCLP

K175

Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury ¹²	7439-97-6	NA	0.025 mg/l TCLP
pH ¹²		NA	pH ≤ 6.0

K175

All K175 wastewaters.

Mercury	7439-97-6	0.15	NA
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K176

Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury	7439-97-6	0.15	0.025 mg/l TCLP
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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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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- xylydine)	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
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 CMBSTCHOXD; CHRED;
or CMBST

P007

5-Aminomethyl-3-isoxazolol.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloroacetaldehyde.

Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P024

p-Chloroaniline.

p-Chloroaniline	106-47-8	0.46	16
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P026

1-(o-Chlorophenyl)thiourea.

1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P027

3-Chloropropionitrile.

3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P028

Benzyl chloride.

Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P029

Copper cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P030

Cyanides (soluble salts and complexes).

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30

P031

Cyanogen.

Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
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P033

Cyanogen chloride.

Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
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P034

2-Cyclohexyl-4,6-dinitrophenol.

2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P036

Dichlorophenylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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P037

Dieldrin.

Dieldrin	60-57-1	0.017	0.13
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P038

Diethylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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P039

Disulfoton.

Disulfoton	298-04-4	0.017	6.2
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P040

O,O-Diethyl-O-pyrazinyl-phosphorothioate.

O,O-Diethyl-O-pyrazinylphosphorothioate	297-97-2	CARBN; or CMBST	CMBST
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P041

Diethyl-p-nitrophenyl phosphate.

Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
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P042

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Epinephrine.

Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P043

Diisopropylfluorophosphate (DFP).

Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
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P044

Dimethoate.

Dimethoate	60-51-5	CARBN; or CMBST	CMBST
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P045

Thiofanox.

Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P046

 α,α -Dimethylphenethylamine.

α,α -Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P047

4,6-Dinitro-o-cresol.

4,6-Dinitro-o-cresol	543-52-1	0.28	160
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P047

4,6-Dinitro-o-cresol salts.

NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P048

2,4-Dinitrophenol.

2,4-Dinitrophenol	51-28-5	0.12	160
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P049

Dithiobiuret.

Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P050

Endosulfan.

Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P051

Endrin.

Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13

P054

Aziridine.

Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P056

Fluorine.

Fluoride (measured in wastewaters only)	16984-48-8	35	ADGAS fb NEUTR
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P057

Fluoroacetamide.

Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P058

Fluoroacetic acid, sodium salt.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC
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P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC
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P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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P065

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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P065

All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P066

Methomyl.

Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P067

2-Methyl-aziridine.

2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P068

Methyl hydrazine.

Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST
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P069

2-Methylactonitrile.

2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P070

Aldicarb.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

N-Nitrosomethylvinylamine.

N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P085

Octamethylpyrophosphoramidate.

Octamethylpyrophosphoramidate	152-16-9	CARBN; or CMBST	CMBST
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P087

Osmium tetroxide.

Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
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P088

Endothall.

Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P089

Parathion.

Parathion	56-38-2	0.014	4.6
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P092

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
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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
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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
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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
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P092

All P092 (phenyl mercuric acetate) wastewaters.

Mercury	7439-97-6	0.15	NA
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P093

Phenylthiourea.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P099

Potassium silver cyanide.

Cyanides (Total) ⁷	57-12-5	1.2	590
Cyanides (Amenable) ⁷	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/l TCLP

P101

Ethyl cyanide (Propanenitrile).

Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
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P102

Propargyl alcohol.

Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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P103

Selenourea.

Selenium	7782-49-2	0.82	5.7 mg/l TCLP
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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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Sodium azide.

Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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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
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P109

Tetraethyldithiopyrophosphate.

Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
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P110

Tetraethyl lead.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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P111

Tetraethylpyrophosphate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 ₃ P ₂ , when present at concentrations greater than 10 percent.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Promecarb.¹⁰

Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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P202

m-Cumenyl methylcarbamate.¹⁰

m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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P203

Aldicarb sulfone.¹⁰

Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
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P204

Physostigmine.¹⁰

Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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P205

Ziram.¹⁰

Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
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U001

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acetaldehyde.

Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U002

Acetone.

Acetone	67-64-1	0.28	160
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U003

Acetonitrile.

Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA	38

U004

Acetophenone.

Acetophenone	98-86-2	0.010	9.7
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U005

2-Acetylaminofluorene.

2-Acetylaminofluorene	53-96-3	0.059	140
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U006

Acetyl chloride.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Amitrole.

Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U012

Aniline.

Aniline	62-53-3	0.81	14
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U014

Auramine.

Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U015

Azaserine.

Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U016

Benz(c)acridine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U027

bis(2-Chloroisopropyl)ether.

bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
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U028

bis(2-Ethylhexyl)phthalate.

bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
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U029

Methyl bromide (Bromomethane).

Methyl bromide (Bromomethane)	74-83-9	0.11	15
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U030

4-Bromophenyl phenyl ether.

4-Bromophenyl phenyl ether	101-55-3	0.055	15
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U031

n-Butyl alcohol.

n-Butyl alcohol	71-36-3	5.6	2.6
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U032

Calcium chromate.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
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U033

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbon oxyfluoride.

Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U034

Trichloroacetaldehyde (Chloral).

Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U035

Chlorambucil.

Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U036

Chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
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U037

Chlorobenzene.

Chlorobenzene	108-90-7	0.057	6.0
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U038

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chlorobenzilate.

Chlorobenzilate	510-15-6	0.10	CMBST
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U039

p-Chloro-m-cresol.

p-Chloro-m-cresol	59-50-7	0.018	14
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U041

Epichlorohydrin (1-Chloro-2,3-epoxypropane).

Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U042

2-Chloroethyl vinyl ether.

2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
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U043

Vinyl chloride.

Vinyl chloride	75-01-4	0.27	6.0
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U044

Chloroform.

Chloroform	67-66-3	0.046	6.0
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U045

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloromethane (Methyl chloride).

Chloromethane (Methyl chloride)	74-87-3	0.19	30
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U046

Chloromethyl methyl ether.

Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U047

2-Chloronaphthalene.

2-Chloronaphthalene	91-58-7	0.055	5.6
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U048

2-Chlorophenol.

2-Chlorophenol	95-57-8	0.044	5.7
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U049

4-Chloro-o-toluidine hydrochloride.

4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U050

Chrysene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U055

Cumene.

Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U056

Cyclohexane.

Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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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
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U059

Daunomycin.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dibenz(a,i)pyrene.

Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U066

1,2-Dibromo-3-chloropropane.

1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
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U067

Ethylene dibromide (1,2-Dibromoethane).

Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15
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U068

Dibromomethane.

Dibromomethane	74-95-3	0.11	15
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U069

Di-n-butyl phthalate.

Di-n-butyl phthalate	84-74-2	0.057	28
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U070

o-Dichlorobenzene.

o-Dichlorobenzene	95-50-1	0.088	6.0
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U071

m-Dichlorobenzene.

m-Dichlorobenzene	541-73-1	0.036	6.0
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U072

p-Dichlorobenzene.

p-Dichlorobenzene	106-46-7	0.090	6.0
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U073

3,3'-Dichlorobenzidine.

3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U074

1,4-Dichloro-2-butene.

cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U076

1,1-Dichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
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U077

1,2-Dichloroethane.

1,2-Dichloroethane	107-06-2	0.21	6.0
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U078

1,1-Dichloroethylene.

1,1-Dichloroethylene	75-35-4	0.025	6.0
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U079

1,2-Dichloroethylene.

trans-1,2-Dichloroethylene	156-60-5	0.054	30
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U080

Methylene chloride.

Methylene chloride	75-09-2	0.089	30
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U081

2,4-Dichlorophenol.

2,4-Dichlorophenol	120-83-2	0.044	14
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U082

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,6-Dichlorophenol.

2,6-Dichlorophenol	87-65-0	0.044	14
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U083

1,2-Dichloropropane.

1,2-Dichloropropane	78-87-5	0.85	18
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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
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U086

N,N'-Diethylhydrazine.

N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U087

O,O-Diethyl-S-methyldithiophosphate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dimethylcarbamoyl chloride.

Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U098

1,1-Dimethylhydrazine.

1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U099

1,2-Dimethylhydrazine.

1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U101

2,4-Dimethylphenol.

2,4-Dimethylphenol	105-67-9	0.036	14
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U102

Dimethyl phthalate.

Dimethyl phthalate	131-11-3	0.047	28
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U103

Dimethyl sulfate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ethylenebisdithiocarbamic acid salts and esters.

Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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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
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U117

Ethyl ether.

Ethyl ether	60-29-7	0.12	160
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U118

Ethyl methacrylate.

Ethyl methacrylate	97-63-2	0.14	160
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U119

Ethyl methane sulfonate.

Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U120

Fluoranthene.

Fluoranthene	206-44-0	0.068	3.4
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U121

Trichloromonofluoromethane.

Trichloromonofluoromethane	75-69-4	0.020	30
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U122

Formaldehyde.

Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U123

Formic acid.

Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U124

Furan.

Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U125

Furfural.

Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U126

Glycidylaldehyde.

Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U127

Hexachlorobenzene.

Hexachlorobenzene	118-74-1	0.055	10
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U128

Hexachlorobutadiene.

Hexachlorobutadiene	87-68-3	0.055	5.6
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U129

Lindane.

α -BHC	319-84-6	0.00014	0.066
β -BHC	319-85-7	0.00014	0.066
δ -BHC	319-86-8	0.023	0.066
γ -BHC (Lindane)	58-89-9	0.0017	0.066

U130

Hexachlorocyclopentadiene.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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U131

Hexachloroethane.

Hexachloroethane	67-72-1	0.055	30
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U132

Hexachlorophene.

Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U133

Hydrazine.

Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U134

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hydrogen fluoride.

Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
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U135

Hydrogen sulfide.

Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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U136

Cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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U137

Indeno(1,2,3-cd)pyrene.

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
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U138

Iodomethane.

Iodomethane	74-88-4	0.19	65
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U140

Isobutyl alcohol.

Isobutyl alcohol	78-83-1	5.6	170
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U141

Isosafrole.

Isosafrole	120-58-1	0.081	2.6
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U142

Kepone.

Kepone	143-50-8	0.0011	0.13
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U143

Lasiocarpine.

Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U144

Lead acetate.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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U145

Lead phosphate.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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U146

Lead subacetate.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U147

Maleic anhydride.

Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U148

Maleic hydrazide.

Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U149

Malononitrile.

Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U150

Melphalan.

Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U151

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury	7439-97-6	NA	RMERC
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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
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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
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U151

All U151 (mercury) wastewater.

Mercury	7439-97-6	0.15	NA
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U151

Elemental Mercury Contaminated with Radioactive Materials.

Mercury	7439-97-6	NA	AMLGM
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U152

Methacrylonitrile.

Methacrylonitrile	126-98-7	0.24	84
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U153

Methanethiol.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

4,4'-Methylene bis(2-chloroaniline).

4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
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U159

Methyl ethyl ketone.

Methyl ethyl ketone	78-93-3	0.28	36
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U160

Methyl ethyl ketone peroxide.

Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
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U161

Methyl isobutyl ketone.

Methyl isobutyl ketone	108-10-1	0.14	33
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U162

Methyl methacrylate.

Methyl methacrylate	80-62-6	0.14	160
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U163

N-Methyl-N'-nitro-N-nitrosoguanidine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2-Naphthylamine.

2-Naphthylamine	91-59-8	0.52	CMBST
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U169

Nitrobenzene.

Nitrobenzene	98-95-3	0.068	14
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U170

p-Nitrophenol.

p-Nitrophenol	100-02-7	0.12	29
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U171

2-Nitropropane.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U172

N-Nitrosodi-n-butylamine.

N-Nitrosodi-n-butylamine	924-16-3	0.40	17
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U173

N-Nitrosodiethanolamine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

N-Nitrosopiperidine.

N-Nitrosopiperidine	100-75-4	0.013	35
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U180

N-Nitrosopyrrolidine.

N-Nitrosopyrrolidine	930-55-2	0.013	35
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U181

5-Nitro-o-toluidine.

5-Nitro-o-toluidine	99-55-8	0.32	28
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U182

Paraldehyde.

Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U183

Pentachlorobenzene.

Pentachlorobenzene	608-93-5	0.055	10
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U184

Pentachloroethane.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

n-Propylamine.

n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U196

Pyridine.

Pyridine	110-86-1	0.014	16
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U197

p-Benzoquinone.

p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U200

Reserpine.

Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U201

Resorcinol.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,1,1,2-
Tetrachloroethane.

1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
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U209

1,1,2,2-Tetrachloroethane.

1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
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U210

Tetrachloroethylene.

Tetrachloroethylene	127-18-4	0.056	6.0
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U211

Carbon tetrachloride.

Carbon tetrachloride	56-23-5	0.057	6.0
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U213

Tetrahydrofuran.

Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U214

Thallium (I) acetate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U215

Thallium (I) carbonate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U216

Thallium (I) chloride.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U217

Thallium (I) nitrate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
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U218

Thioacetamide.

Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U219

Thiourea.

Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U220

Toluene.

Toluene	108-88-3	0.080	10
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U221

Toluenediamine.

Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
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U222

o-Toluidine hydrochloride.

o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U223

Toluene diisocyanate.

Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
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U225

Bromoform (Tribromomethane).

Bromoform (Tribromomethane)	75-25-2	0.63	15
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U226

1,1,1-Trichloroethane.

1,1,1-Trichloroethane	71-55-6	0.054	6.0
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U227

1,1,2-Trichloroethane.

1,1,2-Trichloroethane	79-00-5	0.054	6.0
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U228

Trichloroethylene.

Trichloroethylene	79-01-6	0.054	6.0
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U234

1,3,5-Trinitrobenzene.

1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U235

tris-(2,3-Dibromopropyl)-phosphate.

tris-(2,3-Dibromopropyl)- phosphate	126-72-7	0.11	0.10
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U236

Trypan Blue.

Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U237

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Uracil mustard.

Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U238

Urethane (Ethyl carbamate).

Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U239

Xylenes.

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
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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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbofuran phenol.¹⁰

Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U372

Carbendazim.¹⁰

Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U373

Propham.¹⁰

Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U387

Prosulfocarb.¹⁰

Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U389

Triallate.¹⁰

Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U394

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A2213.¹⁰

A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U395

Diethylene glycol, dicarbamate.¹⁰

Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U404

Triethylamine.¹⁰

Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
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U409

Thiophanate-methyl.¹⁰

Thiophanate-methyl	23564-05-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U410

Thiodicarb.¹⁰

Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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U411

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Propoxur.¹⁰

Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
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Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the [USEPA hazardous waste number](#) 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 [USEPA hazardous waste number](#)s 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.

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- 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/Chemical~~~~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 $\text{pH} \leq 6.0$.

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BOARD NOTE: Derived from table to 40 CFR 268.40 ([20172015](#)).

NA means not applicable.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 728. TABLE 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
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
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

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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	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
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
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP

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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-xylydine)	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

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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
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
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
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

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Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All	NA	0.000063	0.001
Hexachlorodibenzo-p- dioxins)			
HxCDFs (All	55684-94-1	0.000063	0.001
Hexachlorodibenzofurans)			
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	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
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
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

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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
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
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
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
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p- dioxins)	41903-57-5	0.000063	0.001

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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
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
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
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
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

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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 [USEPA hazardous waste number](#) 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." This statement maintains structural consistency with the corresponding federal regulations.

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- 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) (~~20172014~~).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
733.101	Amendment
733.102	Amendment
733.103	Amendment
733.105	Amendment
733.108	Amendment
733.113	Amendment
733.114	Amendment
733.115	Amendment
733.118	Amendment
733.120	Amendment
733.133	Amendment
733.134	Amendment
733.135	Amendment
733.138	Amendment
733.139	Amendment
733.140	Amendment
733.151	Amendment
733.152	Amendment
733.153	Amendment
733.156	Amendment
733.161	Amendment
733.162	Amendment
733.170	Amendment
733.180	Amendment
733.181	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective Date of Rules: November 19, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 8) Statement of Availability: The adopted rulemaking, a copy of the Board's opinion and order adopted October 4, 2018 in consolidated docket R17-14/R17-15/R18-12/R18-31, 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*: 42 Ill. Reg. 12649; July 6, 2018
- 10) Has JCAR issued a Statement of Objection to these rules? No. Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R17-14/R17-15/R18-12/R18-31 summarizes the differences between the amendments adopted in the October 4, 2018 opinion and order and those proposed by the Board on May 24, 2018.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

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

Since the Notices of Proposed Amendments appeared in the July 6, 2018 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table in

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itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to Part 733 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in five separate issues of the Illinois Register. Included in this issue are the fifth and final group for publication: 35 Ill. Adm. Code 728, 733, 738, and 739.

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] (2016) requires the Board to adopt hazardous waste rules that are identical-in-substance to United States Environmental Protection Agency's (USEPA's) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] (2014). The Illinois hazardous waste rules are in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739. The Board reserved docket R17-14 to incorporate USEPA amendments adopted during the period July 1, 2016 through December 31, 2016 into the Illinois hazardous waste rules. Similarly, the Board reserved docket R18-12 for USEPA hazardous waste rules adopted during the period July 1, 2017 through December 31, 2017 and consolidated it with dockets R17-14, R17-15, and R18-12.

To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 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 728. A comprehensive description is contained in the Board's opinion and order of October 4, 2018, adopting amendments in consolidated docket R17-14/R17-15/R18-11/R18-31. The opinion and order is available from the address below.

Specifically, the amendments to Part 733 incorporate USEPA's actions of November 28, 2016 adopting hazardous waste export-import revisions and the Generator Improvements Rule.

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The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board found are needed.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above, that list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

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

- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R17-14/R17-15/R18-12/R18-31 and direct inquiries to the following person:

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

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 4, 2018 at 312/814-3620. You may also obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	
733.101	Scope
733.102	Applicability: Batteries
733.103	Applicability: Pesticides
733.104	Applicability: Mercury-Containing Equipment
733.105	Applicability: Lamps
733.106	Applicability: Mercury-Containing Equipment (Repealed)
733.107	Applicability: Mercury-Containing Lamps (Repealed)
733.108	Applicability: Household and Conditionally Exempt Small Quantity Generator Waste
733.109	Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

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Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	
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733.180 General
733.181 Factors for Petitions to Include Other Wastes

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 R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018.

SUBPART A: GENERAL

Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
 - 1) Batteries, as described in Section 733.102;
 - 2) Pesticides, as described in Section 733.103;
 - 3) Mercury-containing equipment, as described in Section 733.104; and
 - 4) Lamps, as described in Section 733.105.
- b) This Part provides an alternative set of management standards in lieu of regulation pursuant to 35 Ill. Adm. Code 702 through 705 and 720 through 728.
- c) Electronic ~~Reporting~~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, ~~as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (20172005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

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(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.102 Applicability: Batteries

- a) Batteries ~~Covered~~ under ~~This~~ Part:
- 1) The requirements of this Part apply to persons managing batteries, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.
 - 2) Spent lead-acid batteries that are not managed under Subpart G of 35 Ill. Adm. Code 726, are subject to management under this Part.
- b) Batteries ~~Not Covered~~ under ~~This~~ Part. The requirements of this Part do not apply to persons managing the following batteries:
- 1) Spent lead-acid batteries that are managed under Subpart G of 35 Ill. Adm. Code 726;
 - 2) Batteries, as described in Section 733.109, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~; or
 - 3) Batteries, as described in Section 733.109, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) Generation of ~~Waste Batteries~~:
- 1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
 - 2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.103 Applicability: Pesticides

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- a) Pesticides ~~Covered~~ under ~~This~~ Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b) ~~of this Section~~:
- 1) Recalled pesticides, as follows:
 - A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or
 - B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or
 - 2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.
- b) Pesticides ~~Not Covered~~ under ~~This~~ Part. The requirements of this Part do not apply to persons managing the following pesticides:
- 1) Recalled pesticides described in subsection (a)(1) ~~of this Section~~ and unused pesticide products described in subsection (a)(2) ~~of this Section~~ that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);
 - 2) Pesticides not meeting the conditions set forth in subsection (a) ~~of this Section~~ must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728;
 - 3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~ or those that are not wastes as described in subsection (d) ~~of this Section~~; and

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- 4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3) ~~of this Section~~) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) When a Pesticide Becomes ~~pesticide becomes~~ a Waste ~~waste~~:
- 1) A recalled pesticide described in subsection (a)(1) ~~of this Section~~ becomes a waste on the first date on which both of the following conditions apply:
 - A) The generator of the recalled pesticide agrees to participate in the recall; and
 - B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).
 - 2) An unused pesticide product described in subsection (a)(2) ~~of this Section~~ becomes a waste on the date the generator decides to discard it.
- d) Pesticides That Are Not Wastes ~~that are not wastes~~. The following pesticides are not wastes:
- 1) Recalled pesticides described in subsection (a)(1) ~~of this Section~~, provided that either of the following conditions exist:
 - A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or
 - B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not

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subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

- 2) Unused pesticide products described in subsection (a)(2) ~~of this Section~~, if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.105 Applicability: Lamps

- a) Lamps ~~Covered~~ under ~~this~~ Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.
- b) Lamps ~~Not Covered~~ under ~~this~~ Part. The requirements of this Part do not apply to persons that manage the following lamps:
 - 1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c) ~~of this Section~~; and
 - 2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) Generation of ~~Waste Lamps~~ ~~waste lamps~~.
 - 1) A used lamp becomes a waste on the date it is discarded.
 - 2) An unused lamp becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.108 Applicability: Household and Conditionally Exempt Small Quantity Generator Waste

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- a) A person that manages any of the wastes listed below may, at its option, manage the waste under the requirements of this Part.
- 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109; or
 - 2) ~~VSQG~~~~Conditionally exempt small quantity generator~~ wastes that are exempt under 35 Ill. Adm. Code ~~722.114~~~~721.105~~ and are also of the same type as the universal wastes defined at Section 733.109.
- b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) ~~of this Section~~ together with universal waste regulated under this Part must manage the commingled waste under the requirements of this Part.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

- a) Universal ~~Waste Batteries~~~~waste batteries~~. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

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- A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries; and
- 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) ~~of this Section~~, must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
 - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

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- b) Universal ~~Waste Pesticides~~waste pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1)~~-of this Section~~, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1)~~-of this Section~~;
 - 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal ~~Waste Mercury-Containing Equipment~~waste mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
 - 2) A small quantity handler of universal waste may remove mercury-

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containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

- A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.~~115134~~;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.~~115134~~;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

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- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
- B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2) of this Section.
- 4) Required Hazardous Waste Determination~~hazardous waste determination~~ and Further Waste Management~~further waste management~~.
- A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
- i) Mercury or clean-up residues resulting from spills or leaks; or
- ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional

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facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and
 - 3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;

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- ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) ~~of this Section~~;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115~~134~~, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries," "Waste Batteries," or "Used Batteries".

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- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
- 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:".
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
- 1) Pesticide Labeling~~labeling~~:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) ~~of this Section~~ is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) ~~of this Section~~ is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:".
- d) Universal Waste Mercury-Containing Equipment~~waste mercury-containing equipment~~ and Universal Waste Thermostat Labeling~~universal waste thermostat labeling~~:
- 1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury-Containing Equipment;" , or "Waste Mercury~~Mercury~~~~Mercury~~-

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Containing Equipment;"₂ or "Used Mercury-Containing Equipment;"₂

- 2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats;"₂ or "Waste Mercury Thermostats;"₂ or "Used Mercury Thermostats".
- e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Lamps;"₂ "Waste Lamps;"₂ or "Used Lamps;"₂

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.115 Accumulation Time Limits

- a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) ~~of this Section~~ are met.
- b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal.
- c) A small quantity handler of universal waste that accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:
 - 1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - 2) Marking or labeling each individual item of universal waste (e.g., each

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battery or thermostat) with the date it became a waste or was received;

- 3) Maintaining an on-site inventory system that identifies the date each universal waste became a waste or was received;
- 4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- 5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- 6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.118 Off-Site Shipments

- a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D ~~of this Part~~ while transporting the universal waste.
- c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a small quantity handler of universal waste must package, label, mark, and placard the shipment and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers – General Requirements

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for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
- e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:
 - 1) Receive the waste back when notified that the shipment has been rejected; or
 - 2) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- f) A small quantity handler of universal waste may reject a shipment containing universal waste or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:
 - 1) Send the shipment back to the originating handler; or
 - 2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

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- h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler~~ is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) ~~shall do the following:~~

- a) ~~Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~
- b) ~~Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and~~
- c) ~~Provide a copy of the USEPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.133 Waste Management

- a) Universal ~~Waste Batteries~~ ~~waste batteries~~. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as

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follows:

- 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.
- 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) ~~of this Section~~ must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
 - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all

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applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal ~~Waste Pesticides~~waste pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1)-~~of this Section~~, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1)-~~of this Section~~;Section;
 - 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal ~~Waste Mercury-Containing Equipment~~waste mercury-containing equipment. A large quantity handler of universal ~~waste~~ must manage universal

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waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
- 2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:
 - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.~~115134~~;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.~~115134~~;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency

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procedures, including transfer of mercury from containment devices to appropriate containers;

- G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:
- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2) ~~of this Section~~.
- 4) Required Hazardous Waste Determination ~~hazardous waste determination~~ and Further Waste Management ~~further waste management~~.
- A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

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- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act [\[415 ILCS 5\]](#) and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

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- 3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
- A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) ~~of this Section~~;
 - C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115~~134~~, and has available equipment necessary to comply with this requirement;
 - D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
 - F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural

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defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries"²; or "Waste Batteries"²; or "Used Batteries"₂.
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides"₂.
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide ~~Labeling~~_{labeling}:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) ~~of this Section~~ is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

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- C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section is not feasible, another label prescribed or designated by the pesticide collection program; and
- 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:".
- d) Universal ~~Waste Mercury-Containing Equipment~~ Waste Mercury-Containing Equipment and ~~Universal Waste Thermostat Labeling~~ Universal Waste Thermostat Labeling:
- 1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment;" , "Waste Mercury-Containing Equipment;" , or "Used Mercury-Containing Equipment:".
- 2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats;" , or "Waste Mercury Thermostats;" , or "Used Mercury Thermostats".
- e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste – Lamps;" , "Waste Lamps;" , or "Used Lamps:".

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.135 Accumulation Time Limits

- a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) ~~of this Section~~ are met.
- b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery,

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treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

- c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:
- 1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - 2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - 3) Maintaining an on-site inventory system that identifies the date the universal waste being accumulated became a waste or was received;
 - 4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - 5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
 - 6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.138 Off-Site Shipments

- a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

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- b) If a large quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D ~~of this Part~~ while transporting the universal waste.
- c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers – General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
- e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:
- 1) Receive the waste back when notified that the shipment has been rejected; or
 - 2) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler

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of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

- 1) Send the shipment back to the originating handler; or
 - 2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.
- h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.139 Tracking Universal Waste Shipments

- a) Receipt of ~~Shipments~~shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:
- 1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries,

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pesticides, thermostats, mercury-containing lamps);

- 3) The date of receipt of the shipment of universal waste.
- b) Shipments ~~Off-Site~~off-site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:
- 1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
 - 2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing lamps); and
 - 3) The date the shipment of universal waste left the facility.
- c) Record ~~Retention~~retention.
- 1) A large quantity handler of universal waste must retain the records described in subsection (a) ~~of this Section~~ for at least three years from the date of receipt of a shipment of universal waste.
 - 2) A large quantity handler of universal waste must retain the records described in subsection (b) ~~of this Section~~ for at least three years from the date a shipment of universal waste left the facility.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler~~ is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722. ~~) must do the following:~~

- a) ~~Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~

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- b) ~~Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and~~
- e) ~~Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.~~

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.151 Prohibitions

- a) A universal waste transporter is prohibited from the following:
 - 1) Disposing of universal waste; and
 - 2) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).
- b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:
 - 1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;
 - 2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - A) Name and address of the transporter;
 - B) Estimated monthly amount of lamps crushed; and
 - C) The technology employed for crushing, including any certification

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or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1)-~~of this Section~~;

- 3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115-134, and has available equipment necessary to comply with this requirement;
- 4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- 5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- 6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.152 Waste Management

- a) A universal waste transporter must comply with all applicable USDOT regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers – General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b) for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b). For purposes of the USDOT

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regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of 35 Ill. Adm. Code 722. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the USDOT regulations.

- b) Some universal waste materials are regulated by the USDOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2 (Hazardous Materials Classes and Index to Hazard Class Definitions), incorporated by reference in Section 720.111(b). As universal waste shipments do not require a manifest under 35 Ill. Adm. Code 722, they may not be described by the USDOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste-".

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.153 Accumulation Time Limits

- a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.
- b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of Subpart B or C ~~of this Part~~ while storing the universal waste.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the transporter is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) may not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgment of Consent. In addition the transporter must ensure the following:~~

- a) ~~A copy of the USEPA Acknowledgment of Consent accompanies the shipment; and~~

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- b) ~~The shipment is delivered to the facility designated by the person initiating the shipment.~~

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.161 Off-Site Shipments

- a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.
- b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, it must contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must perform either of the following actions:
- 1) Send the shipment back to the original shipper; or
 - 2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
- c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste.
- d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807

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through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.162 Tracking Universal Waste Shipments

- a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, [movement document](#), or other shipping document. The record for each shipment of universal waste received must include the following information:
 - 1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing lamps); and
 - 3) The date of receipt of the shipment of universal waste.
- b) The owner or operator of a destination facility must retain the records described in subsection (a) ~~of this Section~~ for at least three years from the date of receipt of a shipment of universal waste.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART F: IMPORT REQUIREMENTS

Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the [requirements of Subpart H of 35 Ill. Adm. Code 722 and the](#) applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c) ~~of this Section~~:

- a) A universal waste transporter is subject to the universal waste transporter requirements of Subpart D ~~of this Part~~.

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- b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subpart B or C ~~of this Part~~, as applicable.
- c) An owner or operator of a destination facility is subject to the destination facility requirements of Subpart E ~~of this Part~~.
- d) ~~Persons managing universal waste that is imported from an OECD country as specified in 35 Ill. Adm. Code 722.158(a)(1) are subject to subsections (a) through (e) of this Section, in addition to the requirements of 35 Ill. Adm. Code 722.~~

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

- a) Any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:
 - 1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act ~~[415 ILCS 5/7.2 and 22.4(a)]~~, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or
 - 2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act ~~[415 ILCS 5/22.4(b) and 27]~~, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

- b) Petitions for Identical-In-Substance Rulemaking ~~identical in substance rulemaking~~.

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- 1) Any petition for identical-in-substance rulemaking under subsection (a)(1) ~~of this Section~~ must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.
 - 2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.
- c) Petitions for General Rulemaking~~general rulemaking~~.
- 1) To be successful using the general rulemaking procedure under subsection (a)(2) ~~of this Section~~, the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:
 - A) It would be appropriate for the waste or category of waste;
 - B) It would improve management practices for the waste or category of waste; and
 - C) It would improve implementation of the hazardous waste program.
 - 2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.
 - 3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1) ~~of this Section~~.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

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Section 733.181 Factors for Petitions to Include Other Wastes

- a) Hazardous ~~Waste Listing~~waste-listing or ~~Characteristic~~characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in Subpart D of 35 Ill. Adm. Code 721, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Part;
- b) Generation by a ~~Wide Variety~~wide-variety of ~~Type~~types of ~~Facilities~~facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, ~~VSQG~~conditionally exempt small quantity generators, small businesses, or government organizations, as well as large industrial facilities);
- c) Generation by a ~~Large Number~~large-number of ~~Generators~~generators. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;
- d) Collection ~~System~~systems to ~~Ensure Close Stewardship~~ensure-close-stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
- e) Waste ~~Management Standards~~management-standards and ~~Risk~~risk to ~~Human Health~~human-health and the ~~Environment~~environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152; or applicable USDOT requirements) would be protective of human health and the environment during accumulation and transport;

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- f) Increased ~~Likelihood~~likelihood of ~~Diversions~~diversion of ~~Waste~~waste from ~~Non-Hazardous Waste Management Systems~~non-hazardous waste management systems. Regulation of the waste or category of waste pursuant to this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer, or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA (42 USC 6921-6939e);
- g) Improved ~~Implementation~~implementation of the ~~Hazardous Waste Program~~hazardous waste program. Regulation of the waste or category of waste pursuant to this Part will improve implementation of and compliance with the hazardous waste regulatory program; or
- h) Such other factors as may be appropriate.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

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- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 738
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
738.101	Amendment
738.102	Amendment
738.103	Amendment
738.104	Amendment
738.110	Amendment
738.111	Amendment
738.112	Amendment
738.114	Amendment
738.115	Amendment
738.116	Amendment
738.117	Amendment
738.118	Amendment
738.120	Amendment
738.121	Amendment
738.122	Amendment
738.123	Amendment
738.124	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective Date of Rules: November 19, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted rulemaking, a copy of the Board's opinion and order adopted October 4, 2018 in consolidated docket R17-14/R17-15/R18-12/R18-31, 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*: 42 Ill. Reg. 12694; July 6, 2018

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No. Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between Proposal and Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R17-14/R17-15/R18-12/R18-31 summarizes the differences between the amendments adopted in the October 4, 2018 opinion and order and those proposed by the Board on May 24, 2018.

The differences are limited to minor corrections suggested by JCAR staff or resulting from the Board's review of its proposal. The changes are not intended to have substantive effect and intend to clarify the rules without deviating from the substance of the federal amendments on which this proceeding is based.

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

Since the Notices of Proposed Amendments appeared in the July 6, 2018 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated some into the adopted rules, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above. See that Addendum for additional details on JCAR suggestions and the Board actions on each. One table itemizes changes made in response to various suggestions. Another table indicates suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The amendments to Part 738 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are the fifth and final group for publication: 35 Ill. Adm. Code 728, 733, 738, and 739.

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] (2016) requires the Board to adopt hazardous waste rules that are identical-in-substance to United States Environmental Protection Agency's (USEPA's) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules. Section 22.4(a) requires the Board to use the identical-in-substance rulemaking procedure of Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] (2014). The Illinois hazardous waste rules are in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739. The Board reserved docket R17-14 to incorporate USEPA amendments adopted during the period July 1, 2016 through December 31, 2016 into the Illinois hazardous waste rules. Similarly, the Board reserved docket R18-12 for USEPA hazardous waste rules adopted during the period July 1, 2017 through December 31, 2017 and consolidated it with dockets R17-14, R17-15, and R18-12.

To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 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 728. A comprehensive description is contained in the Board's opinion and order of October 4, 2018, adopting amendments in consolidated docket R17-14/R17-15/R18-11/R18-31. The opinion and order is available from the address below.

Specifically, the amendments to Part 738 incorporate an amendment that USEPA necessitated but overlooked in its November 28, 2016 adopting the Generator Improvements Rule.

The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board found are needed.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R17-14/R17-15/R18-12/R18-31, as described in item 11 above, that

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list corrections and amendments. Persons interested in the details of those corrections and amendments should refer to the Addendum.

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

- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R17-14/R17-15/R18-12/R18-31 and direct inquiries to the following person:

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

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 4, 2018 at 312/814-3620. You may also obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 738
HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section	
738.101	Purpose, Scope, and Applicability
738.102	Definitions
738.103	Dilution Prohibited as a Substitute for Treatment
738.104	Case-by-Case Extensions of an Effective Date
738.105	Waste Analysis
738.106	Electronic Reporting

SUBPART B: PROHIBITIONS ON INJECTION

Section	
738.110	Waste-Specific Prohibitions: Solvent Wastes
738.111	Waste-Specific Prohibitions: Dioxin-Containing Wastes
738.112	Waste-Specific Prohibitions: California List Wastes
738.114	Waste-Specific Prohibitions: First Third Wastes
738.115	Waste-Specific Prohibitions: Second Third Wastes
738.116	Waste-Specific Prohibitions: Third Third Wastes
738.117	Waste-Specific Prohibitions: Newly-Listed Wastes
738.118	Waste-Specific Prohibitions <u>Prohibitions</u> : Newly-Listed and Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section	
738.120	Petitions to Allow Injection of a Prohibited Waste
738.121	Required Information to Support Petitions
738.122	Submission, Review, and Approval or Denial of Petitions
738.123	Review of Adjusted Standards
738.124	Termination of Approved Petition

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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 R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18576, effective December 7, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9161, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6835, effective April 22, 2002; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4053, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1407, effective December 20, 2006; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25244, effective November 19, 2018.

SUBPART A: GENERAL

Section 738.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from disposal into Class I injection wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.
- b) The requirements of this Part apply to owners or operators of ~~the following~~ Class I hazardous waste injection wells used to inject hazardous waste.
 - 1) ~~Hazardous waste injection wells that are used to inject hazardous waste;~~
~~and~~
 - 2) ~~Injection wells that are used to inject wastes that once exhibited a prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721, at the point of generation, and which no longer exhibit the characteristic at the point of injection.~~
- c) Wastes otherwise prohibited from injection may continue to be injected under any of the following circumstances:

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- 1) If USEPA has granted an extension from the effective date of a prohibition, as described in Section 738.104; ~~or~~
 - 2) If the Board has granted an adjusted standard in response to a petition filed under Section 738.120; or
 - 3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code ~~720.110721.105~~.
- d) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited from injection under this Part or 35 Ill. Adm. Code 728 is not prohibited from injection if the following is true of the waste:
- 1) It is disposed into a non-hazardous or hazardous waste injection well, as defined under 35 Ill. Adm. Code 730.106(a); and
 - 2) It does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

BOARD NOTE: Derived from 40 CFR 148.1 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.102 Definitions

"Injection interval" means that part of the injection zone in which the well is screened or in which the waste is otherwise directly emplaced.

"Transmissive fault or fracture" is a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

"USEPA hazardous waste number" means the number assigned by USEPA pursuant to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

BOARD NOTE: Derived from 40 CFR 148.2 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

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Section 738.103 Dilution Prohibited as a Substitute for Treatment

a) The provisions of 35 Ill. Adm. Code 728.103 apply to owners or operators of Class I hazardous waste injection wells ~~used to inject a waste that is hazardous at the point of generation whether or not the waste is hazardous at the point of injection.~~

- b) ~~The owner or operator of a Class I non-hazardous waste injection well that injects waste formerly exhibiting a hazardous characteristic that has been removed by dilution may address underlying hazardous constituents by treating the hazardous waste, by obtaining an exemption pursuant to a petition filed under Section 738.120, or by complying with the provisions set forth in 35 Ill. Adm. Code 728.109.~~

BOARD NOTE: Derived from 40 CFR 148.3 ~~(2017)(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.104 Case-by-Case Extensions of an Effective Date

The owner or operator of a Class I hazardous ~~or non-hazardous~~ waste injection well may submit an application to USEPA for an extension of the effective date of any applicable prohibition established under Subpart B ~~of this Part~~ pursuant to 40 CFR 268.5. Any extension that is granted by USEPA will be deemed an extension of the effective date of the derivative Board rule.

BOARD NOTE: Derived from 40 CFR 148.4 ~~(2017)(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste-Specific Prohibitions: Solvent Wastes

- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F001, F002, F003, F004, and F005.
- b) The requirements of subsection (a) ~~of this Section~~ do not apply under any of the following circumstances:

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- 1) If the waste meets or is treated to meet the standards of Subpart D of 35 Ill. Adm. Code 728; ~~or~~
- 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.10 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.111 Waste-Specific Prohibitions: Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F020, F021, F022, F023, F026, F027, and F028.
- b) The requirements of subsection (a) ~~of this Section~~ do not apply under any of the following circumstances:
 - 1) If the waste meets or is treated to meet the standards of Subpart D of 35 Ill. Adm. Code 728; ~~or~~
 - 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
 - 3) During the period of extension of the applicable effective date, if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.11 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.112 Waste-Specific Prohibitions: California List Wastes

- a) The hazardous wastes listed in 35 Ill. Adm. Code 728.132 containing

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polychlorinated biphenyls at concentrations greater than or equal to 50 ppm or halogenated organic compounds at concentrations greater than or equal to 10,000 mg/kg are prohibited from underground injection.

- b) The following hazardous wastes are prohibited from underground injection:
- 1) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000mg/l;
 - 2) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals ~~(or elements)~~ or compounds of ~~these metals~~ at a concentration ~~(or elements) at concentrations~~ greater than or equal to ~~that those~~ specified in this subsection (b)(2) below:
 - A) Arsenic or compounds (as As) 500 mg/l;
 - B) Cadmium or compounds (as Cd) 100 mg/l;
 - C) Chromium (VI) or compounds (as Cr VI) 500 mg/l;
 - D) Lead or compounds (as Pb) 500 mg/l;
 - E) Mercury or compounds (as Hg) 20 mg/l;
 - F) Nickel or compounds (as Ni) 134 mg/l;
 - G) Selenium or compounds (as Se) 100 mg/l; and
 - H) Thallium or compounds (as Tl) 130 mg/l;
 - 3) Liquid hazardous waste having a pH less than or equal to two (2.0); and
 - 4) Hazardous wastes containing halogenated organic compounds in total concentration less than 10,000 mg/kg but greater than or equal to 1,000 mg/kg.
- c) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply under any of the following circumstances:

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- 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; or
- 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.12 ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.114 Waste-Specific Prohibitions: First Third Wastes

- a) Prohibitions:
 - 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F006 (wastewaters and nonwastewaters), F008, F009, F019.
 - 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K001, K004, K008, K015 (wastewaters and nonwastewaters), K016 (at concentrations greater than or equal to one percent), K017, K018, K019, K020, K021 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K022 (wastewaters and nonwastewaters), K024, K030, K031, K035, K036 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K037, K044, K045, K046 (wastewaters and nonwastewaters), K047, K048, K049, K050, K051, K052, K060 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K061 (wastewaters and nonwastewaters), K062, K069 (calcium sulfate nonwastewaters; all wastewaters; and noncalcium sulfate nonwastewaters generated by the

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process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K071, K073, K083, K084, K085, K086, K087, K099, K101 (all wastewaters and nonwastewaters), K102 (all wastewaters and nonwastewaters), K103, K104, and K106.

- 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P001, P004, P005, P010, P011, P012, P015, P016, P018, P020, P030, P036, P037, P039, P041, P048, P050, P058, P059, P063, P068, P069, P070, P071, P081, P082, P084, P087, P089, P092, P094, P097, P102, P105, P108, P110, P115, P120, P122, P123, U007, U009, U010, U012, U016, U018, U019, U022, U029, U031, U036, U037, U041, U043, U044, U046, U050, U051, U053, U061, U063, U064, U066, U067, U074, U077, U078, U086, U089, U103, U105, U108, U115, U122, U124, U129, U130, U133, U134, U137, U151, U154, U155, U157, U158, U159, U171, U177, U180, U185, U188, U192, U200, U209, U210, U211, U219, U220, U221, U223, U226, U227, U228, U237, U238, U248, and U249.
- b) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste number are prohibited from underground injection: K016 (at concentrations less than one percent).
- c) Prohibitions-
 - 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste number are prohibited from underground injection: F007.
 - 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K011 (nonwastewaters) and K013 (nonwastewaters).
- d) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K011 (wastewaters), K013 (wastewaters), and K014.
- e) The requirements of subsections (a) through (d) ~~of this Section~~ do not apply under any of the following circumstances:

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- 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; ~~or~~
- 2) If the Board has granted an adjusted standard in response to a petition by USEPA as referenced in Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.115 Waste-Specific Prohibitions: Second Third Wastes

- a) Prohibitions:
 - 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F010 and F024.
 - 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K009 (nonwastewaters), K010, K025 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K027, K028, K029 (wastewaters and nonwastewaters), K038, K039, K040, K041, K042, K043, K095 (wastewaters and nonwastewaters), K096 (wastewaters and nonwastewaters), K097, K098, K105, K113, K114, K115, and K116.
 - 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P002, P003, P007, P008, P014, P026, P027, P029, P040, P043, P044, P049, P054, P057, P060, P062, P066, P067, P072, P074, P085, P098, P104, P106, P107, P111, P112, P113, P114, U002, U003, U005, U008, U011, U014, U015, U020, U021, U023, U025, U026, U028, U032, U035, U047, U049, U057, U058, U059, U060, U062, U070, U073, U080,

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U083, U092, U093, U094, U095, U097, U098, U099, U101, U106, U107, U109, U110, U111, U114, U116, U119, U127, U128, U131, U135, U138, U140, U142, U143, U144, U146, U147, U149, U150, U161, U162, U163, U164, U165, U168, U169, U170, U172, U173, U174, U176, U178, U179, U189, U193, U196, U203, U205, U206, U208, U213, U214, U215, U216, U217, U218, U235, U239, and U244.

- b) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection pursuant to the treatment standards specified in 35 Ill. Adm. Code 728.141 and 728.143 applicable to F011 and F012 wastewaters and nonwastewaters: F011 (nonwastewaters) and F012 (nonwastewaters).
- c) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste number are prohibited from underground injection: K009 (wastewaters).
- d) The requirements of subsections (a) through (c) ~~of this Section~~ do not apply under any of the following circumstances:
- 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; ~~or~~
 - 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
 - 3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.15 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.116 Waste-Specific Prohibitions: Third Third Wastes

- a) Prohibitions:

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- 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F025 and F039 (nonwastewaters).
 - 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K002, K003, K005 (wastewaters and nonwastewaters), K006, K007 (wastewaters and nonwastewaters), K023, K026, K032, K033, K034, K093, K094, and K100.
 - 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P006, P009, P013, P017, P021, P022, P023, P024, P028, P031, P033, P034, P038, P042, P045, P046, P047, P051, P056, P064, P065, P073, P075, P076, P077, P078, P088, P093, P095, P096, P099, P101, P103, P109, P116, P118, P119, P121, U001, U004, U006, U017, U024, U027, U030, U033, U034, U038, U039, U042, U045, U048, U052, U055, U056, U068, U069, U071, U072, U075, U076, U079, U081, U082, U084, U085, U087, U088, U090, U091, U096, U102, U112, U113, U117, U118, U120, U121, U123, U125, U126, U132, U136, U141, U145, U148, U152, U153, U156, U160, U166, U167, U181, U182, U183, U184, U186, U187, U190, U191, U194, U197, U201, U202, U204, U207, U222, U225, U234, U236, U240, U243, U246, and U247.
 - 4) The wastes specified in 35 Ill. Adm. Code 721.121 or 721.124 by characteristic alone and designated by the following USEPA hazardous waste numbers are prohibited from underground injection: D001, D004, D005, D006, D008, D009 (wastewaters), D010, D011, D012, D013, D014, D015, D016, and D017.
- b) Mixed radioactive and hazardous wastes in 35 Ill. Adm. Code 728.110, 728.111, and 728.112, which are mixed radioactive and hazardous wastes, are prohibited from underground injection.
- c) Prohibitions:
- 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste number are prohibited from underground injection: F039 wastewaters~~(nonwastewaters)~~.

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- 2) The wastes specified in 35 Ill. Adm. Code 721.122, 721.123, or 721.124 as hazardous based on a characteristic alone and designated by the following USEPA hazardous waste numbers are prohibited from underground injection: D002 (wastewaters and nonwastewaters), D003 (wastewaters and nonwastewaters), D007 (wastewaters and nonwastewaters), and D009 (nonwastewaters).
- d) The requirements of subsections (a) through (c) ~~of this Section~~ do not apply under any of the following circumstances:
 - 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; ~~or~~
 - 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
 - 3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.16 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.117 Waste-Specific Prohibitions: Newly-Listed Wastes

- a) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: F037, F038, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K136, U328, U353, and U359.
- b) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151.
- c) This subsection (c) corresponds with 40 CFR 148.17(c), removed and marked "reserved" by USEPA at 61 Fed. Reg. 15662 (April 8, 1996). This statement maintains structural consistency with USEPA rules.

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- d) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: K117, K118, K131, and K132.
- e) The requirements of subsections (a) through (d) ~~of this Section~~ do not apply under any of the following circumstances:
- 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; ~~or~~
 - 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
 - 3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.17 ~~(2017)(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.118 Waste-Specific Prohibitions: Newly-Listed and Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) ~~of this Section~~, are prohibited from underground injection.
- b) Characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- d) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following

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USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K158, K159, K160, K161, P127, P128, P185, P188, P189, P190, P191, P192, P194, P196, P197, P198, P199, P201, P202, P203, P204, P205, U271, U277, U278, U279, U280, U364, U365, U366, U367, U372, U373, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U387, U389, U390, U391, U392, U393, U394, U395, U396, U400, U401, U402, U403, U404, U407, U409, U410, and U411.

- f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from underground injection.
- g) The wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection: D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.
- h) This subsection (h) corresponds with 40 CFR 148.18(h), which USEPA has removed and marked "reserved-". This statement maintains structural consistency with the federal regulations.
- i) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.
- j) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K174 and K175 are prohibited from underground injection.
- k) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K176, K177, and K178 are prohibited from underground injection.
- l) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K181 are prohibited from underground injection.
- m) The requirements of subsections (a) through (l) ~~of this Section~~ do not apply under any of the following circumstances:
 - 1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; ~~or~~

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- 2) If the Board has granted an adjusted standard in response to a petition under Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.18 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 738.120 Petitions to Allow Injection of a Prohibited Waste

- a) Any person seeking an exemption from a prohibition under Subpart B ~~of this Part~~ for the injection of a restricted hazardous waste, ~~including a hazardous waste that exhibits a characteristic of hazardous waste and which contains underlying hazardous constituents at the point of generation, but which no longer exhibits a characteristic of hazardous waste when injected~~ into ana-Class I injection well or wells; must submit a petition for an adjusted standard to the Board, pursuant to Subpart D of 35 Ill. Adm. Code 104, demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing of the following:
 - 1) The hydrogeological and geochemical conditions at the site and the physiochemical nature of the waste stream are such that reliable predictions can be made with regard to each of the following:
 - A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years in either of the following ways:
 - i) Vertically upward out of the injection zone; or
 - ii) Laterally within the injection zone to a point of discharge or interface with an underground source of drinking water (USDW), as defined in 35 Ill. Adm. Code 730; or
 - B) Before the injected fluids migrate out of the injection zone or to a

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point of discharge or interface with a USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions, or other means; and

- 2) For each well, the petition has fulfilled the following requirements:
 - A) It has demonstrated that the injection well's area of review complies with the substantive requirements of 35 Ill. Adm. Code 730.163;
 - B) It has located, identified, and ascertained the condition of all wells within the injection well's area of review (as specified in 35 Ill. Adm. Code 730.163) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Board that meets the substantive requirements of 35 Ill. Adm. Code 730.164;
 - C) It has provided a corrective action plan that meets the substantive requirements of 35 Ill. Adm. Code 730.164, the implementation of which will become a condition of any adjusted standard granted; and
 - D) It has provided the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Board may require the owner or operator to perform the tests again and submit the results of the new tests.

BOARD NOTE: The requirements of subsection (a)(2) ~~of this Section~~ need not be incorporated in a permit at the time the Board grants an adjusted standard.

- b) A demonstration under subsection (a)(1)(A) ~~of this Section~~ must identify the strata within the injection zone which will confine fluid movement above the injection interval, and it must include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the

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injection zone.

- c) A demonstration under subsection (a)(1)(B) ~~of this Section~~ must identify the strata within the injection zone where waste transformation will be accomplished, and it must include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.
- d) A demonstration may include either of the following features, which will become a condition of the adjusted standard:
 - 1) Treatment methods that the owner or operator will use to reduce the toxicity or mobility of the wastes; or
 - 2) A monitoring plan that the owner or operator will use to enhance confidence in one or more aspects of the demonstration.
- e) Any person that has been granted an adjusted standard pursuant to this Section may submit a petition for reissuance of the adjusted standard to include an additional restricted waste or wastes or to modify any conditions imposed on that adjusted standard by the Board. The Board will reissue the adjusted standard if the petitioner complies with subsections (a), (b), and (c) ~~of this Section~~.
- f) Any person that has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional (hazardous) waste or wastes. The Board will grant the modification if it determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that the additional waste or wastes will not interfere with the containment capability of the injection zone.

BOARD NOTE: Derived from 40 CFR 148.20 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.121 Required Information to Support Petitions

- a) Information submitted in support of a Section 738.120 petition must meet the following requirements:

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- 1) All data from waste analyses and any new testing performed by the petitioner must be approved by the Board and must provide data that are accurate, reproducible, and performed in accordance with quality assurance standards;
 - 2) The following must be true with regard to estimation and monitoring techniques and the identification of applicable existing USEPA-certified test protocols:
 - A) All estimation and monitoring techniques must be approved by the Board; and
 - B) The petition must identify all applicable USEPA-certified test protocols in existence at the time the estimation and monitoring was performed;
 - 3) Predictive models must have been verified and validated, must be appropriate for the specific site, waste streams, and injection conditions of the operation, and they must be calibrated for existing sites where sufficient data are available;
 - 4) A quality assurance and quality control plan addressing all aspects of the demonstration must be provided to and approved by the Board;
 - 5) Reasonably conservative values must be used whenever values taken from the literature or estimated on the basis of known information are used instead of site-specific measurements; and
 - 6) An analysis must be performed to identify and assess aspects of the demonstration that contribute significantly to uncertainty. The petitioner must conduct a sensitivity analysis to determine the effect that significant uncertainty may contribute to the demonstration. The demonstration must then be based on conservative assumptions identified in the analysis.
- b) Any petitioner under Section 738.120(a)(1)(A) must provide sufficient site-specific information to support the demonstration, such as the following:
- 1) The thickness, porosity, permeability and extent of the various strata in the injection zone;

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- 2) The thickness, porosity, permeability, extent and continuity of the confining zone;
 - 3) The hydraulic gradient in the injection zone;
 - 4) The hydrostatic pressure in the injection zone; and
 - 5) The geochemical conditions of the site.
- c) In addition to the information in subsection (b) ~~of this Section~~, any petitioner under Section 738.120(a)(1)(B) ~~of this Part~~ must provide sufficient waste-specific information to ensure reasonably reliable predictions about the waste transformation. The petitioner must provide the information necessary to support the demonstration, such as the following:
- 1) A description of the chemical processes or other means that will lead to waste transformation; and
 - 2) Results of laboratory experiments verifying the waste transformation.

BOARD NOTE: Derived from 40 CFR 148.21 ~~(2005)~~ (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.122 Submission, Review, and Approval or Denial of Petitions

- a) Any petition submitted to the Board, pursuant to Section 738.120(a) ~~of this Part~~, must include the following:
- 1) An identification of the specific waste or wastes and the specific injection well or wells for which the demonstration will be made;
 - 2) A waste analysis fully describing the chemical and physical characteristics of the subject wastes;
 - 3) Such additional information as the Board requires to support the petition pursuant to Section 738.120 and Section 738.121 ~~of this Part~~; and

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- 4) This statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- b) The Board will provide public notice and an opportunity for public comment in accordance with the procedures in Subpart D of 35 Ill. Adm. Code 104.
- c) An adjusted standard will apply only to the underground injection of the specific restricted waste or wastes identified in the petition into a Class I hazardous waste injection well or wells specifically identified in the petition (unless the adjusted standard is modified or reissued pursuant to Section 738.120(e) or (f)).
- d) Upon request by any petitioner who obtains an adjusted standard for a well pursuant to this Subpart C, the Agency must initiate and reasonably expedite the necessary procedures to issue or reissue a permit or permits for the hazardous waste well or wells covered by the adjusted standard for a term not to exceed 10 years.
- e) Each adjusted standard granted pursuant to this Part is subject to the following condition, whether or not this condition appears as part of the adjusted standard, and the Board will include this condition as part of each adjusted standard granted: "This adjusted standard does not affect the enforceability of any provisions of the Environmental Protection Act, Board rules, or other laws, except to the extent that its provisions expressly state otherwise."

BOARD NOTE: Derived from 40 CFR 148.22 [\(2017\)](#)~~(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.123 Review of Adjusted Standards

- a) Agency [Review](#)~~review~~.

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- 1) When considering whether to reissue a permit for the operation of a Class I hazardous waste injection well, the Agency must review any adjusted standard granted by the Board pursuant to this Subpart C.
 - 2) If the Agency determines that new information shows that the basis for granting the adjusted standard may no longer be valid, the Agency must request in writing that the permittee submit a petition to the Board to modify the adjusted standard.
 - 3) All petitions requested by the Agency pursuant to subsection (a)(2) ~~of this Section~~ must be filed pursuant to ~~Section section~~ 738.120(f). Such a petition may seek reaffirmation of the adjusted standard without modification.
 - 4) Permittee's ~~Failure~~ failure to ~~File~~ file a ~~Petition~~ petition, Agency ~~Petitions~~ petitions for ~~Reconsideration~~ reconsideration, and Board ~~Reconsideration~~ reconsideration of ~~Adjusted Standards~~ adjusted standards.
 - A) If the permittee fails to file a petition requested by the Agency under subsection (a)(2) ~~of this Section~~, the Agency may petition the Board for reconsideration of any adjusted standard granted under this Part at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.520 and 101.904 notwithstanding.
 - B) Board ~~Review~~ review.
 - i) The Board may conduct a plenary review of the substance of any adjusted standard on reconsideration to the same extent that it would review a new petition for an adjusted standard.
 - ii) The Board may treat a motion for reconsideration of an adjusted standard as a new petition under Section 738.120 and require that the full requirements of that Section and of Subpart D of 35 Ill. Adm. Code 104 apply to the proceeding, with the Agency acting as the petitioner.
- b) Whenever the Board determines that the basis for approval of a petition may no

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longer be valid, the Board will require a new demonstration in accordance with Section 738.120.

BOARD NOTE: Derived from 40 CFR 148.23 ~~(2017)(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.124 Termination of Approved Petition

- a) Termination ~~Through~~ an ~~Enforcement Action~~ ~~enforcement action~~.
- 1) An enforcement action against an owner or operator having an adjusted standard and limitation on Agency petitions for reconsideration of an adjusted standard:
 - A) Any person may file an enforcement action against an owner or operator of an underground injection well pursuant to Section 33 of the Environmental Protection Act ~~[415 ILCS 5/33]~~ for any violation of the Act or Board rules, notwithstanding the existence of any adjusted standard.
 - B) The Agency may petition the Board for reconsideration of any adjusted standard at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.520 and 101.904 notwithstanding.
 - 2) In any action under subsection (a)(1) ~~of this Section~~, if the Board finds a violation of the Act or Board regulations, the Board may terminate any adjusted standard granted under Section 738.120 for any of the following causes:
 - A) Noncompliance by the owner or operator with any condition of the adjusted standard;
 - B) The owner or operator's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or
 - C) A determination that new information shows that the basis for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

approval of the petition is no longer valid.

- b) In any action under subsection (a)(1)~~of this Section~~, the Board will terminate an adjusted standard granted under Section 738.120 for the following causes:
- 1) The petitioner's willful withholding during the review and approval of the petition of facts directly and materially relevant to the Board's decision on the petition;
 - 2) A determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the adjusted standard, except that the Board, may at its discretion decide not to terminate where both of the following conditions are fulfilled:
 - A) The migration resulted from a mechanical failure of the well that can be promptly corrected through a repair to the injection well itself or from an undetected well or conduit that can be plugged promptly; and
 - B) The requirements of 35 Ill. Adm. Code 730.167 are satisfied.

BOARD NOTE: Derived from 40 CFR 148.24 ~~(2005)~~.

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

PROPERTY TAX APPEAL BOARD

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Actions:</u>
1910.5	Amendment
1910.70	Amendment
- 4) Date Notice of Proposed Rules published in the *Illinois Register*: 42 Ill. Reg. 3862; March 2, 2018
- 5) Date JCAR Statement of Objection published in the *Illinois Register*: 42 Ill. Reg. 21476; November 30, 2018
- 6) Summary of Action Taken by the Agency: Withdrawal. At its meeting of November 13, 2018, the Joint Committee on Administrative Rules voted to object to rulemaking and prohibit its filing with the Secretary of State finding the adoption of the rulemaking would constitute a serious threat to the public interest, safety or welfare. The Joint Committee on Administrative Rules found the Property Tax Appeal Board has no statutory authority to take the action embodied in the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF EMPLOYMENT SECURITY

Heading of the Part: Administrative Hearings and Appeals

Code Citation: 56 Ill. Adm. Code 2725

Section Numbers: 2725.30 2725.50 2725.115
2725.35 2725.55 2725.125
2725.40 2725.105 2725.200
2725.45 2725.110 2725.250

Date Originally Published in the Illinois Register: 9/28/18
42 Ill. Reg. 16978

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Department of Employment Security be more timely in reflecting statutory requirements in rule. The change to the 3-year refund window made by PA 98-1133 (effective 1/1/15) was not implemented by the Agency during the more than 2.5 years before PA 100-484 (effective 9/8/17) reversed that change.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF EMPLOYMENT SECURITY

Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties

Code Citation: 56 Ill. Adm. Code 2765

<u>Section Numbers:</u>	2765.30	2765.71	2765.75
	2765.45	2765.73	2765.85
	2765.64	2764.74	2765.200

Date Originally Published in the Illinois Register: 9/28/18
42 Ill. Reg. 17028

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Department of Employment Security be more timely in reflecting statutory changes in rule. The rulemaking titled Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765; 42 Ill. Reg. 17028) implements statutory changes made in 1997, 2006 and 2014.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF EMPLOYMENT SECURITY

Heading of the Part: Collection of Unemployment Contributions

Code Citation: 56 Ill. Adm. Code 2790

Section Numbers: 2790.15 2790.20 2790.25

Date Originally Published in the *Illinois Register*: 9/28/18
42 Ill. Reg. 17048

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Department of Employment Security be more timely in reflecting statutory changes in rule. The rulemaking titled Collection of Unemployment Contributions (42 Ill. Adm. Code 2790; 42 Ill. Reg. 17048) implements statutory changes made in 1997 and 2014.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 11, 2018 through December 17, 2018. The following rulemakings are scheduled for the January 15, 2019 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
1/23/19	<u>Department of Financial and Professional Regulation</u> , Real Estate License Act 2000 (68 Ill. Adm. Code 1450)	9/21/18 42 Ill. Reg. 16804	1/15/19
1/24/19	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	9/28/18 42 Ill. Reg. 17067	1/15/19
1/26/19	<u>Department of Public Health</u> , Health Care Employee Vaccination Code (77 Ill. Adm. Code 956)	10/5/18 42 Ill. Reg. 17545	1/15/19
1/27/19	<u>Department of Public Health</u> , Manufactured Home Community Code (77 Ill. Adm. Code 860)	10/19/18 42 Ill. Reg. 18682	1/15/19
1/27/19	<u>Department of Public Health</u> , Health Care Worker Background Check Code (77 Ill. Adm. Code 955)	10/19/18 42 Ill. Reg. 18721	1/15/19
1/27/19	<u>Department of Public Health</u> , Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)	10/19/18 42 Ill. Reg. 18581	1/15/19
1/27/19	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill.	10/19/18	1/15/19

	Adm. Code 300)	42 Ill. Reg. 18553	
1/27/19	<u>Office of the State Treasurer</u> , Procurement (44 Ill. Adm. Code 1400)	10/19/18 42 Ill. Reg. 18847	1/15/19
1/27/19	<u>Department of Public Health</u> , Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	10/19/18 42 Ill. Reg. 18568	1/15/19

ILLINOIS ADMINISTRATIVE CODE
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