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REVENUE, DEPARTMENT OF
Service Occupation Tax; 86 Ill. Adm. Code 140 10179

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits;
92 Ill. Adm. Code 1040 10216

TRANSPORTATION, DEPARTMENT OF

Vehicle Inspection Stations Governing School Buses;
92 Ill. Adm. Code 452, Repeal of 10222
Vehicle Inspections; 92 Ill. Adm. Code 451 10311

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF

Farmland Preservation Act; 8 Ill. Adm. Code 700 10489
Ill. Seed Law; 8 Ill. Adm. Code 230 10499

CONSERVATION, DEPARTMENT OF

Aquaculture, Transportation, Stocking, Importation &/or Possession of
Aquatic Life; 17 Ill. Adm. Code 870 10503
Dove Hunting; 17 Ill. Adm. Code 730 10513
Duck, Goose & Coot Hunting; 17 Ill. Adm. Code 590 10525
Falconry & the Captive Propagation of Raptors; 17 Ill. Adm. Code 1590 10567
Field Trials on Non-Department Owned or Managed Lands;
17 Ill. Adm. Code 930 10572
Fish Stocking, Importation, &/or Possession of Aquatic Life;
17 Ill. Adm. Code 870, Repeal of 10575
Forest Fire Protection Districts Act; 17 Ill. Adm. Code 1560 10577
General Hunting & Trapping on Department-Owned or -Managed Sites;
17 Ill. Adm. Code 510 10583
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox,
Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping;
17 Ill. Adm. Code 570 10589
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote &
Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550 10598
Squirrel Hunting; 17 Ill. Adm. Code 690 10606

PROFESSIONAL REGULATION, DEPARTMENT OF

Medical Practice Act of 1987; 68 Ill. Adm. Code 1285 10613

PUBLIC AID, DEPARTMENT OF

Application Process; 89 Ill. Adm. Code 110 10628

PUBLIC HEALTH, DEPARTMENT OF

Renal Diseases Program for Care & Treatment Code; 77 Ill. Adm. Code 700 . 10634

REHABILITATION SERVICES, DEPARTMENT OF

Homemaker Contracts; 89 Ill. Adm. Code 712 10643

REVENUE, DEPARTMENT OF

Cigarette Tax Act; 86 Ill. Adm. Code 440 10678
Cigarette Use Tax Act; 86 Ill. Adm. Code 450 10687
Hotel Operators' Occupation Tax Act; 86 Ill. Adm. Code 480 10693

(continued on next page)

PUBLIC AID, DEPARTMENT OF
Drug Manual; 89 Ill. Adm. Code 141 10700

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO
PROPOSED RULES**

PROFESSIONAL REGULATION, DEPARTMENT OF
Medical Practice Act of 1987; 68 Ill. Adm. Code 1285, Refusal 10712

NOTICE OF CORRECTIONS

CONSERVATION, DEPARTMENT OF
Pigeon Shooting Permits; 17 Ill. Adm. Code 970 10714

LOCAL RECORDS COMMISSION OF COOK COUNTY
Local Records Commission of Cook County; 44 Ill. Adm. Code 4500 10715

PUBLIC HEALTH, DEPARTMENT OF
Ill. Formulary for the Drug Product Selection Program, The;
77 Ill. Adm. Code 790 10717

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF
Notice of Acceptance of an Application by First of America Bank
Corporation to Acquire Midwest Financial Group, Inc. 10718

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received 10719

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS
89-298 Lighthouse Day 10721
89-299 Serbian-American Heritage Days 10722
89-300 Southern View Day 10723

CUMULATIVE INDEX
1989 Index - Issue #1 thru Issue #26 Cl-1

SECTIONS AFFECTED INDEX
1989 Index - Issue #1 thru Issue #25 SAI-1
1989 Index - Issue # 26 SAI-44

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity 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 or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The Register also contains 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. In addition, the Register contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume and a Sections Affected Index listing, by Title of the Illinois Administrative Code, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The Register will serve as the update to the Illinois Administrative Code, a compilation of the rules of State agencies. The most recent edition of the Code along with the Register comprise the most current accounting of the State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD
NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Contact person: Terrence Tranquilli

Deputy Director

Illinois Local Governmental

Enforcement Officers Training Board

Suite 400, Lincoln Tower Plaza

Springfield, IL 62706

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance

Office of the Department of Commerce and Community

Affairs: This rulemaking will not effect small

business.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures

required for compliance: Each sheriff will be

required to keep track of his or her own

training. The Police Training Board will also

track the training.

D) Types of professional skills necessary for

compliance: None.

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

1) Heading of the Part: Illinois Police Training Act

2) Code Citation: 20 Ill. Adm. Code 1720

3) Section Numbers: 1720.70 Proposed Action: New Section

4) Statutory Authority: Illinois Revised Statutes, 1987,

ch. 85, par. 507

5) A Complete Description of the Subjects and Issues

Involved: The purpose of these rules is to provide

adequate standards for Illinois sheriffs which will

allow them to perform 20 hours of mandated basic

training pursuant to the enactment of legislation

requiring all Illinois sheriffs to have 20 hours of

approved training on a calendar year basis. These

rules will provide sheriffs with direction as to how to

obtain said training and how to receive approval for

said training.

6) Will this proposed rule replace an emergency rule

currently in effect? No.

7) Does this rulemaking contain an automatic repeal

date? No.

8) Does this proposed amendment contain incorporations by

reference? No.

9) Are there any other proposed amendments pending on this

Part? No.

10) Statement of Statewide Policy Objectives:

The policy objectives surrounding this legislation is

essentially to provide sheriffs with continuous updated

training on an annual basis. The Police Training Board

has attempted to provide a method for Illinois sheriffs

to obtain the 20 hours of training best suited to their

needs. The Police Training Board intends to make

training accessible to Illinois sheriffs to assist them

in their administrative function by providing said

training to sheriffs as is needed through the mobile

team training units situated throughout the State of

Illinois. Moreover, the office of the Illinois

sheriffs can also propose training requirements to the

Illinois Police Training Board in order to have special

training approved by the Board as suits the needs of

Illinois sheriffs.

ILLINOIS LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS
TRAINING BOARD

PART 1720
ILLINOIS POLICE TRAINING ACT

Section	
1720.10	Course Requirements
1720.20	Minimum Requirements of the Trainee
1720.30	School Standards and Requirements
1720.40	Qualification of Police Instructors
1720.50	Reimbursements
1720.60	Requirements of Participating Local Agencies
1720.70	Minimum Training Requirements for Illinois Sheriffs
APPENDIX A	Physical Fitness Standards

AUTHORITY: Implementing and authorized by the Illinois Police Training Act (Ill.Rev.Stat. 1987, ch. 85, pars. 501 et seq.)

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill.Reg. 11232; amended at 8 Ill.Reg. 12259, effective July 1, 1984; amended at 11 Ill.Reg. 16692, effective October 6, 1987; amended at 12 Ill.Reg. 3728, effective February 2, 1988; amended at ___ Ill.Reg. ___, effective _____.

Section 1720.70 Minimum Training Requirements for Illinois Sheriffs.

- a) Illinois Sheriffs shall successfully complete twenty hours of training at a Board certified training academy or a Mobile Team Training Unit organized pursuant to the Intergovernmental Law Enforcement Officer's In-Service Training Act, (Ill.Rev.Stat., 1987, ch. 85, par. 561, et seq.)
- b) Notwithstanding subsection (a), Illinois Sheriffs may complete up to twenty hours of approved training by successfully completing training programs approved by the Executive Director of the Board. In order to obtain approval of a training program, the Office of Illinois Sheriffs shall submit the proposed training program to the Executive Director no less than thirty and no more than ninety days prior to the administration of the training program. The Executive Director shall approve or deny the proposed training program within 14 days following receipt of the proposal.

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) Proposed training programs submitted by the Office of Illinois Sheriffs shall contain an outline of the proposed training program, the dates when said proposed program will be offered, a listing of all instructors offering said proposed program, and the location of said proposed program.
- d) In approving training programs, the Board will determine if the training relates to job tasks performed by Illinois Sheriffs within their own department or relates to the duties and responsibilities of Sheriffs in supervising law enforcement or correctional tasks within their own department. Approved training programs may include, but are not limited to, the local operation of correctional facilities, supervision of deputies or county correctional officers, operation of the Sheriff's department and methods of management regarding operational and administrative departmental quality control for county correctional or local Sheriff's departments.
- e) If the Executive Director denies or requests additional information from the Office of the Illinois Sheriffs, the program is not approved. The Executive Director will verify in writing to the Office of the Illinois Sheriffs when a training program is approved.
- f) The Illinois Local Governmental Law Enforcement Officers Training Board shall maintain a record for each Sheriff in Illinois to determine the amount of hours of approved training each Sheriff receives during each calendar year.
- g) Upon the completion of twenty hours of training approved by the Board, the Executive Director of the Board shall issue a certificate to the Sheriff attesting to the completion of training.
- h) Upon completion of any Board approved training program, each Sheriff is responsible for submitting proof of completion of training to the Board's office in Springfield, Illinois.
- i) Sheriffs who do not complete twenty hours of approved training prior to December 31 of any calendar year for the preceding calendar year will be issued a letter notifying them of non-compliance with the Board's training requirements.

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

Betsy Salus
Staff Attorney
Department of Nuclear Safety

1035 Outer Park Drive
Springfield, Illinois 62704

785-9880

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 31, 1989

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: Section 700.70 of the rule establishes procedures to be followed by applicants seeking scholarships under the Department's Nuclear Safety Science Scholarship Program.

D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

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

1) Heading of the Part: DEPARTMENT OF NUCLEAR SAFETY SCIENCE SCHOLARSHIP PROGRAM

2) Code Citation: 32 Ill. Adm. Code 700

3) Section Number: Proposed Action:

New Section	700.10
New Section	700.20
New Section	700.30
New Section	700.40
New Section	700.50
New Section	700.60
New Section	700.70

4) Statutory Authority: Implementing and authorized by the Nuclear Safety Education Assistance Act (P.A. 85-1133, effective July 21, 1988).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement a scholarship program to enhance the study of and body of expertise in those sciences pertaining to nuclear safety and related fields. This program will pay eligible scholars for educational expenses associated with attending a public institution of higher education. This Part also establishes the basic eligibility and academic qualifications, sets forth the application procedures, and establishes conditions of scholarships awarded to individuals under the Department's Nuclear Safety Scholarship Program.

6) Will this proposed rule replace an emergency rule currently in effect? No

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

8) Does this proposed rule contain incorporations by reference? No

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

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER e: GENERAL ADMINISTRATION

PART 700
DEPARTMENT OF NUCLEAR SAFETY SCIENCE SCHOLARSHIP PROGRAM

Section	
700.10	Purpose
700.20	Definitions
700.30	Scope of Science Education Scholarship Program
700.40	Qualification Criteria
700.50	Conditions of Award
700.60	Scholarship Application and Selection Process
700.70	Scholarship Application Procedures

AUTHORITY: Implemented and authorized by the Nuclear Safety Education Assistance Act (P.A. 85-1133, effective July 21, 1988).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 700.10 Purpose

The purpose of this rule is to implement a scholarship program to help advance the body of knowledge and assure the continued availability and expertise regarding radiation safety matters by supporting educational programs and research related to nuclear safety, including radiation protection and nuclear engineering, in Illinois public institutions of higher education, and by supporting participation in these programs by qualified students.

Section 700.20. Definitions.

"Act" means the Nuclear Safety Education Assistance Act (P.A. 85-1133, effective July 21, 1988).

"Adult" means a person eighteen years of age or older.

"Approved program of research" means an academic investigation approved by and conducted by or under the control of a public institution of higher education, as determined by the Director of the Department in accordance with the provisions of this Part.

"Department" means the Illinois Department of Nuclear Safety.

"Director" means the Director of the Illinois Department of Nuclear Safety.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

"Eligible program of study" means a formal course of study leading to a Baccalaureate or higher degree from a public institution of higher education, as determined by the Director. Eligible programs of study include, but are not limited to, the following: Biology, Chemistry, Engineering, Geology, Health Physics, Hydrogeology, Industrial Hygiene, and Physics. Expertise in the foregoing subjects is needed for the Department to fulfill its statutory responsibilities under the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½, par. 211 et seq.), the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1987, ch. 111½, par. 241-1 et seq.), and the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1987, ch. 111½ par. 4301 et seq.).

"Illinois Resident" means a person who, at the time of applying for a scholarship under this Part, is either:

An adult whose domicile has been in Illinois for a period of at least two years immediately preceding submission of an application for a scholarship;

An adult whose domicile is in Illinois and at least one of whose parents has established and is maintaining a residence in Illinois;

A minor whose domicile is in Illinois. A minor's domicile is that of his parents if they are living together, or that of the living parent if one is deceased, or if the parents are separated or divorced, that of the parent to whom the custody of the minor has been awarded by court decree or order, or in the absence of a court decree or order, that of parent with whom the minor has continuously resided for a period of at least two years, or if the minor has a legal guardian other than a parent, the residence of that legal guardian; or

An emancipated minor who has maintained a domicile within the State of Illinois for a period of at least two consecutive years immediately prior to applying for a scholarship or whose parents have established and are maintaining a domicile in the State. An emancipated minor is one who is completely or predominantly self-supporting. Marriage shall be regarded as affecting the emancipation of minors, whether male or female.

"Minor" means a person under the age of eighteen.

2) be accepted by or enrolled in a public institution of higher education, in an eligible program of study. The program of study must have direct application to the fields of endeavor of the Department (e.g. radiation protection, environmental monitoring, health physics) and must be completed within a reasonable period of time, as specified by the Director.

b) Academic qualifications:

1) If the applicant is a high school senior, the applicant must:

- A) be recommended by his or her science department director and high school principal,
- B) be in the upper 20% academically of his or her graduating class, and
- C) have displayed an interest in, and acumen for, the physical or biological sciences. This display may take the form, for example, of academic achievement, participation in science fairs, pursuing science courses at community colleges, performing independent extracurricular research, etc.

2) If the applicant is an undergraduate student, the applicant must:

- A) be enrolled in an eligible program of study,
- B) be recommended for the award by the dean or chairman of the science department in which the applicant is pursuing an eligible program of study, and
- C) have an overall academic average of B or better and an overall average of B or better in the science department courses.

3) If the applicant is a graduate student, the applicant must:

- A) be recommended for the award by the dean or chairman of the science department in which the applicant is pursuing an eligible program of study,
- B) have or have graduated with an overall academic average of B or better and an overall average of B+ or better in the science department courses, and

"Public institution of higher education" means an Illinois public institution of higher education as defined in "AN ACT creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named" (111. Rev. Stat. 1987, ch. 144, par. 181 et seq.).

"Scholar" means the recipient of a scholarship for an eligible program of study leading to the award of a baccalaureate or higher degree.

Section 700.30 Scope of Science Education Scholarship Program

a) The Science Education Scholarship Program includes scholarships and grants for special study and education projects designed to enhance the study of and body of expertise in those sciences pertaining to nuclear safety and related fields.

b) Under the scholarship program the Department may award fully funded college scholarships. The Department's scholarships will pay the scholars for educational expenses associated with attending a public institution of higher education. Expenses paid by the Department shall be limited to tuition and fees, room and board, required books, and miscellaneous expenses (e.g. travel, daily expenses, etc.). If a scholar chooses to live off campus, the scholarship will provide room and board funds only up to that amount assessed for on campus room and board by the public institution of higher education that the scholar will be attending. If the public institution of higher education that the scholar will be attending does not provide room and board, the Department will provide room and board funds up to that amount estimated by the public institution of higher education as being a reasonable estimate for off campus room and board. In the event that no such reasonable estimate is provided to the Department, the Department will determine and provide a reasonable sum per semester or year towards room and board.

c) In order to promote greater understanding of the role of the administrative agency in assuring radiation safety, the Director also may offer temporary or part-time employment with the Department to scholars.

Section 700.40 Qualification Criteria

a) Basic Eligibility Requirements. The applicant must:

1) be an Illinois resident at the time of application; and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- c) demonstrate the relevance of his proposed research program to either the statutory duties of the Department or the contribution of the proposed program to the body of knowledge of radiation safety.

Section 700.50 Conditions of Award

The applicant must agree in writing to the following conditions:

- a) The scholar will not change his or her choice of college or program of study without first obtaining the approval of the Director.
- b) If the scholar withdraws from, is dismissed from, or fails to continue to pursue an eligible program of study, the scholarship will be withdrawn and the scholar shall repay the State of Illinois in full for all expenses paid to that date in connection with the scholarship. Repayment shall be in accordance with the provisions of subsection (d).

AGENCY NOTE: A scholar whose permanent residence changes from Illinois to another State, after selection for the scholarship program, will continue to be eligible for continuation in the scholarship program so long as the scholar continues to pursue an eligible program of study at an Illinois institution of higher education and meets the scholastic standards specified in this Part.

- c) If the scholar is an undergraduate student, the scholar must maintain both a cumulative average in all subjects of B and an average of B or better in the science department program of study. If the scholar is a graduate student, he must maintain a cumulative average of B+ or better. Averages shall be evaluated at the end of each regular grading period of the public institution of higher education. If the scholar fails to maintain these academic standards, the scholarship will be withdrawn and the scholar shall be responsible for repaying the State of Illinois in full for all expenses paid to the scholar in connection with the scholarship up to the date of withdrawal of the scholarship. A scholar who fails to maintain the required average in all subjects or in the eligible program of study, evaluated at the end of each grading period, may submit a letter to the Director requesting to be granted probationary status for one grading period in order to raise his or her grades to the required level. The Director will grant such request if the scholar has shown that the failure to attain the required averages resulted from good cause, e.g., illness, family responsibilities, etc. Failure to attain the required cumulative averages at the end of the probationary period will result in the loss of the scholarship and the scholar will be required to repay the State of Illinois in full for all expenses paid

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- in connection with the scholarship to the date of withdrawal of the scholarship. Such repayment shall be in accordance with the provisions of subsection (d).
- d) If the scholar is required to repay the scholarship because the scholarship is withdrawn (see subsection (b)) or because the scholar has failed to maintain the required cumulative grade averages (see subsection (c)) the repayment shall be made in equal monthly installments over a period of ten years at ten percent simple interest. There shall be no early repayment penalty. The first repayment shall be due on a date specified by the Director, which date shall be no earlier than twelve (12) months after the scholar has ceased to be enrolled as a full-time student in a public institution of higher education.
- e) If such employment is offered, scholars that graduate without having the scholarship withdrawn must agree to accept employment, upon graduation, with the Department, the operator of a regional facility for the disposal of low level radioactive waste in Illinois, or a public utility owning or operating a nuclear power plant in Illinois. Mandatory employment shall be for a period of one calendar year for each academic year of scholarship period accepted. Partial academic years shall be prorated. If employment with the Department, the low-level radioactive waste disposal facility or a nuclear power utility is not offered at least 30 days prior to graduation, the applicant is under no obligation to accept employment with the Department, the operator of a regional facility for disposal of low-level radioactive waste, or a public utility or to repay the scholarship expenses. Fulfillment of the employment obligation may be deferred during any period in which the scholar participates in full-time graduate studies leading towards an advanced degree.
- f) If the scholar completes the program but refuses to accept offered employment with the Department, the operator of a regional facility for the disposal of low-level radioactive waste in Illinois, or a public utility owning or operating a nuclear power plant in Illinois, he or she is required to repay the State of Illinois in full for all expenses paid by the Department in connection with the scholarship. If the scholar terminates employment, for any reason other than to pursue full-time graduate studies, or if the scholar has his or her employment terminated for cause prior to completion of the mandatory employment period, he or she is required to repay the State of Illinois in full for all expenses associated with the scholarship, prorated for the unexpired mandatory employment period. If the scholar is required to repay the scholarship under this section, the repayment shall be made in equal monthly installments over a period

c) The Director will convene and chair a Science Education Scholarship Selection Board to review applications for the scholarship. The Science Education Scholarship Selection Board will consist of the Director; the Managers of the Offices of: Environmental Safety, Administrative Support, Nuclear Facility Safety, and Radiation Safety; Chief Legal Counsel; and the Training/Human Resources Coordinator (non-voting).

1) Selection will be based on:

- A) Applicability of the proposed program of study to nuclear safety objectives, projects, or needs,
- B) Demonstrated acumen and scientific competence of the applicant,
- C) Recommendations of school officials, and
- D) Financial need.

2) Applicants may be required to appear before the Science Education Scholarship Selection Board for a personal interview.

3) In awarding scholarships under this Part, the Director shall give preference to qualified applicants who reside in a county where a regional facility for the disposal of low-level radioactive waste is located as provided in Section 6 of the Act.

4) In awarding scholarships under this Part, the Director may actively encourage applications from and give due consideration to qualified applicants who are minority persons or females, as defined in the Minority and Female Business Enterprise Act (111. Rev. Stat. 1987, ch. 127, par. 132.600 et seq.).

Section 700.70 Scholarship Application Procedures

a) Each applicant must submit:

- 1) an application, as provided in Section 700.60(a), with all written recommendations, transcripts and personal statements, by the announced deadline;
- 2) his or her social security number; and
- 3) a description of all additional gifts, grants, financial aid, specifying amounts and restrictions on its use.

of two years at ten percent simple interest. There shall be no penalty for early payment. If termination by the employer is other than for cause, the scholar shall be under no obligation to repay the scholarship expenses.

Section 700.60 Scholarship Application and Selection Process

a) Scholarship applicants may apply for consideration for the award of Department scholarship by submitting an application, on a form provided by the Director of the Department. The application shall include the following information:

- 1) Evidence that the State residency requirement has been met;
- 2) Evidence of acceptance at or enrollment in a public institution of higher education. Letters of acceptance must be received by the Department before the Selection Board convenes;
- 3) For high school seniors, transcripts showing the applicant's high school graduating academic average;
- 4) For high school seniors, written recommendations of the science department director and high school principal;
- 5) For undergraduate and graduate students, transcripts showing the applicant's cumulative college academic average, and grades in science department courses;
- 6) For undergraduate and graduate students, written recommendations of the science department chairman and college dean;
- 7) A statement of the applicant's personal educational goals, including a description of the scope and nature of the proposed program of study;
- 8) A statement describing the applicant's financial need.

b) Every applicant (if the applicant is an adult residing outside his or her parents' home) or the parents or legal guardian of every applicant citing financial need is required to submit financial information, which will be kept confidential. All confidential statements must be signed, certifying the parents' willingness to submit an official copy of their federal and state income tax returns, if requested. A statement of financial need must substantiate the applicant's inability to pursue or complete the eligible course of study due to lack of financial support from all other sources.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- b) Information submitted on or in support of an application is not subject to return to the applicant.
- c) Unless the applicant is requested to appear before the Science Education Scholarship Selection Board, the selection will be based on the submitted documents and statements.
- d) Any change in the applicant's circumstances (e.g. acceptance into the college cited in the application; change in choice of program of study, financial need, etc.) must be submitted by separate letter prior to the convening of the Science Education Scholarship Selection Board. Failure to do so may be cause for disqualification.
- e) Incomplete applications will be placed in a pending status until all information is submitted. It is the responsibility of the applicant to ensure that all information is submitted. Applications not complete when the Science Education Scholarship Selection Board convenes will not be considered.
- f) Acceptance of any monetary award intended to cover all or part of tuition and fees, room and board, books and required materials will reduce the amount of support provided by the Department by an equal amount.
- g) Submission of an application containing false statements or data shall be cause for disqualification of the application and revocation of a scholarship.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: Proposed Action:
304.218 Added
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111^{1/2}, pars. 1013 and 1027
- 5) A Complete Description of the Subjects and Issues Involved:

This matter comes before the Board on the October 9, 1987 petition for site specific rule change filed by the City of East Moline, Rock Island County. East Moline seeks this rule change to allow for the discharge by its drinking water treatment plant of effluent containing solids to the Mississippi River. This effluent does not meet the requirements of 35 Ill. Adm. Code 304.106 or 35 Ill. Adm. Code 304.124(a) for iron, manganese and total suspended solids. Section 304.124(a) establishes the following effluent limitations applicable to East Moline's effluent discharge: iron 2.0 mg/l, manganese 1.0 mg/l and total suspended solids 15.0 mg/l. East Moline seeks a total exemption from these standards, alleging that the general standard as applied to East Moline is economically unreasonable, and that the proposed rule would adequately protect the water quality of the Mississippi River.

This proposal is resubmitted for First Notice pursuant to Section 5.01(d) of the Administrative Procedure Act; it was originally published as a First Notice Proposal on May 27, 1988 (12 Ill. Reg. 8822).
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal? No
- 8) Does this proposed amendment contain incorporations by reference? No

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.101

Preamble

304.102

Dilution

304.103

Background Concentrations

304.104

Averaging

304.105

Violation of Water Quality Standards

304.106

Offensive Discharges

304.120

Deoxygenating Wastes

304.121

Bacteria

304.122

Nitrogen (STORET number 00610)

304.123

Phosphorus (STORET number 00665)

304.124

Additional Contaminants

304.125

pH

304.126

Mercury

304.140

Delays in Upgrading

304.141

NPDES Effluent Standards

304.142

New Source Performance Standards (repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS

NOT OF GENERAL APPLICABILITY

Section 304.201

Calumet Treatment Plant Cyanide Discharges

304.202

Chlor-alkali Mercury Discharges in St. Clair County

304.203

Copper Discharges by Olin Corporation

304.204

Schoenberger Creek: Groundwater Discharges

304.205

John Deere Foundry Discharges

304.206

Alton Water Company Treatment Plant Discharges

304.207

Galesburg Sanitary District Deoxygenating Wastes

304.208

Discharges

304.209

City of Lockport Treatment Plant Discharges

304.212

Discharges

304.213

Sanitary District of Decatur Discharges

304.214

Union Oil Refinery Ammonia Discharge

Mobil Oil Refinery Ammonia Discharge

9) Are there any other amendments pending on this part? Yes Section Numbers: Proposed Action: Ill. Reg. Citation:

304.123 Amended 13 Ill. Reg. 9204 6/16/89
304.217 New 13 Ill. Reg.

10) Statement of Statewide Policy Objective (if applicable)?

This is a proposed regulatory relaxation which could reduce expenditures for the City of East Moline.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R87-35 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

This rulemaking has no effect on small business.

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

June 9, 1989 (originally submitted April 21, 1988)

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

304.218 City of East Moline Drinking Water Treatment Plant Discharge

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

304.301 Exception for Ammonia Nitrogen Water Quality Violations

Appendix A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111-1/2, pars 1013 and 1027)

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2060, effective February 6, 1989, amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17B at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R87-35 at Ill. Reg. _____, effective _____.

Section 304.218 City of East Moline Drinking Water Treatment Plant Discharges

This Section applies to the existing water treatment plant known as the East Moline Public Water Supply Treatment Plant, owned by the City of East Moline, which discharges into the Mississippi River. Such discharges shall not be subject to the effluent standards for total suspended solids, iron and manganese of 35 Ill. Adm. Code 304.124.

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

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

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

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

3) Section Numbers: Proposed Action: 720.110, 720.111

4) Statutory Authority: 111. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 25, 1989, in R89-1, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register on December 10, 1987 and during the period August 1 through December 31, 1988.

Most of the changes to the definitions are editorial revisions to improve cross references. Others relate to tank systems or miscellaneous units. Incorporations by reference have been updated to reflect current editions of several of the documents.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 720.111 incorporates standards and guidelines of nationally recognized organizations and rules and guidelines of federal agencies. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

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

10) Statement of Statewide Policy Objectives:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989
B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste.

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

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

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 720
 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: DEFINITIONS

Section
 720.110 Definitions
 720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
 720.120 Rulemaking
 720.121 Alternative Equivalent Testing Methods
 720.122 Waste Delisting
 720.130 Procedures for Solid Waste Determinations
 720.131 Solid Waste Determinations
 720.132 Boiler Determinations
 720.133 Procedures for Determinations
 720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
 720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. , effective

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.).

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980 and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or -his-the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage or disposal facility which has received an EPA permit for a facility with interim status in accordance with the requirements of 40 CFR 270 and 274 or a permit from a state authorized in accordance with 40 CFR 271, or that is regulated under 40 CFR 261.6(e)(2) or 40 CFR 266-Subpart F or 35 CFR 221.106(e)(2) or 226-Subpart F and that has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section: The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or

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NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of

saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device using controlled flame combustion which is neither a "boiler" nor an "industrial furnace".

"Incompatible waste" means a hazardous waste which is suitable for placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment- ~~or~~, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of

hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or

component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system.")

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality" (as defined by Section 502(4) of the Clean Water Act (33 U.S.C. 1362(4))). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment is as defined in 35 Ill. Adm. Code 310.110.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or his the Regional Administrator's designee.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open

hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume. "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"USEPA" means United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to

burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

regulation under either Section 402 or Section 307(b) of the Clean Water Act (33 U.S.C. 1342 or 1317(b)) - has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

-~~F~~-Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in ~~35 Ill. Adm. Code 720.110~~-this Section.

'Water (bulk shipment)' means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

'Well' means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

'Well injection' (See "underground injection").

'Zone of engineering control' means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 13 Ill. Reg. , effective)

Section 720.111 References

a) The following publications are incorporated by reference:

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

~~-"Petroleum Refinery Piping," ANSI B31.3 -- 1976, with addendum B31.3(d) -- 1980.~~ ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

~~-"Liquid Petroleum Transportation Piping Systems," ANSI B31.4 -- 1974, with addendum B31.4(b) -- 1981.~~

API. Available from the American Petroleum Institute, 1220 L

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API ~~Publication 1632, 1983-~~ Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API ~~Publication 1615 (November 1979)-~~ Recommended Practice 1615, Fourth Edition, November, 1987.

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

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

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

40 CFR 220 - (1987) - (1988)

40 CFR 260.20 (1988)

40 CFR 264 - (1987) - (1988)

40 CFR 302.4, 302.5 and 302.6 (1988)

40 CFR 761 - (1987) - (1988)

c)

Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq., as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 13 I11. Reg. , effective)

"Recommended Practice (RP-82-85) - Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems-" , NACE Recommended Practice RP0285-85, approved March, 1985.

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

"Flammable and Combustible Liquids Code" - (1977 or 1981) - NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

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

10 CFR 20, Appendix B (1988)

40 CFR 136 (1988)

40 CFR 142 (1988)

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Appendix H Hazardous Constituents Excluded under Section 720.120 and 720.122
 Appendix I Wastes Excluded from Non-Specific Sources
 Appendix J Wastes Excluded from Specific Sources
 Appendix K Wastes Excluded from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
 Appendix L Method of Analysis for Chlorinated Dibenzo-p-dioxins and Dibenzofurans
 Appendix M Table to Section 721.102
 Appendix N Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. III 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 111. Reg. 9781, effective as noted in 35 111. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 111. Reg. 4828, effective as noted in 35 111. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 111. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 111. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 111. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 111. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 111. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 111. Reg. 8112, effective May 2, 1986; amended in R86-19 at 10 111. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 111. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 111. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 111. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 111. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 111. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 111. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 111. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 111. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 111. Reg. , effective

a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works

Section 721.104 Exclusions

SUBPART A: GENERAL PROVISIONS

- Appendix A Representative Sampling Methods
- Appendix B EP Toxicity Test Procedures
- Appendix C Chemical Analysis Test Methods
- Table A Analytical Characteristics of Organic Chemicals (Repealed)
- Table B Analytical Characteristics of Inorganic Species (Repealed)
- Table C Sample Preparation/Sample Introduction Techniques (Repealed)
- Appendix G Basis for Listing Hazardous Wastes

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

SUBPART D: LISTS OF HAZARDOUS WASTE

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

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

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

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

Section 721.101 Purpose of Scope
 721.102 Definition of Solid Waste
 721.103 Definition of Hazardous Waste
 721.104 Exclusions
 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators
 721.106 Requirements for Recyclable Materials
 721.107 Residues of Hazardous Waste in Empty Containers

SUBPART A: GENERAL PROVISIONS

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

PART 721

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel, or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

used to produce products that are used in a manner constituting disposal.

- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
 - 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:
 - A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
 - 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
 - A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.
 - 3) Mining overburden returned to the mine site.
 - 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.
 - 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

6) Chromium wastes:

A) Wastes which fail the test for the characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

iv) Sewer screenings generated by the following tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore. For the purposes of this subsection, solid waste from the processing of ores and minerals does not include:

A) Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production;

B) Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;

C) Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production;

D) Spent potliners from primary aluminum reduction;

E) Emission control dust or sludge from ferrochromium production; and

F) Emission control dust or sludge from ferrochromium

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

production.

- 8) Cement kiln dust waste.
- 9) Solid waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples
- 1) Except as provided in subsection (d)(2), a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:
- A) The sample is being transported to a laboratory for the purpose of testing; or
- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
- i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
- ii) Package the sample so that it does not leak, spill or vaporize from its packaging.
- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).
- e) Treatability study samples.
- 1) Except as is provided in subsection (e)(2), persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

(2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastewater;

(B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and

(C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (i) or (ii) are met.

(i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or

(ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.

(D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) or has an appropriate RCRA permit or interim status.

(E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:

(i) Copies of the shipping documents;

(i) A copy of the contract with the facility conducting the treatability study;

(iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

3)

The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A), for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F). The generator or sample collector must apply to the Agency and provide in writing the following information:

(A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;

(B) Documentation accounting for all samples of hazardous waste from the wastewater which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(C) A description of the technical modifications or change in specifications which will be evaluated and the expected

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

results;

- D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
 - E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
 - 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
 - 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
 - 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
- A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies

(T) Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.

Inorganic pigments:

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 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.

Organic Chemicals:

(T) Distillation bottoms from the production of acetaldehyde from ethylene.

(T) Distillation side cuts from the production of acetaldehyde from ethylene.

(R,T) Bottom stream from the wastewater stripper in the production of acrylonitrile.

(T) Bottom stream from the acetonitrile column in the production of acrylonitrile.

(T) Bottoms from the acetonitrile purification column in the production of acrylonitrile.

(T) Still bottoms from the distillation of benzyl chloride.

(T) Heavy ends or distillation residues from the production of carbon tetrachloride.

(T) Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

(T) Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

(T) Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

(T) Aqueous spent antimony catalyst waste from fluoromethanes production.

during the current year, and includes the following information for the previous calendar year:

A) The name, address and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted;

G) The final disposition of residues and unused sample from each treatability study;

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste from Specific Sources

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

EPA Hazardous Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation:

- K001
- K002
- K003
- K004
- K005
- K006
- K007
- K008
- K009
- K010
- K011
- K013
- K014
- K015
- K016
- K017
- K018
- K019
- K020
- K021

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Code	Activity	Category
K061	Emission control dust/sludge from the primary production of steel in electric furnaces. Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(T)
K062	Emission control dust/sludge from the primary production of steel in electric furnaces.	(C,T)
K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)
K088	Spent potliners from primary aluminum reduction.	(T)
K090	Emission control dust or sludge from ferrochromium production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Code	Activity	Category
K041	Wastewater treatment sludge from the production of phosphate.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenedithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenedithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenedithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production of ethylenedithiocarbamic acid and its salts.	(T)
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Stop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)

Petroleum Refining:

Explosives:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds. (T)
- K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

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

Coking:

- K060 Ammonia still lime sludge from coking operations. (T)
- K087 Decanter tank tar sludge from coking operations. (T)

(Source: Amended at 13 Ill. Reg. , effective)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof.

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsections (e) or (f).
- b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsections (e) or (f).
- c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (e), unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported or treated prior to such use, reuse, recycling or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.

- d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsections (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsections (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

- e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d), are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the

POLLUTION CONTROL BOARD

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, 0-[methylamino]carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-chlorophenyl)thiourea
P027	542 76-7	3-chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCI
P034	131-89-5	2-Cyctohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenyarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	0,0-Diethyl p-pyrazinyl phosphorothioate (DFP)
P043	55-91-4	Disopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (alpha, alpha)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (alpha, alpha)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-tetra, 5beta, 8beta, 8beta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (alpha, alpha)-
P051	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (alpha, alpha)-
P044	60-51-5	Dimethoate
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithioburet

primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity.

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

ILLINOIS REGISTER

P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsinous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha, alpha-dimethyl-
P014	108-98-5	Benzenethiol
P001	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium
P017	598-31-2	Bromacetone
P018	357-57-3	Brucine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P050 115-29-7 Endosulfan
P088 145-73-3 Endothall
P051 72-20-8 Endrin
P051 72-20-8 Endrin, and metabolites
P042 51-43-4 Epinephrine
P031 460-19-5 Ethanedinitrile
P066 16752-77-5 Ethanimidithioic acid, N-
[[methylamino)carbonyl]oxy]-, methyl ester
P101 107-12-0 Ethyl cyanide
P054 151-56-4 Ethylenimine
P097 52-85-7 Famphur
P056 7782-41-4 Fluorine
P057 640-19-7 Fluoroacetamide
P058 62-74-8 Fluoroacetic acid, sodium salt
P065 628-86-4 Fulminic acid, mercury (2+) salt (R,T)
P059 76-44-8 Heptachlor
P062 757-58-4 Hexaethyl tetraphosphate
P116 79-19-6 Hydrazinecarbothioamide
P068 60-34-4 Hydrazine, methyl-
P063 74-90-8 Hydrocyanic acid
P063 74-90-8 Hydrogen cyanide
P096 7803-51-2 Hydrogen phosphide
P060 465-73-6 Isodrin
P007 2763-96-4 3(2H)-Isoxazolone, 5-(aminomethyl)-
P092 62-38-4 Mercury, (acetato-0)phenyl-
P065 628-86-4 Mercury fulminate (R,T)
P082 62-75-9 Methanamine, N-methyl-N-nitroso-
P064 624-83-9 Methane, isocyanato-
P016 542-88-1 Methane, oxybis[chloro-
P112 509-14-8 Methane, tetranitro- (R)
P118 75-70-7 Methanethiol, trichloro-
P050 115-29-7 6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-
hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059 76-44-8 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-
3a,4,7,7a-tetrahydro-
P066 16752-77-5 Methomyl
P068 60-34-4 Methyl hydrazine
P064 624-83-9 Methyl isocyanate
P069 75-86-5 2-Methylactonitrile
P071 298-00-0 Methyl parathion
P072 86-88-4 alpha-Naphthylthiourea
P073 13463-39-3 Nickel carbonyl
P073 13463-39-3 Nickel carbonyl Ni(CO)₄, (T-4)-
P074 557-19-7 Nickel cyanide
P074 557-19-7 Nickel cyanide Ni(CN)₂
P075 P 54-11-5 Nicotine, and salts
P076 10102-43-9 Nitric oxide
P077 100-01-6 p-Nitroaniline

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P078 10102-44-0 Nitrogen dioxide
P076 10102-43-9 Nitrogen oxide NO
P078 10102-44-0 Nitrogen oxide NO₂
P081 55-63-0 Nitroglycerine (R)
P082 62-75-9 N-Nitrosodimethylamine
P084 4549-40-0 N-Nitrosomethylvinylamine
P085 152-16-9 Octamethylpyrophosphoramide
P087 20816-12-0 Osmium oxide OsO₄, (T-4)-
P087 20816-12-0 Osmium tetroxide
P088 145-73-3 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089 56-38-2 Parathion
P034 131-89-5 Phenol, 2-cyclohexyl-4,6-dinitro-
P048 51-28-5 Phenol, 2,4-dinitro-
P047 P 534-52-1 Phenol, 2-methyl-4,6-dinitro-, and salts
P020 88-85-7 Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009 131-74-8 Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092 62-38-4 Phenylmercury acetate
P093 103-85-5 Phenylthiourea
P094 298-02-2 Phorate
P095 75-44-5 Phosgene
P096 7803-51-2 Phosphine
P041 311-45-5 Phosphoric acid, diethyl 4-nitrophenyl ester
P039 298-04-4 Phosphorodithioic acid, 0,0-diethyl S-[2-
(ethylthio)ethyl] ester
P094 298-02-2 Phosphorodithioic acid, 0,0-diethyl S-
[(ethylthio)methyl] ester
P044 60-51-5 Phosphorodithioic acid, 0,0-dimethyl S-[2-
(methylamino)-2-oxoethyl]ester
P043 55-91-4 Phosphorofluoric acid, bis(1-methylethyl)ester
P089 56-38-2 Phosphorothioic acid, 0,0-diethyl O-(4-nitrophenyl)
ester
P040 297-97-2 Phosphorothioic acid, 0,0-diethyl O-pyrazinyl ester
P097 52-85-7 Phosphorothioic acid, O-[4-
[(dimethylamino)sulfonyl]phenyl] 0,0-dimethyl ester
P071 298-00-0 Phosphorothioic acid, 0,0-dimethyl O-(4-nitrophenyl)
ester
P110 78-00-2 Plumbane, tetraethyl-
P098 151-50-8 Potassium cyanide
P098 151-50-8 Potassium cyanide KCN
P099 506-61-6 Potassium silver cyanide
P070 116-06-3 Propanal, 2-methyl-2-(methylthio)-, O-
[(methylamino)carbonyl]oxime
P101 107-12-0 Propanenitrile
P027 542-76-7 Propanenitrile, 3-chloro-
P069 75-86-5 Propanenitrile, 2-hydroxy-2-methyl-
P081 55-63-0 1,2,3-Propanetriol, trinitrate- (R)
P017 598-31-2 2-Propanone, 1-bromo-
P102 107-19-7 Propargyl alcohol

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

greater than 10% (R,T)

f)

The commercial chemical products, manufacturing chemical intermediates or off-specification commercial products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.

Hazardous Chemical Waste Abstracts	No.	Substance
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240 P	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
F207	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitriole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-5-(1a1pha,8beta,8aalpha,8balpha)]-Benz[1,2-dihydro-3-methyl]-

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075 P	54-11-5	Pyridine, 3-(1-methyl-2-pyrrolydiny1)-, (S)- and salts
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P107	1314-96-1	Stenatum sulfate SFS-
P107	1314-96-1	Stenatum sulfate SFS-
P108 P	57-24-9	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108 P	57-24-9	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thiomidodicarbonic diamide [(H ₂ N)(S)] ₂ NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001 P	81-81-2	Warfarin, and salts, when present at concentrations greater than 0.3%.
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U016 225-51-4 Benz(c)acridine
 U017 98-87-3 Benzal chloride
 U192 23950-58-5 Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
 U018 56-55-3 Benz[a]anthracene
 U094 57-97-6 Benz[a]anthracene, 7,12-dimethyl-
 U012 62-53-3 Benzenamine (I,T)
 U014 492-80-8 Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
 U049 3165-93-3 Benzenamine, 4-chloro-2-methyl-, hydrochloride
 U093 60-11-7 Benzenamine, N,N-dimethyl-4-(phenylazo)-
 U328 95-53-4 Benzenamine, 2-methyl-
 U353 106-49-0 Benzenamine, 4-methyl-
 U158 101-14-4 Benzenamine, 4,4'-methylenebis[2-chloro-
 U222 636-21-5 Benzenamine, 2-methyl-, hydrochloride
 U181 99-55-8 Benzenamine, 2-methyl-5-nitro-
 U019 71-43-2 Benzene (I,T)
 U038 510-15-6 Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-
 alpha-hydroxy-, ethyl ester
 U030 101-55-3 Benzene, 1-bromo-4-phenoxy-
 U035 305-03-3 Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
 U037 108-90-7 Benzene, chloro-
 U221 25376-45-8 Benzenediamine, ar-methyl-
 U028 117-81-7 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
 U069 84-74-2 1,2-Benzenedicarboxylic acid, dibutyl ester
 U088 84-66-2 1,2-Benzenedicarboxylic acid, diethyl ester
 U102 131-11-3 1,2-Benzenedicarboxylic acid, dimethyl ester
 U107 117-84-0 1,2-Benzenedicarboxylic acid, dioctyl ester
 U070 95-50-1 Benzene, 1,2-dichloro-
 U071 541-73-1 Benzene, 1,3-dichloro-
 U072 106-46-7 Benzene, 1,4-dichloro-
 U060 72-54-8 Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
 U017 98-87-3 Benzene, (dichloromethyl)-
 U223 26471-62-5 Benzene, 1,3-diisocyanatomethyl- (R,T)
 U239 1330-20-7 Benzene, dimethyl- (I,T)
 U201 108-46-3 1,3-Benzenediol
 U127 118-74-1 Benzene, hexachloro-
 U056 110-82-7 Benzene, hexahydro- (I)
 U220 108-88-3 Benzene, methyl-
 U105 121-14-2 Benzene, 1-methyl-2,4-dinitro-
 U106 606-20-2 Benzene, 2-methyl-1,3-dinitro-
 U055 98-82-8 Benzene, (1-methylethyl)- (I)
 U169 98-95-3 Benzene, nitro-
 U183 608-93-5 Benzene, pentachloro-
 U185 82-68-8 Benzene, pentachloronitro-
 U020 98-09-9 Benzenesulfonic acid chloride (C,R)
 U020 98-09-9 Benzenesulfonyl chloride (C,R)
 U207 95-94-3 Benzene, 1,2,4,5-tetrachloro-
 U061 50-29-3 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-
 chloro-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U247 72-43-5 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-
 methoxy-
 U023 98-07-7 Benzene, (trichloromethyl)-
 U234 99-35-4 Benzene, 1,3,5-trinitro-
 U021 92-87-5 Benzidene
 U202 P 81-07-2 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
 U203 94-59-7 1,3-Benzodioxole, 5-(2-propenyl)-
 U141 120-58-1 1,3-Benzodioxole, 5-(1-propenyl)-
 U090 94-58-6 1,3-Benzodioxole, 5-propyl-
 U064 189-55-9 Benzo[rs]pentaphene
 U248 P 81-81-2 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-
 phenylbutyl)-, and salts, when present at
 concentrations of 0.3% or less
 U022 50-32-8 Benzo[a]pyrene
 U197 106-51-4 p-Benzoquinone
 U023 98-07-7 Benzotrichloride (C,R,T)
 U085 1464-53-5 2,2'-Bioxirane
 U021 92-87-5 [1,1'-Biphenyl]-4,4'-diamine
 U073 91-94-1 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
 U091 119-90-4 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
 U095 119-93-7 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
 U225 75-25-2 Bromoform
 U030 101-55-3 4-Bromophenyl phenyl ether
 U128 87-68-3 1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
 U172 924-16-3 1-Butanamine, N-butyl-N-nitroso-
 U031 71-36-3 1-Butanol (I)
 U159 78-93-3 2-Butanone (I,T)
 U160 1338-23-4 2-Butanone, peroxide (R,T)
 U053 4170-30-3 2-Butenal
 U074 764-41-0 2-Butene, 1,4-dichloro- (I,T)
 U143 303-34-4 2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-
 methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-
 tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),
 7(2S*,3R*), 7aalpha]]-
 U031 71-36-3 n-Butyl alcohol (I)
 U136 75-60-5 Cacodylic acid
 U032 13765-19-0 Calcium chromate
 U238 51-79-6 Carbamic acid, ethyl ester
 U178 615-53-2 Carbamic acid, methylnitroso-, ethyl ester
 U097 79-44-7 Carbamic chloride, dimethyl-
 U114 P 111-54-6 Carbamodithiopic acid, 1,2-ethanediybis-, salts and
 esters
 U062 2303-16-4 Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-
 dichloro-2-propenyl) ester
 U215 6533-73-9 Carbonic acid, diethallium (1+) salt
 U033 353-50-4 Carbonic difluoride
 U156 79-22-1 Carbonochloridic acid, methyl ester (I,T)
 U033 353-50-4 Carbon oxyfluoride (R,T)

NOTICE OF PROPOSED AMENDMENTS

U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I, T)
U108	123-91-1	1,4-Diethylenoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	0,0-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis-
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-

NOTICE OF PROPOSED AMENDMENTS

U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chloro-dane alpha and gamma isomers
U026	494-03-1	Chloronaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051		Cresolate
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240 p	94-75-7	2,4-D, salts and esters
U059	20830-81-3	Dauromycin
U060	72-54-8	DD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzof[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Diethyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I, T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane

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POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U126	765-34-4 Oxiranecarboxaldehyde
U041	106-89-8 Oxirane, (chloromethyl)-
U182	123-63-7 Paraldehyde
U183	608-93-5 Pentachlorobenzene
U184	76-01-7 Pentachloroethane
U185	82-68-8 Pentachloronitrobenzene (PCNB)
F027	87-86-5 Pentachlorophenol
U161	108-10-1 Pentanol, 4-methyl-
U186	504-60-9 1,3-Pentadiene (I)
U187	62-44-2 Phenacetin
U188	108-95-2 Phenol
U048	95-57-8 Phenol, 2-chloro-
U039	59-50-7 Phenol, 4-chloro-3-methyl-
U081	120-83-2 Phenol, 2,4-dichloro-
U082	87-65-0 Phenol, 2,6-dichloro-
U089	56-53-1 Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9 Phenol, 2,4-dimethyl-
U052	1319-77-3 Phenol, methyl-
U132	70-30-4 Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U170	100-02-7 Phenol, 4-nitro-
F027	87-86-5 Phenol, pentachloro-
See	
F027	58-90-2 Phenol, 2,3,4,6-tetrachloro-
See	
F027	95-95-4 Phenol, 2,4,5-trichloro-
See	
F027	88-06-2 Phenol, 2,4,6-trichloro-
U150	148-82-3 L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7 Phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2 Phosphorodithioic acid, 0,0-diethyl S-methyl ester
U189	1314-80-3 Phosphorus sulfide (R)
U190	85-44-9 Phthalic anhydride
U191	109-06-8 2-Picoline
U179	100-75-4 Piperidine, 1-nitroso-
U192	23950-58-5 Pronamide
U194	107-10-8 1-Propanamine (I,T)
U111	621-64-7 1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7 1-Propanamine, N-propyl- (I)
U066	96-12-8 Propane, 1,2-dibromo-3-chloro-
U083	78-87-5 Propane, 1,2-dichloro-
U149	109-77-3 Propanedinitrile
U171	79-46-9 Propane, 2-nitro- (I,T)
U027	108-60-1 Propane, 2,2'-oxybis[2-chloro-
See	
F027	93-72-1 Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193	1120-71-4 1,3-Propane sultone

NOTICE OF PROPOSED AMENDMENTS

U186	504-60-9 1-Methylbutadiene (I)
U045	74-87-3 Methyl chloride (I,T)
U156	79-22-1 Methyl chlorocarbonate (I,T)
U226	71-55-6 Methylchloroform
U157	56-49-5 3-Methylcholanthrene
U158	101-14-4 4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3 Methylene bromide
U080	75-09-2 Methylene chloride
U159	78-93-3 Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4 Methyl ethyl ketone peroxide (R,T)
U138	74-88-4 Methyl iodide
U161	108-10-1 Methyl isobutyl ketone (I)
U162	80-62-6 Methyl methacrylate (I,T)
U161	108-10-1 4-Methyl-2-pentanone (I)
U164	56-04-2 Methylthiouacil
U010	50-07-7 Mitomycin C
U059	20830-81-3 5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-trideoxy)-alpha-L-lyxo-hexapyranosyl]oxy]-7,8,9,10-
U167	134-32-7 1-Naphthalenamine
U168	91-59-8 2-Naphthalenamine
U026	494-03-1 Naphthaleneamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3 Naphthalene
U047	91-58-7 Naphthalene, 2-chloro-
U166	130-15-4 1,4-Naphthalenedione
U236	72-57-1 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'-biphenyl]-4,4'-diyl]bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U166	130-15-4 1,4-Naphthalenedione
U217	10102-45-1 Nitric acid, thallium (I+) salt
U169	98-95-3 Nitrobenzene (I,T)
U170	100-02-7 p-Nitrophenol
U171	79-46-9 2-Nitropropane (I,T)
U172	924-16-3 N-Nitrosodi-n-butylamine
U173	1116-54-7 N-Nitrosodietanolamine
U174	55-18-5 N-Nitrosodiethylamine
U176	759-73-9 N-Nitroso-N-ethylurea
U177	684-93-5 N-Nitroso-N-methylurea
U178	615-53-2 N-Nitroso-N-methylurethane
U179	100-75-4 N-Nitrosopiperidine
U180	930-55-2 N-Nitrosopyrrolidine
U181	99-55-8 5-Nitro-o-toluidine
U193	1120-71-4 1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0 2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8 Oxirane (I,T)

NOTICE OF PROPOSED AMENDMENTS

- U235 126-72-7 1-Propanol, 2,3-dibromo-, phosphate (3:1)
- U140 78-83-1 1-Propanol, 2-methyl- (I,T)
- U002 67-64-1 2-Propanone (I)
- U007 79-06-012-Propenamide
- U084 542-75-6 1-Propene, 1,3-dichloro-
- U243 1888-71-7 1-Propene, 1,1,2,3,3,3-hexachloro-
- U009 107-13-1 2-Propenenitrile
- U152 126-98-7 2-Propenenitrile, 2-methyl- (I,T)
- U008 79-10-7 2-Propenoic acid (I)
- U113 140-88-5 2-Propenoic acid, ethyl ester (I)
- U118 97-63-2 2-Propenoic acid, 2-methyl-, ethyl ester
- U162 80-62-6 2-Propenoic acid, 2-methyl-, methyl ester (I,T)
- See
- F027 93-72-1 Propionic acid, 2-(2,4,5-trichlorophenoxy)-
- U194 107-10-8 n-Propylamine (I,T)
- U083 78-87-5 Propylene dichloride
- U148 123-33-1 3,6-Pyridazinedione, 1,2-dihydro-
- U196 110-86-1 Pyridine
- U191 109-06-8 Pyridine, 2-methyl-
- U237 66-75-1 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
- U164 58-04-2 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
- U180 930-55-2 Pyrrolidine, 1-nitroso-
- U200 50-55-5 Reserpine
- U201 108-46-3 Resorcinol
- U202 P 81-07-2 Saccharin and salts
- U203 94-59-7 Safrole
- U204 7783-00-8 Selenious acid
- U204 7783-00-8 Selenium dioxide
- U205 7488-56-4 Selenium sulfide
- U205 7488-56-4 Selenium sulfide SeS₂ (R,T)
- U015 115-02-6 L-Serine, diazoacetate (ester)
- See
- F027 93-72-1 Silvex (2,4,5-TP)
- U206 18883-66-4 Streptozotocin
- U103 77-78-1 Sulfuric acid, dimethyl ester
- U189 1314-80-3 Sulfur phosphide (R)
- See
- F027 93-76-5 2,4,5-T
- U207 95-94-3 1,2,4,5-Tetrachlorobenzene
- U208 630-20-6 1,1,1,2-Tetrachloroethane
- U209 79-34-5 1,1,2,2-Tetrachloroethane
- U210 127-18-4 Tetrachloroethylene
- See
- F027 58-90-2 2,3,4,6-Tetrachlorophenol
- U213 109-99-9 Tetrahydrofuran (I)
- U214 563-68-8 Thallium (I) acetate
- U215 6533-73-9 Thallium (I) carbonate

NOTICE OF PROPOSED AMENDMENTS

- U216 7791-12-0 Thallium (I) chloride
- U216 7791-12-0 Thallium chloride TlCl
- U217 10102-45-1 Thallium (I) nitrate
- U218 62-55-5 Thioacetamide
- U153 74-93-1 Thiomethanol (I,T)
- U244 137-26-8 Thioperoxydicarbonic diamide [(H₂N)C(S)]₂S₂, tetramethyl-
- U219 62-56-6 Thiourea
- U244 137-26-8 Thiram
- U220 108-88-3 Toluene
- U221 25376-45-8 Toluenediamine
- U223 26471-62-5 Toluene diisocyanate (R,T)
- U328 95-53-4 o-Toluidine
- U353 106-49-0 p-Toluidine
- U222 636-21-5 o-Toluidine hydrochloride
- U011 61-82-5 1H-1,2,4-Triazol-3-amine
- U227 79-00-5 1,1,2-Trichloroethane
- U228 79-01-6 Trichloroethylene
- U121 75-69-4 Trichloromonofluoromethane
- See
- F027 95-95-4 2,4,5-Trichlorophenol
- See
- F027 88-06-2 2,4,6-Trichlorophenol
- U234 99-35-4 1,3,5-Trinitrobenzene (R,T)
- U182 123-63-7 1,3,5-Trioxane, 2,4,6-trimethyl-
- U235 126-72-7 Tris(2,3-dibromopropyl) phosphate
- U236 72-57-1 Trypan blue
- U237 66-75-1 Uraeil mustard
- U176 759-73-9 Urea, N-ethyl-N-nitroso-
- U177 684-93-5 Urea, N-methyl-N-nitroso-
- U043 75-01-4 Vinyl chloride
- U248 P 81-81-2 Warfarin, and salts, when present at concentrations of 0.3% or less
- U239 1330-20-7 Xylene (I)
- U200 50-55-5 Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
- U249 1314-84-7 Zinc phosphide Zn₃P₂, when present at concentrations of 10% or less

(Source: Amended at 13 Ill. Reg. , effective)

Appendix G Basis for Listing Hazardous Wastes

EPA Hazardous constituents for which listed hazardous waste No.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
 K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
 K002 Hexavalent chromium, lead.
 K003 Hexavalent chromium, lead.
 K004 Hexavalent chromium.
 K005 Hexavalent chromium, lead.
 K006 Hexavalent chromium.
 K007 Cyanide (complexed), hexavalent chromium.
 K008 Hexavalent chromium.
 K009 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid.
 K010 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid, chloroacetaldehyde.
 K011 Acrylonitrile, acetonitrile, hydrocyanic acid.
 K013 Hydrocyanic acid, acrylonitrile, acetone, acetonitrile.
 K014 Acetonitrile, acrylamide.
 K015 Benzyl chloride, chlorobenzene, toluene, benzotrifluoride.
 K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
 K017 Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
 K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
 K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
 K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
 K021 Antimony, carbon tetrachloride, chloroform.
 K022 Phenol, tars (polycyclic aromatic hydrocarbons).
 K023 Phthalic anhydride, maleic anhydride.
 K024 Phthalic anhydride, 1,4-naphthoquinone.
 K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
 K026 Paraaldehyde, pyridines, 2-picoline.
 K027 Toluene disocyanate, toluene-2, 4-diamine.
 K028 1,1,1-trichloroethane, vinyl chloride.
 K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
 F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, ortho-dichlorobenzene, trichlorofluoromethane.
 F003 N.A.
 F004 Cresols and cresylic acid, nitrobenzene.
 F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
 F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
 F007 Cyanide (salts).
 F008 Cyanide (salts).
 F009 Cyanide (salts).
 F010 Cyanide (salts).
 F011 Cyanide (salts).
 F012 Cyanide (complexed).
 F019 Hexavalent chromium, cyanide (complexed).
 F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
 F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
 F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
 F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
 F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, allyl tetrachloroethylene, pentachloroethane, hexachloroethane, all chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, chlorobenzene, pentachlorobenzene, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
 F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
 F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
 F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	<u>Lead, cadmium</u>
K065	<u>Lead, cadmium</u>
K066	<u>Lead, cadmium</u>
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	<u>Cyanide (complexes)</u>
K090	<u>Chromium</u>
K091	<u>Chromium</u>
K093	Phthalic anhydride maleic anhydride.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide
K118	Ethylene dibromide
K123	Ethylene thiourea
K124	Ethylene thiourea
K125	Ethylene thiourea
K126	Ethylene thiourea
K136	Ethylene dibromide

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended at 13 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Creosote	Same		U051
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2-Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl)tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2, 3, 6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7, 8, 9, 10-tetrahydro-6, 8, 11-trihydroxy-1-methoxy-, 8S-cis-	20830-81-3	U059
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-	72-54-8	U060
DDE	Benzene, 1, 1'-(dichloroethenylidene)bis[4-chloro-	72-55-9	
DDT	Benzene, 1, 1'-(2, 2, 2-trichloroethylidene)bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2, 3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	
Dibenzo[a,i]pyrene	Benzo[rst]pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	[1, 1'-Biphenyl]-4, 4'-diamine, 3, 3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S.	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis(oxy)bis[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis[chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenylarsine	Arsinous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2, 7:3, 6-Dimethanonaphth[2, 3-b]oxirene, 3, 4, 5, 6, 9, 9-hexachloro-1a, 2, 2a, 3, 6, 6a, 7, 7a-octahydro-, (1a alpha, 2 beta, 2a alpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U035
Diethylarsine	Arsine, diethyl-	692-42-2	P038
1,4-Dioxane	1,4-Dioxane	123-91-1	U088
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U006
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U037
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

145-73-3	P088	7-oxabicyclo[2.2.1]heptane-2, 3-dicarboxylic acid	Endothal
72-20-8	P051	2, 7:3, 6-dimethanonaphth[2, 3-b]oxi-	Endrin
106-89-8	U041	oxirane, (chloromethyl)-	Endrin metabolites
51-43-4	P042	1,2-benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-	Epinephrine
51-79-6	U238	Carbamic acid, ethyl ester	Ethyl carbamate (urethane)
107-12-0	P101	Propanenitrile	Ethyl cyanide
111-54-6	U114	Carbamodithioic acid, 1,2-ethanedithiols-	Ethylenebis(dithiocarbamic acid and esters
106-93-4	U067	Ethane, 1,2-dibromo-	Ethylene dibromide
107-06-2	U077	Ethane, 1,2-dichloro-	Ethylene dichloride
110-80-5	U359	Ethanol, 2-ethoxy-	Ethylene glycol monoethyl ether
151-56-4	P054	Aziridine	Ethylenimine
75-21-8	U115	Oxirane	Ethylene oxide
96-45-7	U116	2-Imidazolidinethione	Ethylenethiourea
75-34-3	U076	Ethane, 1,1-dichloro-	Ethylidene dichloride
97-63-2	U118	2-Propanoic acid, 2-methyl-, ethyl ester	Ethyl methacrylate
62-50-0	U119	Methanesulfonic acid, ethyl ester	Ethyl methanesulfonate
52-85-7	P097	Phosphorothioic acid, 0-[4-(dimethylamino)sulfonyl]phenyl] 0,0-	Famphur
206-44-0	U120	Same	Fluoranthene
7782-41-4	P056	Same	Fluorine
640-19-7	P057	Acetamide, 2-fluoro-	Fluoroacetamide
62-74-8	P058	Acetic acid, fluoro-, sodium salt	Fluoroacetic acid, sodium salt
50-00-0	U122	Same	Formaldehyde
64-18-16	U123	Same	Formic acid
765-34-4	U126	Oxtranecarboxaldehyde	Glycidialdehyde
76-44-8	P059	4, 7-Methano-1H-indene, 1, 4, 5, 6, 7, 8, 8-heptachloro-3a, 4, 7, 7a-	Heptachlor
1024-57-3		2, 5-Methano-2H-indenol[1, 2b]oxirane, tetrahydro-	Heptachlor epoxide
		2, 3, 4, 5, 6, 7, 7-heptachloro-1a, 1b, 5, 5a, 6, 6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6 beta, 6a alpha)-	Heptachlor epoxide (alpha, beta and gamma isomers)

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

84-66-2	U088	1,2-Benzenedicarboxylic acid, diethyl ester	Diethyl phthalate
297-97-2	P040	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester	0,0-Diethyl 0-pyrazinyl phosphorothioate
56-53-1	U089	Phenol, 4,4'-(1,2-dithyl)-1,2-ethenediyl]bts-, (E)-	Diethylstilbestrol
94-58-6	U090	1,3-Benzodioxole, 5-propyl-	Dihydrosafrole
55-91-4	P043	Phosphorofluoridic acid, bis(1-methyl) ester	Ditsoisopropylfluorophosphate (DFP)
60-51-5	P044	S-[2-(methylamino)-2-oxoethyl] ester	Dimethoate
119-90-4	U091	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	3,3'-Dimethoxybenzidine
60-11-7	U093	Benzonamine, N,N-dimethyl-4-(phenylazo)-	p-Dimethylaminoazobenzene
57-97-6	U094	Benz[a]anthracene, 7,12-dimethyl-1-[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	7,12-Dimethylbenz[a]anthracene
119-93-7	U095	and esters	
79-44-7	U097	Carbamic chloride, dimethyl-	Dimethylcarbamoyl chloride
57-14-7	U098	Hydrazine, 1,1-dimethyl-	1,1-Dimethylhydrazine
540-73-8	U099	Hydrazine, 1,2-dimethyl-	1,2-Dimethylhydrazine
122-09-8	P046	Benzeneethanamine, alpha, alpha-dimethyl-	alpha, alpha-Dimethylphenethylamine
105-67-9	U101	Phenol, 2,4-dimethyl-	2,4-Dimethylphenol
131-11-3	U102	1,2-Benzenedicarboxylic acid, dimethyl ester	Dimethylphthalate
77-78-1	U103	Sulfuric acid, dimethyl ester	Dimethyl sulfate
25154-54-5		Benzene, dinitro-	Dinitrobenzene, N.O.S.
534-52-1	P047	Phenol, 2-methyl-4,6-dinitro-	4,6-Dinitro-o-cresol
51-28-5	P048	Phenol, 2,4-dinitro-	2,4-Dinitrophenol
121-14-2	U105	Benzene, 1-methyl-2,4-dinitro-	2,4-Dinitrotoluene
606-20-2	U106	Benzene, 2-methyl-1,3-dinitro-	2,6-Dinitrotoluene
88-85-7	P020	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	Dinosab
117-84-0	U107	1,2-Benzenedicarboxylic acid, diocetyl ester	Di-n-octyl phthalate
122-39-4	U109	Benzonamine, N-phenyl-	Diphenylamine
122-66-7	U109	Hydrazine, 1,2-diphenyl-	1,2-Diphenylhydrazine
621-64-7	U111	1-Propanamine, N-nitroso-N-propyl-	Di-n-propylnitrosamine
298-04-4	P039	Phosphorodithioic acid, 0,0-diethyl	Disulfoton
541-53-7	P049	S-[2-(ethylthio)ethyl] ester	Dithioburet
115-29-7	P050	[H ² N(C(S)) ₂ NH] 6, 9-Methano-2, 4, 3-benzodioxathien-5, 5a, 6, 9, 9a-hexahydro-, 3-oxide, pen, 6, 7, 8, 9, 10, 10-hexachloro-1,	Endosulfan

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108-95-2	U188	Same	Phenol
62-38-4	P092	Benzenediamine	Phenylated amine
25265-76-3			Phenylmercury acetate
62-38-4	P092	Mercury, (aceto-0)phenyl-	Phenylthiourea
103-85-5	P093	Thiourea, phenyl-	Phosgene
75-44-5	P095	Carbonic dichloride	Phosphine
7603-51-2	P096	Same	Phosphate
298-02-2	P094	Phosphorodithioic acid, 0,0-dieethyl	Phthalic acid esters, N.O.S.
85-44-9	U190	1,3-Isobenzofuranone	Phthalic anhydride
109-06-8	U191	Pyridine, 2-methyl-	2-Picoline
151-50-8	P098	Same	Potassium silver cyanide
506-61-6	P099	Argentate(1-), bis(cyano-C)-, potassium salt	Potassium cyanide
23950-58-1	U192	Benzenamide, 3,5-dichloro-N-(1,1-dimethyl-2-propyl)-	Pronamide
1120-71-4	U193	1,2-Oxathiolane, 2,2-dioxide	1,3-Propane sulfone
107-10-8	U194	1-Propanamine	n-Propanamine
107-19-7	P102	2-Propyl-1-ol	Propargyl alcohol
78-87-5	U083	Propane, 1,2-dichloro-	Propylene dichloride
75-55-8	P067	Aztridine, 2-methyl-	1,2-Propylamine
51-52-5		4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	Propylthiourea
110-86-1	U196	Same	Pyridine
50-55-5	U200	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-(3, 4, 5-	Reserpine
108-46-3	U201	1,3-Benzenediol	Resorcinol
81-07-2	U202	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	Saccharin
94-59-7	U203	1,3-Benzodioxole, 5-(2-propenyl)-	Saccharin salts
7782-49-2	Same	Same	Safrole
7783-00-8	U204	Selenious acid	Selenium compounds, N.O.S.
7488-56-4	U205	Selenium sulfide Se ₂	Selenium dioxide
630-10-4	P103	Same	Selenourea
7440-22-4	Same	Same	Silver
506-64-9	P104	Silver cyanide AgCN	Silver compounds, N.O.S.
93-72-1	See F027	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	Silver cyanide
143-33-9	P106	Sodium cyanide NaCN	Silver cyanide
18883-66-	U206	0-Glucose, 2-deoxy-2-[[methyl(1-nitrosoamino)carboxylamino]-	Streptozotocin

557-19-7	P074	64-11-6	P075	557-19-7	P074	Nickel cyanide Ni(CN) ₂
64-11-6	P075	Pyridine, 3-(1-methyl-2-pyridylidiny)-, (S)-		64-11-6	P075	Nicotine
10102-43-9	P076	Nitrogen oxide NO		10102-43-9	P076	Nitric oxide
100-01-6	P077	Benzenamine, 4-nitro-		100-01-6	P077	p-Nitroaniline
96-95-3	P078	Benzene, nitro-		96-95-3	P078	Nitrobenzene
10102-44-0	P078	Nitrogen oxide NO ₂		10102-44-0	P078	Nitrogen dioxide
51-75-2		Ethanimine, 2-chloro-N-(2-chloroethyl)-N-methyl-		51-75-2		Nitrogen mustard
126-85-2		Ethanimine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide		126-85-2		Nitrogen mustard, hydrochloride salt
55-63-0	P081	1,2,3-Propanetriol, trinitrate		55-63-0	P081	Nitroglycerin
100-02-7	U170	Phenol, 4-nitro-		100-02-7	U170	p-Nitrophenol
79-46-9	U171	Propane, 2-nitro-		79-46-9	U171	2-Nitropropane
35576-91-1		Nitrosamines, N.O.S.		35576-91-1		Nitrosamines, N.O.S.
924-16-3	U172	1-Butanamine, N-butyl-N-nitroso-		924-16-3	U172	N-Nitrosodipropylamine
1116-54-7	U173	Ethanol, 2,2'-(nitrosoimino)bis-		1116-54-7	U173	N-Nitrosodipropylamine
55-18-5	U174	Ethanimine, N-ethyl-N-nitroso-		55-18-5	U174	N-Nitrosodipropylamine
62-75-9	P082	Methanimine, N-methyl-N-nitroso-		62-75-9	P082	N-Nitrosodipropylamine
759-73-9	U176	Urea, N-ethyl-N-nitroso-		759-73-9	U176	N-Nitrosodipropylamine
10595-95-6		Ethanimine, N-methyl-N-nitroso-		10595-95-6		N-Nitrosodipropylamine
684-93-5	U177	Urea, N-methyl-N-nitroso-		684-93-5	U177	N-Nitrosodipropylamine
615-53-2	U178	Carbamic acid, methylnitroso-, ethyl ester		615-53-2	U178	N-Nitrosodipropylamine
4549-40-0	P084	Vinylamine, N-methyl-N-nitroso-		4549-40-0	P084	N-Nitrosomorpholine
59-89-2		Morpholine, 4-nitroso-		59-89-2		N-Nitrosomorpholine
16543-55-8		Pyridine, 3-(1-nitroso-2-pyridylidiny)-, (S)-		16543-55-8		N-Nitrosomorpholine
100-75-4	U179	Piperidine, 1-nitroso-		100-75-4	U179	N-Nitrosopiperidine
930-55-2	U180	Pyridine, 1-nitroso-		930-55-2	U180	N-Nitrosopiperidine
13256-22-9	U181	Glycine, N-methyl-N-nitroso-		13256-22-9	U181	N-Nitrososarcosine
99-55-8	U181	Benzenamine, 2-methyl-5-nitro-		99-55-8	U181	5-Nitro-2-toluidine
152-16-9	P085	Diphosphoramide, octamethyl-		152-16-9	P085	Octamethylpyrophosphoramide
20816-12-0	P087	Osmium oxide OsO ₄ , (T-4)		20816-12-0	P087	Osmium tetroxide
123-63-7	U182	1,3,5-Trioxane, 2,4,6-trimethyl-1-phosphorothioic acid, 0,0-dieethyl 0-		123-63-7	U182	Paraldehyde
56-38-2	P089	(4-nitrophenyl) ester		56-38-2	P089	Pentachlorobenzene
608-93-5	U183	Benzenene, pentachloro-		608-93-5	U183	Pentachlorobenzene
76-01-7	U184	Ethane, pentachloro-		76-01-7	U184	Pentachloroethane
82-68-8	U185	Benzene, pentachloronitro-		82-68-8	U185	Pentachloronitrobenzene (PCNB)
87-86-5	See F027	Phenol, pentachloro-		87-86-5	See F027	Pentachlorophenol
62-44-2	U187	Acetamide, N-(4-ethoxyphenyl)-		62-44-2	U187	Phacetin

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

-Strontium sulfide	Strontium sulfide SrS	1314-96-1	P107-
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts			P108
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
Tetraethyl dithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallic oxide	Thallium oxide Tl_2O_3	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride $TlCl$	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, 0-[(methylamino)carbonyl]oxime	39196-18-4	P045
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl-	137-26-8	U244
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Toxaphene	Same	8001-35-2	P123
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.		25735-29-9	
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	
0,0,0-Triethyl phosphorothioate	Phosphorothioic acid, 0,0,0-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[5-amino-4-hydroxy-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V_2O_5	1314-62-1	P120
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%.	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%.	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3%			U248
Warfarin salts, when present at concentrations greater than 0.3%			P001
Zinc cyanide	Zinc cyanide $Zn(CN)_2$	557-21-1	P121
Zinc phosphide	Zinc phosphide P_2Zn_3 , when present at concentrations greater than 10%.	1314-84-7	P122
Zinc phosphide	Zinc phosphide P_2Zn_3 , when present at concentrations of 10% or less.	1314-84-7	U249

(Source: Amended at 13 Ill. Reg.

effective

)

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste.

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

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments add additional methods by which an operator can demonstrate financial responsibility for liability insurance.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.113, 725.173, 725.212, 725.214, 725.218, 725.241
Amendments
725.247, 725.290, 725.293, 725.296, 725.301
Amendments

4) Statutory Authority: 111. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 25, 1989 in R89-1, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register on December 10, 1987 and during the period August 1 through December 31, 1988.

This Part includes numerous minor amendments which change cross references to reflect new or modified requirements. These include references to First Third Landfill bans (Part 728), permit modification (Part 703) and tank systems (Subpart J).

Sections 725.241 et seq. concern liability insurance requirements. The Board has proposed to adopt definitions based on standard insurance industry definitions, and has proposed to limit the methods of complying with the insurance requirement to those which are governed by Illinois law, from providers licensed or regulated in Illinois.

Sections 725.290 et seq. are minor amendments to the tank system rules.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive or Incompatible
Wastes
725.118 Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan
725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
725.170 Applicability
725.171 Use of Manifest System
725.172 Manifest Discrepancies
725.173 Operating Record
725.174 Availability, Retention and Disposition of Records
725.175 Annual Report
725.176 Unmanifested Waste Report
725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section
725.190 Applicability
725.191 Groundwater Monitoring System
725.192 Sampling and Analysis
725.193 Preparation, Evaluation and Response
725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
725.210 Applicability
725.211 Closure Performance Standard
725.212 Closure Plan; Amendment of Plan
725.213 Closure; Time Allowed for Closure
725.214 Disposal or Decontamination of Equipment, Structures and Soils
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-closure Care and Use of Property
725.218 Post-closure Plan; Amendment of Plan
725.219 Post-Closure Notices
725.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart
725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure
725.244 Cost Estimate for Post-closure Care
725.245 Financial Assurance for Post-closure Monitoring and Maintenance
725.246 Use of a Mechanism for Financial Assurance of Both Closure and
Post-closure Care
725.247 Liability Requirements
725.248 Incapacity of Owners or Operators, Guarantors or Financial
Institutions
725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	725.370	Applicability
Section	725.372	General Operating Requirements
	725.373	Waste Analysis
	725.376	Food Chain Crops
	725.378	Unsaturated Zone (Zone of Aeration) Monitoring
	725.379	Recordkeeping
	725.380	Closure and Post-Closure
	725.381	Special Requirements for Ignitable or Reactive Waste
	725.382	Special Requirements for Incompatible Wastes
Section	725.400	Applicability
	725.401	Design Requirements
	725.402	General Operating Requirements
	725.409	Surveying and Recordkeeping
	725.410	Closure and Post-Closure
	725.412	Special Requirements for Ignitable or Reactive Waste
	725.413	Special Requirements for Incompatible Wastes
	725.414	Special Requirements for Liquid Wastes
	725.415	Special Requirements for Containers
	725.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
Section	725.440	Applicability
	725.441	Waste Analysis
	725.445	General Operating Requirements
	725.447	Monitoring and Inspection
	725.451	Closure
	725.452	Interim Status Incinerators Burning Particular Hazardous Wastes
Section	725.470	Other Thermal Treatment
	725.473	General Operating Requirements
	725.475	Waste Analysis
	725.477	Monitoring and Inspections
	725.481	Closure
	725.482	Open Burning; Waste Explosives
	725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste
Section	725.500	Applicability
Section	725.500	SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	725.270	Applicability
	725.271	Condition of Containers
	725.272	Compatibility of Waste with Containers
	725.273	Management of Containers
	725.274	Inspections
	725.276	Special Requirements for Ignitable or Reactive Waste
	725.277	Special Requirements for Incompatible Wastes
Section	725.290	Applicability
	725.291	Assessment of Existing Tank System's Integrity
	725.292	Design and Installation of New Tank Systems or Components
	725.293	Containment and Detection of Releases
	725.294	General Operating Requirements
	725.295	Inspections
	725.296	Response to leaks or spills and disposition of Tank Systems
	725.297	Closure and Post-Closure Care
	725.298	Special Requirements for Ignitable or Reactive Waste
	725.299	Special Requirements for Incompatible Wastes
	725.300	Waste Analysis and Trial Tests
	725.301	Generators of 100 to 1000 kg/mo.
Section	725.320	Applicability
	725.321	Design Requirements
	725.322	General Operating Requirements
	725.323	Containment System
	725.325	Waste Analysis and Trial Tests
	725.326	Inspections
	725.328	Closure and Post-Closure Care
	725.329	Special Requirements for Ignitable or Reactive Waste
	725.330	Special Requirements for Incompatible Wastes
Section	725.350	Applicability
	725.351	Protection from Wind
	725.352	Waste Analysis
	725.353	Containment
	725.354	Design Requirements
	725.356	Special Requirements for Ignitable or Reactive Waste
	725.357	Special Requirements for Incompatible Wastes
	725.358	Closure and Post-Closure Care
Section	725.400	SUBPART K: SURFACE IMPOUNDMENTS
Section	725.440	SUBPART L: WASTE PILES
Section	725.500	SUBPART M: LAND TREATMENT

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.501	General Operating Requirements
725.502	Waste Analysis and Trial Tests
725.503	Inspections
725.504	Closure
725.505	Special Requirements for Ignitable or Reactive Waste
725.506	Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section	Applicability
725.530	

Appendix A	Recordkeeping Instructions
Appendix B	EPA Report Form and Instructions (Repealed)
Appendix C	EPA Interim Primary Drinking Water Standards
Appendix D	Tests for Significance
Appendix E	Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987; ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. , effective

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the waste in accordance with the requirements of this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to insure that it is accurate and up-to-date. At a minimum, the analysis must be repeated:
 - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
 - 1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection

applicable prohibition levels in 35 Ill. Adm. Code 228-Subpart 6--: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 228.132 or 228.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 228.133(f).

(c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 225.173 Operating Record

a) The owner or operator shall keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility. 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage or disposal at the facility as required by Appendix A; 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

BOARD NOTE: See Sections 225.219, 225.379 and 225.409 for related requirements.

3) Records and results of waste analysis and trial tests performed

(a). 2) The test methods which will be used to test for these parameters.

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 Ill. Adm. Code 221.Appendix A or
B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 220.120(c) for related discussion.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 225.293, 225.325, 225.352, 225.373, 225.414, 225.441, 225.475 and 225.502, and 35 Ill. Adm. Code 228.107. And,

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 228.104(a), the procedures and schedules for:

A) The sampling of impoundment contents;

B) The analysis of test data; and,

C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 220.122 -and de-or which exhibit a characteristic of hazardous waste, and either:

1) Do-when de-not meet-the-applicable treatment standards of 35 Ill. Adm. Code 228.Subpart D- or, where-; or

1i) Where no treatment standards have been established--the annual removal of residues which de-not meet the

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*Fair usage policy applies

of the amended closure plan for approval by the Agency.

- 1) The owner or operator shall amend the closure plan, whenever:
 - A) changes in the operating plans or facility design affect the closure plan, or
 - B) whenever there is a change in the expected year of closure, if applicable, or
 - C) in conducting partial or final closure activities, unexpected events require a modification of the closure plan.

2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intend to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.

3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intend to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Major-Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code -702.183, 702.185, and 702.187-703.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4)

4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1). An owner or operator with an approved closure plan shall submit the modified plan within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final

unclosed during the active life of the facility and

3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and

5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included; and

7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.

c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS.

closure. If the amendment is considered a ~~major~~-Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code ~~702.183, 702.184, 702.185 and 702.187-703.280~~, the modification to the plan ~~will~~-shall be approved in accordance with the procedures in subsection (d)(4)

d) Notification of partial closure and final closure.

- 1) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units. Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit. Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.
- 2) The date when the owner or operator "expects to begin closure" must be either within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit.
- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
 - A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS.

interim status); or

- B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.
- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section ~~shall~~ -precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 13 Ill. Reg. , effective)

Section 725.214: Disposal or Decontamination of Equipment, Structures and Soils

During the partial and final closure periods, all contaminated equipment, structures and soil-s- must be properly disposed of, or decontaminated, unless specified otherwise in Sections 725.297, 725.328, 725.358, 725.380 or 725.410. By removing all hazardous wastes or hazardous constituents during

NOTICE OF PROPOSED AMENDMENTS

partial and final closure, the owner or operator may become a generator of hazardous waste and shall handle that hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 13 Ill. Reg. , effective)

Section 725.218 Post-closure Plan; Amendment of Plan

a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure shall prepare a post-closure plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.

b) Until final closure of the facility, a copy of the most current post-closure plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) shall keep the approved post-closure plan during the post-closure period.

c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure plan must identify the activities which will be carried on after closure of each disposal unit and the frequency of these activities and include at least:

1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, K, L, M and N during the post-closure period;

2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M and N; and

B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M and N; and

3) The name, address and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

NOTICE OF PROPOSED AMENDMENTS

d) Amendment of plan. The owner or operator may amend the post-closure plan at any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan shall submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the Agency.

A) Changes in operating plans or facility design affect the post-closure plan; or

B) Events occur during the active life of the facility, including partial and final closures, which affect the post-closure plan.

2) The owner or operator shall amend the post-closure plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a hazardous wastes at closure in accordance with Sections 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator shall submit a post-closure plan within 90 days after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure plan is a major-class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.183, 702.184, 702.185 and 702.187-703.280, the modification to the plan shall must be approved according to the procedures in sub-section (f).

3) An owner or operator with an approved post-closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a hazardous wastes at closure in accordance with Sections 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator shall submit a post-closure plan within 90 days after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure plan is a major-class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.183, 702.184, 702.185 and 702.187-703.280, the modification to the plan shall must be approved according to the procedures in sub-section (f).

4) The Agency may request modifications to the plan under the conditions described in above subsection (d)(1). An owner or operator with an approved post-closure plan shall submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a major-class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.183, 702.184, 702.185 and 702.187-703.280 the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

modifications to the post-closure plan ~~shall~~must be approved in accordance with the procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall submit a post-closure plan for approval to the Agency within 90 days after the determination.

- e) The owner or operator of a facility with hazardous waste management units subject to these requirements shall submit the post-closure plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
- 1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
 - 2) Issuance of a judicial decree or Board order to cease receiving wastes or close.
- f) Procedures.
- 1) Except as provided in subsection (f)(2), the Agency shall provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency determines not to approve the plan, the Agency shall provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

receiving such written statements. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved post-closure plan. Any final Agency determination shall ensure that the approved post-closure plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications ~~shall~~must be mailed to the owner or operator.

- 2) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.
- g) The post-closure plan and length of the post-closure period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:
 - 1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.
 - A) The petition must include evidence demonstrating that:
 - i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment or re-use techniques indicate that the facility is secure), or
 - ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment. (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).
 - B) These petitions ~~will~~must be considered only when they present new and relevant information not previously considered.
 - i) Except as provided in subsection (g)(1)(B)(iii),

NOTICE OF PROPOSED AMENDMENTS

whenever the Agency is considering a petition, it shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Agency shall give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency shall issue a final determination, based upon the criteria set forth in subsection(g)(1).

(i) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

(c) If the Agency denies the petition, it shall send the petitioner a brief written response giving a reason for the denial.

2) The Agency shall tentatively decide to modify the post-closure plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

A) The Agency shall provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency shall issue a final determination.

B) The Agency shall base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirement(s) should be permanently discontinued or

NOTICE OF PROPOSED AMENDMENTS

reinstated to prevent threats to human health and the environment.

h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency shall not amend permits in such a manner so that the permit would not conform with Board regulations. If any person seeks a closure or post-closure care plan which would not conform with Board regulations, such person shall file a site-specific rulemaking petition pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to 35 Ill. Adm. Code 104.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART H: FINANCIAL REQUIREMENTS
 Section 725.241 Definitions of Terms as Used in this Subpart

a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 725.212.

b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.242(a), (b) and (c).

c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.244(a), (b) and (c).

d) "Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 725.217 through 725.220.

f) The following terms are used in the specifications for the financial tests for closure, post-closure care and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

"Assets" mean all existing and all probable future economic benefits obtained or controlled by a particular entity.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Current assets" mean cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b) and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

- g) In the liability insurance requirements the terms "bodily injury" and "property damage" shall have the meanings given these terms by applicable State law. However, these terms do not include those liabilities which, consistent with standard industry practice, are excluded from coverage in liability policies for bodily injury and property damage below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident including continuous or repeated exposure to conditions, which results in bodily

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

injury or property damage neither expected nor intended from the standpoint of the insured.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence which takes place over time and involves continuous or repeated exposure.

"Pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage". The entirety of any such emission, discharge, release or escape shall be deemed to be one "pollution incident".
"Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "Waste" includes materials to be recycled, reconditioned or reclaimed. The term "pollution incident" includes an "occurrence".

BOARD NOTE: This definition is used in the definition of "property damage."

"Property damage" means

Physical injury to, destruction of or contamination of

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

"Sudden accidental occurrence" means an occurrence which is not continuous or repeated in nature.

h) "Substantial business relationship" means that one business entity has an ownership interest in another.

(Source: Amended at 13 Ill. Reg. , effective

Section 725.247 Liability Requirements

a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways - as specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.

B) Each insurance policy must be issued by an insurer which is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer in one or more states - is licensed by the Illinois Department of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the -operate-guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of -the-combinations of insurance, financial test, -insuree, the -operate-guarantee, -a combination of the financial test and insuree or a combination of the -operate-guarantee and insuree-letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this -sub-Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

7) An owner or operator shall notify the Agency within 30 days:

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B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.

c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted in writing to the Agency. If granted, the Agency's action -will- shall take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level -shall- must be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the involved in the tentative decision.

e) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

f) Financial test for liability coverage. 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B): A) The owner or operator shall have: 1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and 2) Tangible net worth of at least \$10 million; and 3) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test. B) The owner or operator shall have: 1) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by

B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.

c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted in writing to the Agency. If granted, the Agency's action -will- shall take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

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e) Financial test for liability coverage. 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B): A) The owner or operator shall have: 1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and 2) Tangible net worth of at least \$10 million; and 3) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test. B) The owner or operator shall have: 1) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Moody's; and

- ii) Tangible net worth of at least \$10 million; and
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).
- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter as specified in 35 Ill. Adm. Code 724.251 is not required.
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to believe that the specified data should be adjusted.

- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion ~~will be~~ is cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.
- g) ~~Corporate~~ g-Guarantee for liability coverage.
 - 1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "~~corporate~~ guarantee." The guarantor ~~must~~ shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor ~~must~~ shall meet the requirement for owners and operators in subsections (f)(1) through (f)(~~7-6~~). The wording of the ~~corporate~~ guarantee must be as specified in ~~Section~~ 35 Ill. Adm. Code 724.251. A certified copy of the ~~corporate~~ guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the -operate-guarantee must provide that:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this -operate-guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

B) The -operate-guarantee -with-remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee -shall-not be terminated unless and until the Agency approves alternate liability coverage complying with Section -724-725.247 or 35 Ill. Adm. Code -725-724.247.

2) The guarantor shall execute the guarantee in Illinois. The guarantor shall be accompanied by a letter signed by the guarantor which states that:
A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
B) The guarantee is governed by Illinois law; and
C) The name and address of the guarantor's registered agent for service of process.

3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 5.05) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987, ch. 32, par. 105.05).

h) Letter of credit for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit shall be

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

3) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

1) Surety bond for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.

3) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

1) Trust fund for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection and submitting a signed, duplicate original of the trust agreement to the Agency.

2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Foreign Corporations as Fiduciaries Act. (Ill. Rev. Stat. 1987, ch. 17, par. 2801 et seq.)

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section, less the amount of financial assurance for liability coverage which is being provided by by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

- 4) The wording of the trust fund must be as specified in 35 Ill. Adm. Code 724.251.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART J: TANK SYSTEMS

Section 725.290 Applicability

The regulations of this Subpart apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsections (a) or (b), or in Section 725.101.

- a) ~~Tank-s-~~ systems that are used to store or treat hazardous waste ~~-containing which contains~~ no free liquids and that are situated inside a building with an impermeable floor are exempted from the requirements ~~-of-~~ in Section 725.293. To demonstrate the absence or presence of free liquids in the stored/treated waste, USEPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used.
- b) ~~Tank-s-~~ systems, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 725.293(a).

(Source: Amended at 13 Ill. Reg. , effective)

Section 725.293 Containment and Detection of Releases

- a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in subsections (f) and (g)).
- 1) For all new tank systems or components, prior to their being put into service;
 - 2) For all existing tanks used to store or treat USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027, as defined in 35 Ill. Adm. Code 721.131, within two years after January 12,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1987;

- 3) For those existing tank systems of known and documentable age, within two years after January 12, 1987, or when the tank systems have reached 15 years of age, whichever come later;
 - 4) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age or within two years of January 12, 1987, whichever comes later; and
 - 5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4), except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.
- b) Secondary containment systems must be:
- 1) Designed, installed and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the tank system; and
 - 2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
- c) To meet the requirements of subsection (b), secondary containment systems must be at a minimum:
- 1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and of sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from nearby vehicular traffic);
 - 2) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression or uplift;
 - 3) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the

- 1) External liner systems must be:
 - A) Designed or operated to contain 100 percent of the capacity of the largest tank within the liner system's boundary;
 - B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
 - C) Free of cracks or gaps; and
 - D) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

- 2) Vault systems must be:
 - A) Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;
 - B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
 - C) Constructed with chemical-resistant water stops in place at all joints (if any);
 - D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;
 - E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:
 - t) Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or
 - tt) Meets the definition of reactive waste under 35 Ill. Adm. Code 721.123 and may form an ignitable or

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Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

Constructed with chemical-resistant water stops in place at all joints (if any);

Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;

Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

Free of cracks or gaps; and

Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

Designed or operated to contain 100 percent of the capacity of the largest tank within the liner system's boundary;

- 4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing detection technology or site conditions will not allow detection of a release within 24 hours;

primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing detection technology or site conditions will not allow detection of a release within 24 hours;

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Works (POTW-5-), it is subject to the requirements of Section 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 750.410 and 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111.

Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault;

3) A double-walled tank; or

4) An equivalent device as approved by the Board in an adjusted standards proceeding.

In addition to the requirements of subsections (b), (c) and (d), secondary containment systems must satisfy the following requirements:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

explosive vapor; and

F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) Double-walled tanks must be:

- A) Designed as an integral structure (i.e., an inner tank within an outer shell) so that any release from the inner tank is contained by the outer shell;
- B) Protected, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell; and
- C) Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing leak detection technology or site conditions will not allow detection of a release within 24 hours.

BOARD NOTE: The provisions outlined in the Steel Tank Institute (STI) "Standard for Dual Wall Underground Steel Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.

f) Ancillary equipment must be provided with full secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of subsections (h) and (c) except for:

- 1) Aboveground piping (exclusive of flanges, joints, valves and connections) that are visually inspected for leaks on a daily basis;
- 2) Welded flanges, welded joints and welded connections that are visually inspected for leaks on a daily basis;
- 3) Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and
- 4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with 35 Ill. Adm. Code 106.Subpart D, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g).(2).

- 1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The nature and quantity of the waste;
 - B) The proposed alternate design and operation;
 - C) The hydrogeologic setting of the facility, including the thickness of soils between the tank system and groundwater; and
 - D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.
- 2) In deciding whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The potential adverse effects on groundwater, surface water and land quality taking into account:
 - i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;
 - ii) The hydrogeological characteristics of the facility

and surrounding land;

iii) The potential for health risks caused by human exposure to waste constituents;

iv) The potential for damage to wildlife; crops, vegetation and physical structures caused by exposure to waste constituents; and

v) The persistence and permanence of the potential adverse effects.

B) The potential adverse effects of a release on groundwater quality, taking into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The proximity and withdrawal rates of water in the area;

iii) The current and future uses of groundwater in the area; and

iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.

C) The potential adverse effects of a release on surface water quality, taking into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The patterns of rainfall in the region;

iii) The proximity of the tank system to surface waters;

iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality. And,

D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

and surrounding land;

i) The patterns of rainfall in the region; and

ii) The current and future uses of the surrounding land.

3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), shall:

A) Comply with the requirements of Section 725.296, except Section 725.296(d); and

B) Decontaminate or remove contaminated soil to the extent necessary to:

i) Enable the tank system, for which alternative design and operating practices were granted, to resume operation with the capability for the detection of and response to releases at least equivalent to the capability it had prior to the release; and

ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water.

C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B), comply with the requirements of Section 724-725.297(b).

4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the alternative design and operating practices, shall:

A) Comply with the requirements of Section 725.296(a),(b),(c) and (d); and

B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator

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NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

- b) Removal of waste from tank system or secondary containment system.
- 1) If the release was from the tank system, the owner or operator shall, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
- 2) If the release was to a secondary containment system, all released materials must be removed within 24 hours to prevent harm to human health and the environment.
- c) Containment of visible releases to the environment. The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection:
- 1) Prevent further migration of the leak or spill to soils or surface water; and
- 2) Remove, and properly dispose of, any visible contamination of the soil or surface water.
- d) Notifications, reports.
- 1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours of detection.
- 2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:
- A) Less than or equal to a quantity of one (1) pound; and
- B) Immediately contained and cleaned-up.
- 3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:
- A) Likely route of migration of the release;
- B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
- C) Results of any monitoring or sampling conducted in connection with the release, (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to

- e) Provision of secondary containment, repair or closure.
- 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.
- 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
- 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
- 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 725.293 before it is returned to service, unless the source of the leak is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements for new tank systems or components in Sections 725.292 and 725.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with Section 725.293 prior to being returned to use.
- f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent
- D) Proximity to downgradient drinking water, surface water and population areas; and
- E) Description of response actions taken or planned.

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

- 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.
- 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
- 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
- 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 725.293 before it is returned to service, unless the source of the leak is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements for new tank systems or components in Sections 725.292 and 725.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with Section 725.293 prior to being returned to use.
- f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

BOARD NOTE: See Section 725.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR ~~302 (1986)~~-302.6, incorporated by reference in 35 Ill. Adm. Code 720.111, requires the owner or operator to notify the National Response Center of a release of any "reportable quantity."

(Source: Amended at 13 Ill. Reg. , effective)

Section 725.301 Generators of 100 to 1000 kg/mo.

- a) The requirements of this Section apply to small quantity generators of more than 100 kg but less than 1000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and do not accumulate over 6,000 kg on-site at any time.
- b) Generators of between 100 and 1000 kg/mo hazardous waste shall comply with the following general operating requirements:
 - 1) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b).
 - 2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.
 - 3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g. dike or trench), a drainage control system or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - 4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

BOARD NOTE - These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

tank, etc.).

- c) Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall inspect, where present:
 - 1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
 - 2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;
 - 3) The level of waste in the tank at least once each operating day to ensure compliance with ~~Section 725.292(e)~~-subsection (b)(3);
 - 4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and
 - 5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.

- d) Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment and discharge confinement structures.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator demonstrates, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723 and 725.

- e) Generators of between 100 and 1000 kg/mo shall comply with the following special requirements for ignitable or reactive waste:
 - 1) Ignitable or reactive waste must not be placed in a tank, unless:
 - A) The waste is treated, rendered or mixed before or immediately after placement in a tank so that;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference?

Yes. This Part incorporates federal regulations by reference. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

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

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste, especially the "First third" wastes.

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to the adjusted standards procedures.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

Environmental Protection Act (111. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 111. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 111. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 111. Reg. , effective

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 35 111. Adm. Code 721, the requirements of this Part apply to persons who generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage and disposal facilities.

c) Prohibited wastes may continue to be land disposed as follows:

1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where persons have 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) Until November 8, 1988, where the wastes are contained set off debris resulting from a response action taken under Section 104 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.) or under RCRA corrective actions as defined in Section 728.102; -

4) Where the waste is generated by small quantity generators of less than 100 kilograms of non-acute hazardous wastes per month or less than one kilogram of acute hazardous waste per month, as defined in 35 111. Adm. Code 721.105; or,

4) Where a farmer is disposing of waste pesticides in accordance with 35 111. Adm. Code 722.170.

5) Prior to May 8, 1990, in a landfill or surface impoundment unit where all applicable persons are in compliance with the requirements of Section 728.108, with respect to wastes which

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: MAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

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 under Subpart C

728.107 Waste Analysis

728.108 Landfill and Surface Impoundment Disposal Restrictions

SUBPART C: PROHIBITION ON LAND DISPOSAL

728.130 Waste Specific Prohibitions -- Solvent Wastes

728.131 Waste Specific Prohibitions -- Dioxin-containing Wastes

728.132 Waste Specific Prohibitions -- California List Wastes

728.133 Waste Specific Prohibitions -- First Third Wastes

728.139 Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

728.140 Applicability of Treatment Standards

728.141 Treatment Standards expressed as Concentrations in Waste Extract

728.142 Treatment Standards expressed as Specified Technologies

728.143 Treatment Standards expressed as Waste Concentrations

728.144 Adjustment of Treatment Standard

SUBPART E: PROHIBITIONS ON STORAGE

728.150 Prohibitions on Storage of Restricted Wastes

Section 728.150

Table A

Constituent Concentrations in Waste Extract (CWE)

Table B

Constituent Concentrations in Wastes (CM)

Appendix A

Toxicity Characteristic Leaching Procedure (TCLP)

Treatment Standards (As concentrations in the Treatment Residual Extract)

Appendix B

List of Halogenated Organic Compounds

Appendix C

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

are not subject to the treatment standards set forth in Subpart D, and which are not subject to the prohibitions in Section 728.132 or 728.139.

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of CERCLA.

e) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (Ill. Rev. Stat. -1985-1987, ch. 111 1/2, pars. 1022.6 or 1039(h)) unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 13 Ill. Reg. , effective)

Section 728.104 Treatment Surface Impoundment Exemption

a) Wastes which are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that:

- 1) Treatment of such wastes occurs in the impoundments;
- 2) The residues of the treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards in Subpart D or, where no treatment standards have been established for the waste, the applicable prohibition levels specified in Subpart G. 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. The treatment residues (including any liquid waste) that do not meet the treatment standards promulgated under Subpart D or the applicable prohibition levels promulgated under Subpart G, or are not delisted under 35 Ill. Adm. Code 720.122 and no longer exhibit a characteristic of hazardous waste, must be removed at least annually. These residues shall not be placed in any other surface impoundment for subsequent management. 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. The procedures and schedule for the sampling of impoundment contents, the analysis of test data and the annual removal of residue which does not meet the Subpart D treatment

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

standards, or Subpart G, must be specified in the facility's waste analysis plan as required under 35 Ill. Adm. Code 724.113 or 725.113; The following conditions are met:

- A) Sampling and 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 which do not meet the treatment standards promulgated under Subpart D; residues which do not meet the prohibition levels established under Subpart C or 728.139 (where no treatment standards have been established); residues which are from the treatment of wastes prohibited from land disposal under Subpart C (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes which are not delisted under 35 Ill. Adm. Code 720.122. However, residues which are the subject of a valid certification under Section 728.108 made no later than a year after placement of the wastes in an impoundment are not required to be removed annually. 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. Treatment residues must not be placed in any other surface impoundment for subsequent management unless the residues are the subject of a valid certification under Section 728.108 which allows disposal in surface impoundments meeting the requirements of Section 728.108(a).
- D) Recordkeeping. The procedures and schedule for the sampling of impoundment contents, the analysis of test data and the annual removal of residues which do not meet the treatment standards, or prohibition levels (where no

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

treatment standards have been established, or which are from the treatment of wastes prohibited from land disposal under Subpart C (where no treatment standards have been established and no prohibition levels apply), must be specified in the facility's waste analysis plan as required under 35 Ill. Adm. Code 724.113 or 725.113.

- 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 35 Ill. Adm. Code 724.Subpart F or 725.Subpart F, unless:
 - A) It is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d); or
 - 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:
 - i) Has at least one liner, for which there is no evidence that such liner is leaking;
 - ii) Is located more than one-quarter mile from an underground source of drinking water; and
 - iii) Is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or,

- 4) The owner or operator submits to the Agency a written certification that the requirements of Section 728.104(a)(3) have been met and submits a copy of the waste analysis plan required under Section 728.104(a)(2). The following certification is required:
 - C) Upon application by the owner or operator, the Board has, pursuant to 35 Ill. Adm. Code 106, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard shall 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,

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 13 Ill. Reg. , effective)

Section 728.105 Procedures for case-by-case Extensions to an Effective Date

- a) The Board incorporates by reference 40 CFR 268.5-(1987), as amended at 52 Fed. Reg. 25760, July 8, 1987-(1988), as amended at 53 Fed. Reg. 31211, August 17, 1988. This Part incorporates no future editions or amendments.

- b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions which are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.
 - (Source: Amended at 13 Ill. Reg. , effective)

Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C

- a) Any person seeking an exemption from a prohibition under Subpart C for the disposal of a restricted hazardous waste in a particular unit or units shall 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 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 which detects migration at the earliest practical time;

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POLLUTION CONTROL BOARD

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

necessary, file a motion to modify or vacate the adjusted standard with the Board.

c) Determine whether further examination of any migration is required under the applicable provisions of 35 Ill. Adm. Code 724 or 725.

d) 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 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.

e) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.

f) 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.

g) The Board will give public notice and provide an opportunity for public comment as provided in 35 Ill. Adm. Code 106. Notice of a final decision on a petition will be published in the Environmental Register.

h) The term of a petition granted under this Section will be no longer than the term of the RCRA permit if the disposal unit is operating under a RCRA permit, or up to a maximum of 10 years from the date of approval provided under subsection (g) if the unit is operating under interim status. In either case, the term of the granted petition shall expire 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.

i) Prior to the Board's decision, the applicant shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

j) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste under 35 Ill.

POLLUTION CONTROL BOARD

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

e) Each petition must be submitted to the Board as provided in 35 Ill. Adm. Code 106.

e) After a petition has been approved, the owner or operator shall 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 shall, at least 90 days prior to making the change, either:

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 which 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 of discovering the change. The Agency shall 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 constituent(s) from the unit, as determined by the owner or operator, the owner or operator shall:

1) Immediately suspend receipt of restricted waste at the unit, and Notify the Agency, in writing, within 10 days of the determination that a release has occurred.

3) Following receipt of the notification, the Agency shall, within 60 days of receiving notification:

A) Determine whether the owner and 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

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 702, 703 and 720 through 726.

- k n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard under this Section.

(Source: Amended at 13 Ill. Reg. , effective)

Section 728.107 Waste Analysis

- a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D or ~~does not comply with~~ exceeds the applicable prohibition-s- levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D and any applicable prohibition-s- levels set forth in Section 728.132 or 728.139. The notice must include the following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standard and all applicable standards set forth in Section 728.132 or 728.139;
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.

- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139.

- A) The notice must include the following information:

NOTICE OF PROPOSED AMENDMENTS

- i) USEPA Hazardous Waste Number;
- ii) The corresponding treatment standard;
- iii) The manifest number associated with the shipment of waste;
- iv) Waste analysis data, where available.

- B) The certification must be signed by an authorized representative and must state the following:

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 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or section 3004(d) of the Resource Conservation and Recovery Act. 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.

- 3) If a generator's waste is subject to a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide variance under 40 CFR 268. Subpart C (1987), with each shipment of waste, the generator shall ~~forward~~ submit a notice with the waste to the ~~land disposal~~ facility receiving the generator's waste, stating that the waste is ~~exempt from the land disposal restrictions~~ not prohibited from land disposal. The notice must include the following information:

- A) EPA hazardous waste number;
- B) The corresponding treatment standards and all applicable prohibitions set forth in Section 728.132 or 728.139;
- C) The manifest number associated with the shipment of waste;
- D) Waste analysis data, where available, and
- E) The date the waste is subject to the prohibitions.

- 4) If a generator determines that the generator is managing a waste

NOTICE OF PROPOSED AMENDMENTS

2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions. For both circumstances described above, such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.13 or 725.13. Where the treatment residues do not comply with the treatment standards or prohibitions, the treatment facility must empty with the notice requirements applicable to generators in subsection (a)(1) if the treatment residues will be further managed at a different treatment facility.

3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

4) A notice must be sent to the land disposal facility which includes the following information:

A) USEPA Hazardous Waste Number;

B) The corresponding treatment standards and all applicable prohibitions set forth in Section 728.132 or 728.139.

C) The manifest number associated with the shipment of waste; and

D) Waste analysis data, where available.

5) 2

The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139.

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

NOTICE OF PROPOSED AMENDMENTS

that is subject to the prohibitions under Section 728.133(f) and is not subject to the prohibitions set forth in Section 728.132, with each shipment of waste, the generator shall notify the treatment storage or disposal facility, in writing, of any applicable prohibitions set forth in Section 728.133(f). The notice must include the following information:

A) USEPA hazardous waste number;

B) The applicable prohibitions set forth in Section 728.133(f);

C) The manifest number associated with the shipment of waste; and

D) Waste analysis data where available.

4 5

If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall maintain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

6) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five 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 five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3).

7) 1

For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 that, 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 performance levels specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 7) For wastes that are subject to the prohibitions under Section 728.133(f) and are not subject to the prohibitions set forth in Section 728.132, with each shipment of such waste the owner or operator shall notify any subsequent treatment, storage or disposal facility in writing, of any applicable prohibitions in writing, of any applicable prohibitions set forth in Section 728.133(f). The notice must include the following information:
- A) USEPA hazardous waste number;
- B) The applicable prohibitions set forth in Section 728.133(f);

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.
- 8) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator of a treatment facility (the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5), and a notice which includes the information listed in subsection (b)(4) (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.
- c) The owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall have records of the notice and certification specified in either subsection (a) or (b). ~~The owner or operator of the land disposal facility shall test the waste or an extract of the waste developed using the test method described in Appendix A, or using any methods required of generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Section 728.132 or 728.139. Such testing shall be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.-:~~
- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. 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 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

in subsections (a)(1), (a)(2) or (a)(3); or the solvent waste is a residue from treating a waste not described in subsections (a)(1), (a)(2) or (a)(3) provided such residue belongs to a different treatability group than the waste as initially generated and wastes belonging to such treatability group are described in subsection (a)(3).

b) Effective November 8, 1988; The F001 through F005 solvent wastes listed in subsections (a)(1), (a)(2), or (a)(3) or (a)(4) are prohibited from land disposal. Between November 8, 1986, and November 8, 1988, wastes included in subsections (a)(1), (a)(2) or (a)(3) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in Section 728.108 Landfill and Surface Impoundment Disposal Restrictions.

c) Effective November 8, 1990, the F001 through F005 solvent wastes which are contaminated soil and debris resulting from a CERCLA response or RCRA corrective action or the residue from treatment of these wastes are prohibited from land disposal. Until November 8, 1990, these wastes may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.

d) The requirements of subsections (a), (b) and (c) do not apply if:

1) The wastes meet the standards of Subpart D; or

2) Persons have 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) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

(Source: Amended at 13 Ill. Reg. , effective)

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.

subject to the prohibitions set forth in Section 728.132, the owner or operation shall 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

(Source: Amended at 13 Ill. Reg. , effective)

Section 728.108 Landfill and Surface Impoundment Disposal Restrictions

The Board incorporates by reference 40 CFR 268.8, as adopted at 53 Fed. Reg. 31211, August 17, 1988. Prior to May 8, 1990, wastes which are otherwise prohibited from land disposal under Section 728.133(f) may be disposed in a landfill or surface impoundment which is in compliance with the requirements of 40 CFR 268.5(h)(2), provided the requirements of 40 CFR 268.8 are met.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.130 Waste Specific Prohibitions -- Solvent Wastes

a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Nos. F001, F002, F003, F004 and F005 are prohibited under this Part from land disposal (except in an injection well) unless one or more of the following conditions apply:

1) The generator of the solvent waste is a small quantity generator of 100 to 1000 kilograms of hazardous waste per month; or

2) The solvent waste is generated from any response action taken under CERCLA or from RCRA corrective action except where the waste is contaminated soil or debris - not subject to 35 Ill. Adm. Code 702, 703 and 720 through 726, or 40 CFR 260 through 270 (1986) until November 8, 1988; or

3) The initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge or solid, or solvent-contaminated soil (non-CERCLA or non-RCRA corrective action) containing less than 1 percent total F001 through F005 solvent constituents listed in Table A - of Section 728.141-

4) The solvent waste is a residue from treating a waste described

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) The requirements of subsection (a) do not apply if:
- 1) The wastes meet the standards of Subpart D; or,
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to these wastes and units covered by the petition; or
 - 3) Persons have been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes and units covered by the extension.
- b) USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027 and F028, dioxin-containing waste which is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action listed in subsection (a) are prohibited from land disposal.
- c) -Between November 8, 1986, and November 8, 1988; -Until November 8, 1990, wastes included in subsection (-a-b) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in 40 CFR 268.5(h)(2)-(1987)-, incorporated by reference in Section 728.105, and all other applicable requirements of 35 Ill. Adm. Code 724 and 725.
- d) The requirements of subsections (a) and (b) do not apply if:
- 1) The wastes meet the standards of Subpart D; or,
 - 2) Persons have 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) Persons have been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

(Source: Amended at 13 Ill. Reg. , effective)

Section 728.132 Waste Specific Prohibitions -- California List Wastes

- a) The following hazardous wastes are prohibited from land disposal (except in injection wells):
- 1) Liquid hazardous wastes having a pH less than or equal to two (2.0);
 - 2) Liquid hazardous wastes containing PCBs at concentrations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- greater than or equal to 50 ppm;
- 3) Liquid hazardous wastes that are primarily water and contain halogenated organic compounds (HOCs) in total concentration greater than or equal to 1000 mg/l and less than 10,000 mg/l HOCs.
- d) The requirements of subsection (a) and (e) do not apply until:
- 1) November 8, -1988-1989 where the wastes are contaminated soil or debris resulting from a CERCLA response action -taken under Section 104 or 106 of CERCLA,-- or from RCRA corrective action, as defined in Section 728.102. Until July 8, 1989, the wastes may be disposed of in a landfill or surface impoundment only if such disposal is in compliance with the requirements in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
 - 2) November 8, 1990 where the wastes are contaminated soil or debris resulting from a CERCLA response action or RCRA corrective action. Until November 8, 1990, the wastes may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
- e) -Effective July 8, 1989, t-The following hazardous wastes are prohibited from land disposal (subject to any regulation that may be promulgated with respect to disposal in injection wells):
- 1) Liquid hazardous wastes that contain HOCs in total concentration greater than or equal to 1000 mg/l and are not prohibited under subsection (a)(3); and
 - 2) Nonliquid hazardous wastes containing HOCs in total concentration greater than or equal to 1000 mg/kg and which are not wastes described in subsection (d).
- f) -Until July 8, 1989, t-The wastes described in subsections (e)(1) and (e)(2) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
- g) The requirements of subsections (a) (d) and (e) do not apply if:
- 1) Persons have been granted an adjusted standard from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition (except for liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm which are not

Section 728.133 Waste Specific Prohibitions -- First Third Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers listed below are prohibited from land disposal (except in an infection well). Until August 7, 1990, K061 wastes containing 15% zinc or greater are prohibited from land disposal pursuant to the treatment standards specified in Section 728.141 applicable to K061 wastes that contain less than 15% zinc.

F006 (nonwastewater)

K001

K004 (nonwastewater)

K003 (nonwastewater)

K015

K016

K018

K019

K020

K021 (nonwastewater)

K022 (nonwastewater)

K024

K025

K030

K036 (nonwastewater)

K037

K044

K045 nonexplosive

K046 (nonwastewater)

K047

K060 (nonwastewater)

K061 (nonwastewaters containing less than 15% zinc)

K062 non CaSO4

K069 (nonwastewater)

K083 (nonwastewater)

K086 (solvent washes),

K087

K099

K100

K101

K102

K103

K104

b) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste Nos. K048, K049, K050, K051, K052, K061 (containing 15% zinc or greater), and K071 are prohibited from land disposal.

eligible for exemptions); or,

2) Persons have 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; or

3) The wastes meet the applicable standards specified in Subpart D or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions set forth in this Section or Section 728.139.

h) The prohibitions and effective dates specified in subsections (a)(3), (d) and (e) do not apply where the waste is subject to a Subpart C prohibition and effective date for a specified HOC (such as a hazardous waste chlorinated solvent, see e.g. Section 728.130(a)).

i) To determine whether or not a waste is a liquid under subsections (a) or (e) or under Section 728.139, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes", incorporated by reference in 35 Ill. Adm. Code 720.111.

j) Except as otherwise provided in this subsection, the waste analysis and recordkeeping requirements of Section 728.107 are applicable to wastes prohibited under this Part or Section 728.139:

1) The initial generator of a liquid hazardous waste -wast-shall test the waste (not an extract or filtrate) in accordance with the procedures specified in 35 Ill. Adm. Code 721.122(a)(1), or less than or equal to two (2.0). If the liquid waste has a pH use knowledge of the waste, to determine if the waste has a pH less than or equal to two (2.0), it is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.

2) The initial generator of either a liquid hazardous waste containing PCBs or a liquid or nonliquid hazardous waste containing HOCs -wast-shall test the waste (not an extract or filtrate), or use knowledge of the waste, to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in this Section. If the concentration of PCBs or HOCs in the waste is greater than or equal to the prohibition levels specified in this Section, the waste is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.

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level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.

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 adjustment of a treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.

e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. The final decision on an adjusted treatment standard will be published in the Environmental Register.

f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall 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) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs

724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0, or in boilers or industrial furnaces burning in accordance with applicable regulatory standards. These treatment standards do not apply where the waste is subject to a Subpart C treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

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 achieved by methods specified in subsection (a). The applicant shall 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 Environmental Protection Act (111. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.6 and 1039(h)), and its protective of human health or the environment. On the basis of such information and any other available information, the Agency shall 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 subsection (a). 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 certification is issued shall comply with all limitations contained in such determination.

(Source: Amended at 13 Ill. Reg. , effective)

Section 728.143 Treatment Standards expressed as Waste Concentrations

a) Table B identifies the restricted wastes and concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual.

b) When wastes with different 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.

(Source: Added at 13 Ill. Reg. , effective)

Section 728.144 Adjustment of Treatment Standard

a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

- i) Each petition for a site-specific adjusted standard must include the information in 40 CFR 260.20(b)(1) through (b)(4), incorporated by reference in 35 Ill. Adm. Code 720.111.
- j) After receiving a petition for a site-specific adjusted standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the application.
- k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted standard from a treatment standard shall 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 adjusted standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

(Source: Amended at 13 Ill. Reg. , effective)

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 is prohibited, unless the following conditions are met:
 - 1) A generator stores such wastes in tanks or containers 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 722.134. (A generator who is in existence on the effective date of a regulation under this Part and who 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 or containers solely for the purpose of the accumulation of such quantities of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous waste as necessary to facilitate proper recovery, treatment or disposal and

- A) Each container is clearly marked to identify its contents and 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 shall 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 such 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) The prohibition in subsection (a) does not apply to the wastes which are the subject of an approved petition under Section 728.106, a nationwide variance contained in Subpart C, ~~or~~ an approved case-by-case extension under Section 728.105 or a valid certification under Section 728.108.
 - e) The prohibition in subsection (a) 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, is in compliance with the applicable prohibitions specified in Section 728.132 or 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 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

F006 nonwastewaters (see also Table B)

Cadmium	0.066
Chromium (Total)	5.2
Nickel	0.51
Silver	0.32
Cyanides (Total)	0.72
	Reserved

F020 -- F023 and F026 -- F028
Dioxin containing wastes
Concentration (Maximum)

HxCDD -- All Hexachlorodibenzo-p-dioxins	1 ppb
HxCDF -- All Hexachlorodibenzo-furans	1 ppb
PeCDD -- All Pentachlorodibenzo-p-dioxins	1 ppb
PeCDF -- All Pentachlorodibenzo-furans	1 ppb
TCDD -- All Tetrachlorodibenzo-p-dioxins	1 ppb
TCDF -- All Tetrachlorodibenzo-furans	1 ppb
2,4,5-Trichlorophenol	0.05 ppm
2,4,6-Trichlorophenol	0.05 ppm
2,3,4,6-Tetrachlorophenol	0.10 ppm
Pentachlorophenol	0.01 ppm

K001 nonwastewaters (see also Table B)

Lead	0.51
Concentration (in mg/L)	

K022 nonwastewaters (see also Table B)

Chromium (Total)	5.2
Nickel	0.32
Concentration (in mg/L)	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under section 728.132.

(Source: Amended at 13 Ill. Reg. , effective)

Table A Constituent Concentrations in Waste Extract (CWE)

F001 -- F005 Spent Solvents
Concentration (in mg/L)
Wastewaters All other
containing spent solvent
spent solvents wastes

Acetone	0.05	0.59
n-Butyl alcohol	5.0	5.0
Carbon disulfide	1.05	4.81
Carbon tetrachloride	0.05	0.96
Chlorobenzene	0.15	0.05
Cresols (and cresylic acid)	2.82	0.75
Cyclohexanone	0.125	0.75
1,2-Dichlorobenzene	0.65	0.125
Ethyl acetate	0.05	0.75
Ethylbenzene	0.05	0.053
Ethyl ether	0.05	0.75
Isobutanol	5.0	5.0
Methanol	0.25	0.75
Methylene chloride	0.20	0.96
-Methylene chloride (from the pharmaceutical industry)	12.7	0.96
Methyl ethyl ketone	0.05	0.75
Methyl isobutyl ketone	0.05	0.33
Nitrobenzene	0.66	0.125
Pyridine	1.12	0.33
Tetrachloroethylene	0.079	0.05
Toluene	1.12	0.33
1,1,1-Trichloroethane	1.05	0.41
1,1,2-Trichloro-1,2,2-trifluoroethane	1.05	0.96
Trichloroethylene	0.062	0.091
Trichlorofluoromethane	0.05	0.96
Xylene	0.05	0.15

K046 nonwastewaters (Nonreactive Subcategory)

	<u>Concentration</u> (in mg/L)
<u>Lead</u>	<u>0.18</u>

K048, K049, K050, K051 and K052 nonwastewaters (see also Table B)

	<u>Concentration</u> (in mg/L)
<u>Arsenic</u>	<u>0.004</u>
<u>Chromium (Total)</u>	<u>1.7</u>
<u>Nickel</u>	<u>0.048</u>
<u>Selenium</u>	<u>0.025</u>

K061 nonwastewaters (Low Zinc Subcategory-less than 15% total zinc)

	<u>Concentration</u> (in mg/L)
<u>Cadmium</u>	<u>0.14</u>
<u>Chromium (Total)</u>	<u>5.2</u>
<u>Lead</u>	<u>0.24</u>
<u>Nickel</u>	<u>0.32</u>

K061 nonwastewaters (High Zinc Subcategory-15% or greater total zinc)
effective until 8/8/90

	<u>Concentration</u> (in mg/L)
<u>Cadmium</u>	<u>0.14</u>
<u>Chromium (Total)</u>	<u>5.2</u>
<u>Lead</u>	<u>0.24</u>
<u>Nickel</u>	<u>0.32</u>

K062 nonwastewaters

	<u>Concentration</u> (in mg/L)
<u>Chromium (Total)</u>	<u>0.094</u>
<u>Lead</u>	<u>0.37</u>

K071 nonwastewaters

	<u>Concentration</u> (in mg/L)
<u>Mercury</u>	<u>0.025</u>

K086 nonwastewaters (Solvent Washes Subcategory) see also Table B

	<u>Concentration</u> (in mg/L)
<u>Chromium (Total)</u>	<u>0.094</u>
<u>Lead</u>	<u>0.37</u>

K087 nonwastewaters (see also Table B)

	<u>Concentration</u> (in mg/L)
<u>Lead</u>	<u>0.51</u>

K101 and K102 nonwastewaters (Low Arsenic Subcategory-less than 1% Total Arsenic) (see also Table B)

	<u>Concentration</u> (in mg/L)
<u>Cadmium</u>	<u>0.066</u>
<u>Chromium (Total)</u>	<u>5.2</u>
<u>Lead</u>	<u>0.51</u>
<u>Nickel</u>	<u>0.32</u>

(Source: Amended at 13 Ill. Reg. , effective)

Section 728. Table B Constituent Concentrations in Waste (CCW)

F001, F002, F003, F004 and F005 wastewaters (Pharmaceutical Industry)

	<u>Concentration</u> (in mg/L)
<u>Methylene chloride</u>	<u>0.44</u>

F006 nonwastewaters (see also Table A)

Cyanides (Total)

Concentration
(in mg/kg)
Reserved

K001 nonwastewaters (see also Table A)

Naphthalene
Pentachlorophenol
Phenanthrene
Pyrene
Toluene
Xylenes

Concentration
(in mg/kg)
8.0
37.
8.0
7.3
0.14
0.16

K001 wastewaters

Naphthalene
Pentachlorophenol
Phenanthrene
Pyrene
Toluene
Xylenes
Lead

Concentration
(in mg/L)

0.15
0.88
0.15
0.14
0.14
0.16
0.037

K015 wastewaters

Anthracene
Benzal chloride
Benzo (b or k) fluoranthene
Phenanthrene
Toluene
Chromium (Total)
Nickel

Concentration
(in mg/L)

1.0
0.28
0.29
0.27
0.15
0.32
0.44

K016 nonwastewaters

Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Tetrachloroethene

28.
5.6
5.6
28.
6.0

Concentration
(in mg/kg)

K016 wastewaters

Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Tetrachloroethene

0.033
0.007
0.007
0.033
0.007

Concentration
(in mg/L)

K018 nonwastewaters

Chloroethane
1,1-Dichloroethane
1,2-Dichloroethane
Hexachlorobenzene
Hexachlorobutadiene
Hexachloroethane
1,1,1-Trichloroethane

6.0
6.0
6.0
28.
5.6
28.
5.6
6.0

Concentration
(in mg/kg)

K018 wastewaters

Chloroethane
Chloromethane
1,1-Dichloroethane
1,2-Dichloroethane
Hexachlorobenzene
Hexachlorobutadiene
Pentachloroethane

0.007
0.007
0.007
0.007
0.033
0.007
0.007

Concentration
(in mg/L)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

1,1,1-Trichloroethane0.007K019 nonwastewaters

Bis(2-chloroethyl)ether
Chlorobenzene
Chloroform
1,2-Dichloroethane
Hexachloroethane
Naphthalene
Phenanthrene
Tetrachloroethene
1,2,4-Trichlorobenzene
1,1,1-Trichloroethane

Concentration
(in mg/kg)

5.6
6.0
6.0
6.0
28.
5.6
5.6
6.0
19.
6.0

K019 wastewaters

Bis(2-chloroethyl)ether
Chlorobenzene
Chloroform
p-Dichlorobenzene
1,2-Dichloroethane
Fluorene
Hexachloroethane
Naphthalene
Phenanthrene
1,2,4,5-Tetrachlorobenzene
Tetrachloroethene
1,2,4-Trichlorobenzene
1,1,1-Trichloroethane

Concentration
(in mg/L)

0.007
0.006
0.007
0.008
0.007
0.007
0.033
0.007
0.007
0.017
0.007
0.023
0.007

K020 nonwastewaters

1,2-Dichloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethene

Concentration
(in mg/kg)

6.0
5.6
6.0

K020 wastewaters

1,2-Dichloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethene

K022 nonwastewaters (see also Table A)

Acetophenone
Sum of Diphenylamine and Diphenylnitrosamine
Phenol
Toluene

K024 nonwastewatersPhthalic acidK024 wastewatersPhthalic acidK030 nonwastewaters

Hexachlorobutadiene
Hexachloroethane
Hexachloropropene
Pentachlorobenzene
Pentachloroethane
1,2,4,5-Tetrachlorobenzene
Tetrachloroethene
1,2,4-Trichlorobenzene

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 NOTICE OF PROPOSED AMENDMENTS

K048 wastewaters

o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023
Benzo(a)pyrene	0.007
Bis(2-ethylhexyl)phthalate	0.043
Chrysene	0.060
Di-n-butyl phthalate	0.011
Ethylbenzene	0.050
Fluorene	0.033
Naphthalene	0.039
Phenanthrene	0.047
Phenol	0.045
Pyrene	0.011
Toluene	0.011
Xylenes	0.20
Chromium (Total)	0.37
Lead	

K049 nonwastewaters (see also Table A)

Anthracene	6.2
Benzo(a)pyrene	9.5
Bis(2-ethylhexyl)phthalate	0.84
Chrysene	37.
Ethylbenzene	2.2
Naphthalene	67.
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K049 wastewaters

Anthracene	0.039
Benzo(a)pyrene	0.011
Concentration (in mg/L)	0.047

K030 wastewaters

o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023
Concentration (in mg/L)	28.

K037 nonwastewaters

Disulfoton	0.003
Toluene	0.028

K037 wastewaters

Disulfoton	0.003
Toluene	0.028
Concentration (in mg/L)	37.
Benzo(a)pyrene	0.84
Bis(2-ethylhexyl)phthalate	2.2
Chrysene	4.2
Ethylbenzene	67.
Naphthalene	7.7
Phenanthrene	2.7
Phenol	2.0
Pyrene	9.5
Toluene	Reserved
Xylenes	1.8
Cyanides (Total)	

K030 wastewaters

o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023

K037 nonwastewaters

Disulfoton	0.003
Toluene	0.028

K037 wastewaters

Disulfoton	0.003
Toluene	0.028

K048 nonwastewaters (see also Table A)

K048 nonwastewaters (see also Table A)

Benzo(a)pyrene	0.039
Bis(2-ethylhexyl)phthalate	0.011
Chrysene	0.047
Di-n-butyl phthalate	0.011
Ethylbenzene	0.050
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Cyanides (Total)	0.047

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0.37
0.37
0.49
0.49
0.031
0.044
0.031
0.044
0.031
0.015
0.031
0.022
0.044
0.031
0.031
0.031
0.031
0.031
0.044
0.044
0.029
0.031
0.029
0.037

K086 wastewaters-Solvent Washes Subcategory

Methyl ethyl ketone
Methyl isobutyl ketone
Naphthalene
Nitrobenzene
Toluene
1,1,1-Trichloroethane
Trichloroethylene
Xylenes

Acetone
Bis(2-ethylhexyl)phthalate
n-Butyl alcohol
Cyclohexanone
1,2-Dichlorobenzene
Ethyl acetate
Ethyl benzene
Methanol
Methylene chloride
Methyl ethyl ketone
Methyl isobutyl ketone
Naphthalene
Nitrobenzene
Toluene
1,1,1-Trichloroethane
Trichloroethylene
Xylenes
Chromium (Total)
Lead

K087 nonwastewaters (see also Table A)

3.4
0.071
3.4
3.4
3.4
3.4
3.4
3.4
3.4
3.4
0.65
0.070

Concentration (in mg/kg)

Concentration (in mg/L)

K052 wastewaters

Benzene
Benzo(a)pyrene
o-Cresol
p-Cresol
2,4-Dimethylphenol
Ethylbenzene
Naphthalene
Phenanthrene
Phenol
Toluene
Xylenes
Chromium (Total)
Lead

K071 wastewaters

Chromium (Total)
Lead
Nickel

Mercury

Acetone
Bis(2-ethylhexyl) phthalate
n-Butyl alcohol
Cyclohexanone
1,2-Dichlorobenzene
Ethyl acetate
Ethyl benzene
Methanol
Methylene chloride

Concentration (in mg/L)

0.011
0.047
0.011
0.033
0.011
0.011
0.033
0.011
0.047
0.039
0.047
0.011
0.011
0.011
0.20
0.037

Concentration (in mg/L)

0.32
0.04
0.44

Concentration (in mg/L)

K086 nonwastewaters-Solvent Washes Subcategory (see also Table A)

0.37
0.49
0.37
0.49
0.37
0.031
0.37
0.037

Concentration (in mg/kg)

Acenaphthalene
Benzene
Chrysene
Fluoranthene
Indeno(1,2,3-cd)pyrene
Naphthalene
Phenanthrene
Toluene
Xylenes

NOTICE OF PROPOSED AMENDMENTS

K087 wastewaters

	<u>Concentration</u> (in mg/L)
<u>Acenaphthalene</u>	<u>0.028</u>
<u>Benzene</u>	<u>0.014</u>
<u>Chrysene</u>	<u>0.028</u>
<u>Fluoranthene</u>	<u>0.028</u>
<u>Indeno (1,2,3-cd) pyrene</u>	<u>0.028</u>
<u>Naphthalene</u>	<u>0.028</u>
<u>Phenanthrene</u>	<u>0.028</u>
<u>Toluene</u>	<u>0.008</u>
<u>Xylenes</u>	<u>0.014</u>
<u>Lead</u>	<u>0.037</u>

K099 nonwastewaters

	<u>Concentration</u> (in mg/kg)
<u>2,4-Dichlorophenoxyacetic acid</u>	<u>1.0</u>
<u>Hexachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Hexachlorodibenzofurans</u>	<u>0.001</u>
<u>Pentachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Pentachlorodibenzofurans</u>	<u>0.001</u>
<u>Tetrachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Tetrachlorodibenzofurans</u>	<u>0.001</u>

K099 wastewaters

	<u>Concentration</u> (in mg/L)
<u>2,4-Dichlorophenoxyacetic acid</u>	<u>1.0</u>
<u>Hexachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Hexachlorodibenzofurans</u>	<u>0.001</u>
<u>Pentachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Pentachlorodibenzofurans</u>	<u>0.001</u>
<u>Tetrachlorodibenzo-p-dioxins</u>	<u>0.001</u>
<u>Tetrachlorodibenzofurans</u>	<u>0.001</u>

NOTICE OF PROPOSED AMENDMENTS

K101 nonwastewaters (Low Arsenic Subcategory-less than 1% total arsenic) (see also Table A)

	<u>Concentration</u> (in mg/kg)
<u>ortho-Nitroaniline</u>	<u>14.</u>

K101 wastewaters

	<u>Concentration</u> (in mg/L)
<u>ortho-Nitroaniline</u>	<u>0.27</u>
<u>Arsenic</u>	<u>2.0</u>
<u>Cadmium</u>	<u>0.24</u>
<u>Lead</u>	<u>0.11</u>
<u>Mercury</u>	<u>0.027</u>

K102 nonwastewaters (Low Arsenic Subcategory-less than 1% total arsenic) (see also Table A)

	<u>Concentration</u> (in mg/kg)
<u>ortho-Nitrophenol</u>	<u>13.</u>

K102 wastewaters

	<u>Concentration</u> (in mg/L)
<u>ortho-Nitrophenol</u>	<u>0.028</u>
<u>Arsenic</u>	<u>2.0</u>
<u>Cadmium</u>	<u>0.24</u>
<u>Lead</u>	<u>0.11</u>
<u>Mercury</u>	<u>0.027</u>

K103 nonwastewaters

	<u>Concentration</u> (in mg/kg)
<u>Aniline</u>	<u>5.6</u>
<u>Benzene</u>	<u>6.0</u>
<u>2,4-Dinitrophenol</u>	<u>5.6</u>
<u>Nitrobenzene</u>	<u>5.6</u>
<u>Phenol</u>	<u>5.6</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K061 Nonwastewaters-High Zinc Subcategory (greater than or equal to 15% total zinc) (Based on Recycling): effective 8/8/90

K069 Nonwastewaters-Non-Calcium Sulfate Subcategory (Based on Recycling)

K083 Nonwastewaters-No Ash Subcategory (less than 0.01% total ash) (Based on No Ash)

K100 Nonwastewaters (Based on No Generation)

(Source: Added at 13 Ill. Reg. , effective)

Appendix A Toxicity Characteristic Leaching Procedure (TCLP)

The Board incorporates by reference 40 CFR 268, Appendix I-1 as adopted at 51 Fed. Reg. 40636; November 7, 1986; and amended at 52 Fed. Reg. 21010; June 4, 1987-(1988). This incorporation includes no future editions or amendments.

(Source: Amended at 13 Ill. Reg. , effective)

Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

The Board incorporates by reference 40 CFR 268-1 Appendix I-1 as adopted at 51 Fed. Reg. 40636; November 7, 1986-(1988). This incorporation includes no future editions or amendments.

(Source: Amended at 13 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K103 wastewaters

Antiline
Benzene
2,4-Dinitrophenol
Nitrobenzene
Phenol

K104 nonwastewaters

Antiline
Benzene
2,4-Dinitrophenol
Nitrobenzene
Phenol
Cyanides (Total)

K104 wastewaters

Antiline
Benzene
2,4-Dinitrophenol
Nitrobenzene
Phenol
Cyanides (Total)

No Land Disposal for:

K004 Nonwastewaters
K008 Nonwastewaters
K015 Nonwastewaters
K021 Nonwastewaters
K025 Nonwastewaters
K036 Nonwastewaters
K044
K045
K047
K060 Nonwastewaters

Concentration (in mg/L)

4.5
0.15
0.61
0.073
1.4

Concentration (in mg/kg)

5.6
6.0
5.6
5.6
5.6
1.8

Concentration (in mg/L)

4.5
0.15
0.61
0.073
1.4
2.7

(Based on No Generation)
(Based on No Generation)
(Based on No Ash)
(Based on No Generation)
(Based on No Generation)
(Based on No Generation)
(Based on No Generation)
(Based on Reactivity)
(Based on Reactivity)
(Based on Reactivity)
(Based on No Generation)
(Based on Reactivity)
(Based on No Generation)

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NOTICE OF PROPOSED AMENDMENTS

702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (111. Rev. Stat. 1985, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 111. Reg. 12479, effective as noted in 35 111. Adm. Code 700.106; amended in R82-19 at at, 53 PCB 131, 7 111. Reg. 14352, effective as noted in 35 111. Adm. Code 700.106; amended in R84-9 at 9 111. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 111. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 111. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 111. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 111. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 111. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 111. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 111. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 111. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 702.104 References

See 35 111. Adm. Code 720.111.

- a) When used in 35 111. Adm. Code 702, 703 and 704, the following publications are incorporated by reference

Code of Federal Regulations

10 CFR 20, Appendix B, table 1, column 2 (1987)

40 CFR 136 (1987)

40 CFR 142 (1987)

NIS, Available from the National Technical Information

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER B: PERMITS

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 702.101 Applicability
702.102 Purpose and Scope
702.103 Confidentiality
702.104 References
702.105 Rulemaking
702.106 Agency Criteria
702.107 Permit Appeals
702.108 Variances
702.109 Enforcement
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section 702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply
702.143 Need to Halt or Reduce Activity Not a Defense
702.144 Duty to Mitigate
702.145 Proper Operation and Maintenance
702.146 Permit Actions
702.147 Property Rights
702.148 Duty to Provide Information
702.149 Inspection and Entry
702.150 Monitoring and Records
702.151 Signatory Requirements
702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120-291)

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

BOARD NOTE: -See-Derived from 40 CFR 270.6 (-1987-1988).

(Source: Amended at 13 Ill. Reg. , effective)

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR 271 (-1987-1988) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

730.106 or, in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological or radiological substance or matter in water.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 95-217, and P.L. 95-576; 33 U.S.C. 1251 et seq. (-1987-1988).

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141 is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721. Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Act" means the Environmental Protection Act (111. Rev. Stat. -1985-1987, ch. 111 1/2, par. 1001 et seq.).

"Environmental Protection Agency" ("EPA") means the United States Environmental Protection Agency.

"EPA" means the United States "Environmental Protection Agency".

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104 and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances. (See 35 Ill. Adm. Code 700.102 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1987). EPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

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"HWM facility" to accept "hazardous waste".
erection of forms or structures or similar activity to prepare an

"Plugging" (UIC) means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"PTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("PTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in Section 702.104-35 Ill. Adm. Code 720.111.

"RCA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by P. L. 95-609, P. L. 96-510, 42 U.S.C. 6901 et seq. (-1987-1988)).

"RCA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended; 42 U.S.C. 300f et seq. (-1987-1988)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

"Storage" (RCA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in Section 702.104-35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transporter" (RCA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway or water.

"Treatment" (RCA) means any method, technique, process, including neutralization, designed to change the physical, chemical or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

which:

Supplies any public water system; or

NOTICE OF PROPOSED AMENDMENTS

Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Which is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"USEPA" means the United States Environmental Protection Agency.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under 35 Ill. Adm. Code 309. Subpart A or 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: -See-Derived from 40 CFR 144.3 and 270.2 (-1987)-1988), as amended at 53 Fed. Reg. 34086, September 2, 1988, and 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART C: PERMIT CONDITIONS

NOTICE OF PROPOSED AMENDMENTS

Section 702.152 Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.
- c) Transfers. This permit is not transferable to any person except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)
- d) Monitoring reports. Monitoring results shall be reported at the intervals specified in the permit.
- e) Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than specified in Section 702.162.
- f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or 704.181(d).
- g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under subsections (d), (e) and (f) at the time monitoring reports are submitted. The reports shall contain the information referenced in subsection (f).
- h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it shall promptly submit such facts or information.

BOARD NOTE: -See-Derived from 40 CFR 144.51(1) and 270.30(1) (1988).

(Source: Amended at 13 Ill. Reg. , effective

Section 702.160 Establishing Permit Conditions

- a) In addition to conditions required in permits for both programs (Sections 702.140 through 702.152), the Agency shall establish conditions, as required on a case-by-case basis, in RCRA and UIC

permits under Section 702.150 (monitoring and records), 702.161 (duration of permits), Section 702.162 (schedules of compliance), and Section 702.164 (Recording and Reporting). For UIC only, permits for owners and operators of hazardous waste injection wells must include conditions meeting the requirements of 35 Ill. Adm. Code 704.201 through 704.203 (requirements for wells injecting hazardous waste), 704.189 and 704.191, and 35 Ill. Adm. Code 730.Subpart 6. Permits for other wells must contain the requirements set forth in 35 Ill. Adm. Code 704.Subpart E when applicable.

BOARD NOTE: -See-Derived from 40 CFR 270.32(a) and 144.52(a) (1988), as amended at 53 Fed. Reg. 28147, July 26, 1988 and 270.32(a) (1988).

b)

Additional conditions.

1) In addition to conditions required in all permits for a particular program (35 Ill. Adm. Code 703.241 et seq. for RCRA and 35 Ill. Adm. Code 704.181 et seq. for UIC), the Agency shall establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate Act and regulations.

BOARD NOTE: -See-Derived from 40 CFR 144.52(b) and 270.32(b) (1988).

2)

An applicable requirement is a statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. 35 Ill. Adm. Code 705.184 (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. An applicable requirement is also any requirement which takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

BOARD NOTE: -See-Derived from 40 CFR 144.52(b) and 270.32(c) (1988).

3)

New or reissued permits, and to the extent allowed under 35 Ill. Adm. Code 705.201 modified permits, shall incorporate each of the applicable requirements referenced in 35 Ill. Adm. Code 703.241 et seq. (RCRA) and 35 Ill. Adm. Code 704.182 through 704.191 (UIC).

BOARD NOTE: -See-Derived from 40 CFR 144.52(b) and 270.32(d) (1988).

c)

Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

BOARD NOTE: -See-Derived from 40 CFR 144.51 and 270.32(e) (1988).

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

a)

The existence of a RCRA or UIC permit shall not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification or operation without a permit. -A-However, a permit may be modified, reissued or revoked during its term for cause as set forth in 35 Ill. Adm. Code 703.270 through 703.273 and 704.261 through 704.263 and Section-s 702.182 through- 702.186.

b)

The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

c)

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in subsection (a).

BOARD NOTE: -See-Derived from 40 CFR 270.4-(1987) as amended at 52 Fed. Reg. 45787, December 1, 1987, and 144.35 (1988).

(Source: Amended at 13 Ill. Reg. , effective)

Section 702.182 Transfer

See 35 Ill. Adm. Code 703.260 and 704.260.

- a)

Transfer by modification. Except as provided in subsection (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified (under See 702.183 through 702.185) or a minor modification made (under See 702.187(d) to identify the new permittee and the appropriate requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.

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NOTICE OF PROPOSED AMENDMENTS

Program under 35 Ill. Adm. Code 224.199 or a corrective action program under 35 Ill. Adm. Code 224.200 and the compliance period ends before the end of the post-closure care period for the units.

f) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 224.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard to include conditions applicable to units at a facility that were not previously included in the facility's permit.

h) When a land treatment unit is not achieving compliance treatment of hazardous constituents under its current permit conditions.

g) For RCRA only, notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under Section 702.161(d), the Agency shall modify the permit as necessary to assure that the facility complies with the currently applicable requirements in this Part and 35 Ill. Adm. Code 703 and 720 through 726.

b) The following are causes to modify or alternatively, issue a permit: the Agency has received notification (as required in the permit; see Section 702.152(e)) of a proposed transfer of the permit; A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Section 702.182(b)); but will not be revoked and revised after the effective date of the transfer except upon the request of the new permittee.

(BOARD NOTE: See 40 CFR 144.39 (1987) and 270.41 (1987), as amended at 52 Fed. Reg. 45787, December 1, 1987.) - (Source: Amended at 13 Ill. Reg. , effective Section 702.185 Facility Siting See 35 Ill. Adm. Code 703.273 and 704.263.

-For RCRA and UIC, suitability of the facility location will not be considered at the time of permit modification unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

iii) A permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the ruling on which the request is based.

g) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations on which the permit condition was based or if a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.

4) Compliance schedules: The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

5) For RCRA only, the Agency may modify a permit: A) When modification of a closure plan is required under 35 Ill. Adm. Code 224.212(b) or 35 Ill. Adm. Code 224.218(b); B) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 224.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 224.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 224.217(a); continuation of security requirements under 35 Ill. Adm. Code 224.217(b); or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 224.217(c) are unwarranted.

6) When the permittee has filed a request under 35 Ill. Adm. Code 224.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates financial responsibility of the level of financial responsibility is adjusted under 35 Ill. Adm. Code 224.247(d) that an upward adjustment of the level of financial responsibility is required.

7) When the corrective action program specified in the permit under 35 Ill. Adm. Code 224.200 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.

8) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 224.198, when the owner or operator has been conducting a compliance monitoring

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: See 40 CFR 122.15(e)-

(Source: Amended at 13 Ill. Reg. , effective

Section 702.186 Revocation

The Board will revoke a permit during its term in accordance with Title VIII of the Environmental Protection Act -or deny a permit renewal application-for the following causes:

- a) The permittee's violation of the Environmental Protection Act or regulations adopted thereunder;
- b) Noncompliance by the permittee with any condition of the permit;
- c) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or revocation.

BOARD NOTE: Derived from 40 CFR 270.43 and 144.40 (1988).

(Source: Amended at 13 Ill. Reg. , effective

Section 702.187 Minor Modifications

See 35 Ill. Adm. Code 703.280 and 704.264.

-Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this Section must be made for cause and with a 35 Ill. Adm. Code 705 draft permit and public notice as required in Sections 702.183 through 702.185. Minor modifications may only:

- a) Correct typographical errors;
- b) Require more frequent monitoring or reporting by the permittee;
- c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Allow for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided:

- 1) For RCRA only: that a written agreement containing a specific date for transfer of permit responsibility between the current and new permittees has been submitted to the Agency. Changes in the ownership or operational control of a facility may be made only if the owner or operator submits a revised permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724. Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that the new owner or operator is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 724. Subpart H as of the date of the demonstration.

- 2) For UIC only: that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.

e) For RCRA only:

- 1) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; or
- 2) Minor changes to closure plans.
 - A) Change estimates of maximum inventory under 35 Ill. Adm. Code 724.212(a)(2);
 - B) Change estimates of expected year of closure or schedules for final closure under 35 Ill. Adm. Code 724.212(a)(4); or
 - C) Approve periods longer than 90 days or 180 days under 35 Ill. Adm. Code 724.213(a) and (b).
- 3) Change the ranges of the operating requirements set in the

permit to reflect the results of the final burn, provided that the change is minor.

4) Change the operating requirements set in the permit for conducting a final burn, provided that the change is minor.

5) Grant one extension of the time period for determining operational readiness following completion of construction for up to 20 hours operating time for treatment of hazardous waste.

6) Change the treatment program requirements for land treatment units under 35 Ill. Adm. Code 224.371 to improve treatment of hazardous constituents, provided that the change is minor.

7) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with 35 Ill. Adm. Code 203.230, provided that the change is minor.

8) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by 35 Ill. Adm. Code 224.372(a), provided the conditions for the second demonstration are substantiatedly the same as the conditions for the first demonstration.

9) Allow treatment of hazardous wastes not previously specified in the permit if:

A) The hazardous waste has been prohibited from one or more methods of land disposal under 35 Ill. Adm. Code 228.500 or 35 Ill. Adm. Code 228.139;

B) Treatment is in accordance with 35 Ill. Adm. Code 228.104 (if applicable); 35 Ill. Adm. Code 228.103 and;

C) Treatment is in accordance with standards established under 35 Ill. Adm. Code 228.141, 228.142 or 228.144; or

D) Where no treatment standards have been established, treatment renders the waste no longer subject to the applicable prohibitions set forth in 35 Ill. Adm. Code 228.132 or 228.139.

10) Handling and treatment of the pestleed wastes will not

present risks substantially different from those of wastes listed in the permit, and

B) The Agency approves the minor modification. The Agency shall not approve changes to the permit except for the addition of new waste codes and administrative or technical changes necessary to handle new wastes. The Agency shall not approve changes in treatment processes or physical equipment under this subsection.

10) Allow permitted facilities to change their operators to treat or store hazardous wastes subject to land disposal restrictions imposed by 35 Ill. Adm. Code 228 provided such treatment or storage occurs in containers or tanks and the permittee:

A) Requests a major permit modification pursuant to Section 702.183 and 35 Ill. Adm. Code 205.128;

B) Demonstrates in the major permit modification request that the treatment or storage is necessary to comply with the land disposal restrictions of 35 Ill. Adm. Code 228; and

6) Ensure that the treatment or storage units comply with the applicable 35 Ill. Adm. Code 225 and 228 standards pending that administrative disposition of the major modification request. The authorization to make changes conferred in this paragraph shall terminate upon final administrative disposition of the permittee's major modification request under Section 702.186.

F) For UIC only:

1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and in the judgment of the Agency, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

2) Change construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 204.182 (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this part and 35 Ill. Adm. Code 204 and 209.

3) Amend a plugging and abandonment plan which has been updated under 35 Ill. Adm. Code 204.181(e).

(BOARD NOTE: See 40 CFR 144.41 and 270.42 (1987) as amended at

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NOTICE OF PROPOSED AMENDMENTS

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste.

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

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

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703
 RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section 703.100 Scope and Relation to Other Parts

703.101 Purpose
 703.110 References

SUBPART B: PROHIBITIONS

Section 703.120 Prohibitions in General

703.121 RCRA Permits
 703.122 Specific Inclusions in Permit Program
 703.123 Specific Exclusions from Permit Program
 703.124 Discharges of Hazardous Waste
 703.125 Reapplications
 703.126 Initial Applications
 703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.140 Purpose and Scope

703.141 Permits by Rule
 703.150 Application by Existing HWM Facilities and Interim Status
 703.151 Qualifications
 703.152 Application by New HWM Facilities
 703.153 Amended part A Application
 703.154 Qualifying for Interim Status
 703.155 Prohibitions During Interim Status
 703.156 Changes During Interim Status
 703.157 Interim Status Standards
 703.158 Grounds for Termination of Interim Status
 703.159 Permits for Less than an Entire Facility
 703.160 Closure by Removal
 703.161 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section 703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.184	Facility Location Information
703.185	Groundwater Protection Information
703.186	Exposure Information
703.187	Solid Waste Management Units
703.188	Other Information
703.200	Specific Information
703.201	Containers
703.202	Tank Systems
703.203	Surface Impoundments
703.204	Waste Piles
703.205	Incinerators
703.206	Land Treatment
703.207	Landfills
703.209	Miscellaneous Units

SUBPART E: SHORT TERM AND PHASED PERMITS

Section	
703.221	Emergency Permits
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits

SUBPART F: PERMIT CONDITIONS

Section	
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes
703.245	Release or Discharge Reports
703.246	Reporting Requirements
703.247	Anticipated Noncompliance

SUBPART G: CHANGES TO PERMITS

Section	
703.260	Transfer
703.270	Modification
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications
703.283	Class 3 Modifications

Appendix A Classification of Permit Modifications

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. , effective .

SUBPART D: APPLICATIONS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- A general description of the facility;
- Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses shall must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b); include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, ~~724.293(i)~~, ~~724.295~~, ~~724.294~~, 724.326, 724.354, 724.373, ~~and~~ ~~724.403~~ and 724.702;
- A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;

requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, and 724.703;
For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm Code 724.219 have been filed;

The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;

where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;

documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

1) Map scale and date;

9) A copy of the contingency plan required by 35 Ill. Adm. Code 724.355. 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.

h) A description of procedures, structures or equipment used at the facility to:

1) Prevent hazards in unloading operations (for example, ramps, special forklifts);

2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

3) Prevent contamination of water supplies;

4) Mitigate effects of equipment failure and power outages; and

5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

k) Facility location information as required by Section 703.184;

l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212 and 724.218- and 724.297-. Include where applicable, as part of the plans, specific

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C) The planned procedures, equipment and personnel to be used and the means to ensure that such resources will be available in time for use;

D) The potential for accidental discharges of the waste during movement;

BOARD NOTE: Derived from 40 CFR 270.14(b)(11)(iv) (1988).

e) -E-Owners and operators of existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such facilities shall file a concurrent variance petition with the Board;

BOARD NOTE: Derived from 40 CFR 270.14(b)(11)(v) (1988).

f) Owners or operators of new regional pollution control facilities, as defined in Section 3 of the Environmental Protection Act, shall provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act.

(Source: Amended at 13 Ill. Reg. , effective)

Section 703.209 Miscellaneous Units

Except as otherwise provided in 35 Ill. Adm. Code 724.700, owners and operators of facilities that treat, store or dispose of hazardous waste in miscellaneous units shall provide the following additional information in the Part B application:

a) A detailed description of the unit being used or proposed for use, including the following:

1) Physical characteristics, materials of construction and dimensions of the unit;

2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected and closed to comply with the requirements of 35 Ill. Adm. Code 724.701 and 724.702; and

3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of 35 Ill. Adm. Code 724.703.

Baltimore, MD 21227-6227. 800/638-6620

Illinois Floodplain Information Depository, State Water Survey, 514 WSRG, University of Illinois, Urbana, IL 61801. 217/333-0447.

BOARD NOTE: Where NFIP maps -for the National Flood Insurance Program prepared by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency -are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the -FIA-NFIP map excludes an area (usually areas of the floodplain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where -FIA-NFIP maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation -would be- is.

BOARD NOTE: Derived from 40 CFR 270.14(b)(11)(iii) (1988).

d) Owners and operators of facilities located in the 100-year floodplain shall provide the following information:

1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

3) If applicable, and in lieu of -paragraphs-subsections (d)(1) and (d)(2) above, a detailed description of procedures to be followed to remove hazardous waste to safely before the facility is flooded, including:

A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;

B) A description of the location-(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with -the regulations under -35 Ill. Adm. Code 702, 703, 724 and 725;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Detailed hydrologic, geologic and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of 35 Ill. Adm. Code 724.701. Preliminary hydrologic, geologic and meteorologic assessments will suffice, unless the Agency notifies the applicant that, based on the preliminary assessments, the unit will not conform with the environmental performance standards of 35 Ill. Adm. Code 724.701. The Agency shall follow the procedures for incomplete applications in 35 Ill. Adm. Code 705.122.
- c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures.
- d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.
- e) Any additional information which the Agency determines is necessary for evaluation of compliance of the unit with the environmental performance standards of 35 Ill. Adm. Code 724.701.

BOARD NOTE: Derived from 40 CFR 270.23 (1988).

(Source: Added at 13 Ill. Reg. , effective)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency ~~must~~ shall establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Agency ~~may~~ shall extend the duration of this operation period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit ~~may~~ must be modified to reflect the extension according to ~~35 Ill. Adm. Code 702.187 (Minor modifications of permits)~~ Section 703.280.

- a) Applicants ~~must~~ shall submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443 during this period. This statement ~~should~~ must include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 35 Ill. Adm. Code 724.445;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) The Agency ~~will~~ shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

~~-(Board Note: See 40 CFR 122.27(b)(1))-~~ BOARD NOTE: Derived from 40 CFR 270.62(a) (1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 13 Ill. Reg. , effective)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency ~~must~~ shall establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants ~~must~~ shall propose a trial burn plan, prepared under ~~paragraph-subsection~~ (b) with Part B of the permit application;
- b) The trial burn plan must include the following information:
- 1) An analysis of each waste or mixture of wastes to be burned which includes:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.5 Appendix H, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 703.110), or their equivalent;

- 6) A description of, and planned operating conditions for, any emission control equipment which will be used;
- 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;
- 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this paragraph and the criteria in paragraph-subsection (e). Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;

c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may shall require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this paragraph; Based on the waste analysis data in the trial burn plan, the Agency shall specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial efficiencies must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721-2--Subpart D, the hazardous waste organic constituent of constituents identified in 35 Ill. Adm. Code 721. Appendix G or H - of that Part - as the basis for listing;

- e) The Agency shall approve a trial burn plan if it finds that:
 - 1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
 - 2) The trial burn itself will not present an imminent hazard to human health or the environment;
 - 3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

- 4) The information sought in paragraph-subsection (e)(1) and (e)(3) cannot reasonably be developed through other means;
- f) During each approved trial burn (or as soon after the burn as is

- D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," (incorporated by reference, see Section 703.110) or their equivalent;
- 2) A detailed engineering description of the incinerator for which the permit is sought including:
 - A) Manufacturer's name and model number of incinerator (if available);
 - B) Type of incinerator;
 - C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
 - D) Description of the auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cut-off system(s);
 - G) Stack gas monitoring and pollution control equipment;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating and control devices;

- 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;

- 4) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under paragraph-subsection (e);

- 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

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facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions -with- must include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post demonstration cleanup activities and any other conditions which the Agency finds -may be- necessary under 35 Ill. Adm. Code 724.372(c). The Agency -with- shall include conditions in the second phase of the facility permit to attempt to meet all 35 Ill. Adm. Code 724-Subpart M requirements pertaining to unit design, construction, operation and maintenance. The Agency -with- shall establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application:

- 1) The first phase of the permit -with- becomes effective as provided in 35 Ill. Adm. Code 705.201(d);
- 2) The second phase of the permit -with- becomes effective as provided in -paragraph- subsection (d);

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it -must- submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator -must- also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Agency approves a later date;

(d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it -with- shall modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with 35 Ill. Adm. Code 724-Subpart M, based upon the results of the field tests or laboratory analyses.

- 1) This permit modification may proceed as a minor modification under -35- Adm. Code 702-187, provided any such change is -with- or otherwise -with- proceed as a modification under 35 Ill. Adm. Code 702-184(b)-Section 703.280, or otherwise must proceed as a modification under Section 703.271(b). If such modifications are necessary, the second phase of the permit becomes effective only after those modifications have been made.
- 2) If no modifications of the second phase of the permit are

necessary, or if only minor modifications are necessary and have been made, the Agency -with- shall give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then -with- becomes effective as specified in 35 Ill. Adm. Code 705.201(d)-f-.

3) If modifications under 35 Ill. Adm. Code 702-184(b) are necessary, the second phase of the permit -with- become effective -only- after these modifications have been made -

-Board Note- See 40 CFR 222-27(e)-BOARD NOTE: Derived from 40 CFR 270.63 (1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART F: PERMIT CONDITIONS

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee shall not treat, store or dispose of hazardous waste; and for a facility being modified, the permittee shall not treat, store or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until:

- a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
- b) Either:
 - 1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
 - 2) Within 15 days after the date of submission of the letter in subsection (a), the permittee has not received notice from the Agency of its intent to inspect, the permittee may commence treatment, storage or disposal of hazardous waste.

BOARD NOTE: Derived from 40 CFR 270.30(1)(2) (1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: CHANGES TO PERMITSSection 703.260 Transfer

- a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under subsection (b) or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.
- b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance with Section 703.281. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.Subpart H (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator shall demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency shall notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.40, as amended at 53 Fed. Reg. 37934, September 28, 1988.

BOARD NOTE: The new operator may be required to employ a chief operator who is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.270 Modification

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (See 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance under 35 Ill. Adm. Code 705.128 or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance or both, exist. If cause exists, the Agency shall modify or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2)) If cause does not exist under Section 703.271 or 703.272, the Agency shall not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency shall approve or deny the request according to the procedures of Section 703.280 et seq. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41, as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.271 Causes for Modification

The following are cause for modification, but not reissuance, of permits; the following are cause for reissuance as well as modification when the permittee requests or agrees:

- a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
- b) Information. The Agency has received information. Permits will be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance.
- c) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations or by judicial decision after the permit was issued.
- d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.
- e) The Agency shall also modify a permit:
- 1) When modification of a closure plan is required under 35 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.272 Causes for Modification or Reissuance

The following are causes to modify or, alternatively, reissue a permit: The Agency has received notification (as required in the permit, see 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of the permit.

BOARD NOTE: Derived from 40 CFR 270.41(b), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.273 Facility Siting

Suitability of the facility location will not be considered at the time of permit modification or reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

BOARD NOTE: Derived from 40 CFR 270.41(c), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 modifications. See Section 703.281.

b) Class 2 modifications. See Section 703.282.

c) Class 3 modifications. See Section 703.283.

d) Other modifications.

1)

In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 724.212(b) or 35 Ill. Adm. Code 724.218(b).

2)

After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.

3)

When the permittee has filed a request under 35 Ill. Adm. Code 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(d) that an upward adjustment of the level of financial responsibility is required.

4)

When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.200 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.

5)

To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a corrective action program under 35 Ill. Adm. Code 724.200 and the compliance period ends before the end of the post-closure care period for the unit.

6)

When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.

7)

To include conditions applicable to units at a facility that were not previously included in the facility's permit.

8)

When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.

f)

Notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under 35 Ill. Adm. Code 702.161(d), the Agency shall modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this Part and 35 Ill. Adm. Code 702 and 720 through 726.

BOARD NOTE: Derived from 40 CFR 270.41(a), as amended at 53 Fed.

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and the environment.

4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).

2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly listed or identified wastes.

1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721 if the permittee:

A) Was in existence as a hazardous waste facility with respect to the newly listed or characterized waste on the effective date of the final rule listing or identifying the waste;

B) Submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;

C) Is in compliance with the standards of 35 Ill. Adm. Code 724;

D) In the case of Classes 2 and 3 modifications, also submits a complete permit modification request within 180 days after the effective date of the rule listing or identifying the waste; and

E) In the case of land disposal units, certifies that such unit is in compliance with all applicable 35 Ill. Adm. Code 724 groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous. If the owner or operator fails to clarify compliance with these requirements, the owner or operator loses authority to operate under this Section.

2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

h) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (h), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.281 Class 1 Modifications

a) Except as provided in subsection (a)(2), the permittee may put into effect Class 1 modifications listed in Appendix A under the following conditions:

1) The permittee shall notify the Agency concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

notice, the permittee shall provide the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225 and 703.230.

- 2) The permittee shall send a notice of the modification to all persons on the facility mailing list, maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a)(4), and the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Agency approval, the notification must be made within 90 calendar days after the Agency approves the request.
- 3) Any person may request the Agency to review, and the Agency shall for cause reject, any Class 1 modification. The Agency shall inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee shall comply with the original permit conditions.
- b) Class 1 permit modifications identified in Appendix A by an asterisk shall be made only with the prior written approval of the Agency.
- c) For a Class 1 permit modification, the permittee may elect to follow the procedures in Section 703.282 for Class 2 modifications instead of the Class 1 procedures. The permittee shall inform the Agency of this decision in the notice required in Section 703.282(b)(1).

BOARD NOTE: Derived from 40 CFR 270.42(a), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.282 Class 2 Modifications

- a) For Class 2 modifications, listed in Appendix A, the permittee shall submit a modification request to the Agency which:
 - 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
 - 2) Identifies that the modification is a Class 2 modification;
 - 3) Explains why the modification is needed; and
 - 4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.225 and 703.230.

- b) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and shall publish this notice in a newspaper of general circulation in the County in which the facility is located. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Agency evidence of the mailing and publication. The notice must include:
 - 1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d);
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
 - 6) The following statement; "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the County in which the permitted facility is located.
- e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) Agency decision.
 - 1) No later than 90 days after receipt of the notification request,

the Agency shall:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reason:

1) There is significant public concern about the proposed modification; or

1i) The complex nature of the change requires the more extensive procedures of Class 3.

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, or

E) Notify the permittee that the Agency will decide on the request within the next 30 days.

If the Agency notifies the permittee of a 30-day extension for a decision, the Agency shall, no later than 120 days after receipt of the modification request:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reason:

1) There is significant public concern about the proposed modification; or

1i) The complex nature of the change requires the more extensive procedures of Class 3.

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

3) If the Agency fails to make one of the decisions specified in subsection (f)(2) by the 120th day after receipt of the

modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 724. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (2) or (3), such action cancels the temporary or automatic authorization.

4) Notification by permittee.

A) In the case of an automatic authorization under subsection (f)(3), or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D), if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee shall, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

1) The permittee has been authorized temporarily to conduct the activities described in the permit modification request, and

1i) Unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A), the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.

5) Except as provided in subsection (f)(7), if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 724.

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a.	To conform with Agency guidance or Board regulations.	1
b.	Other changes.	2
2.	Changes to analytical quality assurance/control plan:	
a.	To conform with agency guidance or regulations.	1
b.	Other changes.	2
3.	Changes in procedures for maintaining the operating record.	1
4.	Changes in frequency or content of inspection schedules.	2
5.	Changes in the training plan:	
a.	That affect the type or decrease the amount of training given to employees.	2
b.	Other changes.	1
6.	Contingency plan:	
a.	Changes in emergency procedures (i.e., spill or release response procedures).	2
b.	Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.	1
c.	Removal of equipment from emergency equipment list.	2
d.	Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.	1
Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.		
C. Groundwater Protection		
1.	Changes to wells:	
a.	Changes in the number, location, depth or design of upgrade or downgradient wells of permitted groundwater monitoring system.	2
b.	Replacement of an existing well that has been damaged or	1

grant or deny the permit modification request according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency shall consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

Section 703.Appendix A Classification of Permit Modifications

Class	Modifications	
A.	General Permit Provisions	
1	1. Administrative and informational changes.	1
2	2. Correction of typographical errors.	1
3	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).	1
4	4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:	
a.	To provide for more frequent monitoring, reporting or maintenance.	1
b.	Other changes.	2
5.	5. Schedule of compliance:	
a.	Changes in interim compliance dates, with prior approval of the Agency.	1*
b.	Extension of final compliance date.	3
6.	6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.	1*
7.	7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.	1*
B.	General Facility Standards	
1.	1. Changes to waste sampling or analysis methods:	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

rendered inoperable, without change to location, design or depth of the well.

- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
1. Changes to the closure plan:
- 1* a. Changes in estimate of maximum extent of operations or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.

- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 3 2. Creation of a new landfill unit as part of closure.
3. Addition of the following new units to be used temporarily for closure activities:
- 3 a. Surface impoundments.
- 3 b. Incinerators.
- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
- 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
- 2 e. Tanks or containers (other than specified below).
- 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
- 1 1. Changes in name, address or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers
1. Modification or addition of container units:
a. Resulting in greater than 25% increase in the facility's container storage capacity.
b. Resulting in up to 25% increase in the facility's container storage capacity.

2 2. Modification of a container unit without increasing the capacity of the unit.
b. Addition of a roof to a container unit without alteration of the containment system.

3 3. Storage of different wastes in containers:
a. That require additional or different management practices from those authorized in the permit.
b. That do not require additional or different management practices from those authorized in the permit.

2 4. Other changes in container management practices (e.g., aisle space, types of containers, segregation).

G. Tanks
1. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c) and G(1)(d).

2 b. Modification or addition of tank units resulting in up to

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

25% increase in the facility's tank capacity, except as provided in paragraph G(1)(d).

c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation or component separation.

d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:

a. The capacity difference is no more than 1500 gallons,

b. The facility's permitted tank capacity is not increased and

c. The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice.

5. Management of different wastes in tanks:

a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit.

b. That do not require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

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NOTICE OF PROPOSED AMENDMENTS

- 2. Modification of run-on control system.
unit to increase area extent.
- 3. Modify run-off control system.
- 4. Other modifications of land treatment unit component specifications or standards required in permit.
- 5. Management of different wastes in land treatment units:
a. That require a change in permit operating conditions or unit design specifications.
b. That do not require a change in permit operating conditions or unit design specifications.
- 6. Modification of a land treatment unit management practice to:
a. Increase rate or change method of waste application.
b. Decrease rate of waste application.
- 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 8. Modification of a land treatment unit management practice to replace unsaturated zone monitoring devices or components or change to the location, depth, number of sampling points or devices with devices or components that have specifications different from permit requirements.
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 11. Changes in the unsaturated zone monitoring system that do not

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 13. Changes in sampling, analysis or statistical procedure.
- 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
Changes in vegetative cover requirements for closure.
- 18. Changes in vegetative cover requirements for closure.
- L. Incinerators
 - 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the regulatory performance standards unless this demonstration can be made through other means.

- 3 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl or particulates from the combustion gases or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
- 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time or oxygen concentration in the secondary combustion chamber. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
6. Incineration of different wastes:
- 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

unless this demonstration can be made through other means.

- b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1* b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternate type of fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I, as adopted at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Added at 13 Ill. Reg. , effective)

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3) Section Numbers: Proposed Action:

722.Appendix A Amendment

4) Statutory Authority: 111. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 25, 1989 in R89-1, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register on December 10, 1987 and during the period August 1 through December 31, 1988. The proposal updates the reference to the uniform hazardous waste manifest form.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. The proposal incorporates a federal rule by reference. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

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

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate hazardous waste.

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

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendment may result in a new manifest form.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

managing hazardous waste.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. The amendments incorporate federal rules by reference. Section 22.4(a) of the Environmental Protection Act (11. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

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

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste. The amendments will allow permits to be issued for facilities employing miscellaneous units.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 724

3) Section Numbers:

Amendments 724.110, 724.113, 724.115, 724.118, 724.154, 724.173

Amendments 724.190, 724.191, 724.192, 724.197, 724.198, 724.199

Amendments 724.211, 724.212, 724.214, 724.217, 724.218, 724.241

Amendments 724.242, 724.244, 724.247, 724.251, 724.290, 724.293

Amendment 724.296

New Sections 724.700, 724.701, 724.702, 724.703

4) Statutory Authority: 11. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 25, 1989 in R89-1, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (11. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register on December 10, 1987 and during the period August 1 through December 31, 1988.

This Part includes numerous minor amendments which change cross references to reflect new or modified requirements. These include references to First Third Landfills (Part 728), miscellaneous units (Subpart X), permit modification (Part 703) and tank systems (Subpart J).

The amendments to Section 724.190 et seq. establish new statistical methods for determining compliance with groundwater quality limitations in permits.

Sections 724.241 et seq. concern liability insurance requirements. The Board has proposed to adopt definitions based on standard insurance industry definitions, and has proposed to limit the methods of complying with the insurance requirement to those which are governed by Illinois law, from providers licensed or regulated in Illinois.

Sections 724.290 et seq. are minor amendments to the tank system rules. Sections 724.700 et seq. are new Sections governing "miscellaneous units"

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments will allow operators to propose, by way of permit application, statistical methods for determining compliance with groundwater quality standards in permits. The amendments also expand the mechanisms by which a facility can demonstrate financial responsibility for liability insurance.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

Section 724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements With Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan
724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

Section	724.170	Applicability
	724.171	Use of Manifest System
	724.172	Manifest Discrepancies
	724.173	Operating Record
	724.174	Availability, Retention and Disposition of Records
	724.175	Annual Report
	724.176	Unmanifested Waste Report
	724.177	Additional Reports
Section	724.190	Applicability
	724.191	Required Programs
	724.192	Groundwater Protection Standard
	724.193	Hazardous Constituents
	724.194	Concentration Limits
	724.195	Point of Compliance
	724.196	Compliance Period
	724.197	General Groundwater Monitoring Requirements
	724.198	Detection Monitoring Program
	724.199	Compliance Monitoring Program
	724.200	Corrective Action Program
	724.201	Corrective Action for Solid Waste Management Units
Section	724.210	Applicability
	724.211	Closure Performance Standard
	724.212	Closure Plan; Amendment of Plan
	724.213	Closure; Time Allowed for Closure
	724.214	Disposal or Decontamination of Equipment, Structures and Soils
	724.215	Certification of Closure
	724.216	Survey Plat
	724.217	Post-closure Care and Use of Property
	724.218	Post-closure Plan; Amendment of Plan
	724.219	Post-closure Notices
	724.220	Certification of Completion of Post-closure Care
Section	724.240	Applicability
	724.241	Definitions of Terms As Used in This Subpart
	724.242	Cost Estimate for Closure
	724.243	Financial Assurance for Closure
	724.244	Cost Estimate for Post-closure Care
	724.245	Financial Assurance for Post-closure Care
	724.246	Use of a Mechanism for Financial Assurance of Both Closure and
Section	724.270	Applicability
	724.271	Condition of Containers
	724.272	Compatibility of Waste with Container
	724.273	Management of Containers
	724.274	Inspections
	724.275	Containment
	724.276	Special Requirements for Ignitable or Reactive Waste
	724.277	Special Requirements for Incompatible Wastes
	724.278	Closure
Section	724.290	Applicability
	724.291	Assessment of Existing Tank System's Integrity
	724.292	Design and Installation of New Tank Systems or Components
	724.293	Containment and Detection of Releases
	724.294	General Operating Requirements
	724.295	Inspections
	724.296	Response to Leaks or Spills and Disposition of Leaking or Unit-
	724.297	for-use Tank Systems
	724.298	Closure and Post-closure Care
	724.299	Special Requirements for Ignitable or Reactive Waste
	724.299	Special Requirements for Incompatible Wastes
	724.300	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
Section	724.320	Applicability
	724.321	Design and Operating Requirements
	724.322	Double-lined Surface Impoundments: Exemption from Subpart F:
	724.326	Monitoring and Inspection
	724.327	Emergency Repairs; Contingency Plans
	724.328	Closure and Post-closure Care
	724.329	Special Requirements for Ignitable or Reactive Waste
	724.330	Special Requirements for Incompatible Wastes
	724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	724.247	Post-closure Care
	724.248	Liability Requirements
	724.248	Incapacity of Owners or Operators, Guarantors or Financial
	724.251	Institutions
	724.251	Wording of the Instruments
Section	724.270	Applicability
	724.271	Condition of Containers
	724.272	Compatibility of Waste with Container
	724.273	Management of Containers
	724.274	Inspections
	724.275	Containment
	724.276	Special Requirements for Ignitable or Reactive Waste
	724.277	Special Requirements for Incompatible Wastes
	724.278	Closure
Section	724.290	Applicability
	724.291	Assessment of Existing Tank System's Integrity
	724.292	Design and Installation of New Tank Systems or Components
	724.293	Containment and Detection of Releases
	724.294	General Operating Requirements
	724.295	Inspections
	724.296	Response to Leaks or Spills and Disposition of Leaking or Unit-
	724.297	for-use Tank Systems
	724.298	Closure and Post-closure Care
	724.299	Special Requirements for Ignitable or Reactive Waste
	724.299	Special Requirements for Incompatible Wastes
	724.300	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
Section	724.320	Applicability
	724.321	Design and Operating Requirements
	724.322	Double-lined Surface Impoundments: Exemption from Subpart F:
	724.326	Monitoring and Inspection
	724.327	Emergency Repairs; Contingency Plans
	724.328	Closure and Post-closure Care
	724.329	Special Requirements for Ignitable or Reactive Waste
	724.330	Special Requirements for Incompatible Wastes
	724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
Section	724.350	Applicability
	724.351	Design and Operating Requirements
	724.352	Double-lined Surface Impoundments: Exemption from Subpart F:
	724.356	Monitoring and Inspection
	724.357	Emergency Repairs; Contingency Plans
	724.358	Closure and Post-closure Care
	724.359	Special Requirements for Ignitable or Reactive Waste
	724.360	Special Requirements for Incompatible Wastes
	724.361	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

b) Section 724.118(b) applies only to facilities subject to regulation under Subparts I through O and Subpart X.

(Source: Amended at 13 111. Reg. , effective)

Section 724.113 General Waste Analysis

a) Analysis:

1) Before an owner or operator treats, stores or disposes of any hazardous waste, the owner or operator -must- shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part or 35 111. Adm. Code 728, or with the conditions of a permit issued under 35 111. Adm. Code 702, 703 and 705.

2) The analysis may include data developed under 35 111. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and

B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility -must- shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator -must- shall develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with subsection (a). The owner or operator -must- shall keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysts for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).

2) The test methods which will be used to test for these parameters.

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 111. Adm. Code 721. Appendix A; or

B) An equivalent sampling method.

BOARD NOTE: See 35 111. Adm. Code 720.121 for related discussion.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414 and 724.441, and 35 111. Adm. Code 728.107. And,

7) For surface impoundments exempted from land disposal restrictions under 35 111. Adm. Code 728.104(a), the procedures

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and schedules for:

- A) The sampling of impoundment contents;
- B) The analysis of test data; and,
- C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 ~~and do not~~ or which exhibit a characteristic of hazardous waste, and either:

i) ~~Do~~ which do not meet ~~the applicable~~ treatment standards of 35 Ill. Adm. Code 728. Subpart D- ~~of,~~ where; or

ii) Where no treatment standards have been established,-- the annual removal of residues which do not meet the applicable prohibition levels in 35 Ill. Adm. Code 728. Subpart G--: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

BOARD NOTE: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.115 General Inspection Requirements

- a) The owner or operator ~~must~~ shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator ~~must~~ shall inspect the facility for malfunctions and deterioration, operator errors and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharges which may be causing, or may lead to:

- 1) Release of hazardous waste constituents to the environment; or
- 2) A threat to human health.

b) Inspection schedule.

- 1) The owner or operator ~~must~~ shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.
- 2) The owner or operator ~~must~~ shall keep this schedule at the facility.
- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in Sections 724.274, ~~724.293, 724.295-724.294, 724.326, 724.353, 724.354, 724.403, and 724.447~~ and 724.702, where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

- c) The owner or operator ~~must~~ shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.118 Location Standards

a) Seismic considerations

1) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.

2) As used in subsection (a)(1):

A) "Fault" means a fracture along with rocks on one side have been displaced with respect to those on the other side.

B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

C) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

BOARD NOTE: Procedures for demonstrating compliance with this standard in Part B of the permit application are specified in 35 Ill. Adm. Code 703.182. Facilities which are located in political jurisdictions other than those listed in 40 CFR 264. Appendix VI (-1986-1988) are assumed to be in compliance with this requirement.

b) Floodplains.

1) A facility located in a 100 year floodplain must be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate to the Agency's satisfaction that

A) Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

flood waters; or

B) For existing surface impoundments, waste piles, land treatment units, and -landfills and miscellaneous units, no adverse effect on human health or the environment will result if washout occurs, considering:

i) The volume and physical and chemical characteristics of the waste in the facility;

ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;

iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and

iv) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout;

2) As used in subsection (b)(1):

A) "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source.

B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.

C) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

BOARD NOTE: Requirements pertaining to other Federal laws which affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see EPA's manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays. Facilities may be required to obtain from the Illinois Department of Transportation on a permit or certification that a facility is flood-proofed.

c) Salt dome formations, salt bed formations, underground mines and caves. The placement of any non-containerized or bulk liquid

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- 1) Except as provided in subsection (b), the regulations in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must shall satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.
 - 2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to as a "regulated unit") must comply with the requirements of Sections 724.191 through 724.200 in lieu of Section 724.201 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.
- b)
- 1) The owner or operator is exempted under Section 724.101; or,
 - 2) The owner or operator operates a unit which the Agency finds:
 - A) Is an engineered structure.
 - B) Does not receive or contain liquid waste or waste containing free liquids.
 - C) Is designed and operated to exclude liquid, precipitation and other run-on and run-off.
 - D) Has both inner and outer layers of containment enclosing the waste.
 - E) Has a leak detection system built into each containment layer.
 - F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, and
 - G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer

Code 728.107(a)-(2)-;

- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107-(a)-(1)-(i) or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107-(a)-(1)-(i) or 728.108; except for the manifest number - or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice-and demonstration, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107-(b)-(1) and (2), or a copy of the notice and certification required of the generator under 35 Ill. Adm. Code 728.107-(a)-(2)-, whichever is applicable; and
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107-(a)-(2)-, except for the manifest number, - or the information contained in the notice required of the generator under 35 Ill. Adm. Code 728.107-(b)-(1)-(i) except for the manifest number, and the certification and demonstration required of the generator or the owner or operator under 35 Ill. Adm. Code 728.108, whichever is applicable.
- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and,
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

a) Types of units.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

containment layer prior to the end of the post-closure care period.

- 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Subpart during the post-closure care period; or
 - 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator ~~must~~ shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration.
 - 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this Subpart;
- 1) Do not apply if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure;
 - 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting detection monitoring program under Section 724.198; or
 - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.
- d) This Subpart applies to miscellaneous units if necessary to comply

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

with Sections 724.701 through 724.703.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.191 Required Programs

- a) Owners and operators subject to this Subpart ~~must~~ shall conduct a monitoring and response program as follows:
 - 1) Whenever hazardous constituents under Section 724.193 from a regulated unit are detected at ~~the~~ a compliance point under Section 724.195, the owner or operator ~~must~~ shall institute a compliance monitoring program under Section 724.199-~~f~~-. "Detected" is defined as statistically significant evidence of contamination as described in Section 724.198(f).
 - 2) Whenever the groundwater protection standard under Section 724.192 is exceeded, the owner or operator ~~must~~ shall institute a corrective action program under Section 724.200. "Exceeded" is defined as statistically significant evidence of increased contamination as described in Section 724.199(d).
 - 3) Whenever hazardous constituents under Section 724.193 from a regulated unit exceed concentration limits under Section 724.194 in groundwater between the compliance point under Section 724.195 and the downgradient facility property boundary, the owner or operator ~~must~~ shall institute a corrective action program under Section 724.200; or
 - 4) In all other cases, the owner or operator ~~must~~ shall institute a detection monitoring program under Section 724.198.
- b) The Agency will specify in the facility permit the specific elements of the monitoring and response program. The Agency may include one or more of the programs identified in paragraph (a) in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Agency will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.192 Groundwater Protection Standard

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

The owner or operator shall comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under Section 724.193-entering-detected in the groundwater from a regulated unit do not exceed the concentration limits under Section 724.194 in the uppermost aquifer underlying the waste management area beyond the point of compliance under Section 724.195 during the compliance period under Section 724.196. The Agency will establish this groundwater protection standard in the facility permit when hazardous constituents have-entered-been detected in the groundwater-from a regulated unit-

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.197 General Groundwater Monitoring Requirements

The owner or operator shall comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199 or 724.200.

a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that:

1) Represent the quality of background water that has not been affected by leakage from a regulated unit- and- A determination of background quality may include sampling of wells that are not hydraulically upgradient from the waste management area where:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

B) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells. And,

2) Represent the quality of groundwater passing the point of compliance. And,

3) Allow for the detection of contamination when hazardous waste or hazardous constituents have migrated from the hazardous waste management area to the uppermost aquifer.

b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

that have entered the groundwater in the uppermost aquifer. All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

d) The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program must include procedures and techniques for:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

e) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.

f) The groundwater monitoring program must include a determination of the groundwater surface elevation each time groundwater is sampled.

g) Where appropriate, the groundwater monitoring program must establish background groundwater quality for each of the hazardous constituents or monitoring parameters or constituents specified in the permit.

h) In the detection monitoring program under Section 724.198, background groundwater quality for a monitoring parameter or constituent must be based on data from quarterly sampling of wells upgradient from the waste management area for one year.

i) In the compliance monitoring program under Section 724.199, background groundwater quality for a hazardous constituent must be based on data from upgradient wells that:

A) Is available before the permit is issued

B) Accounts for measurement errors in sampling and analysis

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the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.

3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter value must be proposed by the owner or operator and approved by the Agency if the Agency finds it to be protective of human health and the environment.

4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the Agency if the Agency finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

5) The statistical method must account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit (pql) approved by the Agency under subsection (h) which is used in the statistical method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

6) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

2) An alternate sampling procedure proposed by the owner or operator and approved by the Agency.

h) The owner or operator shall specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent which, upon approval by the Agency, will be specified in the unit permit. The statistical test chosen must be conducted separately for each hazardous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with subsection (1)(5), the pql must be proposed by the owner or operator and approved by the Agency. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in subsection (1).

1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

4) A control chart approach that gives control limits for each constituent.

5) Another statistical test method submitted by the owner or operator and approved by the Agency.

1) Any statistical method chosen under subsection (b) for specification in the unit permit must comply with the following performance standards, as appropriate:
The statistical method used to evaluate groundwater monitoring data must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by

2) An alternate sampling procedure proposed by the owner or operator and approved by the Agency.

h) The owner or operator shall specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent which, upon approval by the Agency, will be specified in the unit permit. The statistical test chosen must be conducted separately for each hazardous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with subsection (1)(5), the pql must be proposed by the owner or operator and approved by the Agency. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in subsection (1).

1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

4) A control chart approach that gives control limits for each constituent.

5) Another statistical test method submitted by the owner or operator and approved by the Agency.

1) Any statistical method chosen under subsection (b) for specification in the unit permit must comply with the following performance standards, as appropriate:
The statistical method used to evaluate groundwater monitoring data must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- j) Groundwater monitoring data collected in accordance with subsection (g), including actual levels of constituents, must be maintained in the facility operating record. The Agency shall specify in the permit when the data must be submitted for review.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.198 Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart ~~must~~shall, at a minimum, discharge the following responsibilities:

- a) The owner or operator ~~must~~shall monitor for indicator parameters (e.g., specific conductance, total organic carbon or total organic halogen), waste constituents or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Agency will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:
- 1) The types, quantities and concentrations of constituents in wastes managed at the regulated unit;
 - 2) The mobility, stability and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;
 - 3) The detectability of indicator parameters, waste constituents and reaction products in groundwater; and
 - 4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.
- b) The owner or operator ~~must~~shall install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Sections 724.197(a)(2), 724.197(b) and 724.197(c).
- e) The owner or operator must establish a background value for each monitoring parameter or constituent specified in the permit pursuant to subsection (a). The permit will specify the background values for each parameter or specify the procedures to be used to calculate the background values.
- 1) The owner or operator must comply with Section 724.197(g) in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- developing the data base used to determine background values.
- 2) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under Section 724.197(h).
 - 3) In taking samples used in the determination of background values, the owner or operator must use a groundwater monitoring system that complies with Section 724.197(a)(1), 724.197(b) and 724.197(c).
 - d) The owner or operator must determine groundwater quality at each monitoring well at the compliance point at least semi-annually during the active life of a regulated unit (including the closure period) and the post-closure care period. The owner or operator must express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant increases under Section 724.197(h).
 - c) The owner or operator shall conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit pursuant to subsection (a) in accordance with Section 724.197(g). The owner or operator shall maintain a record of groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h).
 - d) The Agency shall specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under subsection (a) in accordance with Section 724.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during detection monitoring.
 - e) The owner or operator ~~must~~shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
 - f) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of Section 724.197(d) and 724.197(e).
 - g) The owner or operator must determine whether there is a statistically significant increase over background values for any parameter or constituent specified in the permit pursuant to subsection (a) each time it determines groundwater quality at the compliance point under subsection (d).

- Must include the following information:
- A) An identification of the concentration of each constituent found in the groundwater at each monitoring well at the compliance point.
 - B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 24.199.
 - C) Any proposed changes to the monitoring frequency, sampling and analysts procedures or methods or statistical procedures used at the facility necessary to meet the requirements of Section 24.199.
 - D) For each hazardous constituent found at the compliance point a proposed concentration limit under Section 24.194(a)(1) or 24.194(a)(2), or a notice of intent to seek an alternate concentration limit for a hazardous constituent under Section 24.194(b) and
 - 5) Within 180 days, submit to the Agency:
 - A) All data necessary to justify any alternate concentration limit for a hazardous constituent sought under Section 24.194(b) and
 - B) An engineering feasibility plan for a corrective action program necessary to meet the requirements of Section 24.200, unless:
 - +) All hazardous constituents identified under subsection (h)(2) are listed in table 1 of Section 24.194 and values given in that table, or
 - ++) The owner or operator has sought an alternate concentration limit under Section 24.194(b) for every hazardous constituent identified under subsection (h)(2).
 - +) If the owner or operator determines pursuant to subsection (g) that there is a statistically significant increase of parameters or constituents specified pursuant to subsection (a) at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling analysts or evaluation. While the owner or operator may make a demonstration

- 1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality at each monitoring well at the compliance point for each parameter or constituent according to the statistical procedure specified in the permit under Section 24.197(h).
- 2) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The Agency will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysts of groundwater samples.
- h) If the owner or operator determines pursuant to subsection (g) that there is a statistically significant increase for parameters or constituents specified pursuant to subsection (a) at any monitoring well at the compliance point, the owner or operator must:
 - 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what parameters or constituents have shown statistically significant increases.
 - 2) Immediately sample the groundwater in all monitoring wells and determine whether constituents identified in the list of Appendix 1 are present and, if so, at what concentration.
 - 3) Establish a background value for each constituent that has been found at the compliance point under subsection (h)(2), as follows:
 - A) The owner or operator must comply with Section 24.197(g) in developing the data base used to determine background values.
 - B) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under Section 24.197(h) and
 - C) In taking samples used in the determination of background values the owner or operator must use a groundwater monitoring system that complies with Section 24.197(a)(1) and 24.197(b) and 24.197(e).
 - 4) Within 90 days, submit to the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of Section 24.199. The application

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made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this paragraph, the owner or operator shall:

- A) Notify the Agency in writing, within seven days of determining statistically significant evidence of contamination at the compliance point, that the owner or operator intends to make a demonstration under this paragraph;
- B) Within 90 days, submit a report to the Agency which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis or evaluation;
- C) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and
- D) Continue to monitor in accordance with the detection monitoring program established under this Section.

h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this Section, the owner or operator shall, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.199 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Subpart -must- shall, at a minimum, discharge the following responsibilities:

a) The owner or operator -must- shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency will specify the groundwater protection standard in the facility permit, including:

- 1) A list of the hazardous constituents identified under Section 724.193;
- 2) Concentration limits under Section 724.194 for each of those hazardous constituents;

B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 724.199;

C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of Section 724.199;

D) For each hazardous constituent detected at the compliance point, a proposed concentration limit under Section 724.194(a)(1) or (a)(2), or a notice of intent to seek an alternate concentration limit under Section 724.194(b); and

5) Within 180 days, submit to the Agency:
A) All data necessary to justify an alternate concentration limit sought under Section 724.194(b); and
B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of Section 724.200, unless:

- 1) All hazardous constituents identified under subsection (g)(2) are listed in Table 1 of Section 724.194 and their concentrations do not exceed the respective values given in that table; or
- ii) The owner or operator has sought an alternate concentration limit under Section 724.194(b) for every hazardous constituent identified under subsection (g)(2).

6) If the owner or operator determines, pursuant to subsection (f), that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to subsection (a) at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis or statistical evaluation, or natural variation in the groundwater. The owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under subsection (g)(4); however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in subsection (g)(4) unless the demonstration

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The compliance point under Section 724.195; and
- 4) The compliance period under Section 724.196.
- b) The owner or operator ~~must~~ shall install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b) and 724.197(c).
- e) Where a concentration limit established under subsection (a)(2) is based on background groundwater quality, the Agency will specify the concentration in the permit as follows:
 - 1) If there is a high temporal correlation between upgradient and compliance point concentrations of the hazardous constituents, the owner or operator may establish the concentration limit through sampling at upgradient wells each time groundwater is sampled at the compliance point. The Agency will specify the procedures used for determining the concentration limit in this manner in the permit. In all other cases, the concentration limit will be the mean of the pooled data on the concentration of the hazardous constituent.
 - 2) If a hazardous constituent is identified on Table 1 under Section 724.194 and the difference between the respective concentration limit in Table 1 and the background value of the constituent under Section 724.197(g) is not statistically significant, the owner or operator must use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator must use a statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure must:
 - A) Be appropriate for the distribution of the data used to establish background values; and
 - B) Provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference.
 - 3) The owner or operator must:
 - A) Comply with Section 724.197(g) in developing the data base used to determine background values;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Express background values in a form necessary for the determination of statistically significant increases under Section 724.197(h); and
 - G) Use a groundwater monitoring system that complies with Section 724.197(a)(1), 724.197(b) and 724.197(e).
- c) The Agency shall specify the sampling procedures and statistical methods appropriate for the constituents and facility, consistent with Section 724.197(g) and (h).
- 1) The owner or operator shall conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section 724.297(g).
 - 2) The owner or operator shall record groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h) for the compliance period of the facility.
- d) The owner or operator must determine the concentration of hazardous constituents in groundwater at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator must express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under Section 724.197(h).
- d) The owner or operator shall determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to subsection (a), at a frequency specified under subsection (f).
- 1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator shall use the methods specified in the permit under Section 724.197(h). The methods must compare data collected at the compliance points to a concentration limit developed in accordance with Section 724.194.
 - 2) The owner or operator shall determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of the sampling. The Agency shall specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality at each monitoring well at the compliance point for each hazardous constituent to the concentration limit for that constituent according to the statistical procedures specified in the permit under Section 224.197(h).

2) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point, with a reasonable time period after completion of sampling. The Agency will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysts of groundwater samples.

h) If the owner or operator determines, pursuant to subsection (h-d) that the groundwater protection standard is any concentration limit under Section 224.194 are being exceeded at any monitoring well at the point of compliance, the owner or operator must shall:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.

2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 224.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 224.198(h)(5). The application must at a minimum include the following information:

A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under subsection (a); and

B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

1) If the owner or operator determines, pursuant to subsection (h-d), that the groundwater protection standard is concentration limits under this Section are being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysts or evaluation. While the owner or operator may make a demonstration under this

e) The owner or operator must shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The owner or operator must analyze samples from all monitoring wells at the compliance point to determine whether constituents identified in the list of Appendix I are present and, if so, at what concentration, the analysts must be conducted at least annually to determine whether Appendix I constituents are present in the uppermost aquifer. If the owner or operator finds constituents from Appendix I in the groundwater that are not identified in the permit as monitoring constituents, the owner or operator must report the concentrations of these additional constituents to the Agency within seven days after completion of the analysis.

g) The Agency shall specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with Section 224.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during the compliance period for the facility.

g) The owner or operator must use procedures and methods for sampling and analysts that meet the requirements of Section 224.197(d) and 224.197(e).

g) The owner or operator shall analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix I at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in Section 224.198(f). If the owner or operator finds Appendix I constituents in the groundwater that are not already identified as monitoring constituents, the owner or operator may resample within one month and repeat the Appendix I analysis. If the second analysis confirms the presence of new constituents, the owner or operator shall report the concentration of these additional constituents to the Agency within seven days after completion of the second analysis, and add them to the monitoring list. If the owner or operator chooses not to resample, then the owner or operator shall report the concentrations of these additional constituents to the Agency within seven days after completion of the initial analysis, and add them to the monitoring list.

h) The owner or operator must determine whether there is a statistically significant increase over the concentration limits for any hazardous constituents specified in the permit pursuant to subsection (a) each time the owner or operator determines the concentration of hazardous constituents in groundwater at the compliance point.

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include a copy of the amended closure plan for review or approval by the Agency.

1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.

2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

A) Changes in operating plans or facility design affect the closure plan, or

B) There is a change in the expected year of closure, if applicable.

C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan.

3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a continuing closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the

2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be enclosed during the active life of the facility; and

3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and

5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.)

7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency shall be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.

- d) Notification of partial closure and final closure.
- 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed.
 - 2) The date when the owner or operator "expects to begin closure" must be either no later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.
 - 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. , effective

Section 724.214 Disposal or Decontamination of Equipment, Structures and Soils

During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in Sections 724.297, 724.328, 724.358, 724.380- or 724.410, or under the authority of Sections 264.701 and 264.703. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and shall handle that waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.217 Post-closure Care and Use of Property

a) Post-closure care period.

- 1) Post-closure care for each hazardous waste management unit subject to the requirements of Sections 724.217 through 724.220 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following:
 - A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, -and -N and X; and
 - B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, -and -N and X.
- 2) Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure care period for a particular unit,
 - A) Shorten the post-closure care period applicable to the hazardous waste management unit, or facility, if all disposal units have been closed, if the Board finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

(c)(1)(B) to have contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure plan to the Agency within 90 days from the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure plan will become a condition of any RCRA permit issued.

h) For each hazardous waste management unit subject to the requirements of this Section, the post-closure plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least:

1) A description of the planned monitoring activities and frequencies which they will be performed to comply with Subparts F, K, L, M₁ and X during the post-closure care period;

2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M₁ and X; and

B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M₁ and X; and

3) The name, address and phone number of the person or office to contact about the hazardous disposal unit during the post-closure period.

c) Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) shall keep the approved post-closure plan during the remainder of the post-closure period.

d) Amendment of plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The

B) Extend the post-closure care period applicable to the hazardous waste management unit or facility if the Board finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

C) Reduction or extension of the post-closure care period will be by rulemaking pursuant to 35 Ill. Adm. Code 102.

h) The Agency shall require, at partial or final closure, continuation of any of the security requirements of Section 724.114 during part or all of the post-closure period when:

1) Hazardous wastes may remain exposed after completion of partial or final closure; or

2) Access by the public or domestic livestock may pose a hazard to human health.

c) Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s) or any other components of the containment system, or the function of the facility's monitoring systems, unless the Agency finds, by way of a permit modification, that the disturbance:

1) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

2) Is necessary to reduce a threat to human health or the environment.

d) All the post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in Section 724.218.

(Source: Amended at 13 Ill. Reg. , effective)
Section 724.218 Post-closure Plan; Amendment of Plan

a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328 (c)(1)(B) and 724.358

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"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonudden accidental occurrence" means an occurrence which takes place over time and involves continuous or repeated exposure.

"Pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage".

"Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "Waste" includes materials to be recycled, reconditioned or reclaimed.

BOARD NOTE: This definition is used in the definition of "property damage".

"Property damage" means

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and its equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

In the liability insurance requirements the terms "bodily injury" and "property damage" - shall - have the meanings given - these terms by applicable State law. However, these terms do not include those liabilities which, consistent with standard industry practices, are excluded from coverage in liability policies for bodily injury and property damage - given below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

g)

NOTICE OF PROPOSED AMENDMENTS

53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

"Sudden accidental occurrence" means an occurrence which is not continuous or repeated in nature.

h) "Substantial business relationship" means that one business entity has an ownership interest in another.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.242 Cost Estimate for Closure

a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, ~~and~~ -724.451 and 724.701 through 724.703.

1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(b)); and

2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)). The owner or operator may use costs for on-site disposal if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes, facility structures or equipment, land or other assets associated with the facility at the time of partial or final closure.

4) The owner or operator shall not incorporate a zero cost for hazardous wastes that might have economic value.

b) During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days

NOTICE OF PROPOSED AMENDMENTS

after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

c) During the active life of the facility the owner or operator shall revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).

d) The owner or operator shall keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

(Source: Amended at 13 Ill. Reg. , effective)

Section 724.244 Cost Estimate for Post-closure Care

a) The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, ~~or~~ -landfill unit, or of a surface impoundment or waste pile required under Sections 724.328 or 724.358 to prepare a contingent closure and post-closure plan shall have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Sections 724.217 through 724.220, 724.328, 724.358, 724.380, ~~and~~ -724.410 and 724.603.

1) The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator.

a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (a)(1), (a)(2), and (a)(3), (a)(4), (a)(5) or (a)(6):

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.
 - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.
 - B) Each insurance policy must be issued by an insurer which- at a minimum, is licensed to transact the business of insurance; or eligible to provide insurance as an excess or surplus lines insurer, in one or more states - is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the -separate-guarantee for liability coverage as specified in subsection-5 (f) and- (g).
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).

(See definition of parent corporation in Section 724.241(d)).

- 2) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 724.217.

- b) During the active life of the facility, the owner or operator shall adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Section 724.245. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the Agency as specified in Section 724.245(f)(5). The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
 - 1) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.
 - 2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.
 - c) During the active life of the facility the owner or operator shall revise the post-closure cost estimate within 30 days after the Agency has approved a request to modify the post-closure plan, if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in Section 724.244(b).
 - d) The owner or operator shall keep the following at the facility during the operating life of the facility: The latest post-closure cost estimate prepared in accordance with Section 724.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.244(b), the latest adjusted post-closure cost estimate.
- (Source: Amended at 13 Ill. Reg. , effective)

Section 724.247 Liability Requirements
 a) Coverage for sudden accidental occurrences. An owner or operator of

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procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level shall be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial test for liability coverage.

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of -the-combinations of insurance, -financial test, -insurance, the corporate-guarantee, -a combination of the financial test and insurance or a combination of the corporate guarantee and insurance-letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this -subs-Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

7) An owner or operator shall notify the Agency within 30 days:

- A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or
- B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.

c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B):
 - A) The owner or operator shall have:
 - i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
 - B) The owner or operator shall have:
 - i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following three items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f),

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 724.245(f), 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter as specified in Section 724.251 is not required.
- B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
- C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer

2) The guarantor shall execute the guarantee in Illinois. The guarantor shall be accompanied by a letter signed by the guarantor which states that:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 5.05) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987, ch. 32, par. 105.05).

h) Letter of credit for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

3) The wording of the letter of credit must be as specified in Section 724.251.

i) Surety bond for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.

3) The wording of the surety bond must be as specified in Section 724.251.

j) Trust fund for liability coverage.

of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.

g) -separate guarantee for liability coverage.

1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "-separate-guarantee." The guarantor -must-

shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor -must- shall meet the requirements for owners and operators in subsections (f)(1) through (f)(7-6).

The wording of the -separate-guarantee must be as specified in Section 724.251. A certified copy of the -separate-guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the -separate-guarantee must provide that:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this -separate-guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

8) The -separate-guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantor -shall- must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

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NOTICE OF PROPOSED AMENDMENTS

or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Work (POTW), it is subject to the requirements of Section 307 of the Clean Water Act as amended-35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of -40 CFR 302 (1986)-35 Ill. Adm. Code 750.410 and 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111.

d) Secondary containment for tanks must include one or more of the following devices:

- 1) A liner (external to the tank);
- 2) A vault;
- 3) A double-walled tank; or
- 4) An equivalent device as approved by the Board in an adjusted standards proceeding.

e) In addition to the requirements of subsections (b), (c) and (d), secondary containment systems must satisfy the following requirements:

- 1) External liner systems must be:
 - A) Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.
 - B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity

POLLUTION CONTROL BOARD
ILLINOIS REGISTER
NOTICE OF PROPOSED AMENDMENTS

containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later; and

5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4), except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.

b) Secondary containment systems must be:

- 1) Designed, installed and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the tank system; and
 - 2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
- c) To meet the requirements of subsection (b), secondary containment systems must be at a minimum:
- 1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);
 - 2) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;
 - 3) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the owner or operator demonstrates, by way of permit application, to the Agency that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and
 - 4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

- C) Free of cracks or gaps; and
 - D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e. capable of preventing lateral as well as vertical migration of the waste).
- 2) Vault systems must be:
- A) Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;
 - B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
 - C) Constructed with chemical-resistant water stops in place at all joints (if any);
 - D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;
 - E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:
 - i) Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or
 - ii) Meets the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor;
 - F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.
- 3) Double-walled tanks must be:
- A) Designed as an integral structure (i.e., an inner tank

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

- B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and
 - C) Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours, or at the earliest practicable time, if the owner or operator demonstrates, by way of permit application, to the Agency that the existing detection technology or site conditions would not allow detection of a release within 24 hours.
- BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.
- f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of subsections (b) and (c), except for:
 - 1) Aboveground piping (exclusive of flanges, joints, valves and other connections) that are visually inspected for leaks on a daily basis;
 - 2) Welded flanges, welded joints and welded connections, that are visually inspected for leaks on a daily basis;
 - 3) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and
 - 4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shut-down devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.
 - g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with 35 Ill. Adm. Code 106.Subpart D, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the

- v) The persistence and permanence of the potential adverse effects.
- B) The potential adverse effects of a release on groundwater quality, taking into account:
 - i) The quantity and quality of groundwater and the direction of groundwater flow;
 - ii) The proximity and withdrawal rates of groundwater users;
 - iii) The current and future uses of groundwater in the area; and
 - iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.
- C) The potential adverse effects of a release on surface water quality, taking into account:
 - i) The quantity and quality of groundwater and the direction of groundwater flow;
 - ii) The patterns of rainfall in the region;
 - iii) The proximity of the tank system to surface waters;
 - iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and
 - v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality.
- D) The potential adverse effect of a release on the land surrounding the tank system, taking into account:
 - i) The patterns of rainfall in the region; and
 - ii) The current and future uses of the surrounding land.
- 3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but

tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2).

- 1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The nature and quantity of the wastes;
 - B) The proposed alternate design and operation;
 - C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and
 - D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.
- 2) When determining whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The potential adverse effects on groundwater, surface water and land quality taking into account:
 - i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;
 - ii) The hydrogeological characteristics of the facility and surrounding land;
 - iii) The potential for health risk caused by human exposure to waste constituents;
 - iv) The potential for damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

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and the owner or operator shall satisfy the following requirements:

- a) Cease using; prevent flow or addition of wastes. The owner or operator shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
- b) Removal of waste from tank system or secondary containment system.
- 1) If the release was from the tank system, the owner or operator shall, within 24 hours after detection of the leak or as otherwise provided in the permit, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
- 2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or as otherwise provided in the permit to prevent harm to human health and the environment.

- c) Containment of visible releases to the environment. The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection:
 - 1) Prevent further migration of the leak or spill to soils or surface water; and
 - 2) Remove, and properly dispose of, any visible contamination of the soil or surface water.
- d) Notifications, reports.

- 1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours of its detection.
- 2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:
 - A) Less than or equal to a quantity of one (1) pound and
 - B) Immediately contained and cleaned-up.
- 3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:

the Agency:
 report containing the following information must be submitted to
 Within 30 days of detection of a release to the environment, a

- 2) For other than non-enterable underground tanks, the owner or operator -wast-shall either:
 - A) Conduct a leak test as in subsection (i)(1), or
 - B) Develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks and corrosion or erosion that may lead to cracks and leaks. The owner or operator -wast-shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated.
- 3) For ancillary equipment, a leak test or other integrity assessment as approved by the Agency must be conducted at least annually.

BOARD NOTE: The practices described in the API Publication, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines for assessing the overall condition of the tank system.

- 4) The owner or operator shall maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3).
- 5) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (i)(3), the owner or operator shall comply with the requirements of Section 724.296.

(Source: Amended at 13 Ill. Reg. , effective)
 Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems

Section 724.296
 A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Likely route of migration of the release;
- B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
- C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available.
- D) Proximity to downgradient drinking water, surface water and populated areas; and
- E) Description of response actions taken or planned.
- e) Provision of secondary containment, repair or closure.
- 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 724.297.
 - 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
 - 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
 - 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 724.293 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements of new tank systems or components in Sections 724.292 and 724.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

must be provided with secondary containment in accordance with Section 724.293 prior to being returned to use.

- f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair or a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent, qualified, registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

BOARD NOTE: See Section 724.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR ~~302~~ (1986)-302.6, incorporated by reference in 35 Ill. Adm. Code 720.111, may require the owner or operator to notify the National Response Center of certain releases.

(Source: Amended at 13 Ill. Reg. , effective

SUBPART X: MISCELLANEOUS UNITSSection 724.700 Applicability

The requirements in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste in miscellaneous units, except as Section 724.101 provides otherwise.

(Source: Added at 13 Ill. Reg. , effective

Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of Subparts I through O, and of 35 Ill. Adm. Code 702, 703 and 730, that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

- a) Prevention of any releases that may have adverse effects on human

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) The proximity of the unit to surface waters;
- 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
- 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
- 9) The patterns of land use in the region;
- 10) The potential for health risks caused by human exposure to waste constituents; and
- 11) The potential for damage to domestic animals, wildlife, crops, vegetation and physical structures caused by exposure to waste constituents.

c)

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols and particulates;
- 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
- 3) The operating characteristics of the unit;
- 4) The atmospheric, meteorologic and topographic characteristics of the unit and the surrounding area;
- 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
- 6) The potential for health risks caused by human exposure to waste constituents; and
- 7) The potential for damage to domestic animals, wildlife, crops, vegetation and physical structures caused by waste constituents.

(Source: Added at 13 Ill. Reg. , effective

Section 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners or other containing structures;
 - 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
 - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
 - 4) The quantity and direction of groundwater flow;
 - 5) The proximity to and withdrawal rates of current and potential groundwater users;
 - 6) The patterns of land use in the region;
 - 7) The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;
 - 8) The potential for health risks caused by human exposure to waste constituents; and
 - 9) The potential for damage to domestic animals, wildlife, crops, vegetation and physical structures caused by exposure to waste constituents.
- b)
- 1) The volume and physical and chemical characteristics of the waste in the unit;
 - 2) The effectiveness and reliability of containing, confining and collecting systems and structures in preventing migration;
 - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
 - 4) The patterns of precipitation in the region;
 - 5) The quantity, quality and direction of groundwater flow;

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

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

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER

CONSTITUTING DISPOSAL

Section 726.120

Applicability

Standards applicable to generators and transporters of materials

used in a manner that constitutes disposal

Standards applicable to storers, who are not the ultimate users, of

materials that are to be used in a manner that constitutes disposal

Standards applicable to users of materials that are used in a

manner that constitutes disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section 726.130

Applicability

Standards applicable to generators of hazardous waste fuel

Standards applicable to transporters of hazardous waste fuel

Standards applicable to marketers of hazardous waste fuel

Standards applicable to burners of hazardous waste fuel

Standards applicable to spent materials and by-products

exhibiting a characteristic of hazardous waste

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section 726.140

Applicability

Standards applicable to generators of used oil burned for energy

Prohibitions

Standards applicable to marketers of used oil burned for energy

Standards applicable to burners of used oil burned for energy

Standards applicable to marketers of used oil burned for energy

Standards applicable to burners of used oil burned for energy

Section 726.141

Prohibitions

Standards applicable to generators of used oil burned for energy

Standards applicable to marketers of used oil burned for energy

Standards applicable to burners of used oil burned for energy

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section 726.170

Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-1 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 19, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which use hazardous waste in a manner which constitutes disposal, such as hazardous waste used in the manufacture of fertilizer.

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

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

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
726.180 Applicability and requirements

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. , effective

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability

- a) The regulations of this Subpart apply to recyclable materials that are applied to or placed on the land;
 - 1) Without mixing with any other substance(s); or
 - 2) After mixing or combination with any other substance(s). These materials will be referred to throughout this Subpart as "materials used in a manner that constitutes disposal."
- b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation under this Subpart if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in 35 Ill. Adm. Code 728.Subpart D (or applicable prohibition levels in 35 Ill. Adm. Code 728.32 or 728.139, where no treatment standards have been established) for each recyclable material (i.e. hazardous waste constituent) that they contain. However, zinc-containing commercial fertilizers using hazardous waste K061 that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation under this Subpart.

(Source: Amended at 13 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: DRUG MANUAL
- 2) Code Citation: 89 Ill. Adm. Code 141
- 3) Section Numbers: Proposed Action:
 - 141.2080 Amendment
 - 141.2960 Amendment
 - 141.3840 Amendment
- 4) Statutory Authority: Sections 5-5.16 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.16 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: With this rulemaking the Department makes several additions and deletions to various therapeutic categories of the Drug Manual.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date?
___ Yes ___ X No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
141.100	Amendment	May 26, 1989 (13 Ill. Reg. 7873)
141.200	Amendment	May 26, 1989 (13 Ill. Reg. 7873)
141.360	Amendment	May 26, 1989 (13 Ill. Reg. 7873)
141.400	Amendment	May 26, 1989 (13 Ill. Reg. 7873)
141.480	Amendment	May 26, 1989 (13 Ill. Reg. 7873)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

141.3800	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3920	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4040	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4200	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4440	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4600	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4640	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.4760	Amendment	May 26, 1989	(13 Ill. Reg. 7873)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments in writing and should be addressed to Anita Williams, (office), Illinois Department of Public Aid, (address), Springfield, Illinois 62762 (telephone number). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 15, 1989

B) Types of small businesses affected: Pharmacies and other providers who prescribe and/or dispense the drugs which are included in the Drug Manual.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

141.520	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.560	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.800	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1000	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1200	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1240	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1280	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1320	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1480	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.1520	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3080	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3320	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3400	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3520	Amendment	May 26, 1989	(13 Ill. Reg. 7873)
141.3560	Amendment	May 26, 1989	(13 Ill. Reg. 7873)

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120.393 New Section June 16, 1989 (13 Ill. Reg. 9250)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) 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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section 120.10

Eligibility For Medical Assistance

120.11

Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As

120.20

Mandatory Categorically Needy

120.30

MANG(AABD) Income Standard

120.31

MANG(C) Income Standard

120.40

Exceptions To Use Of MANG Income Standard

120.50

AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60

All Cases Other Than Intermediate Care, Skilled

120.61

Year Who Do Not Qualify As Mandatory Categorically Needy

120.62

Department of Mental Health and Developmental

120.63

Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.64

Residential Settings

Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- Section
- 120.70 Supplementary Medical Insurance Benefits, Buy-In Program
- 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

- Section
- 120.90 Migrant Medical Program
- 120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

- Section
- 120.208 Client Cooperation
- 120.210 Citizenship
- 120.211 Residence
- 120.212 Age
- 120.215 Relationship
- 120.216 Living Arrangement
- 120.217 Supplemental Payments
- 120.218 Institutional Status
- 120.224 Foster Care Program
- 120.225 Social Security Numbers
- 120.230 Unearned Income
- 120.235 Exempt Unearned Income
- 120.236 Education Benefits
- 120.240 Unearned Income In-Kind
- 120.245 Earmarked Income
- 120.250 Lump Sum Payments and Income Tax Refunds
- 120.255 Protected Income
- 120.260 Earned Income
- 120.261 Budgeting Earned Income
- 120.262 Exempt Earned Income
- 120.270 Recognized Employment Expenses
- 120.271 Income From Work/Study/Training Program
- 120.272 Earned Income From Self-Employment
- 120.273 Earned Income From Roomer and Boarder
- 120.275 Earned Income In-Kind
- 120.276 Payments from the Illinois Department of Children and Family Services
- 120.280 Assets
- 120.281 Exempt Assets
- 120.282 Asset Disregards
- 120.283 Deferral of Consideration of Assets
- 120.285 Property Transfers
- 120.290 Persons Who May Be Included in the Assistance Unit
- 120.295 Payment Levels for AMI

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

- Section
- 120.308 Client Cooperation
- 120.309 Caretaker Relative
- 120.310 Citizenship
- 120.311 Residence
- 120.312 Age
- 120.313 Blind
- 120.314 Disabled
- 120.315 Relationship
- 120.316 Living Arrangements
- 120.317 Supplemental Payments
- 120.318 Institutional Status
- 120.319 Assignment of Rights to Medical Support and Collection of Payment
- 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Foster Care Program
- 120.325 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
- 120.345 Earmarked Income
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind

NOTICE OF PROPOSED AMENDMENT

p. 797, effective September 2, 1980; amended at 4 ILL. Reg. 37, p. 800, effective September 2, 1980; amended at 4 ILL. Reg. 45, p. 134, effective October 27, 1980; amended at 5 ILL. Reg. 766, effective January 2, 1981; amended at 5 ILL. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 ILL. Reg. 5722, effective June 1, 1981; amended at 5 ILL. Reg. 7071, effective June 23, 1981; amended at 5 ILL. Reg. 7104, effective June 23, 1981; amended at 5 ILL. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 ILL. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 ILL. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10131, effective October 1, 1981; amended at 5 ILL. Reg. 10730, effective October 1, 1981; amended at 5 ILL. Reg. 10733, effective October 1, 1981; amended at 5 ILL. Reg. 10760, effective October 1, 1981; amended at 5 ILL. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 ILL. Reg. 611, effective January 1, 1982, amended at 6 ILL. Reg. 1216, effective January 14, 1982; emergency amendment at 6 ILL. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 ILL. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 ILL. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 ILL. Reg. 6912, effective May 20, 1982; emergency amendment at 6 ILL. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 ILL. Reg. 8142, 8115, effective July 1, 1982; amended at 6 ILL. Reg. 8159, effective July 1, 1982; amended at 6 ILL. Reg. 10970, effective August 26, 1982; amended at 6 ILL. Reg. 11921, effective September 21, 1982; amended at 6 ILL. Reg. 12293, effective October 1, 1982; amended at 6 ILL. Reg. 12318, effective October 1, 1982; amended at 6 ILL. Reg. 13754, effective November 1, 1982; amended at 7 ILL. Reg. 394, effective January 1, 1983; codified at 7 ILL. Reg. 6082; amended at 7 ILL. Reg. 8256, effective July 1, 1983; amended at 7 ILL. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 ILL. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 ILL. Reg. 16108; amended at 8 ILL. Reg. 5253, effective April 9, 1984; amended at 8 ILL. Reg. 6770, effective April 27, 1984; amended at 8 ILL. Reg. 13328, effective July 16, 1984; amended

Section 120.376 Payments from the Illinois Department of Children and Family Services
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.385 Property Transfers
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify for AFDC/AFDC-MANG And Infants Under Age One Year
 120.392 Pregnant Women Who Would Not Be Eligible for AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Payment Levels for MANG
 120.399 Redetermination of Eligibility

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Articles II, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (ILL. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 ILL. Reg. 17, p. 117, effective February 1, 1978; amended at 2 ILL. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 ILL. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 ILL. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 ILL. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 ILL. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 ILL. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 ILL. Reg. 33, p. 399, 415, effective August 18, 1979; amended at 3 ILL. Reg. 33, p. 415, effective August 18, 1979; amended at 3 ILL. Reg. 38, p. 243, effective August 18, 1979; peremptory amendment at 3 ILL. Reg. 38, p. 321, effective September 7, 1979; amended at 3 ILL. Reg. 40, p. 140, effective October 6, 1979; amended at 3 ILL. Reg. 46, p. 36, effective November 2, 1979; amended at 3 ILL. Reg. 47, p. 96, effective November 13, 1979; amended at 3 ILL. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 ILL. Reg. 9, p. 259, effective February 22, 1980; amended at 4 ILL. Reg. 10, p. 258, effective February 25, 1980; amended at 4 ILL. Reg. 12, p. 551, effective March 10, 1980; amended at 4 ILL. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 ILL. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 ILL. Reg. 37,

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 120.31 MANG(P) Income Standard

to receive MANG(P). An unborn child is counted as a family member.

3) MANG(P) is available for infants up to age one (1) year who meet the MANG(P) asset standard and countable monthly income for the household does not exceed the MANG(P) income standard.

e) When financial eligibility for MANG(P) is being determined for an infant under age one (1) year only, the household's income is combined and compared to the MANG(P) income standard for the family size, including unborn children.

f) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for MANG(P), income is considered in the following manner:

1) Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.

2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.

3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 120.31 MANG(P) Income Standard

4) When determining income eligibility for a backdated month (up to three months before the month of application), the case is eligible for medical coverage for each month income is at or below the MANG(P) income standard.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part:

The Licensure of Home Health Agencies

2) Code Citation:

77 Ill. Adm. Code 245

3) Section Numbers:

Proposed Action:

245.20
245.30
245.50

Amendments
Amendments
Amendments

4) Statutory Authority:

Home Health Agency Licensing Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2801 et seq.

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments address two issues which have arisen in the administration of the Department's responsibilities for the licensure of home health agencies. The first issue concerns the extent to which home health agencies should be permitted to provide services based on orders issued by out-of-state physicians. This issue is addressed in proposed amendments to Section 245.20. The second issue concerns the need for physical examinations for employees of home health agencies and other individuals who provide home health services under contract with home health agencies. This issue is addressed in proposed amendments to Sections 245.30 and 245.50.

The proposed amendments to Section 245.20 revise the definition of physician. Based on a provision in Section 3 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-3), the definition is being changed to explicitly include a physician who is licensed in another state who is providing emergency care to an Illinois patient. The revised definition specifies several conditions which must be met to permit home health agencies to provide home care services based on orders issued by out-of-state physicians. Since the physician's actions are limited to an emergency situation under the provision of the Medical Practice Act of 1987, a limited period of time is specified in the revised definition.

The proposed amendments to Sections 245.30 and 245.50 clarify the requirements for physical examinations of employees and other individuals who provide services under contract with the home health

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

agency. The amendments replace the current requirement for "periodic health examinations" with requirements for an initial health evaluation of each new employee and employee health policies. The revised requirements will apply to individuals providing services under contract as well as to employees of the home health agency. These revised requirements are consistent with the personnel provisions in the federal Medicare requirements at 42 CFR 405.1221(e).

The Department anticipates that these proposed amendments will have little, if any, economic impact on the persons regulated by these rules.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

- 6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.
- 7) Does this Rulemaking contain an Automatic Repeal Date? No.
- 8) Do these Proposed Amendments Contain Incorporations By Reference? No.
- 9) Are there any other Proposed Amendments Pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:
This rulemaking neither creates nor expands a state mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 13, 1989

B) Type of Small Businesses Affected:

Home health agencies and other providers of home health services, nursing registries, physicians

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

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

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER B: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245

~~ILLINOIS THE LICENSURE OF HOME HEALTH AGENCY CODE AGENCIES~~

Section

Purpose	245.10
Definitions	245.20
Administration/Organization	245.30
Staffing/Responsibilities	245.40
Services	245.50
Licensure	245.60
Requirements for State Approved Home Health Aide Training Programs	245.70

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2801 et seq.)

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 13 Ill. Reg. _____ effective _____

NOTE: Capitalization denotes statutory language.

Section 245.20 Definitions

"Administrator" - shall be any one of the following:

a physician;

a registered nurse;

an individual with at least one year of supervisory or administrative experience in home health care or in related health provider programs; or

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Conditions of Participation for Home Health Agencies (USC 42 Section 1395x Health Insurance for the Aged Act).

"Physical Therapist Assistant" - a person who has graduated from a two year college level program approved by the American Physical Therapy Association or has two years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a physical therapist assistant after December 31, 1977.

"PHYSICIAN" - ANY PERSON LICENSED BY THE ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES under the "Medical Practice Act of 1987" (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.); For a patient who has received medical care in another state, or has moved from another state, and who has not secured the services of a physician licensed in Illinois, an individual who holds an active license to practice medicine in another state will be considered the physician for the patient during this emergency as provided in Section 3 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-3). Such an emergency may not extend more than six months in any case.

"Plan of Treatment" - a plan based on the patient's diagnosis and the assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the attending physician, pertinent members of the agency staff, the patient and members of the family.

"Professional Advisory Group" - a group composed of at least one practicing physician, one registered nurse (preferably a public health nurse), and with appropriate representation from other professional disciplines which are participating in the provision of home health services. It is highly recommended that a consumer be a member of the group. At least one member of the group is neither an owner nor an employee of the agency.

"Progress Notes" - a dated, written notation by a member of the health team, summarizing facts about care and the patient's response during a given period of time.

"Physical Therapist" - a person who is licensed as a physical therapist by the State of Illinois and who meets the Federal

School of social work accredited by the Council on Social Work Education, currently licensed in the State of Illinois, and has one year of social work experience in a health care setting.

"Occupational Therapist" - a person who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association or is eligible for the National Registration Examination of the American Occupational Therapy Association; or, has two years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such examinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapist after December 31, 1977.

"Occupational Therapy Assistant" - a person who meets the requirements for certification as an occupational therapy assistant established by the American Occupational Therapy Association; or, has two years of appropriate experience as an occupational therapy assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapy assistant after December 31, 1977.

"Part Time or Intermittent Care" - home health services given to a patient at least once every sixty (60) days or as frequently as a few hours a day, several times per week.

"Patient" - a person who is under treatment or care for illness, disease, injury or conditions appropriately responsive to home health services to maintain health or prevent illness.

"Patient Care Plan" - a coordinated and combined care plan prepared by and in collaboration with each discipline providing service to the patient and/or family.

"PERSON" - ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION OR ANY OTHER LEGAL ENTITY. (Section 2.03 of the Act)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.20 (continued)

baccalaureate degree program approved by the National League for Nursing for public health nursing preparation.

"Purchase of Services/Contractual" - the provision of services through a written agreement with other providers of services.

"Registered Nurse" - a person who is currently licensed as a registered nurse under the "Illinois Nursing Act" of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

"Social Work Assistant" - a person who has a baccalaureate degree in social work, psychology, sociology or other field related to social work and has had at least one year of social work experience in a health care setting; or has two years of appropriate experience as a social work assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a social work assistant after December 31, 1977.

"Speech Pathologist" - a person who meets the education and experience requirements for a Certificate of Clinical Competence granted by the American Speech and Hearing Association; or meets the education requirements for certification and is in the process of accumulating the supervised experience required for certification.

"Student Nurse" - an individual who is a nursing student in an educational institution leading to a Bachelor of Science in Nursing degree.

"Subdivision" - a component of a multi-function health agency, such as the home care department of a hospital or the nursing division of a health department, which independently meets the federal conditions of participation for home health agencies. A subdivision which has branches is regarded as a parent agency.

"Subunit" - a semi-autonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the agency is judged incapable of sharing administration, supervision and services.

"Summary Report" - a compilation of the pertinent factors from the clinical notes and progress notes regarding a patient, which is submitted to the patient's physician.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.20 (continued)

"Supervision" - authoritative procedural guidance by a qualified person of the appropriate discipline.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 245.30 Administration/Organization

- a) **Governing Body.** The home health agency shall have a governing body or a clearly defined body having legal authority and responsibility for the conduct of the home health agency. Where the governing body of a large organization is functionally remote from the operation of the home health agency, the Department may approve the designation of an intermediate level "governing body". For the purposes of this Section the governing body shall:
- 1) Have bylaws or the equivalent which shall be reviewed annually and be revised as needed. They shall be made available to all members of the governing body and of the professional advisory group. The bylaws or the equivalent shall specify the objectives of the agency.
 - 2) Appoint members of the professional advisory group.
 - 3) Employ a qualified administrator.
 - 4) Adopt and revise, as needed, policies and procedures for the operation and administration of the agency.
 - 5) Meet to review the operation of the agency.
 - 6) Keep minutes of all meetings.
 - 7) Provide and maintain an office facility adequately equipped for efficient work and which provides a safe working environment in compliance with local ordinances and fire regulations.
- b) **Professional Advisory Group**
- 1) The professional advisory group shall assist in developing and recommending policies and procedures for administration and home health services provided by the agency. These policies and procedures shall be in accordance with the scope of services offered by the agency and based on the home health needs of the patient and the area being served. Policies and procedures

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.30(d)(1)(A) (continued)

- who is not a public health nurse, but who has at least three (3) years of nursing experience. At least two (2) years of such nursing experience must have been in either:
 - 1) a home health agency;
 - 11) a community health program that included care of the sick; or,
 - 111) a generalized family centered nursing program in a community health agency.
- B) At least two (2) years of the three (3) years nursing experience must have been obtained within five (5) years prior to current employment with the home health agency. Such services shall be provided in accordance with the orders of the patient's physician and under a plan of treatment established by such physician. This person shall be available at all times during operating hours of the agency and participate in all activities relevant to the provision of home health services.
 - 1) Any person employed as an Agency Supervisor prior to July 1, 1983 may continue to serve in that capacity at that agency only, even though he/she may not meet the qualifications for Agency Supervisor which were in effect prior to October 1, 1983.
 - 11) One person may hold the positions of both administrator and agency supervisor, if he/she meets the requirements of both positions.
- 2) The skilled nursing service of a home health agency shall be under the supervision of a full-time registered nurse. This supervising nurse shall be responsible for:
 - A) The overall supervision of all registered nurses, licensed practical nurses and home health aides.
 - B) The assurance that the professional standards of community nursing practice are maintained by all nurses providing care.
 - C) Maintaining and adhering to agency procedure and patient care policy manuals.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.30(b)(1) (continued)

- shall be reviewed annually or more frequently as needed to determine their adequacy and suitability. Recommendations for any improvements are made to the Governing Body. These policies and procedures shall include but not be limited to:
 - A) Administration and supervision of the agency and the home health services it provides.
 - B) Criteria for the acceptance, non-acceptance and discharge of patients.
 - C) Home Health Services.
 - D) Medical supervision and plans of treatment.
 - E) Patient care plans.
 - F) Clinical records.
 - G) Personnel data.
 - H) Evaluation.
 - I) Coordination of services.
- 2) The group shall keep minutes of its meetings and meet as often as necessary to carry out its purposes.
 - c) Administration
 - 1) The home health agency shall have written administrative policies and procedures to insure the provision of safe and adequate care of the patient.
 - 2) The home health agency shall show evidence of liability insurance.
 - d) Agency Supervision
 - 1) The home health agency shall designate a person with one of the following sets of qualifications to supervise the provision of home health services: a physician; a registered nurse who is a public health nurse with at least one (1) year of nursing experience; or, a registered nurse

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NOTICE OF PROPOSED AMENDMENTS

Section 245.50(b)(6) (continued)

registered nurse and/or the appropriate therapist, in consultation with the patient's physician, deem it appropriate or arrangements are made for continuing care.

c) Plan of Treatment

1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the patient's physician, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:

A) Diagnoses.

B) Functional limitations and rehabilitation potential.

C) Expected outcomes for the patient.

D) The patient's physician regimen of:

1) Medications.

11) Treatments.

111) Activity.

1v) Diet.

v) Specific procedures deemed essential for the health and safety of the patient.

vi) Mental status.

vii) Frequency of visits.

viii) Equipment required.

ix) Instructions for timely discharge or referral.

E) The patient's physician's signature and date.

2)

Consultation with the patient's physician on any modifications

NOTICE OF PROPOSED AMENDMENTS

Section 245.50(a)(3) (continued)

C) Designation of full responsibility for agency control over contracted services.

D) Procedures for submitting clinical and progress notes.

E) Charges for contracted services.

F) Statement of responsibility of liability and insurance coverage.

G) Period of time in effect.

H) Date and signatures of appropriate authorities.

I) Provision for termination.

b) Acceptance of Patients. Patient acceptance and discharge policies shall include but not be limited to the following:

1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the patient's physician. This plan shall be reduced to writing within fourteen days.

2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.

3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.

4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.

5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.

6)

Services shall not be terminated until such time as the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.50(c)(2) (continued)

in the plan of treatment deemed necessary shall be documented, and the patient's physician's signature obtained within fourteen days of any modification of the medical plan of treatment.

- 3) The plan shall be reviewed by the home health services team every sixty days or more often should the patient's condition warrant.
- 4) An updated plan of treatment shall be given to the patient's physician for review/revision and signature every sixty days or more often as indicated.

d) Patient Care Plan

- 1) Home health services from members of the agency staff as well as those under arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or by request of a registered nurse.
- 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:
 - A) Patient problems.
 - B) Patient's goals, family's goals, service goals.
 - C) Service approaches to modify or eliminate problems.
 - D) The staff responsible for a given element of service.
 - E) Anticipated outcome of service approach with an estimated time frame for completion.
 - F) Potential for discharge from service.

- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.50(e) (continued)

accordance with accepted professional standards. Clinical records shall contain:

- 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
- 2) A plan of treatment signed by the patient's physician.
- 3) A patient care plan for the patient developed by the home health services team which is in accord with the patient's physician's plan of treatment.
- 4) A notated medication list with dates reviewed, revised and date sent to the patient's physician.
- 5) Initial and periodic patient assessments by the registered nurse which include documentation of the patient's functional status and eligibility for service.
- 6) Assessments made by other members of the home health services team.
- 7) Signed and dated clinical notes for each contact which are written the day of service and incorporated into the patient's clinical record at least weekly.
- 8) Reports on all patient home health care conferences.
- 9) Reports of contacts with the patient's physician by patient and staff.
- 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
- 11) Written summary reports sent to the patient's physician every sixty days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
- 12) Written and signed confirmation of the patient's physician's interim verbal orders.
- 13) A discharge summary giving a brief review of service, patient

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.50(f)(5) (continued)

the registered nurse administering such drugs shall have an emergency plan and whatever drug and/or devices are appropriate in the event of a drug reaction.

g) Evaluation. The home health agency shall have written policies and program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines which are participating in the provision of home health services. The evaluation consists of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.

h) Policy and Administrative Review. As a part of the evaluation process the policies and administrative practices of the agency are reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms are established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.

i) Clinical Record Review
At least quarterly, members of professional disciplines representing at least the scope of the agency's programs, shall review a sample of both active and closed clinical records to assure that established policies are followed in providing services (direct as well as those under arrangement). This review will include, but not be limited to the following:

- A) If the patient care plan was directly related to the stated diagnosis and plan of treatment.
- B) If the frequency of visits was consistent with the plan of treatment.
- C) If the services could have been provided in a shorter span of time.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 245.50(e)(13) (continued)

status, reason(s) for discharge and plans for post discharge needs of the patient.

14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.

15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. Those agencies which are subject to the Local Records Act (Ill. Rev. Stat. 1975, ch. 116, pars. 43.101 et seq.) should note that "except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate local Records Commission is first obtained."

16) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records which explains the use of records, removal of records and release of information.

f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals which shall include but not be limited to the following:

1) All orders for medications to be given shall be dated and signed by the patient's physician.

2) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician if the patient and/or family are to be taught to give medications.

3) The agency's physician or registered nurse shall check all medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medications and promptly report any problem to the patient's physician.

4) All verbal orders for medication or change in medication orders shall be taken by the registered nurse and reduced to writing and signed by the patient's physician within seven days.

5) When experimental drugs, sera, allergenic desensitizing agents, penicillin or any potentially hazardous drug is administered,

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

B) Type of Small Businesses Affected:

Health maintenance organizations, physicians, chiropractors, other health care providers, and employers who purchase health insurance for their employers through a health maintenance organization.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

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

This proposed amendment will expand the definition of "primary care physician" to insure that it is consistent with the interpretation of Section 4-10 of the Act expressed in the amendatory veto message. Specifically, the amendments add "a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery" to the definition of "primary care physician."

The Department anticipates no economic effects of this proposed amendment on health maintenance organizations or chiropractors. The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.

7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Amendments Contain Incorporations By Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 16, 1989

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 240
MINIMUM HEALTH CARE STANDARDS FOR HEALTH MAINTENANCE ORGANIZATIONS

SUBPART A: GENERAL PROVISIONS

- Section 240.10 Authority, Scope and Purpose
- 240.20 Definitions

SUBPART B: APPLICATION FOR HMO CERTIFICATE OF AUTHORITY

- Section 240.30 Submission of Application for HMO Certificate of Authority
- 240.40 Personnel, Organization and Provider Requirements
- 240.50 Provision of Care Requirements
- 240.60 HMO Self-Evaluation Structure

SUBPART C: HMO OPERATING REQUIREMENTS

- Section 240.80 General Operating Requirements
- 240.90 HMO Provider Site Medical Record Requirements
- 240.100 Required Information and Reports
- 240.110 Department Interventions
- 240.120 Fees

AUTHORITY: Implementing and authorized by the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1401 et seq.)

SOURCE: Filed November 24, 1975; emergency amendment at 6 Ill. Reg. 10055, effective August 4, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14846, effective November 23, 1982; codified at 8 Ill. Reg. 7273; Part repealed, new Part adopted at 12 Ill. Reg. 15581, effective October 1, 1988; amended at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 240.20 Definitions

"Act" means the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1401 et seq.).

"BASIC HEALTH CARE SERVICES" MEANS EMERGENCY CARE, AND INPATIENT HOSPITAL AND PHYSICIAN CARE, OUTPATIENT MEDICAL SERVICES, MENTAL HEALTH SERVICES AND CARE FOR ALCOHOL AND DRUG ABUSE, INCLUDING ANY REASONABLE DEDUCTIBLES AND CO-PAYMENTS. (See also the Department of Insurance regulations located at 50 Ill. Adm. Code 6101.130.) (Section 1-2 of the Act)

"Director of Department of Public Health" means the Director of the Illinois Department of Public Health, or such person or office as designated by the Director of the Department of Public Health to act in the Director's behalf.

"Encounter" means a face to face contact between an enrollee and a basic health care service provider who has primary responsibility for assessing and treating the condition of the patient at a given contact and exercises independent judgement in the care of the enrollee.

"Enrollee" or "member" means an individual who has been enrolled as a subscriber or as an eligible dependent of a subscriber and for whom the HMO has accepted the contractual responsibility for providing or arranging for at least, health care services and basic health care services.

"EVIDENCE OF COVERAGE" MEANS ANY CERTIFICATE, AGREEMENT, OR CONTRACT ISSUED TO AN ENROLLEE SETTING OUT THE COVERAGE TO WHICH HE IS ENTITLED IN EXCHANGE FOR A PER CAPITA PREPAID SUM. (Section 1-2 of the Act)

"Grievance" means any written complaint by an enrollee regarding any aspect of the HMO relative to the enrollee. (See also the Department of Insurance regulations on HMO's, 50 Ill. Adm. Code 6101.40 for clarification.)

"HEALTH CARE PLAN" MEANS ANY ARRANGEMENT WHEREBY ANY ORGANIZATION UNDERTAKES TO PROVIDE, ARRANGE FOR AND PAY FOR OR REIMBURSE THE COST OF BASIC HEALTH CARE SERVICES AND AT LEAST PART OF SUCH ARRANGEMENT CONSISTS OF ARRANGING FOR OR THE PROVISION OF HEALTH CARE SERVICES, AS DISTINGUISHED FROM MERE INDEMNIFICATION AGAINST THE COST OF SUCH

SERVICES, ON A PREPAID BASIS, THROUGH INSURANCE OR OTHERWISE. (Section 1-2 of the Act)

"HEALTH CARE SERVICES" MEANS ANY SERVICES INCLUDED IN THE FURNISHING TO ANY INDIVIDUAL OF MEDICAL OR DENTAL CARE, OR THE HOSPITALIZATION OR INCIDENT TO THE FURNISHING OF SUCH CARE OR HOSPITALIZATION AS WELL AS THE FURNISHING TO ANY PERSON OF ANY AND ALL OTHER SERVICES FOR THE PURPOSE OF PREVENTING, ALLEVIATING, CURING OR HEALING HUMAN ILLNESS OR INJURY. (Section 1-2 of the Act)

"HEALTH MAINTENANCE ORGANIZATION" OR "HMO" MEANS ANY ORGANIZATION FORMED UNDER THE LAWS OF THIS OR ANOTHER STATE TO PROVIDE OR ARRANGE FOR ONE OR MORE HEALTH CARE PLANS UNDER A SYSTEM WHICH CAUSES ANY PART OF THE RISK OF HEALTH CARE DELIVERY TO BE BORNE BY THE ORGANIZATION OR ITS PROVIDERS. (Section 1-2 of the Act)

"Medical Director" means a physician licensed to practice medicine in all its branches in Illinois and who shall be responsible for final review when questions of medical practice arise in the HMO in order to assure the quality of health care services provided.

"Peer Review" means the evaluation

by similarly licensed practicing physicians of the effectiveness and efficiency of services ordered or performed by other similarly licensed practicing physicians, or

by other professionals of the effectiveness and efficiency of services ordered or performed by other members of the profession whose work is being reviewed.

"Plan Service Area" means the geographic territory to be served by the HMO.

"Primary Care Physician" means

a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or

a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery.

"PROVIDER" MEANS ANY PHYSICIAN, HOSPITAL FACILITY, OR OTHER PERSON

WHICH IS LICENSED BY STATE LAW OR OTHERWISE AUTHORIZED BY STATE, FEDERAL, OR LOCAL LAW TO FURNISH HEALTH CARE SERVICES. (Section 1-2 of the Act)

"Quality Assessment Monitoring" means the planned, systematic, and routine collection of information by the HMO according to previously determined indicators of quality and appropriateness of patient care and clinical performance encompassing basic and supplemental health care services and providers. After periodic assessment and evaluation by the HMO, quality assessment monitoring can detect trends and identify opportunities for improving enrollees' care. "Supplemental Benefits" or "Selective Benefits" means any services or benefits provided by the HMO over and above those required as basic health care services.

"Utilization Review" means the study of the appropriateness of the use of particular services and the appropriateness of the volume of services used.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 600
MINIMUM QUALIFICATIONS FOR PUBLIC-HEALTH PERSONNEL EMPLOYED BY
FULL-TIME LOCAL HEALTH DEPARTMENTS CODE

SUBPART A: GENERAL

Section 600.100 Applicability
600.110 Statutory Authority
600.120 Purpose
600.130 Review Procedure
600.140 Appeal Procedure

SUBPART B: DEFINITIONS

Section 600.200 Class (Class of Positions)
600.210 Class Specifications
600.220 Class Title
600.230 Local Health Department
600.240 Minimum Requirements
600.250 Personnel Information Form

SUBPART C: ADMINISTRATIVE/MEDICAL -- CLASS TITLES
AND SPECIFICATIONS

Section 600.300 Public Health Administrator
600.310 Medical Health Officer
600.320 Health Program Coordinator
600.330 Executive Assistant
600.340 Administrative Assistant

SUBPART D: COMMUNICABLE DISEASE -- CLASS TITLES
AND SPECIFICATIONS

Section 600.400 Communicable Disease Coordinator
600.410 Communicable Disease Investigator
600.420 Tuberculosis Radiographic Technician

SUBPART E: DENTAL HEALTH -- CLASS TITLES AND SPECIFICATIONS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

B) Type of Small Businesses Affected:

Local Health Departments

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

600.500 Director of Dental Health
600.510 Dental Hygienist

SUBPART F: EMERGENCY MEDICAL -- CLASS TITLES AND SPECIFICATIONS

Section

600.600 Emergency Medical Technician/Ambulance
600.610 Emergency Medical Technician/Paramedic

SUBPART G: ENVIRONMENTAL HEALTH -- CLASS TITLES AND SPECIFICATIONS

Section

600.700 Director of Environmental Health
600.710 Supervising Sanitarian
600.720 Sanitarian
600.730 Associate Sanitarian
600.740 Environmental Health Inspector

SUBPART H: HEALTH EDUCATION -- CLASS TITLES AND SPECIFICATIONS

Section

600.800 Director of Health Education
600.810 Health Educator
600.820 Health Educator Associate
600.830 Community Health Educator Aide

SUBPART I: LABORATORY -- PERSONNEL STANDARDS CLASS-TITLES-AND-SPECIFICATIONS

Section

600.900 Laboratory Requirements
600.910 Chemist (Repealed)
600.920 Microbiologist (Repealed)
600.930 Laboratory Technician (Repealed)

SUBPART J: MENTAL HEALTH -- CLASS TITLES AND SPECIFICATIONS

Section

600.1000 Director of Mental Health
600.1010 Mental Health Program Supervisor
600.1020 Mental Health Counselor
600.1030 Mental Health Counselor Aide

SUBPART K: NURSING -- CLASS TITLES AND SPECIFICATIONS

Section

600.1100 Director of Nursing
600.1110 Supervising Nurse

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

600.1120 Nurse Coordinator
600.1130 Public Health Nurse
600.1140 Staff Nurse
600.1150 Licensed Practical Nurse
600.1160 Home Health Aide
600.1170 Homemaker

SUBPART L: NUTRITIONAL HEALTH -- CLASS TITLES AND SPECIFICATIONS

Section

600.1200 Director of Nutrition
600.1210 Nutritionist
600.1220 Associate Nutritionist

SUBPART M: SOCIAL WORK/PSYCHOLOGY -- CLASS TITLES AND SPECIFICATIONS

Section

600.1300 Certified Social Worker
600.1310 Psychologist

SUBPART N: THERAPIES -- CLASS TITLES AND SPECIFICATIONS

Section

600.1400 Occupational/Physical Therapist
600.1410 Speech and Language Pathologist

SUBPART O: VETERINARY SCIENCE -- CLASS TITLES AND SPECIFICATIONS

Section

600.1500 Veterinarian

SUBPART P: VISION AND HEARING -- CLASS TITLES AND SPECIFICATIONS

Section

600.1600 Vision and Hearing Supervisor
600.1610 Vision and Hearing Screening Technician

AUTHORITY: Implementing and authorized by "AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 20c et seq.) and "AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1 et seq.).

SOURCE: Filed April 17, 1968; emergency amendment at 5 Ill. Reg. 11091, effective October 1, 1981, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 2716, effective March 1, 1982; codified at 8 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

employees for whom these Rules apply this Part applies.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATIVE/MEDICAL CLASS TITLES AND SPECIFICATIONS

SUBPART E: DENTAL HEALTH--CLASS TITLES AND SPECIFICATIONS

Section 600.510 Dental Hygienist

a) Distinguishing Features of Work:

With interdependent direction, carries out gingival treatments as directed by a dentist, the purpose of which is to help control, eliminate, and prevent the occurrence of soft tissue diseases; performs technical services at the professional level, consisting of the removal of calculus, stains, and material abraded from the teeth, the topical application of medicaments and/or chemicals to relieve or prevent dental disease processes; participates in planning, implementing, and evaluating dental patient education.

Services shall not be exclusively limited to activities in a public funded clinic setting. Educational and organizational work in promoting effective oral hygiene for the purpose of preventing dental disease may be accomplished in the community.

b) Illustrative Examples of Work:

1) Provides a complete dental prophylactic service.

2) Examines oral structures for evidence of disease and reports to the dentist for diagnosis and treatment.

3) Administers approved and accepted carrier prevention treatments by the topical applications of medicaments, chemicals or substances to the tooth surfaces.

4) Performs gingival treatments by instrumentation and massage of tissues and the application of prescribed medications to the tissues.

5) Exposes, processes, and mounts intra- and extra-oral radiographs and makes a part of patient's dental record.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Reg. 18914; Amended at 13 Ill. Reg. _____, effective _____

SUBPART A: GENERAL

Section 600.110 Statutory Authority (Repealed)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

This part is these Rules are a necessary component for the development of a merit system of personnel administration, the establishment and maintenance of which enable local health departments to receive certain Federal funds.

SUBPART B: DEFINITIONS

Section 600.230 Local Health Department

Any county, multi-county, district or municipal health department formed by resolution of the county board or county boards of the respective counties, or upon approval by referendum, as provided for in the following Acts County Public Health Department Act, (Ill. Rev. Stat., 1987, ch. 111 1/2 par 20c2, as amended, in the Illinois Municipal Code, Ill. Rev. Stat., 1987, ch 24, par 11-17-1, as amended, and in the Public Health Districts Act, as amended, Ill. Rev. Stat., 1987, ch 111 1/2 par 1, et seq.). Illinois Revised Statutes, 1979, Chapter-111-1/2, Paragraph-20c2, as amended, in the Illinois Municipal Code, Illinois Revised Statutes, 1979, Chapter-24, Paragraph-11-17-1, as amended, and in the Public Health Districts Act, as amended, Illinois Revised Statutes, 1979, Chapter-111-1/2, Paragraph-1, et seq.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 600.250 Personnel Information Form

The reporting document used by local health departments to submit information to the Illinois Department of Public Health concerning the qualifications of

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1) Performs routine chemical and biochemical analyses; submits results for presentation to appropriate corrective enforcement or medical-professionals

2) Prepares and standardizes chemical solutions; reagents; and procedures for use in various tests

3) Prepares and maintains records and reports on specimens and test results

4) Maintains quality control procedures within the laboratory

5) Performs other duties as required or assigned

e)

Minimum Requirements

1)

Education

A) Requires a bachelor's degree with a major in chemical or the biological sciences or Be an incumbent approved by the Illinois Department of Public Health-guaranteed-as-a-chemist-as-of-the effective-date-of-these-specifications

2) Skills, knowledge, and Abilities

A) Requires detailed knowledge of the principles and practices of laboratory operation and use of laboratory equipment and analytical methods and procedures

B) Requires a detailed knowledge of administrative and supervisory methods and techniques

C) Requires ability to supervise and direct the work of professional technicians and interpret personnel

D) Requires ability to perform independent research and adapt methods to current requirements

E) Requires ability to prepare comprehensive sensitive and administrative reports

A) Requires detailed knowledge of the principles and practices and techniques of chemical analysis

B) Requires ability to assume responsibility for accuracy in analyses

C) Requires ability to apply chemistry tests without instruction

D) Requires ability to set up and use laboratory equipment

E) Requires ability to prepare data for reports

F) Requires ability to make chemical analyses of various products and substances according to standardized procedures

G) Requires ability to follow written and oral directions; formulas and charts

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

A) Requires a degree above baccalaureate level from an accredited college or university with a major in chemical or biological sciences and completion of training in those tests for which intense is sought; or

B) Be an incumbent approved by the Illinois Department of Public Health-guaranteed-as-a-biotechnician-laboratory-as-of-the-effective-date-of-these specifications

1)

Education

2) Experience

A) Requires two (2) years of full-time professional experience in microbiology and/or chemistry

3) Skills, knowledge, and Abilities

A) Requires thorough knowledge of principles and practices of laboratory operation and use of laboratory equipment and analytical methods and procedures

B) Requires a detailed knowledge of administrative and supervisory methods and techniques

C) Requires ability to supervise and direct the work of professional technicians and interpret personnel

D) Requires ability to perform independent research and adapt methods to current requirements

E) Requires ability to interpret laboratory test results

F) Requires ability to prepare comprehensive sensitive and administrative reports

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 600.9810 Chemist (Repealed)

a) Distinguishing Features of Work

With specific direction; performs routine chemical and biochemical analyses of a variety of substances in a laboratory; may supervise lower-level laboratory personnel

b)

Illustrative Examples of Work

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 600.9820 Microbiologist (Repealed)

- a) Distinguishing-Features-of-Work:
With-specific-direction,-performs-routine-analyses-in-a-variety-of-microbiological-disciplines-in-a-locally-operated-laboratory;-may-supervise-lower-level-laboratory-personnel.
- b) Illustrative-Examples-of-Work:
- 1) Performs-routine-microbiological-analyses-on-specimens-of-human-or-environmental-origin-by-microscopic,-serological-or-cultural-methods;-submits-results-for-presentation-to-appropriate-corrective,-enforcement-or-medical-professionals.
 - 2) Prepares-and-standardizes-culture-media,-stains,-solutions,-and-reagents-used-in-microbiological-analyses.
 - 3) Prepares-and-maintains-records-and-reports-on-specimens-and-test-results.
 - 4) Maintains-quality-control-procedures-within-the-laboratory.
 - 5) Performs-other-duties-as-required-or-assigned.
- e) Minimum-Requirements:
- 1) Education:
 - A) Requires-a-bachelor's-degree-with-a-major-in-the-biological-or-chemical-sciences;-or
 - B) Be-an-incumbent-approved-by-the-Illinois-Department-of-Public-Health-currently-employed-as-a-Microbiologist-as-of-the-effective-date-of-these-specifications.
 - 2) Skills,-Knowledges,-and-Abilities:
 - A) Requires-ability-to-assume-responsibility-for-accuracy-in-procedures.
 - B) Requires-detailed-knowledge-of-the-principles,-practices,-and-techniques-of-microbiology.
 - C) Requires-ability-to-apply-microbiological-tests-without-instruction.
 - D) Requires-ability-to-set-up-and-use-laboratory-equipment.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- E) Requires-ability-to-prepare-data-for-reports.
- F) Requires-ability-to-make-microbiological-analyses-of-various-products-and-substances-according-to-standardized-procedures.
- G) Requires-ability-to-follow-written-and-oral-directions,formulae,-and-charts.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 600.9830 Laboratory Technician (Repealed)

- a) Distinguishing-Features-of-Work:
Under-direct-supervision,-performs-technical-laboratory-work-following-specific-instructions,-or-standard-procedures-and-techniques,-where-indicated-results-are-usually-obvious;-assists-in-performing-the-more-difficult-tests;-may-assist-in-training-new-laboratory-workers;-may-clean-and-sterilize-glassware-and-laboratory-equipment.
- b) Illustrative-Examples-of-Work:
- 1) Receives,-sorts,-and-records-identification-of-specimens;-tabulates-results-of-tests-for-professional-interpretation;-maintains-file-of-laboratory-records.
 - 2) Performs-routine-microbiological-and-chemical-analyses-on-specimens-of-human-or-environmental-origin.
 - 3) Operates-laboratory-machinery-and-equipment;-maintains-cleanliness,-sterility,-and-working-condition-of-laboratory-machinery-and-equipment.
 - 4) Performs-other-duties-as-required-or-assigned.
- e) Minimum-Requirements:
- 1) Education:
 - A) Requires-knowledge,-skill,-and-mental-development-equivalent-to-completion-of-four-(4)-years-of-high-school,-preferably-with-courses-and-laboratory-work-in-biology,-chemistry-or-physics;-or
 - B) Be-an-incumbent-approved-by-the-Illinois-Department-of-Public-Health-currently-employed-as-a-Laboratory-Technician

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

5) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education and Experience:

A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration and Educators;

B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and

C) Requires a master's degree with preparation in administration, epidemiology, research and clinical nursing, and two (2) years of full-time experience in a generalized family-centered nursing program in a community health agency; or

D) Requires a bachelor's degree in nursing from a college program which includes a practicum experience in public health nursing, advanced preparation in administration and supervision, and four (4) years experience in a generalized family-centered nursing program in a community health agency; or

E) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Director of Nursing as of the effective date of these specifications.

2) Skills, Knowledge, and Abilities:

A) Requires ability to assess community nursing needs and to formulate plans to meet those needs.

B) Requires ability to establish and further effective working relationships with a variety of community, governmental, and professional individuals and groups.

C) Requires the ability to implement the nursing process which includes supervisory techniques of public health nursing theory and practice.

D) Requires an ability to comprehend local health department philosophy, organization, and practice as it relates to nursing program activities.

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

as-of-the-effective-date-of-these-specifications:

-2) Skills, Knowledge, and Abilities:

A) Requires elementary-knowledge-of-the-principles-and-practices-of-biology, chemistry, physics-or-related sciences;

B) Requires elementary-knowledge-of-laboratory-procedures-and-techniques;

C) Requires elementary-knowledge-of-laboratory-equipment-and-its-usage;

D) Requires-ability-to-maintain-effective-working-relationships-with-other-laboratory-personnel;

E) Requires-ability-to-perform-routine-and-standard-laboratory-tests;

a) Distinguishing Features of Work:

Subject to executive policy approval, directs public health nursing activities in a local health department.

b) Illustrative Examples of Work:

1) Participates in formulation and development of agency policy objectives, budget, and program planning.

2) Formulates and implements policy, methods, and procedures for the public health nursing program.

3) Recruits, trains, and evaluates the work activities of nursing staff members, provides orientation, and in-service education and training to nursing staff.

4) Exercises responsibility for personnel, fiscal, and other management controls; prepares and reviews records and reports on an operational, professional and, occasionally, a research nature.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

SUBPART K: NURSING--CLASS TITLES
AND SPECIFICATIONS

Section 600.1100 Director of Nursing

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3) Acts as a resource person for in-service education and training program for nursing staff.

4) Facilitates effective working relationships with a variety of community and governmental agencies, including professional individuals and associations.

5) Analyzes and evaluates programs to improve the quality of patient care.

6) May provide direct nursing care.

7) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education and Experience:

A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration-and-Education; and

B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and

C) Requires two (2) years of full-time nursing experience applicable to the assigned program or project; or

D) Be an incumbent approved by the Illinois Department of Public Health currently employed as Nurse Coordinator as of the effective date of these specifications.

2) Skills, Knowledge, and Abilities:

A) Requires the ability to implement the nursing process.

B) Requires ability to comprehend program planning, develop program methods and procedures, and establish appropriate referral priorities.

C) Requires ability to make independent clinical judgment in a program area and assist staff with clinical aspects of care.

D) Requires ability to provide educational instruction to staff relating to the clinical aspects of care.

NOTICE OF PROPOSED AMENDMENTS

E) Requires familiarity with the medical-legal aspects of public health nursing.

(Source: Amended at 13 Ill. Reg. _____, effective _____)
Section 600.1130 Public Health Nurse

a) Distinguishing Features of Work:

With specific direction, performs public health nursing duties in a local health department.

b) Illustrative Examples of Work:

1) Demonstrates and carries out nursing procedures in clinics and family care situations, including prenatal, postpartum, infant, pre-school, and home care.

2) Confers with parents, physicians, dentists, schools, and other groups to gather and receive pertinent information related to assignments.

3) Comprehends the investigation and control of communicable disease by making hospital and home follow-up visits.

4) Participates in educational activities by attending conferences and meetings, giving prepared talks, using appropriate teaching tools.

5) Provides counseling with regard to physical and emotional needs of patients and their families.

6) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education:

A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration-and-Education; and

B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; and

C) Requires a bachelor's degree in nursing from a college program which includes a practicum experience in public

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

health nursing; or

- D) Requires three (3) years of full-time nursing experience, two (2) of which must have been in a generalized family-centered nursing program in a community health agency; or
- E) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Staff Nurse III or IV as of the effective date of these specifications.

2) Skills, Knowledges, and Abilities:

- A) Requires ability to apply basic principles and practices underlying professional nursing techniques and public health nursing.
- B) Requires ability to apply laws and regulations pertinent to public health nursing.
- C) Requires ability to carry out detailed nursing instructions of a technical nature related to patient care.
- D) Requires ability to establish and further satisfactory working relationships with patients, family members, doctors, the general public, and other professional personnel.
- E) Requires ability to work with diverse community groups and coordinate their efforts.
- F) Requires familiarity with the medical-legal aspects of public health nursing.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 600.1140 Staff Nurse

a) Distinguishing Features of Work:

With regular consultation, performs professional nursing services and treatment for clients in the community; assists with special treatments; gives guidance, direction, and support to clients and other family members.

b) Illustrative Examples of Work:

- 1) Provides professional nursing services in conformance with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

recognized nursing techniques and procedures, established standards, and administrative policies of the local health department.

- 2) Recognizes and interprets symptoms of patients conditions and reports to appropriate person, and assists with remedial measures for adverse developments.
- 3) Maintains clinical charts; reports on the condition of patients; observes and corrects, if possible, environmental factors dealing with the comfort and safety of patients.
- 4) Assists clients with nursing care in such areas as prenatal care, postpartum care, pre-school care, and geriatric care.
- 5) Prepares patients for and provides special treatments and dressings.
- 6) Uses opportunities for teaching nursing care, treatments, and health practices to the client, family, and others.
- 7) Performs other duties as required or assigned.

c) Minimum Requirements:

1) Education:

- A) Requires certification of graduation from a school of nursing approved by the Department of Professional Regulation Registration and Education; and
- B) Requires an Illinois license as a Registered Nurse by examination; or an Illinois license by endorsement within six months of the initial date of employment; or
- C) Be an incumbent approved by the Illinois Department of Public Health currently employed as a Staff Nurse I or II as of the effective date of these specifications.

2) Skills, Knowledges, and Abilities:

- A) Requires working knowledge of professional nursing theory and practice.
- B) Requires ability to keep records and charts and make reports on observations.
- C) Requires ability to apply general nursing techniques and

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER
NOTICE OF PROPOSED AMENDMENTS

- 7) Seeks medical advice and consultation, as indicated.
- 8) Performs other duties as required or assigned.

c) Minimum Requirements:

- 1) Education and Experience:
 - A) Option A requires knowledge, skill, and mental development equivalent to completion of four (4) years of college with a bachelor's degree in physical therapy from a school approved by the Department of Professional Regulation and Registration and
 - B) Requires one (1) year of full-time professional experience in the field of physical therapy; or
 - C) Option B requires knowledge, skill, and mental development equivalent to completion of four (4) years of college with a bachelor's degree in occupational therapy; and
 - D) Requires one (1) year of full-time professional experience in the specialized field of occupational therapy.

2) Registration:

- A) Option A: Requires current registration as a physical therapist in Illinois.
- B) Option B: Requires evidence of current certification by the American Occupational Therapy Association.

3) Skills, Knowledge, and Abilities:

- A) Requires thorough knowledge of the principles, practices, and techniques for the appropriate therapy.
- B) Requires ability to instruct others in the appropriate techniques and practices.
- C) Requires ability to work closely with other medical professionals.
- D) Requires ability to communicate effectively.
- E) Requires ability to write clear and concise records and reports of treatments given and progress made.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- D) Requires ability to follow oral and written directions and administer therapeutic prescriptions.
- E) Requires ability to establish and further satisfactory working relationships with patients, family members, doctors, the general public, and other professional personnel.
- F) Requires familiarity with the medical-legal aspects of nursing practice.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART N: THERAPIES--CLASS TITLES
AND SPECIFICATIONS

Section 600.1400 Occupational/Physical Therapist

a) Distinguishing Features of Work:

With interdependent direction, performs occupational and/or physical therapy duties in a local health department.

b) Illustrative Examples of Work:

- 1) Performs tests and measurements of muscle strength, sensory integrative function, joint range of motion, posture, strength, and ability to perform activities of daily living.
- 2) Assesses the behavior and functioning of patients in planned situations and evaluates the functional effects of disease and disability.
- 3) Develops a graduated treatment plan suited to meet individual needs based on the results of evaluations and the attainment of goals.
- 4) Instructs professionals, para-professionals, and family members in patient care techniques.
- 5) Participates in conferences with other professionals regarding patient treatment in rehabilitative programming.
- 6) Applies clinical techniques of therapy and training to individual patients and/or groups.

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

N/A

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A

D) Types of Professional Skills Necessary for Compliance:

N/A

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

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

The proposed amendments are designed to clarify these requirements in order to respond to a number of issues raised in the recent audit. These changes will have minimal impact on the grantees since they are basically operating within these guidelines now.

The economic effect of this proposed rulemaking is unknown. Therefore the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No

7) Does this Rulemaking contain an Automatic Repeal Date? Yes No

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No

If "yes," please specify type: 6.02(a) or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

Yes No

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

Please specify:

These rules will provide clarification of what is expected of grantees in performance of MCH programming. Many issues were raised in the last audit concerning these issues and these will respond to those issues.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH
PART 630

PROGRAM-CONTENT-AND-GUIDELINES-FOR MATERNAL AND CHILD HEALTH SERVICES CODE

SECTION

630.10 ~~The Maternal and Child Health Program--~~ Legislative Base

630.20 ~~The Maternal and Child Health Program--~~ Administration

630.30 ~~MCH-Project-Services--~~ Health Services for Women of Reproductive Age

630.40 ~~MCH-Project-Services--~~ Health Services for Children in the First Year of Life

630.50 ~~MCH-Project-Services--~~ Health Services for Children from One Year of Age to Early Adolescence

630.60 ~~MCH-Project-Services--~~ Health Services for Adolescents

630.70 Definitions

630.80 ~~MCH-Projects--~~ Standards

630.90 ~~MCH-Projects--~~ Records

630.100 ~~MCH-Projects--~~ Reports

630.110 ~~MCH-Projects--~~ In-Service Training

630.120 ~~MCH-Projects--~~ Evaluation

630.130 ~~MCH-Projects--~~ Use of Project Funds

630.140 ~~MCH-Projects--~~ Program Income

630.150 ~~MCH-Projects--~~ Eligibility for Services

630.160 ~~MCH-Projects--~~ Availability of Services

630.170 ~~MCH-Projects--~~ Utilization of Community Resources

630.180 ~~MCH-Projects--~~ Abortions and Sterilizations

630.190 ~~MCH-Projects--~~ Reasonable Cost

630.200 ~~MCH-Projects--~~ Preparation of Applications

630.210 ~~Review under Administrative Review Law~~

Appendix A MCH Grant Proposal Review Form

Appendix B Illinois Department of Public Health Reimbursement Certification Form

Appendix C Instructions for Completing Reimbursement Certification Form

Appendix D Plans to Achieve Objectives

Appendix E Application and Plan for Public Health Program Grant

AUTHORITY: Implementing "An Act relating to the prevention of developmental disabilities," approved September 6, 1973, effective October 1, 1973 (Ill. Rev. Stat. 1987~~7~~, ch. 111 1/2, pars. 2101 et seq.); the "Lead Poisoning Prevention Act," approved and effective September 6, 1973, as amended (Ill. Rev. Stat. 1987~~7~~, ch. 111 1/2, pars. 1301 et seq.); "An Act concerning the disease of phenylketonuria, designating certain powers and duties in relation thereto, providing penalties for violations thereof, to repeal an Act therein named and to make an appropriation in connection

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

therewith," approved April 14, 1965, effective July 1, 1965 (Ill. Rev. Stat. 1987~~7~~, ch. 111 1/2, pars. 4901 et seq.); "An Act to revise the law in relation to coroners," approved February 6, 1874, effective July 1, 1874, as amended (Ill. Rev. Stat. 1987~~7~~; ch. 31, par. 10.2a); Infant Mortality Reduction Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 7001 et seq.); "The Problem Pregnancy Health Services and Care Act," effective November 1, 1979, as amended (Ill. Rev. Stat. 1987~~7~~ Supplement, ch. 111 1/2, pars. 4601-100 et seq.). Authorized by The CIVIL Administrative Code of Illinois, approved March 7, 1917, effective July 1, 1917, as amended (Ill. Rev. Stat. 1987~~7~~, ch. 127, par. 55.05).

SOURCE: Adopted and codified 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 13 Ill. Reg. _____, effective _____.

Section 630.10 ~~The Maternal and Child Health Program--~~Legislative Base

a) Federal

Legislative provisions for health services for mothers and children were initiated with Title V of the Social Security Act in 1935 (42 U.S.C. 701 et seq.) through formula grants to States for maternal and child health services. Over the next 50 years Title V has been broadened and expanded in response to changing need. The most recent and extensive revision to Title V came through the Maternal and Child Health (MCH) Services Block Grant Act of 1981 (PL 97-35; Sec. 2191 et seq.). The MCH Block Grant Act virtually rewrote Title V to provide federal funds to states through a block grant arrangement so that each State could allocate resources based upon its individual needs and circumstances. In addition to the Maternal and Child Health and Crippled Children's Service (CCS) components, previous federal categorical grant programs for Sudden Infant Death Syndrome (SIDS), Lead Screening, Adolescent Pregnancy, Genetics, Hemophilia and Supplemental Security Income-Disabled Children's Program (SSI-DCP) were folded into the MCH Block. Each State is to determine the types of activities and the level of support for each type of project that would be included in its State MCH Program.

b) State

1) On July 12, 1877 the Illinois Department of Public Health was established to regulate the practice of medicine and to promote sanitary and hygienic activities. In 1919 the Division of Child Hygiene and Public Health Nursing was created to address the health needs of mothers and children following a terrible epidemic of infantile paralysis (polio)

which struck the State in 1916 and 1917.

2) Since that time a wide array of state health department programs were developed by this Division and its various successor units. After the enactment of Title V legislation, the Division became the designated maternal and child health unit of the Department.

3) The Division of Family Health carries responsibility for implementing and maintaining Federal Title V programs as well as the following program areas mandated by state legislation: (all citations refer to Illinois Revised Statutes, 1987a).

A) Prevention of Developmental Disabilities through Prenatal and Regionalized Perinatal Care (Chapter 111 1/2, Paragraph 2101 et seq.)

B) Newborn Screening (Chapter 111 1/2, Paragraph 4903 et seq.)

C) Sudden Infant Death Syndrome Follow-up (Chapter 31, Paragraph 10.2a).

D) Lead Poisoning Prevention Act (Chapter 111 1/2, Paragraph 1301 et seq.)

E) Infant Mortality Reduction Act (Chapter 111 1/2, Paragraph 1001 et seq.)

F) The Problem Pregnancy Health Services and Care Act (Chapter 111 1/2, Paragraph 4601-100 et seq.)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.20 The-Maternal-and-Child-Health-Program-- Administration

a) General Provisions

1) Planning, programming and budgeting for Maternal and Child Health programs are the responsibility of the Division of Family Health of the Illinois Department of Public Health. The Department will develop each year a MCH Program Plan for Illinois which will assess current needs within the State and provide goals and objectives for improving the health of mothers and children, and for reducing infant mortality. The Department will make available to the Division of Services for Crippled Children thirty-two and one-tenth

(32.1) percent of the total MCH Services Block Grant funds allocated to the Department [this being the percentage of Illinois' total funds awarded to the Division in Federal Fiscal Year 1981 from the Title V consolidated health programs as defined in Title V, Section 501(b)(1)] and included in the DHHS base for computation of the Department's Fiscal Year 1982 MCH Services Block Grant.

2) Giving highest priority to those areas in Illinois having high concentrations of low-income families, medically underserved areas, and those areas with high infant mortality and teenage pregnancies, the Department shall fund use the remaining sixty-seven and nine-tenths (67.9) percent of the total MCH Services Block Grant funds for MCH projects consistent with the intent of the new reauthorized Title V and to provide Department operational funds which are supportive of the above projects. From time to time the Department may award to selected grantees up to five percent of this portion for MCH projects which have statewide, regional or local significance.

3) Projects shall be administered either directly by the Department, or through grants or contracts to health agencies of local political jurisdictions or private nonprofit agencies. All applicant agencies shall be subject to the planning, promotion, and coordination of such services by the Division of Family Health. Each project shall operate according to a plan written in accordance with state guidelines contained herein which are consistent with Title V and its regulations. In addition, projects funded for Regionalized Perinatal Care, Lead Poisoning, Newborn Screening, Problem Pregnancy, or Sudden Infant Death Syndrome activities must meet the requirements of State statutes and the applicable State rules and regulations.

b) Review Process

1) Priorities for Ranking

A) Priority shall be given to project applications for areas with concentrations of low income families. A low income family is defined as being either urban or rural, with an annual income below the nonfarm income official poverty level as defined by the Office of Management and Budget and revised annually in accordance with Section 624 of the Economic

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6-13)-and-the-Format-for Project Billing Form which can be expanded to multiple pages where necessary. Billings should be prepared in accordance with the following instructions:

A) Frequency of submission: Projects with funding in excess of \$50,000 shall submit billings monthly. All others should submit billings at least quarterly. Any project may submit monthly billings. Quarters for the MCH grant periods are:

	Fiscal Year	State	Fiscal Year
July 1 - September 30	1st	1st	4th
Oct. 1 - December 31	2nd	2nd	1st
Jan. 1 - March 31	3rd	3rd	2nd
April 1 - June 30	4th	4th	3rd

Failure to comply with the above schedule will be documented and considered in future funding requests.

B) Deadlines for submission: Billings must be submitted within 30 days of the end of the reporting period. For example, billing for the month of July shall be submitted not later than the end of August, billing for the quarter ending in March shall be submitted not later than the end of April. At the end of the grant period, however, projects will have 45 days in which to submit the final billing. A reminder will be sent to all projects.

C) Grouping of expenditures: Billing must be organized by the budget categories and line items of the approved project budget. A total for each budget category shall be shown.

D) Voucher or check number: Every expenditure (goods or services already paid for by the grantee) must be identified by a voucher number or check number. This is the key to maintaining a clearly defined audit trail. Each item reimbursed by the Division of Family Health or voluntarily shown as supporting expenditures must be based on an expenditure traceable through the project's internal record system. Invoices, bills, purchase orders, etc., shall be attached or cross referenced on the grantee's voucher or check stub and kept on

E) Date of voucher or check: Expenditures must be documented by showing the date of issue of the voucher or check.

F) Expenditures outside of report period: It is expected that reimbursement requests will be for goods and services received in the reporting period. Bills submitted to the project by providers, suppliers, etc., too late for inclusion may be submitted with the subsequent billing request.

G) Payee: Clearly identify (by name and address) the organization or individual to whom payment was made.

H) Purpose of Expenditure: The purpose of the expenditure must be clearly indicated so that the Division of Family Health staff may determine whether it is acceptable for reimbursement or as matching. Acceptability will be based on the terms of the agreement and this part applicable rates and regulations. For periodic charges, e.g., salaries, fringe benefits, travel, rent utilities, etc., also show the time period covered.

I) Patient Confidentiality: Patients' names shall not appear anywhere on the billing. Where patient references are necessary to maintain an audit trail, patient numbers or other means of identification shall be used.

J) Reporting of Expenditures--two columns have been provided, the first for expenditures funded by the Division of Family Health and the second for supporting expenditures of the project for applicants voluntarily showing these expenditures.

Expenditure: Expenditures shall be completed in accord with instructions for completion of the Reimbursement Certification Form (see Appendix B on this part).

K) Sub-total expenditures in both columns by budget category, and show a grand total at the end of the billing.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ii) Individual expenditures reported may be entirely reimbursable, entirely paid from other resources, or a combination of the two. For example, a nurse's salary may be paid entirely by grant funds, entirely by local project funds, or partly from each source.
- iii) In projects showing supporting expenditures they are to be reported with each reimbursement request and not accumulated.
- K) Signature: The project director or an authorized agent must sign the billing form before submission. The individual signing the form is responsible for its accuracy. Authorized signatures must be on file with the Department.
- L) ~~Voucher: The State of Illinois Invoice Voucher (G-13) must have the following items completed:~~
 - i) ~~Name and location of agency:~~

~~Illinois Department of Public Health
Office of Health Services/Division of Family Health
525 West Jefferson Street
Springfield, IL--62761~~
 - ii) ~~Seller's Certification:--Person authorized to sign for the project.~~
 - iii) ~~Vendor Number:--Nine digit Federal Employers Identification Number (FEIN):~~
 - iv) ~~ZIP Code:~~
 - v) ~~Vendor or Payee:--Name and address of person or organization to whom payment is to be made.~~
 - vi) ~~All other items should be left blank.~~
- LM) Number of Copies: Submit ~~the completed G-13 with~~ four legible copies of the Reimbursement Certification Form Format for Project Billing. Additional pages may be duplicated as needed.

e) Monitoring

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- At least annually, appropriate professional health personnel of the Division and its consultants shall review each project for appropriateness of services and quality of care furnished to recipients in accordance with the project plan.
- f) Auditing

The Illinois Department of Public Health will conduct audits of local projects by the authority of the Illinois Revised Statutes, Chapter 111 1/2, Paragraph 20c.01. These audits will be conducted at least every two years and will be performed in accord with generally accepted auditing procedures the guidelines described in the Illinois Department of Public Health Audit Program for State/Federal Funds Awarded Local Health Departments.

These audits will be either on-site reviews by Illinois Department of Public Health audit staff or will be desk audits of local public agencies covered by the Single Audit Act. In the latter case, the agency is required to submit a copy of the audit within one month of the receipt of the final report. If after review of the report the Illinois Department of Public Health requires additional information, then the Department reserves the right to perform such an audit.

(Source: Amended at 13 Ill. Reg. _____, effective _____)
- Section 630.30 MGH-Project-Services-- Health Services For Women of Reproductive Age
- The Division of Family Health, Department of Public Health, State of Illinois, through its Maternal and Child Health Program may allocate funds for programs providing health services for women of reproductive age. All such services must be delivered based upon standards identified in ACOG, Title X, Perinatal and Hospital Licensing Standards (Chapter XV) (See Section 630.80 (a)5). One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant funds:
- a) Services for nonpregnant women that relate to the occurrence and course of future pregnancy.
 - 1) Comprehensive family planning services as described in the Department's Family Planning Services Code - 77 Ill. Adm. Code 635.90, including:
 - A) ~~information, education, and counseling regarding family planning concepts and techniques, and other issues such as the importance of prenatal care, and risks associated with childbearing at extremes of the~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- iv) Use-of-community-human-service-resources-such-as food-stamps, special-supplemental-food-program for-women, infants-and-children-(MIG)-welfare and-segretary-services-that-significantly-affect health-status
- v) Significant-oral-pathology
- vi) Organite-medical-problems-such-as-renal-and-heart diseases-hypertension-diabetes-and-endocrine problems
- vii) Self-breast-examination
- viii) Referral-and-follow-up-of-mental-health-and behavioral-problems-both-acute-and-chronic that-can-adversely-affect-pregnancy-fetal development-and-maternal-health-as+ alcohol-abuse-drug-addiction-or-abuse; other-substance-abuse-and
- ix) Significant-mental-disorders-such-as schizophrenia-and-depression
- x) Nutrition-assessment-and-services
- xi) Home-health-and-homekeeper-services
- 2) Genetic evaluation screening and related-services-as needed-to-protect-persons-at-risk-with counseling as indicated and-referral-as-appropriate.
- 3) Counseling and referral to licensed adoption services if indicated or desired.
- Services for pregnant women in-the-prenatal-period.
- 1) Early diagnosis of pregnancy.
- 2) Counseling regarding plans for pregnancy continuation.
- A) For those electing to carry to term, referral for and provision of prenatal care. Referral to childbirth preparation classes as desired or to adoption services at licensed agencies if indicated.
- B) For those electing abortion, referral to appropriate

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- reproductive-age-span
- B) History-and-physical-examination-including-breast and-pelvic-examination-as-indicated-and-tests-such as-hematoeritics-skeletal-radiology-ultrasound-and smears-gonorrhea-testing-ultrasound-and
- C) Prevention-of-family-planning-methods-and-instruction regarding-their-use
- D) Pregnancy-testing-with-ateendant-counseling-and referrals-as-appropriate-(including-prenatal services-adoption-and-abortion)
- E) Inpatient-services-including-counseling information-and-treatment
- F) Sterilization-counseling-informant-and-education
- G) Sterilization-treatment-services-for-persons-legally capable-of-consent-21-years-of-age-and-over
- H) Diagnosis-and-treatment-or-referral-and-follow-up-for general-health-problems-(of-project-registrars)-that can-adversely-affect-future-pregnancy-fetal development-and-maternal-health
- I) Sexually-transmitted-diseases
- J) Immune-status-(such-as-rubella)
- K) Gynecological-and-anatomical-disorders
- L) Inadequate-nutritional-status-including-under and-overweight-food-fads-etc
- M) Counseling-and-antepartory-guardance-with-referral-and follow-up-as-needed-regarding
- N) Physical-activity-and-exercise
- O) General-health-practices
- P) Avoidance-of-smoking-alcohol-and-other-drugs and-of-environmental-hazards-including radation-hazards-chemicals-and-various workpate-hazards

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pediatric care following delivery, including to arrangements for a pediatric antenatal visit to link the family to pediatric care.

xi) Emotional and social changes occasioned by the birth of a child, including changes in marital and family relationships, the special needs of the mother in the postpartum period, and preparing the home for the arrival of the newborn.

xii) Referral to appropriate community health resources such as WIC, food stamps, welfare and social services that can benefit health status significantly.

xiii) Discussions regarding postpartum family planning options.

xiv) Housing (including alternative placement).

xv) Other relevant topics in response to patient concern.

4) Services in the intrapartum period and postpartum periods.

A) Assessing the progress of labor and the condition of the mother and fetus throughout labor.

2) Medical services during labor and delivery for diagnosis and management of conditions threatening the mother and/or infant, including the availability of a cesarean birth operation when indicated and consultation and/or referral for high risk perinatal problems within the Perinatal System.

3) Delivery and/or referral of the baby by a qualified professional in a facility that has services needed to manage medical emergencies of the mother and/or newborn, or has ready access to such services.

D) RH workup and Rhogam administration as indicated.

5) Services during the postpartum period.

4) A) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic, preexisting or arising during the postpartum period

that can adversely affect the mother's health and/or child caring abilities.

8) Diagnosis and treatment or referral and follow-up of mental health or behavioral problems, both acute and chronic, preexisting or arising during the perinatal and postpartum periods (including maternal depression) that can adversely affect the mother's health and/or child care abilities.

6) Counseling and anticipatory guidance with referrals and follow-up as needed regarding:

i) Postpartum changes, both normal and abnormal.

ii) Family planning methods.

A) Infant development and behavior.

B) Infant nutritional needs and feeding practices, including breast feeding.

6) Automobile restraints for infants and children, and general accident prevention concepts (especially home accidents and accidental poisoning).

B) Infant stimulation and parenting skills, with specific appraisal to identify parents at risk for child abuse or neglect.

E) Need for and importance of immunizations.

F) Effect on children of parental smoking, use of alcohol and other drugs, and other health-damaging behaviors.

6) The importance of a source of continuous and comprehensive care for both mother and child, including identification of available resources to help with such problems as illness in the newborn, breast feeding difficulties or problems with contraception.

H) Recognition and management of illness in the newborn.

I) Infant care.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- J) xii) Child care arrangements.
- K) xiii) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
- L) xiv) Physical activity and exercise.
- M) xv) Nutrition assessment and services.
- N) xvi) General health practices.
- xvii) Genetic diagnostic services and counseling if indicated.
- O) xviii) Other relevant topics in response to parental concern.
- P) xix) Organic medical problems such as renal and heart disease, hypertension, diabetes, and endocrine problems.
- 7) D) Diagnosis and treatment or referral and follow-up for general health problems (of project registrants) that can adversely affect future pregnancy, fetal development, and maternal health such as:
 - A) i) Sexually transmitted diseases.
 - B) ii) Immune status (such as rubella).
 - C) iii) Gynecological anatomic and functional disorders.
 - D) iv) Inadequate nutritional status, including both under and overweight.
 - E) v) Occupational exposures.
 - F) vi) Acute dental problems such as infection.
 - vii) Family history of genetic disorder.
- 8) E) Comprehensive family planning services, during intrapartum and postpartum period, including:
 - A) 1) Information, education, and counseling regarding family planning concepts and techniques, and other issues such as the importance of prenatal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- care, and risks to mother and child of childbearing at extremes of the reproductive age span.
- B) ii) History and physical examination, including heart, lungs, thyroid, breast and pelvic examination, as indicated, and tests such as a Papanicolaou smear, gonococcal culture, chlamydia testing, hematocrit urinalysis, and serological examination for syphilis, as appropriate.
- G) iii) Provision of family planning methods and instruction regarding their use.
- D) iv) Sterilization counseling, information, and education.
- E) v) Sterilization treatment services for persons 21 years of age and over, and legally capable of consent.
- F) vi) Rubella immunization as indicated.
- vii) Genetic counseling services.
- 9) F) Home health and homemaker services.
- 10) G) Routine postpartum examination, four to six weeks following delivery with referrals and follow-up as needed, including:
 - i) Physical examination and intrapartum history.
 - A) ii) Laboratory services as appropriate.
 - B) iii) Family planning services.
 - C) iv) Rubella immunization as indicated.
- cd) Access-related services:
 - 1) Outreach services.
 - 2) Translator and 24-hour emergency telephone services.
 - 3) Child care services to facilitate obtaining needed health services and other social services as needed.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

- 7) Nutritional assessment and services and supplementation as needed.
- 8) Bonding and attachment support activities including provision for extended contact between parents and their infant immediately after delivery and, where desired by the parents, rooming-in arrangements or the equivalent.
- 9) Arrangements for continuous, comprehensive pediatric care for the newborn following discharge from the hospital.
- 10) Home health services.
- 11) Referral for Public Health nursing follow-up including those identified through the Adverse Pregnancy Outcome Reporting System.

b) Services during balance of first year of life.

- 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Complete physical examination to include:
 - i) Height and weight.
 - ii) Head circumference.
 - iii) Vision and hearing evaluation.
- C) Development-behavior-assessment of Development and Behavior using age appropriate tools.
- D) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test; and, for infants at risk, such procedures as lead poisoning, parasite, and sickle cell screening for those children not screened in the newborn period.
- E) Nutritional assessment, and services and supplementation as needed (including provision of such supplements as iron and vitamin D, and adequacy of fluoride intake). For those on nonpublic supplies, water should be tested for nitrates by the

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

- 4) Availability of services directly or through referral regardless of handicapping conditions.
 - 5) Transportation.
- (Source: Amended at 13 Ill. Reg. _____, effective _____)
- Section 630.40 MCH-Refugee-Services-- Health Services For Children In The First Year Of Life .
- The Division of Family Health, State of Illinois Department of Public Health, through its Maternal and Child Health Program may allocate funds for programs providing health services for infants in the first year of life in accord with American Academy of Pediatrics and Perinatal Standards. One or more of the following MCH services may be included in application proposals for Title VII and State MCH Project grant funds.

a) Services in the neonatal period.

- 1) Evaluation of the newborn infant immediately after delivery and institution of appropriate support procedures.
- 2) Complete physical examination, including length, weight, and head circumference, skin, head, eyes, ears, nose, mouth, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, neuromuscular system and reflexes.
- 3) Laboratory tests to screen for genetically-determined diseases as defined in the Metabolic Newborn Screening Rules and Treatment Code (Title //, Part 661) including phenylketonuria-(PKU)-and-hypothyroidism,-and-to-include early-diagnoses-and-treatments-as-required-by-state-law.
- 4) Diagnosis and treatment or referral and follow-up of general health problems.
- 5) Preventive procedures to include:
 - A) Gonococcal eye infection prophylaxis.
 - B) Administration of vitamin K.
- 6) Assessment for high risk conditions and appropriate consultation and/or referral within the Perinatal System including genetic evaluation and counseling services where appropriate-refugee-of-a-newborn-intermediate-or-intensive care-unit-as-appropriate.

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

overweight-and-underweight-and-peer-pressure growth

Height and weight, head circumference through the second year of life, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.

ii) Sexual development.

iii) Vision, hearing, and speech evaluation.

iv) Blood pressure starting at age 3.

v) Dental.

D) Developmental and behavioral assessment using age appropriate tools.

E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test (Mantoux) in children from high risk groups or in areas of high endemic rates of tuberculosis; and, for children at risk, such procedures as lead poisoning, parasite, and sexually transmitted disease screening.

F) Nutritional assessment, and services and supplements as needed (including provision of such supplements as iron and vitamin D, and fluoride if indicated). For those on nonpublic water supplies, testing for nitrates should be done by the Illinois Department of Public Health Laboratories.

2) Immunizations according to state and nationally recognized standards.

3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

4) Diagnosis and treatment or referral and follow-up of mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.

5) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

workers, and public health nurses.

de) Access-related services:

1) Outreach services.

2) Translator and 24-hour emergency telephone services.

3) Child care services to facilitate obtaining needed health services.

4) Availability of services directly or through referral for handicapping conditions.

5) Transportation.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.50 MCH-Prevent-Service-- Health Services For Children From One Year Of Age To Early Adolescence

The Division of Family Health, State of Illinois Department of Public Health, through its Maternal and Child Health Program may allocate funds for programs providing health services for children from one year of age to early adolescence which meet American Academy of Pediatrics or Centers for Disease Control Standards. One or more of the following MCH services may be included in application proposals for Title II and State MCH Project grant funds. Some of the items apply primarily to either older or younger children (such as counseling regarding use of cigarettes by the child in the former case and initiation of the mumps, measles, and rubella immunization series in the latter).

a) Health services for children.

1) Periodic health assessment to include:

A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).

B) Psychosocial history, including peer and family relationships, and school progress and problems, out-of-school activities, and health-related habits.

C) Complete physical examination to include:

1) Height-and-weight-measuring-attention-to-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

conditions.

- 6) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, sealants, and fluoride supplementation if indicated.
- 7) Home health services.
- 8) Counseling and anticipatory guidance with referrals and follow-up as needed to child and/or parents as appropriate.
 - A) Nutritional needs including food purchase and preparation, routine dietary needs, and the importance of a high quality diet.
 - B) Automobile restraints for children and general accident prevention concepts (especially home accidents, accidental poisoning, and sports injuries).
 - C) Parenting skills, with specific appraisal to identify parents at risk of child abuse or neglect.
 - D) Need for and importance of immunizations.
 - E) Child care arrangements.
 - F) Dangers of use by children and effects of parental use on children of smoking, smokeless tobacco, alcohol and other drugs as well as other risk-taking behavior.
 - G) Physical activity and exercise.
 - H) Dental health.
 - I) Childhood antecedents of adult illness.
 - J) Child development (including sexual maturation and adjustment, and developmental and behavioral difficulties).
 - K) Environmental hazards.
 - L) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
 - M) Other relevant topics in response to child and/or parental concern.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 9) Counseling and provision of appropriate treatment services and/ or referral to services (including special education, services for crippled children, mental health services, home health and homemaker services) as needed for parents:
 - A) who have health problems that seriously affect their capacity to care for the child.
 - B) whose child is seriously ill.
 - C) whose child has a chronic illness or handicapping condition, or a significant behavioral or emotional problem.
 - D) whose child is or is about to be hospitalized.
- b) Access-related services.
 - 1) Outreach services.
 - 2) Translator and 24-hour emergency telephone services.
 - 3) Child care services to facilitate obtaining needed health services.
 - 4) Availability of services for the handicapped.
 - 5) Transportation.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.60 ~~MCH-Project-Services--~~ Health Services For Adolescents

The Division of Family Health, Department of Public Health, State of Illinois through its Maternal and Child Health Program may allocate funds for programs providing health services for adolescents in accordance with American Academy of Pediatrics, American College of Obstetrics and Gynecology and Centers for Disease Control standards. One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant funds.

- a) Services for adolescents.
 - 1) Periodic health assessment to include:
 - A) Medical history and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, sex, developmental

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER
NOTICE OF PROPOSED AMENDMENTS

those who are pregnant.

54) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

65) Diagnosis and treatment or referral and follow-up of mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.

76) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping conditions.

87) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, and fluoride supplementation if indicated.

98) Home health services.

109) Counseling and anticipatory guidance with referrals and followup as needed to the adolescent and/or parents as appropriate.

A) Nutritional needs, including the importance of a high quality diet and the risks associated with fad diets.

B) Automobile restraints and general accident prevention concepts, including sport injuries.

C) Psychosomatic complaints such as those associated with family and school difficulties.

D) Dental health.

E) Smoking, smokeless tobacco, use of alcohol and other drugs.

F) Physical activity, exercise, and sleep.

G) Relationship of health-related behaviors in adolescent to adult illness.

H) Sexual development and adjustment, male-female sexual relationships, and family life.

I) Future plans, including school and vocational plans.

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER
NOTICE OF PROPOSED AMENDMENTS

stage, and likelihood of potential problems).

B) Psychosocial history, including school progress and problems, out-of-school activities, peer and family relationships, and health-related habits, including sexual activity and use of alcohol and drugs.

C) Complete physical examination findings to include: Height-and-weight-with-special-attention-to deviators-from-normal-growth-curves

Height, weight, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.

ti) Sexual development.

tit) Vision, hearing, and speech evaluations.

tiiv) Blood pressure.

D) Developmental and behavioral assessment.

E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test

areas of high endemic rates of tuberculosi; and, for adolescents at risk, such procedures as lead poisoning, parasite, and sexually transmitted disease screening and pregnancy testing.

F) Nutritional assessment and services and supplementation as needed.

2) Maintenance of immunizations according to state and nationally recognized standards including those in Section 630.80 a) 5) of this Part.

3) Family planning services with availability of extensive counseling for the adolescent, partner, and family as appropriate; and education on, among other topics, the importance of early prenatal care and risks to both mother and child of childbearing in early adolescence.

4) Pregnancy Related Services as described in Section 630.30(b) (Family Planning Services Code - 77 111. Adm. Code 630) for

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

all service providers in the management plan for that client and/or family including assuring that the client receives the services.

m) Administration - Those activities performed by staff and costs which are supportive of and required for the project by for which there is no direct client contact such as administrative staff, clerical support, rent, utilities, postage, telephone, office supplies, fiscal staff and office equipment.

n) Medical Services - Those activities dealing directly with the health care of the client such as physician services, nurse practitioner services, diagnostic tests, prescription drugs, medical supplies, clinic nurses, clinic interpreters and medical equipment.

e) Support Services - Those activities which are supportive of patient care and in which patient contact occurs such as, public health nursing, health education, educational supplies, patient travel, social services, nutrition services and related staff travel.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.80 MCH-Projects--Standards

The MCH Program is designed to assure provision of comprehensive medical care and continuity in the health management and supervision of care to meet the health needs of mothers, infants, and children. Maintenance of standards prescribed herein and in the project plan may exceed state guidelines but may not be less, except as permitted by the Department.

- a) Personnel Staffing and Facilities
 - 1) The qualifications of each person employed by the Projects shall meet, as a minimum, the Illinois Merit System Standards.
 - 2) Each project shall have a full-time project director. However, the state agency may give prior approval for the appointment of a project director who is employed less than full time where the state agency finds that such an appointment is consistent with the purposes of the program. Situations in which this could be the case include, but are not limited to, areas in which there were not adequately trained persons available on a full-time basis or if a project's scope or focus was of such a limited nature that utilization of a full-time director would not be practical.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

e) "Nutrition services" means services such as include screening/assessment of nutritional status; dietary counseling to assist people to meet their normal and therapeutic nutrition needs; nutrition education and evaluation; and provision of, or referral to, resources needed to improve or maintain nutritional health, i.e., supplemental food assistance, special feeding equipment, and food service programs.

d) "Home health services" means services such as include the provision of medical, nursing, other therapeutic and rehabilitative services in the home; homemaker services including assistance for the family in routine household responsibilities when illness or disability interferes with such functions.

e) Prenatal - period of time existing from conception of the fetus until the birth of infant or termination of the pregnancy.

f) Postpartum - period from the birth of the infant or termination of pregnancy and the succeeding 42 days.

g) Referral - the process by which an individual is directed to a resource for further service, information, or assistance.

h) Counseling - the provision of advice, guidance or instruction on the part of a knowledgeable person with the goal of meeting specific needs of individuals or groups.

i) Follow-up - the process by which further services are rendered and/or the process by which an assessment is made concerning the outcome of an intervention plan of care or referral for further services.

j) Equipment - any non expendable item with a unit cost in excess of \$50+equivalent to or greater than the State of Illinois' definition for equipment, An Act in Relation to State Finance (Ill. Rev. Stat. 1957, ch. 127, par. 156a).

High Risk - as defined in the Perinatal Rules and Regulations.

Case Management - A mechanism to coordinate and assure continuity of services (health, social, educational) necessary for clients. Case management involves individualized assessment of needs, planning of services, referral, monitoring and advocacy to assist a client in gaining access to appropriate services and closure when services are no longer required. Case management is an active and collaborative process involving a single qualified case manager, the client, the client's family, the providers and the community. This includes close coordination and involvement with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Staffing for projects shall be reflective of the services to be provided; i.e., medical, dental, nursing, nutrition, social work, psychology, speech and hearing, physical therapy, and administration. The extent of staffing in the projects shall depend upon the project size and availability of personnel.
- 4) Project plans shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to a merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the application for a grant.
- 5) Standards for each project shall meet state and local licensing laws and regulations and be in accord with national and state standards such as:
 - A) Hospital Accreditation References
Joint Commission on Accreditation of Hospitals
 - B) ~~Standards and Recommendations for Hospital Care of Newborn Infants~~ Hospital Care of Children and Youth
American Academy of Pediatrics
 - C) ~~Gare of Children in Hospitals~~ Guidelines for Perinatal Care
American Academy of Pediatrics
American College of Obstetrics and Gynecologists
March of Dimes
 - D) Towards Improving the Outcome of Pregnancy
The National Foundation - March of Dimes
Committee on Perinatal Health
 - E) Standards for Obstetric - Gynecologic Hospital Services
American College of Obstetricians & Gynecologists
6th edition 1985
 - F) ~~Standards for Ambulatory Obstetric Care~~
~~American College of Obstetricians and Gynecologists~~
 - FG) Standards of Child Health Care
Council on Pediatric Practice
American Academy of Pediatrics

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- G) School Health: A Guide for Health Professionals
American Academy of Pediatrics
 - H) Rules and Regulations for the Control of Communicable Diseases
Illinois Department of Public Health
 - I) Ambulatory Maternal Health Care and Family Planning Services
American Public Health Association
 - J) Standard of Maternal and Child Health Nursing Practice
American Nursing Association
 - K) A Statement on the Scope of Maternal and Child Health Nursing Practice, ANA
 - L) Standard of Practice for the Perinatal Nurse Specialist, ANA
 - M) School-Based Clinic Guidelines
 - N) Standards of Community Health Nursing Practice, ANA
 - O) Definition and Role of Public Health Nursing in the Delivery of Health Care, APHA
- 6) If a project is planned for an area in which it is not possible to meet these standards, the best available resources shall be used. In such case, the application shall include a description of proposed remedial actions.
 - 7) Projects are encouraged to use outpatient and inpatient facilities appropriate to the needs of the area to be served. Arrangements for provision of services must be made in advance of implementing the project. Special consideration shall be given to the provision of space for: counselling to assure privacy and dignity for the patient; intake interviewing and physical examinations; the projected patient load giving consideration to waiting room, babysitting services, dental facilities, records, bathroom, laboratory and for other necessary services. Space should assure privacy and efficient patient flow.
 - 8) Projects shall utilize authorized Perinatal Centers for hospitalization of high risk maternity and newborn patients, and specialty services recognized by the Division of Services for Crippled Children, when applicable.

NOTICE OF PROPOSED AMENDMENTS

B) Inventory identification (I.D.) number. This can be a manufacturer's serial number or other I.D. number, but it must be permanently affixed to the item.

C) Acquisition date and cost.

D) From whom purchased.

E) Location and condition of the item. No property can be disposed of without prior written authorization of the Chief, Division of Family Health. Upon termination of a project the equipment becomes the property of the Illinois Department of Public Health.

3) Personnel records for all project staff.

4) Statistical information derived from project activities.

b) Patient Records

1) One record containing the appropriate information relative to that person's care shall be maintained on each patient.

2) A project record shall be maintained on each individual registered in the project. The record should be designed to accommodate entries by each discipline providing services for that project. Documentation showing preauthorization of services purchased by the project shall be maintained as a part of the individual's patient record. All services provided to a particular patient by each discipline must be easily reviewable by the other disciplines.

3) The record shall be useful as an administrative and health management tool.

4) Confidentiality

The following information relating to patients and persons requesting services shall be treated as confidential:

A) Names and addresses individually or by list.

B) Information contained in reports of medical examinations and treatments.

C) Information about financial resources.

D) Information contained in registers, in case records,

NOTICE OF PROPOSED AMENDMENTS

b) Nondiscrimination

1) Projects are to be conducted in such a manner that no persons shall be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under such programs on the grounds of age, handicap, race, color, creed, religion, sex, or national origin pursuant to the provision of Title VI, Civil Rights Act of 1964, (42 U.S.C. 2000e et seq.); Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

2) Affirmative action shall be taken to ensure equality of opportunity in all aspects of employment.

3) Periodic reviews of operating procedure shall be made to assure that operating practice continues to be in conformity with the above requirements.

4) Any person has the right to file a complaint with the Department, or the U.S. Department of Health and Human Services, or both, if he believes that discrimination on the grounds of age, handicap, race, color, creed, religion, sex or national origin is being practiced. If filed with the Department the complaint shall be routed to the Director's office where it shall be reviewed and investigated by a special committee appointed by the Director. A report of final disposition shall be sent to the complainant and to the appropriate federal agency.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.90 MGH-Projects-- Records

a) Administrative

The following administrative records shall be maintained by the project for a period of three years:

1) All financial records of expenditures, third-party reimbursements and other project income.

2) An inventory records of all equipment with a unit cost-in-excess-of-\$50 purchased from project funds including (listing shall be cumulative and updated annually):

A) A description of the item.

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- 1) Salaries, including fringe benefits for full or part-time personnel employed for the project. The rates for personal services and fringe benefits shall be comparable to that paid to other employees of the agency.
- 2) Fees for consultants and specialists.
- 3) Travel of personnel, consultants, and specialists in carrying out the activities approved in the plan. Reimbursement shall be made in accordance with established delegate agency policies.
- 4) Transportation of patients at the usual rates for the mode of travel that is consistent with the needs of the patient. Suppliers, including biologists, drugs, blood, oxygen, X-rays, laboratory services, etc., as required in the operation of the project. The cost of supplies shall not exceed the lowest charge levels at which they are generally available in the area.
- 6) Rental of privately owned facilities where adequate space cannot be provided by the grantee agency. Rental charges shall not exceed the lowest rate for comparable space within the community as supported by bids.
- 7) Purchase of outpatient care including services from other community resources such as homemaker, visiting nurses, etc. For all grantees (except the Division of Services for Crippled Children) whose projects provide for medical care or appliances the grantee must provide a schedule of allowable rates for these services--in addition--there must be a description of the methodology used in assuring that these rates are reasonable and necessary to maintain the standard for personnel and facilities established for the project. These services at Public Aid rates and must have assurance that the vendor accepts this as payment in full for financially eligible clients.
- 8) Purchase of hospital inpatient care services for high risk women and infants, in designated perinatal centers and for crippled children through designated providers.
- 9) Equipment used in the operation of the project excluding the purchase of vehicles.
- 10) Other expenditures directly related to the provision of

- 5) The grantee agency shall comply with all specific program reporting requirements identified within the contract signed by the grantee and the Illinois Department of Public Health. The An original and one-ear copy of this report shall be submitted to:
 Chief, Division of Family Health
 Program Administrator
 Illinois Department of Public Health
 535 West Jefferson Street
 Springfield, Illinois 62761
- 6) Expenditure reports (See 630.20(d) Reimbursement).
 (Source: Amended at 13 111. Reg. effective)
- Section 630.110 MGH-Projects--In-Service Training
 The staff of the state Maternal and Child Health program in cooperation with the local MCH project staff will conduct in-service training programs for project personnel. Appropriate project staff are required to attend.
 b) Project staff are encouraged to attend and participate in appropriate educational programs of professional organizations.
 (Source: Amended at 13 111. Reg. effective)
- Section 630.120 MGH-Projects--Evaluation
 Projects will be evaluated at least annually by the state Maternal and Child Health staff and their designees to review the program's progress according to stated goals, measurable and measurable objectives and administrative operations.
 (Source: Amended at 13 111. Reg. effective)
- Section 630.130 MGH-Projects--Use of Project Funds
 a) When approved in the plan and budget, funds may be used for the direct costs of operating and maintaining the project. The following direct costs may be incurred:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

project services such as telephone service, mimeographing, utilities, etc. Purchases of items or services that do not vary significantly in quality from one supplier to another shall not exceed the lowest charge levels at which they are available in the area. A description for prorating costs must be provided.

b) Project funds shall not be used to pay the following:

- 1) Inpatient care services other than inpatient services provided to high risk women and infants and to crippled children, except when determined to be in the best interest of the projects by the Chief of the Division of Family Health ~~Health approved by the Chief of the Division of Family Health~~. Request must be in writing and approved in advance.
- 2) Purchase, construction, or renovation of buildings.
- 3) Dues to societies, organizations, or federations.
- 4) Entertainment costs.
- 5) Indirect costs. (This is not meant to preclude the charging of administrative costs but simply requires that those costs charged be demonstrably related to the project and budgeted.)
- 6) Cash payments to intended recipients of health services.
- 7) Abortions.
- 8) Purchase or repair of vehicles.
- 9) Lobbying.
- 10) Any other costs not approved in the plan and budget.

c) Administrative costs shall not exceed 15% of the total grant award. For grants requiring a medical component, that component should be at least 45% of grant award. Any deviation from this must be approved in writing by the Director of the Illinois Department of Public Health after a review of the circumstances which would require such an exception.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.140 MGH-Projects-- Program Income

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- a) Program income is defined as gross income earned by a delegate agency from activities which are performed as a result of that delegate agency having received a grant from the Illinois Department of Public Health. It includes fees for services performed or proceeds from usage or rental fees or the sale of property. Revenues received from taxes, levies, fines are not considered program income.
- b) All projects shall have agreements with the Illinois Department of Public Aid's Medical Assistance Program for reimbursement of covered services for project patients who are Title XIX recipients. Steps shall be taken to obtain reimbursement from non-profit, semiprivate, and private medical insurance programs, when these programs cover services rendered by these projects.
- c) Program income shall be retained by the delegate agency and included in the project budget.
- d) Each project may elect to charge eligible recipients for certain services provided by the project; however, a flexible sliding fee scale must be utilized and included for approval in the project application process prior to any fees being charged.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.150 MGH-Projects-- Eligibility for Services

- a) It is intended that persons receiving services through the projects be those who are financially unable to provide required medical care for themselves.
- b) Services shall be made available:
 - 1) Without any requirement for legal residence except that the patient is currently living in the area served by the program, or if outside by special permission of the project director.
 - 2) Upon referral from any source including the patient's own application.
 - 3) Without regard to age, handicap, sex, race, religion; nationality, ethnic background, or marital status.
 - 4) To certain categories of patients who reside outside the geographic area served by the project such as school age pregnant girls or migrants who may require and seek services rendered by the project. Program patients who move to a

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

home care may be provided to eligible project clients.
(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.170 MGH-Preference-- Utilization of Community Resources

It shall be the responsibility of each project director to coordinate the services provided through the project with other sources of care in the community, such as:

a) The Illinois Medical Assistance Program.

b) Local Health Departments.

c) Neighborhood Health Centers.

d) Regional Child Development Clinics.

e) Division of Services for Crippled Children.

f) Local Hospitals.

g) Local Children and Family Services Programs.

h) Local Schools.

i) Vocational Rehabilitation Services.

j) Regional Perinatal Centers.

k) Other related social service agencies.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.180 MGH-Preference-- Abortions and Sterilizations

a) No Maternal and Child Health program funds shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. It is not, however, intended to prohibit projects from conducting medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims, nor is it intended to prohibit the use of drugs or devices to prevent implantation of fertilized ova.
b) Surgical procedures for voluntary sterilization shall be provided or arranged and paid for in accordance with 42 CFR 50.201 (et seq.).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

neighborhood outside of the project's geographic boundary may continue in the project if the program director considers this in the patient's best interest.

5) Documentation of spenddown or denial of Public Aid eligibility for reasons other than failure to comply with Public Aid processes, must be maintained in the case file for covered services.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 630.160 MGH-Preference-- Availability of Services

a) Direct Services

1) Consideration shall be given to the socioeconomic and cultural backgrounds of both children and their parents in developing a personalized approach to service delivery.

2) All services provided directly by the projects shall be made available on a voluntary basis to all patients accepted into the program of care.

d) Indirect Services and Authorization of Payment for Services

The projects may make provisions to arrange and pay for additional services needed by the eligible patient if they cannot be provided by the project and are required as part of the total care needed by the patient.

c) Other Services

1) Patients having medical conditions which are not related to the intended purpose of the projects shall be referred to appropriate sources of care (see Utilization of Community Resources for Crippled Children are to be utilized wherever feasible, with no attempt on the part of the projects to duplicate these or other programs serving mothers and children.
2) Transportation may be provided to needy project patients through public facilities where available, project operated buses, and/or preauthorized taxi, and ambulance services, or other preauthorized modes of transport. Rates of reimbursement shall be at the rate allowed by the agency.
3) Special services such as baby sitting, housekeeping, nursing

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ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

appropriate to the needs of the area to be served, shall be arranged for in advance of initiating program services. Facilities shall be designed to expedite efficient patient flow, and to assure the privacy and dignity of the individual.

6) Program operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives.

A) Patient load: Estimates of the number of women, children and infants to be served by the program shall be included. This shall be provided separately for each category of service and group of clients to be served.

B) Location of Services: The locations and the types of services which will be provided by participating hospitals, clinics, private physicians, dentists, and other health and support resources shall be included.

C) Description of Services: The pediatric, maternal, family planning, dental and other services to be offered, with emphasis on those services which are not presently available to all segments of the community shall be described.

D) Comprehensiveness:

i) The program shall describe the comprehensive array of services necessary to assure optimal care within the service areas identified in the project, i.e., prenatal care, child health, adolescent health services, etc. Provisions shall be made for the development of a care plan for each client that assures effective interdisciplinary provision of services. Comprehensive means completeness to ensure that all needed services are available and integrated so that services are rendered in an orderly fashion, with an emphasis on assuring continuity of care.

ii) Comprehensive health care includes not only physical examination and laboratory services but also nursing, social work, nutritional, dental and other health and support services as appropriate.

DEPARTMENT OF PUBLIC HEALTH
ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

- iv) socioeconomic class.
- v) percent of public aid recipients.
- vi) population turnover (mobility).
- vii) prevalence of families with female head only.
- viii) birth rate: overall; teenage; and out-of-wedlock.

- ix) maternal mortality.
- x) infant mortality.
- xi) morbidity and mortality through age 19.
- xii) distribution of medical and allied health services and personnel.
- xiii) other indicators of the overall health status of the community.

4) Objectives: Clearly stated measurable short-term (current grant year) and long-term objectives of the proposed project and a schedule for when they will be achieved shall be provided on the "Task to Meet Objective" Forms. Criteria for the by-what successful achievement of each objective must be included as well as the source of information to be used to evaluate success. The objectives shall be measurable and shall relate to specific aspects of the program. Examples are--to reduce excess maternal and infant mortality rates--to decrease the incidence of premature delivery--to reduce morbidity--and disability--among children--and youth.

5) Resources available:
A) A description of the applicant agency's capability to conduct a program of the scope envisioned, describing the health and social service facilities, agencies, programs, etc., in the community and the proposed relationship of these resources to the program shall be provided. Working letters of agreement signed by both parties shall be included in support of any referral arrangements.
B) Services in outpatient and inpatient facilities,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

iii) Standards and guidelines shall be developed so as to be specific for each group serviced using standards such as those outlined in Section 630.80. Criteria for high risk classifications shall be included and shall be consistent with these references as well.

iv) The patient care plan shall take into account utilization of other health care resources necessary to assure optimal, continuous and complete maternal and infant care. Necessary arrangements for transportation, babysitting or homemaker services shall be described. Written procedures shall be developed by the project to assure that necessary health care will be provided including working letters of agreement signed by all required parties.

E) Intake procedures: The intake procedures to be utilized i.e., appointments, walk-in combination, or other, including appropriate assurances that medical care and services will be delivered promptly shall be provided.

F) Follow-up: Program plans shall outline the specific procedures which will be implemented to assure adequate follow-up services. Arrangements for follow-up services not directly rendered by the program should be described to assure that these recipients receive necessary services.

G) Referral: The patient care plan shall provide for utilization of other health care resources necessary to assure continuous and complete care. Written procedures shall be developed by the project to assure that necessary health care and support will be provided and that standard referral procedures will be followed. Written agreements between agencies shall be developed and included with the application.

H) Outreach: Plans for outreach such as home visits; health education to individuals or groups, including community organizations and use of mass media shall be described.

7) Organization:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

A) The administrative structure and staffing pattern of the program, including organization charts, job descriptions for all positions, and curricula vitae for core personnel shall be provided.

B) Applicants shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the grant application. Copies of current licenses or certificates shall be maintained on file with the grantee.

C) Copies of insurance coverages shall be maintained on file including malpractice coverage.

8) Target group and eligibility requirements:

A) Descriptions of the target population within the service area and how the services are designed especially for this group shall be included.

B) Income standards must be developed and approved by the Illinois Department of Public Health for eligibility for services unless provided by the Illinois Department of Public Health. These are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.

C) A schedule of rates of payment for services shall be included in the grant application and shall be made known to patients at the time of admission interview and be applied flexibly after approval by the Illinois Department of Public Health.

D) Estimates of the percentage of the population eligible for all categories of services shall be provided listing the criteria to be used in deciding who is to receive services.

E) The project director or a member of the project staff designated by him shall determine patient eligibility by taking into account the criteria listed below.

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

10) Evaluation of project activity: The methods proposed for assessing the progress of the program toward meeting its stated objectives shall be described.

11) Sub-contracts: Arrangements with other agencies or health care providers who will deliver a portion of the project's services, including copies of any contracts or agreements with outside providers shall be provided as requested.

12) Third-party Reimbursement and Other Sources of Funds:

A) Additional program services may be furnished to larger numbers of patients by securing third-party reimbursement or other sources of funds. A project shall make every reasonable effort to collect from third-party sources (including government agencies) which are authorized or under legal obligation to make such payments.

B) Patients, who would not otherwise receive services for reasons beyond their control, may receive and be charged for services only if the provision of such services does not reduce the delivery of necessary services to the low-income patients. In those instances where charges are made for services provided to patients who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care and shall be approved by IDPH before implementation.

13) Regional and Local coordination: In accordance with recommendations of the American Medical Association, the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, services for non-high risk as well as high risk mothers and infants shall be developed as a part of overall regional planning. Such regional coordination may involve the crossing of state boundaries. Copies of the application shall be submitted for review and comment to the effort at award health planning agencies.

When the provision of services or programs requires an advisory group composed of community representatives whose function is to make recommendations for awarding funds to subcontractors, membership shall be restricted to persons not having a fiduciary interest in, not serving in a policy making position for, and not working as a staff member for

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

Services shall be available:

i) Without any requirement for legal residence except that the patient currently is living in the area served by the program.

ii) Upon referral from any source including the patient's own application.

iii) Without any requirement for court commitment as a prerequisite for any part of the care.

F) The method proposed for authorizing services allowable under project policies shall be described in the project plan. Authorization for services for which payments are made from project funds, shall be maintained by the grantee. A form for each patient shall show the services authorized, and the amounts expended for the specific types of services approved.

G) The grantee shall give assurance that:

i) Services shall be available only to recipients because they are from low-income families or cannot access services for other reasons beyond their control.

ii) Services shall be available to recipients from outside the project area only if approved by the project director.

iii) Services shall be available to recipients who are not from low-income families only if such care does not reduce the delivery of necessary services to recipients from low-income families.

9) Patient record system: A description of procedures designed to insure that accurate and up-to-date health records will be initiated and maintained for each patient shall be included. The records shall include a complete medical history, growth charts, results of each medical examination, screening procedures, laboratory tests, a summary of instructions given to patients or parents, a list of medications prescribed, and all relevant health, patient education, social services and environmental information. Records shall be confidential. With the patient's consent, copies of medical records may be furnished to hospitals or other health care providers.

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NOTICE OF PROPOSED AMENDMENTS

dollars involved and the type of change. When budgetary changes are requested revised budget pages shall be submitted. Telephone requests for emergency changes will be considered individually. Approved telephone requests must be followed by written documentation as described above prior to reimbursement.

- 2) Grantees shall be notified in writing when revisions are required by the Division in any matter related to the administration of the projects including but not limited to changes in funding levels.
- 3) There are three possible types of budget revisions:
 - A) Adjustment - The total amount of the budget remains the same. Funds are shifted within the budget between line items and/or budget categories.
 - B) Supplement - The total amount of the budget is increased by adding funds to specific budget categories and line items, or by creating new line items.
 - C) Reduction - The total amount of the budget is decreased by reducing or eliminating line items or budget categories.

Termination h)

1) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in Section 630.20 (b) (1) (C).

2) A grantee who has unsatisfactory performance as documented at site reviews for two consecutive years will have funding terminated. The grant contract may be terminated by either party upon a 30 day written notice. Unallocated monies will be used to expand existing projects or to fund new projects in underserved areas.

3) The Director, after notice and opportunity for hearing to the grantee, may suspend or terminate the grant in any case in which he/she finds that there is or has been a violation of this part.

4) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

services provided by the applicant shall be made available without discrimination on the grounds of age, handicap, race, creed, religion, sex, marital status, national origin or duration of residence. That adequate professional liability is in place and on file for all personnel providing service.

- 10) Grantees shall use grant funds in addition to, rather than in lieu of, existing local or other State or federal funds currently available for the purposes approved in the grant award. Existing funds which are currently available are those which have been available at least during the budget period immediately preceding the period for which funds are being requested and will also be available during the period for which the funds are being requested.
- 11) Failure by the grantee to comply with these requirements, site review recommendations or grant conditions will may be cause for discontinuance of funds or termination of the grant.

Continuation Application: f)

1) For continuation applications, an annual progress report, and budget and an abbreviated narrative describing the service model for the upcoming fiscal year must be submitted. Any proposed revisions to the project plan must be submitted in detail. This must include projected case loads, and updated objectives on prescribed forms annually-with-the-budget-proposal.

2) The annual progress report shall describe the accomplishments since the beginning-of-the-project-or state the last annual progress report, and may include charts, graphs or tables in addition to the narrative report. Progress shall be related to stated objectives. Proposed revisions to the project plan shall be submitted as separate documents revising specific sections of the approved narrative.

- g) Revisions
 - 1) Any changes in the project narrative, objectives, caseload or budget must be submitted in writing to the Illinois Department of Public Health, Division of Family Health prior to implementing the change. All proposed changes must include a description of the change and justification for the change. Budget revisions should specify the amount of

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

date, not less than 15 days from the date of such mailing or service, at which time the delegate agency shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the delegate agency, the Director shall make a determination specifying the findings and conclusions. A copy of such determination shall be sent by registered mail, by certified mail, or served personally upon the grantee. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section 635.200.

- 5) The procedure governing hearings authorized by this Part shall be in accordance with Rules and Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- 6) If, however, the Department finds that:
 - A) The public interest, including financial interest, health safety, or welfare requires emergency action; (emergency action would result from such instances as, but not limited to, bankruptcy and/or insolvency, fraud, and financial instability) and;
 - B) Unless the Department receives assurances adequate to the Department from the grantee agency that grant funds held by the grantee agency are secure, and;
 - C) If the Director incorporates a finding to that effect in the order; then
 - D) Summary suspension of the grant shall be ordered pending proceedings for termination or referral to State or federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined.
- 7) In no case where summary suspension has been ordered shall reimbursement be made to the delegate agency for costs incurred or funds expended after the date of summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 630.210 Review under Administrative Review Law

Whenever the Department suspends or terminates a grant the grantee may have such decision judicially reviewed. The provisions of the Administrative Review Law, (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.) and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(Source: Added at 13 Ill. Reg. _____, effective _____)

MCH Grant Proposal Review Form
Division of Family Health
New Applicant

Grant title:

Proposal Submitted by:

(Agency Name)

Rating: In each of the following categories please rate the proposal according to the information provided in the written submission, with five being high and one being low; circle the desired rating.

Category Rating

I. Merit of this proposal in addressing the purpose and criteria for the grant (refer to scope and standard of services in the Rules and Regulations).

1 2 3 4 5

a. Narratives

b. Objectives

c. Resources/Program Operation

d. Comprehensiveness

e. Target Group/Eligibility

f. Budget (general review only)

II. Ability of the agency to provide services at a comprehensive single site or adequately coordinate these services with other community agencies. This should include staff capabilities (or capabilities to hire appropriate staff), physical facilities and fiscal management capabilities.

1 2 3 4 5

III. Level of community support for project and maximum use of other funding sources.

1 2 3 4 5

IV. General Comments:

a.

b. Overall score of this application

v. Conditions of Award if Funded:

Signed:

Dated:

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Page -2-

Voucher/Check Number: Enter the voucher or check number for the payment. This establishes the audit trail and is necessary to verify that payment has been made.

Gross Amount: Enter the total amount of the check identified previously or for payrolls the gross pay for the employee.

Amount Claimed from IDPH: Enter the amount applicable to the program for which this Reimbursement Certification Form applies and for which you are requesting reimbursement.

Agency Match/WIC Admin.: For those programs which require the agency to provide matching support of Department expenditures, enter the amount of agency supplied match in this column. In most cases this will be a part of the difference between the Gross Amount column and the Amount Claimed from IDPH.

For the WIC program, each agency must identify the allocation of expenditures to either WIC Administration or Nutrition Education. Since there is no matching requirement for WIC, the last two columns are to be used to show this allocation.

To further assist Department program/fiscal staff, please list reimbursements by line item and show a sub-total for each line item.

In many cases, multiple pages will be necessary. In order to save some paper/copying charges, both sides of the Reimbursement Certification Form may be used. Please show the TOTAL on the final page only.

After review and approval, the authorized agency official shall sign the certification (only the final page which shows the TOTAL needs to be signed).

Forward the original and three copies of the Reimbursement Certification Form to:

Illinois Department of Public Health
Office of Health Services, Fiscal Operations Unit
535 West Jefferson, 2nd Floor
Springfield, IL 62761

The Office of the State Comptroller no longer requires vendors to sign or otherwise certify to expenditures on the State of Illinois Invoice-Voucher, Form C-13; therefore, the Reimbursement Certification Form is all that is required to be submitted. The Department fiscal staff will complete the C-13 using information from your Reimbursement Certification Form.

SD/dm
8/12/87

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
REIMBURSEMENT CERTIFICATION FORM

page 1 of 1

AGENCY NAME: Sangamon County Health Department

PROGRAM: WIC

ADDRESS: 1234 West Fifth Street

CONTRACT #: 87G30027
BILLING PERIOD: 7/1/87 - 7/15/87
DATE SUBMITTED: 7/22/87

FEIN NUMBER: 20-0000167

NAME/VENDOR	TITLE/PURPOSE	PERIOD/DATE INCURRED	VOUCHER/CHECK #	GROSS AMOUNT	AMOUNT CLAIMED FROM IDPH	Agency Match/ WIC Admin	Nutrition Education
Mary Jones	Nurse	7/1/87 -	Payroll	1,145.50	572.75	477.25	95.50
Sally Smith	Nutritionist	7/15/87	Voucher	1,200.00	1,200.00	300.00	900.00
Tim Johnson	Nutritionist		12378	1,200.00	900.00	300.00	600.00
Nancy Adams	Clerk			500.00	500.00	500.00	
Betty Clark	Clerk			550.00	412.50	412.50	
Wanda Campbell	WIC Administrator			1,400.00	1,400.00	1,150.00	250.00
Subtotal, Personal Services					4,995.25	3,139.75	1,845.50
Sangamon County Treasurer	Social Security, Pension Medical Insurance	7/1/87 - 7/15/87	278976	15,728.56	1,096.75	690.75	406.00
Davis Supply Co.	Office Supplies	7/6/87	278834	327.57	86.40	86.40	
Capitol Paper Co.	Paper Stock	7/10/87	278894	250.00	250.00	200.00	50.00
Subtotal, Supplies					336.40	286.40	50.00
Tim Johnson	Travel	7/1/87 - 7/15/87	278975	377.82	162.37		162.37
TOTAL					6,580.77	4,116.90	2,463.87

CERTIFICATION:

I hereby certify that the goods and/or services claimed above are necessary expenditures for the program and are a part of the approved budget, that appropriate purchasing procedures have been followed and that payment has not previously been requested or received.

Authorized Agency Official

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix F Application and Plan for Public Health Program Grant

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

535 WEST JEFFERSON STREET

SPRINGFIELD, ILLINOIS 62761

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix D Plans to Achieve Objectives

PLANS TO ACHIEVE OBJECTIVES

Agency

Staff

Objective #

Project Period

Tasks to Meet Objective	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Status of Task as of
-------------------------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	----------------------

[Empty grid area for task status tracking]												
--	--	--	--	--	--	--	--	--	--	--	--	--

(Source: Added at 13 111. Reg. , effective)

1. PROGRAM TITLE: _____ BRIEF SUMMARY: _____

2. APPLICANT ORGANIZATION: _____ NAME: _____ ADDRESS: _____ TELEPHONE: () _____ FEIN NUMBER: _____ PROJECT DIRECTOR: _____ FINANCE OFFICER: _____

3. APPLICANT CERTIFICATION: _____ To the best of my knowledge, the data and statements in this application are true and correct. The applicant agrees to comply with all State/Federal statutes and Rules/Regulations applicable to the program.

4. TYPE OF ORGANIZATION: LOCAL HEALTH DEPARTMENT PRIVATE NON-PROFIT AGENCY OTHER

5. GRANT SUPPORT REQUESTED: BEGINNING _____ ENDING _____ AMOUNT _____

6. TYPE OF APPLICATION: INITIAL CONTINUATION REVISION

7. LEGISLATIVE DISTRICT: _____ CONGRESSIONAL _____ LEGISLATIVE _____ REPRESENTATIVE (State Senate) _____ REPRESENTATIVE (State Representative) _____

8. DATE OF SUBMISSION: _____

9. IMPORTANT NOTICE: _____ This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Illinois Revised Statutes, Ch. 127, Par. 137 et. seq. Failure to provide this information may prevent this form from being processed. This form has been approved by the Forms Management Center.

10. SIGNATURE _____ DATE _____

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NOTICE OF PROPOSED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT
DATE FROM: _____ THROUGH: _____

DETAILED BUDGET FOR THIS PERIOD: (TOTAL COST)	BUDGET TOTAL FOR PROGRAM (3)	C APPLICANT O AND D OTHER E (4)		AMOUNT ASSISTANCE REQUESTED (5)
5. <u>PATIENT CARE:</u>				
CATEGORY TOTAL \$	\$	\$	\$	\$
6. <u>EQUIPMENT: Itemize</u>				
CATEGORY TOTAL \$	\$	\$	\$	\$
7. <u>TOTAL COSTS</u>	\$	\$	\$	\$

USE ADDITIONAL SHEETS IF NECESSARY

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

APPLICATION AND PLAN FOR HEALTH SERVICES GRANT
DATE FROM: _____ THROUGH: _____

BUDGET JUSTIFICATION

INSTRUCTIONS: Show justification for specific items or categories listed in the detailed budget for which the need is not self-evident. Justifications should clearly indicate that the items being requested are essential to the achievement of the stated project objectives and the conduct of the proposed procedures.

USE ADDITIONAL SHEETS IF NECESSARY

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

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

8) Does this Rulemaking Contain Any Incorporations By Reference?
If "yes," please specify the date: _____

Yes No

9) Are there any other Proposed Amendments Pending on this Part?
If "yes," please specify type: 6.02(a) _____ or 6.02(b) _____

Yes No

If Yes: _____

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

Please specify: The proposed amendments have no effect on statewide policy.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: _____

June 9, 1989

B) Type of Small Businesses Affected: _____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: _____

Program Standards for Local Health Departments

2) Code Citation: _____

77 Ill. Adm. Code 615

3) Section Numbers: _____

615.100
615.110
615.140
615.150
615.160
615.200
615.310
615.320
615.330
615.360
615.370
615.510
615.520
615.530
615.540

4) Statutory Authority: _____

111. Rev. Stat. 1987, ch. 111 1/2, par. 1 et seq. and 20c et seq.

5) A Complete Description of the Subjects and Issues Involved: _____

The proposed amendments correct misspellings and inconsistent terminology. The proposed amendments change the citations from the 1985 Ill. Rev. Stat. 1985, ch. 111 1/2, par. 20c et. seq. to 1987 Ill. Rev. Stat. Ch. 111 1/2, par. 20c et. seq. The Authority Section is being deleted as unnecessary. In addition, the standards for the laboratory program are being revised in order to reference the requirements of the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450). Furthermore, Section 615.310 is being amended to be in compliance with an opinion of the Attorney General of Illinois in 1984 (81-019).

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes No

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No

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SUBPART A: INTRODUCTION

Section 615.100 Authority (Repealed)

13 Ill. Reg. _____, effective

All references to the Illinois Revised Statutes are from the 1987-1979 edition.

Section 615.140 Statutory Reference

(Source: Amended at 13 Ill. Reg. _____, effective

This part has been developed by the Illinois Department of Public Health, in conjunction with the Illinois Association of Public Health Administrators and the Illinois Association of Boards of Health, to implement the above referenced Statutes (Section 615.100). This Part these Rules and Regulations sets the minimum program and performance standards for county, municipal, and multiple-county health departments.

Section 615.110 Purpose

(Source: Repealed at 13 Ill. Reg. _____, effective

the Illinois Department of Public Health, in conjunction with the Illinois Association of Public Health Administrators and the Illinois Association of Boards of Health, to implement the above referenced Statutes (Section 615.100). This Part these Rules and Regulations sets the minimum program and performance standards for county, municipal, and multiple-county health departments.

615.550 Pediatric Lead Poisoning and Poison Control
615.560 Nutrition Services

SUBPART E: OPTIONAL PROGRAMS - INSTITUTIONS AND JAILS

Section 615.600 Working Agreements
615.610 Personnel
615.620 Training of Staff
615.630 Sanitation
615.640 Planning

SUBPART F: OPTIONAL PROGRAMS - MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Section 615.700 Program Goal
615.710 Administration
615.720 Annual and Long-Range Plans
615.730 Needs Assessment
615.740 Education, Consultation and Information
615.750 Direct Care Services
615.760 Public Laws and Acts
615.770 Definitions

SUBPART G: OPTIONAL PROGRAMS - PRIMARY CARE

Section 615.800 Primary Care
615.810 Definition and Services
615.820 Need and Resource Assessment
615.830 Plan Development
615.840 Referral Mechanism
615.850 Quality Evaluation

AUTHORITY: Implementing and authorized by Sections 15(5) and 17(2) of "AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (111. Rev. Stat. 1987, ch. 111 1/2, pars. 15(5) and 17(2)) and Sections 1.1 and 14 of "AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments" (111. Rev. Stat. 1987, ch. 111 1/2, pars. 20c.01 and 20c.13).

SOURCE: Filed October 20, 1977; rules repealed, new rules adopted at 5 111. Reg. 1415, effective July 1, 1981; codified at 8 111. Reg. 16335; amended at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The Illinois Department of Public Health, pursuant to "AN ACT in relation to the establishment and maintenance of county and multiple-county health departments" (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 20.01), is authorized to classify local health departments. Classification established by the Department is as follows: certified, recognized, provisional, developmental.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 615.160 Distribution of Basic Health Grant Funds

The amount of the Basic Health Grant funding for each local health department is established through application of a formula grant program which utilizes, as its basis, program performance. Distribution of these Basic Health Grant funds is authorized pursuant to Section 55.05 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987-1979, ch. 127, par. 55.05).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 615.200 Definitions

The following definitions are general in nature and apply to all programs. Specific program definitions are included in the individual standards.

"Annual Program Review" means review by the program review team of the required, recommended, and optional public health programs during a yearly evaluation of the program and performance as compared to the Program Standards. The program review team is composed of one Regional Health Officer, one Food and Drug Evaluation Officer, one Regional Engineer, and one State Nurse Consultant, with consultation from one local Public Health Administrator. The results of this review may be used in determining the disbursement of funds by the Department to local health department pursuant to Section 55.05 of the Civil Administrative Code of Illinois, as amended (Ill. Rev. Stat. 1987-1979, ch. 127, par. 55.05).

"Approved Program" means activities in a specific program which were evaluated as meeting the Program Standards during annual program review.

"Certified" means a local health department which receives program approval from the Department for all ten required basic health programs during annual program and performance review.

"Core Programs" mean those program activities conducted by a local health department which comprise the minimum program activity in a local

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

jurisdiction, namely, Food Sanitation, Potable Water Supplies, Maternal Health and Family Planning, Child Health, and Communicable Disease Control.

"Department" means the Department of Public Health, State of Illinois.

"Developmental" means a department formed by resolution or referendum under statutory authority noted in the definition of "Local Health Department" and has not attained provisional, recognized, or certified status.

"Grant Application" means the forms provided by the Department entitled "Application for Basic Health Services Grant," composed of program data, financial data, and reassurance of compliance on affirmative action and merit system.

"Health Systems Agency" means the agency authorized and funded by the U.S. Department of Health and Human Services under Public Law 93-641, the National Health Planning and Resources Development Act of 1974 (42 U.S.C.A. 300k, et seq.).

"Local Health Department" means any county, multi-county, district or municipal health department formed by resolution of the county board or county boards of the respective counties, or upon approval by referendum, as provided for in Section 3 of "AN ACT Am-Aet in relation to the establishment and maintenance of county and multiple-county health department" (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 20c2), as amended, in the Illinois Municipal Code (Ill. Rev. Stat. 1987-1979, ch. 24, par. 11-17-1), as amended, and in "AN ACT Am-Aet to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same" (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 1 et seq.), as amended.

"May" is used to indicate permissive activity for a program or components of a program.

"Optional Programs" mean those program activities conducted by a local health department which add to the services available in the jurisdiction and are not usually provided by a public health agency.

"Program Standards" mean the Program Standards for Local Health Departments in Illinois promulgated by the Department pursuant to "AN ACT Am-Aet in relation to the establishment and maintenance of county and multiple-county health departments", (Ill. Rev. Stat. 1987-1979, ch. 111 1/2, par. 20c.01), and which are currently on file with the Secretary of State's Office.

"Provisional" means a local health department which is providing the five core programs and is developing a plan and timetable to implement the

qualifications as set forth in the Department's rules entitled "Minimum Qualifications for Personnel Employed by Local Health Departments Code" (77 Ill. Adm. Code 600). latest-Rates-Generating-Minimum-Requirements-for-Local-Health-Department Personnel-in-Itineris--promulgated-by-the-Itineris-Department of-Public-Health-and-currently-on-file-with-the-Secretary-of State:

2) Persons qualified for one or more of the above noted titles may serve dual roles, provided they are duly evaluated and approved by the Illinois Department of Public Health for each position.

b) Legal Conformance: Administrative staff, as defined in subsection (a) above, shall have access to and operate in accordance with the public laws, public acts, and ordinances applicable to their activities.

c) Annual Reports: The local health department shall publish an annual report (111. Rev. Stat. 1987-979, ch. 111 1/2, pars. 20c13.5 and 20c13.14). These reports shall be made available for free distribution to the public and local officials. Ten copies of the report shall be submitted to the Department. The report shall show the balance of funds at the end of the annual reporting period, the sums of money received from all sources, how all monies have been expended, and for what purpose.

d) Ongoing Plan: The local health department shall develop an ongoing plan establishing program priorities based on needs, resources, and local demands. This plan shall be reviewed, evaluated, and updated annually; be maintained on file; and priorities shall be established which relate to appropriate target populations and groups.

e) Area-wide Health Planning: The local health department should coordinate their plans for program development with their Health Systems Agency's (HSA) Annual Implementation Plans and show evidence of cooperation with HSA appropriateness reviews.

remaining five required basic health programs as determined by the Department during annual performance review.

"Recognized" mean a local health department which receives program approval from the Department for the five core programs and which has a plan and timetable to implement the remaining five required basic health programs during annual performance review.

"Recommended Programs" mean those program activities conducted by a local health department which add to the services available in the jurisdiction and are usually provided by a public health agency.

"Required Programs" mean those program activities conducted by a local health department which are fundamental to the operation of complete public health services in a local jurisdiction and include programs in Administrative and Organizational Support, Food Sanitation, Potable Water Supplies, Maternal Health and Family Planning, Child Health, Communicable Disease Control, Private Sewage Disposal, Solid Waste, Nuisance Control, and Chronic Disease.

"Shall" is used to indicate required activity for a program or components of a program to be approved.

"Should" is used to indicate recommended activity for a program or components of a program to be approved.

"Unapproved Program" means activities in a specific program which were evaluated as not meeting the Program Standards during annual program review. This can result from failure to meet a mandatory component.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART C: REQUIRED PROGRAMS

Section 615.310 Administrative and Organizational Support

This is a required program which contains the necessary components to provide for effective administrative leadership within local health departments. Each department must be in compliance with the following rules to receive approval of this program.

a) Leadership:

1) Local health departments serving jurisdictions in excess of 100,000 population shall employ a medical health officer or public health administrator, director of nursing and-a director of environmental-health who shall meet the

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

3) Test results shall be reported to local health authorities and/or the State Department of Public Health when required by applicable rules and regulations.

t) Statistical Data: The local health department shall prepare and maintain a statistical base that enables the local health department to operate effectively and plan future programming. Necessary elements should include:

- 1) Census data;
- 2) Vital records;
- 3) Environmental data;
- 4) Reportable disease data;
- 5) Program records and plans - and analysis thereof.

u) Application of Statistical Data: The local health department should use its statistical base to educate staff, professional groups, and the public.

v) Vital Records Registrar: The local health department is encouraged to become the local registrar of vital records. Evidence supporting the appropriate handling of the registrar's responsibility should be provided. When the local registrar is not the executive officer of the local health department, an agreement should guarantee access to vital records.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 615.320- Food Sanitation

This is a required program, having as its objective the protection of the health of the consumer by assuring that food and food products provided by food service establishments and retail food stores are protected against contamination by infectious agents or adulteration by toxic material.

a) Local Legal Base: The Food Sanitation Program shall be administered in accordance with an ordinance or an agreement between the local agency and the Illinois Department of Public Health to enforce and observe all State laws and regulations pertaining to food service establishments and retail food stores.

b) Requirements: The ordinance or agreement, whichever is applicable, shall include, as a minimum, the following:

1) Procedures and requirements for establishment inspection to include:

jurisdiction.
q) Laboratory Services: The local health department shall provide the laboratory services needed to detect and control disease and promote a higher standard of health in the community it serves. Such laboratory services may be provided by the local health department through its own public health laboratory, the State Public Health Laboratory, or, when necessary, through private laboratories licensed or certified by the State.
r) Public Health Laboratories Operated by Local Health Departments:

1) Laboratories that provide medical laboratory services are subject to the provisions of the Illinois Clinical Laboratory Act (111. Rev. Stat. 1987-979, ch. 111 1/2, pars. 621-101 et seq.) and the Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450). Such public health laboratories must be registered, permitted or licensed under this Act unless exempt from the provisions of Section 621-103 (c) of the Illinois Clinical Laboratory Act. The permit or license must be prominently displayed in the laboratory. A letter of exemption must be prominently displayed on the premises, if applicable.

2) Laboratories that provide environmental laboratory services shall be certified under the Illinois Department of Public Health-Illinois Environmental Protection Agency (IDPH-IEPA) Rules for Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 183) for those parameters tested. The certificate must be prominently displayed in the laboratory.

s) Local Health Departments Not Operating Their Own Public Health Laboratories:

1) The local health department shall obtain needed medical and/or environmental laboratory services from the State Public Health Laboratory, a local public health laboratory licensed or certified in accordance with subsection (r)(2) above, or, when necessary, a licensed clinical laboratory, a laboratory in a licensed hospital, or a certified environmental laboratory. Specimens or samples collected by the local health department for release from quarantine shall be submitted to the State Public Health Laboratory or to an appropriately licensed laboratory or certified local public health laboratory.

2) When required by applicable rules and regulations, samples, specimens, or isolates from specimens shall be submitted to the State Public Health Laboratory for testing.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- A) Inspection frequency of at least once every six months and additional inspections, as necessary, for enforcement;
 - B) Procedures for reporting inspection findings;
 - C) Enforcement procedures for correction of violations; and
 - D) Procedure for serving of notices.
- 2) Procedures when infection of food or employees is suspected.
 - 3) Article I through Article IX of the Illinois Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code 750) ~~Rules which are currently on file with the Secretary of State.~~
 - 4) Illinois Department of Public Health Retail Food Store Sanitation Code ~~Rules which are currently on file with the Secretary of State.~~ (77 Ill. Adm. Code 760).
- c) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.
 - d) Personnel Training: Personnel shall attend at least one training program per year which may include short courses, seminars, and professional meetings. Field training shall be provided and shall include joint training inspections with supervisors and/or State agency personnel. Records of training inspections shall be kept on file at the local health department.
 - e) Supervisory Personnel Training: All local health department Food Sanitation Program supervisory personnel shall be standardized and certified in food sanitation inspection procedures by an Illinois Department of Public Health Food Sanitation Evaluation Officer. These procedures are set forth in the Food and Drug Administration Procedure for Standardization and Certification of State Food Service Evaluation Inspection Officers. Certification must take place within the first year of employment as a supervisor and every 3 years thereafter or have a written exemption from this requirement from the Illinois Department of Public Health on file.
 - f) Inspection Equipment: Inspection personnel shall be individually provided with dial, metal bayonet-type thermometers, maximum registering thermometers and/or paper thermometers, chemical test kits or test strip, flashlights; and have access to a light meter and a water pressure-test kit.
 - g) Public Laws and Acts: Personnel should be familiar with public laws and acts pertaining to Food Sanitation.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- h) Program Operations and Compliance with Enforcement Procedure: The local health department shall operate and maintain the Food Sanitation Program in accordance with its food sanitation ordinance or State agreement, and provide documentation of an enforcement procedure which includes:
 - 1) time periods for correction;
 - 2) action to be taken upon repeat violations; and
 - 3) responsibilities of inspector, supervisor, and administrative personnel.
- i) Program Operations Record System: The local health department shall make inspections, follow-up inspections, and complaint inspections in accordance with the local ordinance or State agreement, and maintain individual establishment records as follows:
 - 1) A copy of each report of inspection, a summary of inspections which permits easy identification of repeat violations, and the establishment's history of hearings and other enforcement measures including legal action.
 - 2) Documentation that each establishment has been inspected at least twice annually, complaints are promptly recorded, reviewed, and investigated as necessary.
 - 3) Individual establishment inspection records shall be maintained for at least two (2) years.
- j) Emergency Planning: The local health department shall have a written emergency plan which specifies personnel responsibilities and procedures for investigation of foodborne disease outbreaks and response to disruption of establishment operations as a result of power failure, flooding, fire, etc. Preassembled sample collection kits for the investigation of foodborne disease outbreaks must be readily available, properly maintained, and in sufficient quantity for use.
- k) Foodborne Illness Investigation: All foodborne illness reports and outbreaks shall be promptly investigated. Reports of the completed investigations shall be on file with copies submitted to the Illinois Department of Public Health.
- l) Industry Training: The local health department should promote and assist industry in the training of management personnel. Educational training materials should be developed and made available for management training. Documentation shall be maintained on all

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

enforcement activities and documentation that an inspection with recommendations for correction has been made and water analysis performed on all private water supplies, for which inspection requests have been received, shall be maintained and available for review.

(c) Personnel - Private Water Supplies: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(d) Abandoned Wells: The local health department shall advise well drillers, property owners, and others of the need for proper sealing of abandoned wells. Records shall be maintained and available for review documentation that all located abandoned wells have been properly sealed or referred to the Illinois Department of Mines and Minerals for enforcement action.

(e) Public Non-Community Water Systems: The local health department should provide a program which will ensure the provision of safe, potable water through inspection, sampling, education, and enforcement of Sections 2 and 7 of "AN ACT Am-Aet in relation to public health" (111. Rev. Stat. 1987-979, ch. 111 1/2, pars. 22 and 24) and the rules for Drinking Water Systems (77 Ill. Adm. Code 900), or equivalent local ordinances. This portion of the program may be conducted by a local health department upon entering into an agreement with the Illinois Department of Public Health. Compliance with this Subsection and Subsections (f) and (g) below shall be evaluated based on the provisions of the agreement referred to above.

(f) Program Requirements: The local health department shall:

1) maintain an inventory of all non-community water systems within its jurisdiction. The inventory shall be updated as new information becomes available;

2) establish and maintain a routine water sampling program in accordance with State laws and rules;

3) conduct sanitary surveys, including sampling of all public non-community water systems at least once every two (2) years. Preferably fifty (50) percent of these surveys should be accomplished annually;

4) insure that all non-community water systems found to be unsafe due to location and/or construction deficiencies had such deficiencies corrected; and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

training activities provided to food industry management and operational employees.

(Source: Amended at 13 Ill. Reg. _____ effective _____)

This is a required program with the objective to protect every individual within the local health jurisdiction from contraction and transmission of disease through provision of a safe, potable, adequate supply of water for drinking, culinary, and sanitary purposes. The local health department shall be in compliance with the following rules to receive approval for the program.

a) Definitions: The following definitions shall apply to the Potable Water Supply Program:

1) "Private Water Supply" means any supply which provides water for drinking, culinary, and sanitary purposes and does not meet the definition of a public water system.

2) "Public Water System" means a system for the provision to the public of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

A) "Community Water System" means a Public Water System which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

B) "Non-Community Water System" means a Public Water System that is not a Community Water System, such as, but not limited to, camp grounds, restaurants, schools, industries, hotels and motels, churches, and gas stations.

3) "Cross Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.

b) Private Water Supplies: The local health department shall provide a program which includes inspection and sampling of private water supplies, consultation, education, and enforcement of applicable State laws and rules or equivalent local ordinances. Records of

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Advisory Committee on Immunization Practices shall be distributed to all appropriate health care providers. Information on availability of biologics should be distributed.

Investigation: Copies of complete reports of epidemiological investigations shall be on record in the local health department. Copies of the investigational reports shall be forwarded to the Illinois Department of Public Health. The timely performance of quarantine and isolation duties and other control procedures, as required by the Illinois Department of Public Health rules for the Control of Communicable Diseases Code, shall be documented by written record.

Vaccine Suppliers: Vaccines shall be maintained, when available, to be used in immunization activities. Security and safety of biologics and syringes shall be assured by locked storage. Accurate inventories shall be available and show evidence that sufficient vaccines are available at all times. It shall be documented that important information forms, required by the United States Public Health Service and the Illinois Department of Public Health, are utilized and completed accurately when State-supplied vaccine is used in public clinics. These forms shall be maintained and retrievable.

Ongoing Immunization Clinics: Ongoing immunization clinics shall be developed and maintained as a local service. Documentation of clinics held, attendance, and records documenting doses of vaccine distributed by vaccine type, primary series/booster, age, and date shall be maintained. Ongoing immunization clinics should be of such number and frequency so as to provide for immunizations as outlined in the Recommended Immunization Schedule.

Special Immunization Clinics: Special clinics to control spread of disease through outbreaks shall be provided. In addition, ongoing immunization clinics should be provided to assist schools to comply with the School Code (111. Rev. Stat. 1987-1979, ch. 122, par. 27-8.1), as amended. There should be documentation of special clinics conducted by date, number immunized, vaccine(s) used, and identity of clinic site(s). Special immunization clinics should be of such number and frequency to meet the need.

Assessment: A plan shall be developed and implemented to survey the immunization status of the population in the local jurisdiction. The local health department shall assist and support the completion of annual surveys of selected populations, i.e., school enterers, special age groups or communities. Survey results should be used to plan and conduct activities to increase immunization levels to at least 90 percent for specific diseases. Subsequent surveys should show the same or higher levels of immunity.

7) Monthly and annual statistical summaries of communicable disease morbidity and mortality data is maintained by disease, age, sex, and geographic location. Monthly statistical summaries for each disease should:

A) compare number of cases with similar interval in previous years; and
B) be comparable with records of the Division of Infectious Diseases - Genetrol.

e) Community Education:
1) It shall be documented that:
A) health education materials are available for public distribution;
B) news releases to press, radio and television publicizing the communicable disease problem, health department efforts and available services are issued at least once a year; and
C) communicable disease educational material is provided to the local school district for integration into the curriculum.

f) Professional Education: It shall be documented that:
1) informational materials relevant to the diagnosing of communicable diseases are maintained and distributed to health care providers in the community;
2) communications relating to local disease trends and health department services to health care providers are issued at least once a year;

3) information is provided on a continuing basis for local health care provider staffs directly involved in disease control and/or care efforts; and
4) local health care providers who serve sexually transmitted disease (STD) patients are provided information regarding diagnostic test, adequate treatment, retesting, and counseling;

5) The latest recommendations of the U.S. Public Health Service

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- l) International Travel: It should be documented that information is available to health care providers and the public regarding requirements and recommendations relating to international travel.
- m) Surveillance of Morbidity: Class III cases of tuberculosis shall be investigated. Close contacts to the index case shall be examined and recorded. Management information shall be available, in accordance with accepted standards as outlined by the American Thoracic Society, for each Class III case of tuberculosis and case contacts.
- n) Therapeutic Services - Class III Tuberculosis Cases: The local health department shall provide for appropriate inpatient, outpatient, and home care services for Class III tuberculosis cases as defined by the American Thoracic Society and Illinois Department of Public Health. At least 75 percent of all Class III cases of tuberculosis should complete drug therapy according to recommendations of the American Thoracic Society and Illinois Department of Public Health. Uncooperative infectious cases (positive bacteriology) should be confined until such time as there is evidence the individual is non-infectious--a local health department's authority.
- o) Follow-Up of Contacts to Identified Class III Tuberculosis Cases: At least 90 percent of close contacts to new Class III tuberculosis cases shall receive appropriate diagnostic and therapeutic services (including chemoprophylaxis) in accordance with the American Thoracic Society and Illinois Department of Public Health.
- p) Follow-Up of Class II Tuberculosis Cases (Tuberculin Reactors):
 - 1) The local health department shall provide diagnostic and therapeutic services for Class II cases as defined in the most recent issue of the American Thoracic Society's Diagnostic Standards.
 - 2) Ninety (90) percent of Class II cases should be examined. Each identified tuberculin reactor should receive appropriate diagnostic services and be medically evaluated for preventive therapy in accordance with the most recent American Thoracic Society's recommendations. At any given time 90 percent of Class II tuberculosis cases under the age of 35 should be recommended for 1 year of preventive therapy.
- q) Consolidation: It should be documented that the local health department has explored the feasibility of consolidating the tuberculosis care and treatment services with the local health department. Discussions between representatives of the local board of health and local Tuberculosis Care and Treatment Board should

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- progressively identify areas in which consolidated or contractual activities would result in increased efficiency and better coordination of tuberculosis control and other health care services.
- r) Contractual Agreement: Evidence of tuberculosis control must be demonstrated in the total health care services of the local health department. In some localities it will be necessary to provide tuberculosis control services by a written agreement as part of the total health care services of the local health department.
 - s) Public Treatment: Patients diagnosed as having gonorrhea or syphilis shall receive treatment as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis. Patients diagnosed as having other STDs should receive treatment as outlined in the Center for Disease Control Sexually Transmitted Disease Clinic Standing Orders as provided by the Illinois Department of Public Health. If medications are not available for Sexually Transmitted Diseases (STDs) other than gonorrhea and syphilis through the clinic, prescriptions should be given to the patient.
 - t) Preventive Treatment:
 - 1) Patients exposed to gonorrhea or syphilis shall receive treatment as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis.
 - 2) All patients exposed to other STDs should receive treatment as outlined in the Center for Disease Control Sexually Transmitted Disease Clinic Standing Orders as provided by the Illinois Department of Public Health. If medications are not available for STDs other than gonorrhea and syphilis through the clinic, prescriptions should be given to the patient.
 - u) Gonorrhea Retesting: Retesting shall be provided for gonorrhea patients. Public clinic patients shall be counseled to return for retesting at one and four week intervals. No less than 60 percent of the patients treated should be returned for test-of-cure; no less than 40 percent should be returned for recheck.
 - v) Gonococcal Pelvic Inflammatory Disease (PID) Management: PID management systems should be developed as outlined in the PID Management System, in facilities where females with PID present for medical care. Epidemiologic control records should be utilized to ensure at least 75 percent of the reported PID patients receive treatment and follow-up.
 - w) Drug Distribution: Drugs provided by the Illinois Department of Public Health shall be maintained by or available from the local

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

cc) Congenital Disease: The diagnostic and treatment status of infants when they have been born of mothers who have, or are suspected of having, a reportable sexually transmitted disease shall be determined. (Source: Amended at 13 Ill. Reg. _____, effective _____) Section 615.370 Private Sewage Disposal

This is a required program to eliminate transmission of disease organisms and nuisances resulting from improperly or inadequately treated sewage by providing that all sewage is discharged to a properly designed and operated waste treatment facility either publicly or privately owned.

a) Adoption of Local Private Sewage Disposal Ordinance:

1) An ordinance regulating construction and maintenance of private sewage disposal systems shall be adopted by the local health department. Such ordinance shall include a private sewage disposal code and permit system. The code shall be at least equal to the Private Sewage Disposal Licensing Act (111. Rev. Stat. 19871979, ch. 111 1/2, pars. 116.301-116.324); OR

2) The local health department or unit of local government shall have an ordinance with an enforcement clause that requires a permit prior to the installation or repair of private sewage disposal systems and shall be designated as an "Agent" of the State, pursuant to the Private Sewage Disposal Licensing Act (111. Rev. Stat. 19871979, ch. 111 1/2, par. 116.309).

b) Permit Program: All new private sewage treatment installations shall be made under permit from the health department as provided in the local ordinance, and such installations shall be constructed in accordance with the plans and specifications approved by the health department. A final inspection of the installation shall be conducted by the health department to determine that the installed private sewage disposal system conforms to the approved plans and specifications.

c) Inspection Program:

NOTICE OF PROPOSED AMENDMENTS

health department and distributed to health providers who request them for treatment of reported cases and persons treated preventively. Health providers shall be supplied antibiotics (via mail or messenger service) in quantities recommended and provided by the Illinois Department of Public Health for treatment of reported cases and persons exposed. The local health department shall maintain accurate records of antibiotic distribution.

x) Treatment - Gonorrhea and Syphilis: Current treatment, as outlined in the Center for Disease Control Treatment Schedules for Gonorrhea and Syphilis, shall be confirmed for reportable STDs. When public clinics do not exist, provisions should be made to defray the cost of treatment for the medically indigent, clinically uncomplicated patient and/or contacts.

y) Follow-up of Positive Laboratory Reporting:

1) Laboratory reports shall be processed to ensure prompt confirmation of diagnosis and treatment or initiation of follow-up investigation.

2) Laboratory reports should have diagnosis and treatment confirmed (morbidity report) or an investigation initiated (CDC Form 9.2936) within five days of receipt. If the CDC Form 9.2936 is initiated, all investigation should have the completed copy submitted to the Illinois Department of Public Health Regional Office within 30 days of initiation.

z) Patient Interviewing: Counseling shall be provided on an individual basis to at least 95 percent of gonorrhea patients treated in public facilities at the time of diagnosis. Counseling shall be conducted with at least 95 percent of syphilis (infection of less than one year's duration) patients, 75 percent within 48 hours of report; Counseling to both groups shall include information regarding medical compliance, retesting, and seeking help for partners.

aa) Epidemiologic Follow-up: At least 75 percent of all persons exposed to gonorrhea shall be examined and receive medical care as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis, 70 percent within three work days of counseling session. At least 80 percent of contact suspects and associates of individuals infected with syphilis shall be examined and receive medical care as outlined in the Center for Disease Control Recommended Treatment Schedules for Gonorrhea and Syphilis, 70 percent within three work days of counseling session.

bb) Referred Follow-up: Investigations initiated from out-of-jurisdiction should have an investigation initiated within two

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 615.520 Housing

A recommended program to eliminate safety hazards and transmission of diseases; to promote social, mental, and physical development through environmental control.

- a) Housing Code :
 - 1) Local ordinances shall be adopted for a housing code and the authority must be established to order the correction of substandard housing conditions. The ordinances should be designed to:
 - A) eliminate safety hazards and transmission of diseases;
 - B) promote social, mental, and physical development;
 - C) increase comfort and enjoyment for living through control of the housing environment; and
 - D) assure that all housing meets minimum standards.
 - 2) The code shall include, but not be limited to, minimum standards for occupancy, density, general area location, heating, lighting, ventilation, plumbing, general building utilities, structural construction, structural maintenance, and the maintenance of basic sanitary conditions.
- b) Enforcement: Code enforcement shall include:
 - 1) documentation that an annual inventory has been made, inspection conducted, deficiencies identified, and corrective action implemented. All buildings designated as dangerous, unsafe, or uncompleted must be demolished within 18 months;
 - 2) development and maintenance of a program to inventory existing housing conditions, inspection where necessary, as well as, upon receipt of complaints, assurance that corrective action is taken; and
 - 3) use of the authority granted under Demolition, Repair, or Enclosure of Unsafe Building: the Illinois Municipal Code (111 Rev. Stat., 19871979, ch. 24, par. 11-31-1), and "An Act to revise the law in relation to counties" (111 Rev. Stat. 19871979, ch. 34, par. 429.8).
- c) Long-Range Planning: A study should be available to review documentation of projected needs for at least a ten-year period.
- d) Agency Liaison: Liaison and cooperation with other agencies must be established in order to avoid duplication or opposing efforts.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Field Service: The local health department shall provide the following:

- c)
 - 1) Conduct field surveys to identify vectors, and the obnoxious pests which warrant specific control programs, and to aid in developing effective preventive and control methods.
 - 2) Investigate and follow-up complaints involving insects, nuisance birds, rodents, and other obnoxious pests.
 - 3) Activity reports shall be prepared and available for review to show complaints investigated, areas surveyed, methods used, and results obtained. A minimum program would include control of flies, mosquitoes, and rodents.
- d) Consultation and Technical Services: The local health department shall:
 - 1) provide consultation to local governments, public agencies, civic groups, and the general public on the identification and control of insects, rodents, and obnoxious pests;
 - 2) develop and maintain liaison with governmental units and members of the pest control industry to insure that materials and methods being used for control activities are safe, effective, and in compliance with existing State laws and regulations covering the use of pesticides (Structural Pest Control Act, 111 Rev. Stat. 19871979, ch. 111 1/2, par. 2201 et seq.) ("AN ACT relating to custom or public application of pesticides, to license and regulate such activity, to provide penalties for violation thereof, and to make an appropriation in connection therewith," 111 Rev. Stat. 19871979, ch. 5, pars. 87d1 et seq.);
 - 3) develop and implement a public information program which includes the preparation of news releases, technical bulletins, and presentations to civic groups and the general public on vector control problems and control methods; and
 - 4) maintain records on the required activities specified in 1, 2, 3, above and have them available for review.
- e) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(Source: Amended at 13 111. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Obtain written agreements with other agencies stating the methods of cooperation.

- e) Emergency Housing Plan: An emergency housing plan for implementation during natural or man-made disasters should be developed, including specific locations of emergency housing and supportive services. Civil Defense approval should be obtained for this plan and copies of the plan distributed to governmental units and civic action groups.
- f) Housing Code Updating: A procedure for continuous updating of the code must be established with consideration being given to public and professional input from the immediate community, if authority is provided for the adoption and enforcement of a minimum housing code. The local health department shall document public and organizational meetings relating to the basic code and demonstrate the way or ways in which the public and professional input is used.
- g) Response to Complaints: A procedure for receiving and acting upon complaints must be provided. A listing of all complaints received and action taken must be maintained.
- h) Record-Keeping System: An accurate and functional record-keeping system must be maintained. The local health department shall demonstrate the ability of the record-keeping system to provide the necessary back-up for any required administrative action.
- i) Education and Information:
 - 1) Active counseling, public information, and community education program on the public health importance of maintaining minimum housing standards and on practical methods of meeting the standards should be developed and maintained.
 - 2) Documentation of technical and promotional counseling, as well as public information programs utilizing the news media and presentations to civic, fraternal, professional, and other interested groups, shall be made.
- j) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 615.530 Recreational Areas

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

This is a recommended program for the environmental control of sanitation, safety, and development of facilities at recreational areas and youth camps which promotes the enjoyment for living by eliminating disease transmission and safety hazards.

- a) Legal Base: The program operated by the local health department shall be based on local ordinances. These ordinances and the subsequent rules promulgated shall should be consistent with the Campground Licensing and Recreational Area Licensing Act (Ill. Rev. Stat. 1987/1979, ch. III 1/2, pars. 761 et seq.) and Recreational Area Code (77 Ill. Adm. Code 800) and the Youth Camp Act (Ill. Rev. Stat. 1987/1979, ch. III 1/2, pars. 549.1 et seq.) and Youth Camp Code (77 Ill. Adm. Code 810) and their rules.
- b) Personnel: The local health department shall provide personnel to perform inspections, investigations, surveillance, enforcement, and administrative activities for this purpose. Personnel shall be trained and equipped to carry out the program.
- c) Personnel Training: Personnel should receive training which may include short courses, seminars, or professional meetings related to recreational area operation.
- d) Inventory: An inventory of recreational area facilities shall be established and maintained.
- e) Enforcement: Documentation shall be maintained that shows that each facility was inspected at least annually while in operation. Where deficiencies have been identified, the record shall show that corrective action by the operator or administrative action by the local health department has been initiated.
- f) Sampling Schedules: Documentation shall be maintained that shows schedule for sampling of potable water, swimming pool water and bathing beach water, results recorded, and corrective action taken, when necessary.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 615.540 Dental Health

A recommended program to encourage the prevention of dental disease by means of educational and preventive programs, the early detection of oral disease, and the establishment of treatment programs for those who cannot otherwise obtain dental care.

- a) Personnel: The local health department shall provide properly

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- f) Follow-up: The local health department shall provide follow-up services for cases referred for diagnosis or treatment. Documentation of all follow-up activities shall be maintained in the local health department file.
 - g) Evaluation of Available Dental Resources: The local health department shall evaluate the area of jurisdiction in respect to the ability of current resources to meet the dental needs of the population. Such data should identify the size of the at-risk population and the dental resources available from the private sector and from public funded programs.
 - h) Establishment of Public Funded Dental Clinics: Utilizing the data obtained in the activities of Subsection(g) above, the local health department shall determine, with the consultation of all involved groups, whether the need exists for the establishment of a dental clinic to meet the dental needs of the local population.
 - i) Dental Care Policy: When clinic services are provided, the local health department shall develop a written dental policy specifying patient eligibility, treatment to be provided, and the patient record and service reports to be maintained.
- (Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- b) Health Education: There should be documentation of a written educational program including audio-visuals and methods of evaluation. Documentation of actual changes occurring within target groups may be demonstrated with the use of pre- and post-test results, Greene's Oral Hygiene Index, or Decayed-Missing-Filled (DMF) rates.
- 1) The local health department should coordinate the planning and presentation of dental health education activities for public health nurses, health department personnel, and other health-oriented individuals.
- 2) The local health department shall include dental health education in all such programs as prenatal clinics, well-baby clinics, home nursing services, and other school and adult programs.
- c) Topical Fluoride Application: The local health department shall offer direction and assistance in the establishment of a weekly fluoride mouth-rinsing program for all requesting children attending schools within the jurisdiction of the department. Documentation shall include the number of students enrolled in the schools in the area served by the health department, contacts made by the health department offering help in establishing the programs, and the number of participants in the established programs.
- d) Public Water Supply Fluoridation Surveillance: The local health department shall cooperate in the establishment of a water fluoride level surveillance mechanism that will complement the related activity of the Illinois Department of Public Health's Division of Dental Health. All public water supplies within the jurisdiction of the health department shall provide water with the mandated fluoride levels of 0.9 to 1.2 parts fluoride per one million parts water, as required by "An Act to provide for safeguarding the public health by vesting certain measures of control and supervision in the Department of Public Health over Public Water Supplies in the State" (Ill. Rev. Stat 19871979, ch. 111 1/2, pars. 121 et seq.)
- e) Dental Inspections: The local health department shall provide facilities or personnel to allow for dental inspections for children in conjunction with physical examinations. The activity is considered to be 100 percent effective when all children receiving physical examinations through the local health department also receive dental inspections.

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

509.265	Penalties-Violations of C9.7.5 (Section 509.75)
509.270	Pharmaceutical Aids
509.280	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1983, ch. 8 par. 37-1 et. seq.; See in particular Paragraphs 37-2, 37-9(b), 37-36a and 37-40).

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 15869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 13 Ill. Reg. _____, effective _____.

Section 509.40 Foreign Substance Banned

No horse participating in a race, or entered to participate in a race and not scratched by the day of the race, shall carry in its body any foreign substance (irrespective of when administered or injected), except as provided in Rule C9.9(a) (Section 509.90(a)), Rule C9.9(c) (Section 509.90(c)) and C9.9(e) (Section 509.90(e)).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES
PART 509
MEDICATION RULES

509.10	Purpose
509.20	Definitions
509.30	Racing Soundness Exam
509.40	Foreign Substance Banned
509.50	Twenty-four Hour Ban
509.60	Unlawful Administration
509.70	Knowing Entry of Medicated Horse Prohibited
509.75	Pharmaceutical Aids Banned
509.80	Additions to Permitted List
509.90	Permitted Use of Foreign Substances
509.100	Possession of Needles and Injectables Prohibited
509.110	Prescription Items - Animal Use
509.120	Possession of Drugs and Chemicals
509.130	Human Use of Substances and Hypodermic Syringes or Needles
509.140	Detention Barn
509.150	Test Samples
509.160	Referee Samples
509.170	Laboratory Reports and Findings
509.175	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing
509.180	Distribution of Purses
509.190	Procedures, Purses, Retention of Samples, Etc. (Formerly Thoroughbred Rule 317 and Harness Rule 21.17)
509.195	Stewards Action on Laboratory Reports Under Pre-Race Testing
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders
509.230	Post Mortems
509.240	Penalties - Rules C9.6, C9.7, C9.26, or C9.26.5 (Sections 509.60, 509.70, 509.260, or 509.265)
509.250	Penalties - Failure to Guard Cases
509.260	Penalties - Violation of C9.9(a) (Section 509.90(a)), Excessive Use of Phenylbutazone

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Similar Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Numbers: 567.30 Proposed Action: amendment
- 4) Statutory Authority: Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k)).
- 5) A Complete Description of the Subjects and Issues involved:
The amendment to Section 567.30 is being proposed to comply with the recent amendments to the Rehabilitation Act of 1973 which state that similar benefits need not be sought if VR services will be delayed to a client who is at extreme medical risk, and to add rehabilitation engineering services as a service which doesn't require a search for similar benefits.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
567.10	amendment	13 Ill. Reg. 281, 01/13/89
- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit data, views, argument or comments about this rulemaking. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not effect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

e) rehabilitation engineering services (i.e., the application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities); and

f) post-employment services included in subsections (eb), (bc), and (ed) and (e) above.

(Source: Amended at _____ 111. Reg. _____ effective)

- a) if a search for similar benefits would delay the provision of VR services to a client who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;
- b) evaluation of vocational rehabilitation potential;
- c) counseling, guidance, referral, and placement;
- d) vocational and other training services, (e.g., on-the-job training, work adjustment training including at a rehabilitation facility or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Work Transitional Experience Program) which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing);

Similar benefits must be pursued for all services except: (with the following exceptions) insofar as they are adequate and do not interfere with achieving the client's rehabilitation objective

Section 567.30 Exceptions to Similar Benefits

SOURCE: Adopted at 9 111. Reg. 8839, effective June 10, 1985; amended at 11 111. Reg. 820, effective December 23, 1986; amended at 12 111. Reg. 3019, effective January 15, 1988; amended at _____ 111. Reg. _____, effective _____

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (111. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

Section 567.10 General Applicability
567.20 Definition of Similar Benefits
567.30 Exceptions to Similar Benefits
567.100 Refusal of Similar Benefits

PART 567 SIMILAR BENEFITS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

NOTICE OF PROPOSED AMENDMENTS

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NOTICE OF PROPOSED AMENDMENTS

140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section 140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section 140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section 140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section 140.1001 Payment of Tax to the Supplier

140.1005 Receipt to be Obtained for Tax Payments

140.1010 Payment of Tax Directly to the Department

140.1015 Itemization of the Tax by Suppliers

140.1020 Use of Bracket Chart

140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING--MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section 140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section 140.1201 When Lessee of Premises May File Return for Leased Department

140.1205 When Lessor of Premises Should File Return for Leased Department

Section 140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section 140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)

140.1305 When Purpose of Serviceman's Purchase is Unknown (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1401 Claims for Credit--Limitations--Procedure

140.1405 Disposition of Credit Memoranda by Holders Thereof

140.1410 Refunds

140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 140

SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section 140.101 Basis and Rate of the Service Occupation Tax

140.105 ~~Collection of Service Occupation Tax by Suppliers~~ Registration of Servicemen

140.110 Presumption that Tax Applies (Repealed)

140.115 Occasional Sales to Servicemen by Suppliers (Repealed)

140.120 Meaning of Serviceman

140.125 Examples of Nontaxability

140.126 Exemption of Food, Drugs and Medical Appliances

140.130 Suppliers of Printers (Repealed)

140.135 Sales of Drugs and Related Items, to or by Pharmacists

140.140 Other Examples of Taxable Transactions

140.145 Multi-Service Situations (Repealed)

Section 140.201 General Definitions

SUBPART B: DEFINITIONS

Section 140.301 Cost Price

140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section 140.401 Monthly Returns When Due--Contents of Returns

140.405 Annual Tax Returns

140.410 Final Return

140.415 Taxpayers' Duty to Obtain Form

140.420 Annual Information Returns by Suppliers (Repealed)

140.425 Filing of Returns for Serviceman "Suppliers" by their Suppliers

140.430 Under Certain Circumstances

140.501 Sales of Service Involving Property Originating in Illinois

140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101-439.121 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at Ill. Reg. , effective .

NOTE: Capitalization denotes statutory language.

SUBPART A: NATURE OF TAX

Section 140.101 Basis and Rate of the Service Occupation Tax

- a) The Act imposes a tax upon persons engaged in this State in the business of making sales of service. These persons are referred to hereinafter as servicemen.
- b) The rate of the tax, ~~prior to September 1, 1968, is 3 1/2%, and from September 1, 1968, through September 30, 1969, is 4 1/4%, and after September 30, 1969, is 4%, and on and after January 1, 1984, and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman as an incident to a sale of service.~~ Except as provided in paragraph (g), on and after January 1, 1990, the rate of tax is 6.25% of the selling price of tangible personal property transferred by the serviceman.
- c) ~~Effective after January 1, 1984, and prior to January 1, 1990, food~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, will be taxed at the rate of 0% ~~of the serviceman's cost price of such item transferred by the serviceman as an incident to a sale of service.~~ On and after January 1, 1990, the rate of tax will be 1%. Food does not include soft drinks.

- d) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman transfers as an incident to service.
- e) ~~The tax does not apply to the serviceman's receipts from engaging in his service occupation, but is based on his cost price of tangible personal property which he transfers as an incident to sales of service.~~ A serviceman making a sale of service in which the cost price of tangible personal property transferred as an incident to the sale of service is less than 10% of the total gross receipts from the transaction is not subject to Service Occupation Tax. However, the purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax and Use Tax and should be paid by the serviceman to his supplier.
- f) ~~Municipalities and counties may also adopt a Service Occupation Tax at a rate not to exceed 3/4 of 1% prior to October 1, 1969, and 1% commencing October 1, 1969, which tax is collectible by the Department.~~ EFFECTIVE JANUARY 1, 1990, FOR THE PURPOSE OF DETERMINING THE TAX BASE, SELLING PRICE SHALL IN NO EVENT BE LESS THAN THE COST PRICE TO THE SERVICEMAN OF THE TANGIBLE PERSONAL PROPERTY TRANSFERRED. THE SELLING PRICE OF EACH ITEM OF TANGIBLE PERSONAL PROPERTY TRANSFERRED INCIDENT TO A SALE OF SERVICE MAY BE STATED AS A DISTINCT ITEM BY THE SERVICEMAN TO THE SERVICE CUSTOMER AND THE TAX IMPOSED BY THIS ACT SHALL WHEN COLLECTED BE STATED AS A DISTINCT ITEM SEPARATE AND APART FROM THE SELLING PRICE OF THE TANGIBLE PERSONAL PROPERTY. IF THE SELLING PRICE OF EACH ITEM OF TANGIBLE PERSONAL PROPERTY TRANSFERRED INCIDENT TO A SALE OF SERVICE IS NOT STATED AS A SEPARATE ITEM ON THE SERVICEMAN'S BILLING TO THE SERVICE CUSTOMER, THEN THE TAX IMPOSED BY THIS ACT SHALL BE BASED ON 50% OF THE SERVICEMAN'S ENTIRE BILLING TO THE SERVICE CUSTOMER, but in no event shall this amount be less than the cost price to the serviceman of the tangible personal property so transferred.
- g) WHEN A SERVICEMAN CONTRACTS TO DESIGN, DEVELOP AND PRODUCE SPECIAL ORDER MACHINERY OR EQUIPMENT, THE TAX IMPOSED BY THIS ACT SHALL BE BASED ON THE SERVICEMAN'S COST PRICE OF THE TANGIBLE PERSONAL PROPERTY TRANSFERRED INCIDENT TO THE COMPLETION OF THE CONTRACT.

NOTICE OF PROPOSED AMENDMENTS

Section 140.105 Collection of Service Occupation Tax by Suppliers Registration of Servicemen

a) Although the legal incidence of the service occupation tax is upon the serviceman, a "supplier" maintaining a place of business in the State" (as defined in Section 2 of the Service Occupation Tax Act...

b) Suppliers of tangible personal property, repairmen, it is the responsibility of suppliers of repair parts and repair materials to collect the service occupation tax from tangible personal property...

Effective January 1, 1990, each serviceman is required to register with the Department and file returns, remitting the tax due less a discount of 1.75% or \$5.00 per calendar year, whichever is greater, unless the tax obligation is satisfied under the provisions of Section 140.101(e) of this Part.

Section 140.110 Presumption that Tax Applies (Repealed) (Source: Amended at Ill. Reg. , effective)

Section 140.115 Occasional Sales to Servicemen by Suppliers (Repealed) (Source: Repealed at Ill. Reg. , effective)

a) Since the Act imposes the tax upon persons who are engaged in the business of making sales of service and since the suppliers of such

NOTICE OF PROPOSED AMENDMENTS

h) Taxpayers who are registered may purchase all tangible personal property for retransfer by providing their suppliers with valid resale certificates even if in some transactions the cost price of the tangible personal property will be less than 10% of the total gross receipts from the transaction. The Department will not require an otherwise unregistered serviceman to register and file returns on a particular transaction even if the cost price of the tangible personal property transferred exceeds 10% of the total gross receipts from the transaction so long as the total cost price of the tangible personal property transferred for the reporting period (monthly, annually, quarterly) does not exceed 10% of the gross receipts from the sale of services during such reporting period. If the total cost price for the period does exceed 10% of the total gross receipts, a credit may be taken for the tax paid to the supplier, but the additional tax due on the selling price must be paid to the Department. Businesses which would typically fall in this classification might be barbers, hairdressers, bankers, attorneys, seamstresses and typing services.

Examples: (1) Separately Stated Not Separately Stated Separately Stated Not Separately Stated Separately Stated Not Separately Stated

Table with 4 columns: Cost, Selling Price, Gross Receipts, Tax Base. Rows include 'Not subject to Service Occupation Tax' and 'Retailers'.

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

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NOTICE OF PROPOSED AMENDMENTS

n) purchases of sprays for retransfer as an incident to service by persons engaged in the service occupation of spraying crops for others, and sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture;

o) purchases of either new or used farm machinery, equipment or replacement parts with an individual cost price to the servicer of \$1,000 or more for retransfer as an incident to a sale of service for use in production agriculture;

1) this exemption to phase in over a two year period, 50% of the proceeds of such a sale being exempt from September 1, 1980 through August 31, 1981, and 100% thereafter;

2) The provisions of Section 130.305, Retailers' Occupation Tax Regulations, are incorporated herein by reference and made a part hereof insofar as such Section can be applied without conflict to comparable Service Occupation Tax situations except that the selling price of \$1,000 referred to in the incorporated Regulation must be the servicer's cost price in the incorporating Regulation and a servicer paying tax to his suppliers rather than accounting for the tax himself would furnish an exemption certificate to his supplier and would obtain one from his customer. A sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges or similar items or no commercial value on special order for a particular purchaser, when the machinery or equipment is produced by the seller thereof for the manufacturer or the manufacturer's lessor on special order in such a way as to have made the applicable tax a service occupation tax or service use tax, rather than retail-ERS' OCCUPATION TAX OR USE TAX. The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is not exempt;

b) a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or defined in Major Group 27 of the U.S. Standard Industrial Classification Manual;

NOTICE OF PROPOSED AMENDMENTS

6) to any not-for-profit music or dramatic arts organization which has received an exemption under Section 501(c)(3) of the Internal Revenue Code and which is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis;

In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department.

1) purchases of tangible personal property for retransfer as an incident to sales of service to or by any governmental body, however, effective July 1, 1987, purchases of tangible personal property for retransfer as an incident to sales of service to or by any governmental body are taxable unless such governmental body has an active exemption identification number issued by the Department the sale, employment and transfer of such tangible personal property as newspaper and ink for physical incorporation into newspapers or magazines;

2) the purchase, employment and transfer of such tangible personal property as newspaper and ink for physical incorporation into newspapers or magazines, which activity constitutes a taxable use under the Retailers' Occupation Tax Act, rather than the carrying on of a service occupation;

3) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable use under the Retailers' Occupation Tax Act and the use for sale, rather than the carrying on of a service occupation the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;

4) the purchase, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;

5) sales of stock, serums and other medicinal products to veterinarians for retransfer as an incident to service to veterinarians for retransfer as an incident to service in caring for farm animals;

6) crops or applying farm chemicals for others;

NOTICE OF PROPOSED AMENDMENTS

- q) sales of oil field exploration, drilling and production equipment and individual replacement parts costing the purchaser \$250 or more;
- r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts costing the purchaser \$250 or more;
- s) sales of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of rolling stock used by interstate carriers for hire in interstate commerce;
- t) A SALE OR TRANSFER OF TANGIBLE PERSONAL PROPERTY AS AN INCIDENT TO THE RENDERING OF SERVICE FOR INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE OR LESSORS UNDER LEASES OF ONE YEAR OR LONGER, EXECUTED OR IN EFFECT AT THE TIME OF PURCHASE, TO INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE;
- u) A SALE OR TRANSFER OF TANGIBLE PERSONAL PROPERTY AS AN INCIDENT TO THE RENDERING OF SERVICE FOR OWNERS, LESSORS OR SHIPPERS OF TANGIBLE PERSONAL PROPERTY WHICH IS UTILIZED BY INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE;
- v) THE SALE OR TRANSFER OF DISTILLATION MACHINERY AND EQUIPMENT, SOLD AS A UNIT OR KIT AND ASSEMBLED OR INSTALLED BY THE RETAILER, WHICH MACHINERY AND EQUIPMENT IS CERTIFIED BY THE USER TO BE USED ONLY FOR THE PRODUCTION OF ETHYL ALCOHOL THAT WILL BE USED FOR CONSUMPTION AS MOTOR FUEL OR AS A COMPONENT OF MOTOR FUEL FOR THE PERSONAL USE OF SUCH USER AND NOT SUBJECT TO SALE OR RESALE;
- w) sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools; or
- x) sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption.

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

Section 140.126 Exemption of Food, Drugs and Medical Appliances

- a) Food for human consumption which is sold or transferred by a serviceman as an incident to a sale of service is subject to the high rate of tax (6.25%) if it is prepared for immediate consumption or is sold for consumption on the premises of the sale. Food which is not

NOTICE OF PROPOSED AMENDMENTS

prepared by the serviceman for immediate consumption or not sold for consumption on the premises of the sale and which is transferred as an incident to a sale of service is subject to the low rate (1%) of tax.

- b) Prescription and non-prescription drugs and medical appliances are subject to the low rate (1%) of tax.

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

Section 140.130 Suppliers of Printers (Repealed)

- a) ~~Where a supplier sells paper and ink to a printer who incorporates the paper and ink into special printed matter which he sells to Illinois users, the supplier is required to collect the Service Occupation Tax. If the printer gives the supplier a valid certificate of exemption, but then incorporates the paper and ink into special printed matter which he sells to Illinois users, he is required to pay the tax directly to the Department;~~
- b) ~~where a supplier sells paper and ink to a newspaper or magazine printer for incorporation into a newspaper or magazine, the supplier is not required to collect any such tax, nor is the newspaper or magazine or magazine printer required to pay any such tax to the Department;~~
- e) ~~where a supplier sells paper and ink to a printer for incorporation into books or other items which the printer will bill to his customer for resale, the tax does not apply and the supplier may accept a certificate of exemption to that effect;~~
- d) ~~where a supplier sells paper and ink to a printer who incorporates the paper and ink into special printed matter which he ships or delivers to a destination outside Illinois, the tax does not apply. (See Subpart E and Subpart M of this Part.)~~

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

Section 140.135 Sales of Drugs and Related Items, to or by Pharmacists

- a) Pharmacists incur Service Occupation Tax liability on the ~~cost~~ selling price of the pharmaceutical products, containers and other tangible personal property which they transfer as an incident to rendering service in filling prescriptions. The rate of tax is 1%. ~~There are several methods for the payment of the tax which the pharmacist can select in complying with the Service Occupation Tax Act.~~

Following: First, he must keep an actual cost record of each prescription filled for a 60-day period, then, from that he can obtain the percentage cost of his sales of prescriptions. He can use this percentage determination for a 12-month period at which time he must make a similar recomputation of the percentage in order to determine whether or not it needs to be changed for the ensuing year. Further, he must keep these records for determining the percentage for the period during which the department is authorized to issue a notice of tax liability (see Subpart C of this part) in employing this method, the pharmacist will then proceed as in Method No. 37 except that instead of using the 50% of receipts presumption on prescriptions, he will use the percentage obtained by his own calculations.

b) All four methods are subject to audit by the department.

e) In any certificate which the pharmacist gives to his supplier, he must include his Retailers' Occupation Tax registration number with the department.

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

Section 140.140 Other Examples of Taxable Transactions

a) Purchases Sales of metal, wood, rubber and other ingredients by special tool, die, pattern and machinery producers who incorporate them into such products in such a manner as to be exempt from the Retailers' Occupation Tax Act, if the products are produced for users and delivered in Illinois;

b) Purchases sales of bandages, medicines*, drugs* and other tangible personal property by doctors for retainer to patients as an incident to the furnishing of professional services in Illinois;

c) Purchases sales of medicines*, drugs*, dentures*, materials for fillings and other tangible personal property by dentists for retainers to patients as an incident to the furnishing of professional services in Illinois;

d) Purchases sales of arch supports*, trusses*, braces*, etc., by chiropractors and chiropaths and chiropaths for retainers as an incident to the furnishing of licensed services in Illinois;

e) Purchases sales of collar supports, coat hangers, suit bags, paper, string, shirtoards, and other tangible personal property by laundries and dry cleaners for retainers as an incident to the furnishing of laundering and cleaning services in Illinois;

Method No. 1: The pharmacist can direct the supplier to charge the Service Occupation Tax on all purchases of "RX legend items" sold to his pharmacy. On the purchases of "non-RX legend items" the pharmacist can deliver to the supplier a certificate to the effect that he will assume the responsibility for the payment of the Service Occupation Tax on all non-RX legend items disposed on prescription. At the end of each return period, the pharmacist shall deduct all receipts from prescriptions from the gross receipts of the pharmacy for Retailers' Occupation Tax purposes. On the non-RX legend prescriptions, the pharmacist shall calculate the cost of the items used in the prescriptions and pay the Service Occupation Tax on the total of the cost of such items used in such prescriptions.

Method No. 2: If the pharmacist prefers to pay all of the Service Occupation Tax himself, then he can deliver to the supplier a certificate to the effect that he will assume the responsibility for the payment of the Service Occupation Tax on the cost of all items (RX legend and non-RX legend) disposed on prescriptions. In using this Method No. 2, the pharmacist can calculate the actual cost of the items (RX legend and non-RX legend) used in filling prescriptions, new or refilled and pay the Service Occupation Tax (plus the total Service Occupation Tax if adopted) on his total cost of the items disposed on prescriptions.

Method No. 3: This method is a modification of Method No. 2. If the pharmacist prefers to pay all of the Service Occupation Tax himself, but does not wish to calculate the actual cost of the items used in filling prescriptions, he can deliver to the supplier a certificate to the effect that he will assume the responsibility for the payment of the Service Occupation Tax on the cost of all items (RX legend and non-RX legend) disposed on prescriptions, the same as in Method No. 2. However, in calculating the cost of the items under this Method No. 3, the pharmacist can estimate the cost of the items (RX legend and non-RX legend) will be accepted by the department of Revenue. Under this method, the pharmacist will pay the Service Occupation Tax (plus the total Service Occupation Tax if adopted) on the total receipts from prescriptions.

Method No. 4: If the pharmacist desires not to use Method No. 1 or No. 2, and desires the percentage in Method No. 3, he is permitted by the department of Revenue to do the

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NOTICE OF PROPOSED AMENDMENTS

a certificate showing that the subcontractor serving the taxpayer has paid or will pay the service occupation tax to the department on his sale price of the tangible personal property that he is transferring as an incident to service in the transaction, or that he has paid the service occupation tax to enumerated suppliers, the subcontractor serving the taxpayer (being the primary service occupation tax payer) is required to collect the service occupation tax from the primary service occupation tax payer to the department. However, the subcontractors failure to collect the service occupation tax from the primary service occupation tax payer does not relieve the primary service occupation tax payer of his obligation to pay the tax. It is provided that a direct liability for service occupation tax to the department because he is relieved of that obligation only if he can prove that he paid the service occupation tax to his supplier or suppliers (including subcontractor serving taxpayer) or by obtaining a certificate from the subcontractor serving taxpayer to the effect that he has paid the service occupation tax to enumerated suppliers or that he has paid or will pay the service occupation tax to the department.

(Source: Repealed at Ill. Reg. _____, effective _____)
 SUBPART B: DEFINITIONS

Section 140.201 General Definitions

- a) "Cost price" means all the consideration actually received by the supplier and paid by the serviceman, whether such consideration be paid in money or otherwise, including cash, credits or services.
- b) "Department" means the Department of Revenue.
- c) "Persons" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, and any receiver, executor, trustee, conservator or other representative appointed by order of any court.
- d) "Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 440).
- e) "Sale of Service" means any transaction except:

- 1) A RETAIL SALE OF TANGIBLE PERSONAL PROPERTY TAKABLE UNDER THE RETAILERS' OCCUPATION TAX ACT OR UNDER THE USE TAX ACT;
- 2) A SALE OF TANGIBLE PERSONAL PROPERTY FOR THE PURPOSE OF RESALE MADE IN COMPLIANCE WITH SECTION 2c OF THE RETAILERS' OCCUPATION TAX ACT.

NOTICE OF PROPOSED AMENDMENTS

SHALL BE PRESUMED THAT THE COST PRICE TO THE SERVICEMAN OF THE PROPERTY TRANSFERRED TO HIM BY HIS SUBCONTRACTOR IS EQUAL TO 50% OF THE SUBCONTRACTOR'S CHARGES TO THE SERVICEMAN IN THE ABSENCE OF PROOF OF THE CONSIDERATION PAID BY THE SUBCONTRACTOR FOR THE PURCHASE OF SUCH PROPERTY, OR IN THE ABSENCE OF PROOF THAT THE TAX IMPOSED BY THIS ACT WAS PAID BY HIS SUBCONTRACTOR (IN WHICH CASE THERE SHALL BE NO FURTHER LIABILITY IN THE TRANSACTION UNDER THIS ACT) * (Section 2 of the Service Use Tax Act.)

- b) Proof that the subcontractor serving taxpayer has already paid the tax to suppliers, or that he has paid or will pay the tax to the department, thus relieving the primary serviceman (the one dealing with the subcontractor serving taxpayer) of further liability, may be provided by the subcontractor serving taxpayer to the effect that the subcontractor serving taxpayer has paid the tax to his suppliers or his subcontractor serving taxpayer as an incident to a sale of service in the transaction, or that the subcontractor serving taxpayer has paid or will pay the tax on such cost price directly to the department. If such certificate states that the subcontractor serving taxpayer has paid or will pay the service occupation tax to the department, the certificate must include the subcontractor serving taxpayer's registration number with the department or a statement that the subcontractor serving taxpayer is not registered with the department. Such certificate shall also include the name of the name and the address or addresses of such supplier or suppliers. Such certificate shall also include the subcontractor serving taxpayer's registration number with the department.

- e) If the certificate states that the subcontractor serving taxpayer has paid the tax to one or more suppliers, the certificate must contain the name and the address or addresses of such supplier or suppliers. Such certificate shall also include the subcontractor serving taxpayer's registration number with the department or a statement that the subcontractor serving taxpayer is not registered with the department. Such certificate shall also include the name of the name and the address or addresses of such supplier or suppliers. Such certificate shall also include the subcontractor serving taxpayer's registration number with the department.

- d) In the absence of such a certificate from the subcontractor serving taxpayer to the primary serviceman (the one dealing with the subcontractor serving taxpayer) the primary serviceman is liable for the tax in accordance with the above quoted paragraph from the statute. His liability is based on his cost price of the tangible personal property which he purchases and retains as an incident to service. His cost price will be what the subcontractor serving taxpayer paid for the tangible personal property which he purchased and retained as an incident to service to the primary serviceman if the subcontractor serving taxpayer has proof in his records as to what the subcontractor serving taxpayer paid for the tangible personal property which he purchased and retained as an incident to service to the primary serviceman. In this regard as to what the subcontractor serving taxpayer has proof of the tangible personal property was in the absence of cost price of the tangible personal property was in the absence of that proof, the primary serviceman's cost price or tax base will be presumed to be 50% of the subcontractor serving taxpayer's charges to the primary serviceman in the transaction.
- e) If the subcontractor serving taxpayer does not give the primary serviceman

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 3) A SALE OR TRANSFER OF TANGIBLE PERSONAL PROPERTY AS AN INCIDENT TO THE RENDERING OF SERVICE FOR OR BY ANY GOVERNMENTAL BODY OR FOR OR BY ANY CORPORATION, SOCIETY, ASSOCIATION, FOUNDATION OR INSTITUTION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS OR EDUCATIONAL PURPOSES OR FOR OR BY ANY NOT-FOR-PROFIT CORPORATION, SOCIETY, ASSOCIATION, FOUNDATION, INSTITUTION OR ORGANIZATION WHICH HAS NO COMPENSATED OFFICERS AND EMPLOYEES AND WHICH IS ORGANIZED AND OPERATED PRIMARILY FOR THE RECREATION OF PERSONS 55 YEARS OF AGE OR OLDER. HOWEVER, EFFECTIVE JULY 1, 1987, THIS EXCEPTION WILL NOT APPLY UNLESS THE ENTITIES NOTED ABOVE HAVE AN ACTIVE EXEMPTION IDENTIFICATION NUMBER ISSUED BY THE DEPARTMENT;
- 4) EFFECTIVE SEPTEMBER 1, 1968, A SALE OR TRANSFER OF TANGIBLE PERSONAL PROPERTY AS AN INCIDENT TO THE RENDERING OF SERVICE FOR INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE OR LESSORS UNDER LEASES OF ONE YEAR OR LONGER, EXECUTED OR IN EFFECT AT THE TIME OF PURCHASE, TO INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE;
- 5) A SALE OR TRANSFER OF TANGIBLE PERSONAL PROPERTY AS AN INCIDENT TO THE RENDERING OF SERVICE FOR OWNERS, LESSORS OR SHIPPERS OF TANGIBLE PERSONAL PROPERTY WHICH IS UTILIZED BY INTERSTATE CARRIERS FOR HIRE FOR USE AS ROLLING STOCK MOVING IN INTERSTATE COMMERCE;
- 6) THE SALE OR TRANSFER OF DISTILLATION MACHINERY AND EQUIPMENT, SOLD AS A UNIT OR KIT AND ASSEMBLED OR INSTALLED BY THE RETAILER, WHICH MACHINERY AND EQUIPMENT IS CERTIFIED BY THE USER TO BE USED ONLY FOR THE PRODUCTION OF ETHYL ALCOHOL THAT WILL BE USED FOR CONSUMPTION AS MOTOR FUEL OR AS A COMPONENT OF MOTOR FUEL FOR THE PERSONAL USE OF SUCH USER AND NOT SUBJECT TO SALE OR RESALE OR;
- 7) A SALE OR TRANSFER OF MACHINERY AND EQUIPMENT USED PRIMARILY IN THE PROCESS OF MANUFACTURING OR ASSEMBLING, EITHER IN AN EXISTING, AN EXPANDED OR A NEW MANUFACTURING FACILITY, OF TANGIBLE PERSONAL PROPERTY FOR WHOLESALE OR RETAIL SALE OR LEASE, WHETHER SUCH SALE OR LEASE IS MADE DIRECTLY BY THE MANUFACTURER OR BY SOME OTHER PERSON, WHETHER THE MATERIALS USED IN THE PROCESS ARE OWNED BY THE MANUFACTURER OR SOME OTHER PERSON, OR WHETHER SUCH SALE OR LEASE IS MADE APART FROM OR AS AN INCIDENT TO THE SELLER'S ENGAGING IN THE SERVICE OCCUPATION OF PRODUCING MACHINES, TOOLS, DIES, JIGS, PATTERNS, GAUGES OR OTHER SIMILAR ITEMS OF NO COMMERCIAL VALUE ON SPECIAL ORDER FOR A PARTICULAR PURCHASER, WHEN THE MACHINERY OR EQUIPMENT IS PRODUCED BY THE SELLER THEREOF FOR THE MANUFACTURER OR THE MANUFACTURER'S

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

LESSOR ON SPECIAL ORDER IN SUCH A WAY AS TO HAVE MADE THE APPLICABLE TAX A SERVICE OCCUPATION TAX OR SERVICE USE TAX, RATHER THAN RETAILERS' OCCUPATION TAX OR USE TAX.

- f) "Serviceman" means any person who is engaged in the occupation of making sales of service.
- g) "Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.
- ~~h) For a definition of "Supplier maintaining a place of business in this State", see Section 140.505 of this Part.~~

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

SUBPART C: BASE OF THE TAX

Section 140.301 Cost Price

- a) "Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier; but does not include charges which are added to prices by suppliers on account of the purchaser's tax liability under this Act or the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.) ~~or under the Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1979, ch. 34, par. 8-11-5) or under the County Service Occupation Tax Act (Ill. Rev. Stat. 1979, ch. 34, par. 409.2), or on account of the supplier's duty to collect such taxes from the serviceman.~~ When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property, ~~or in the absence of proof that the tax imposed by this Act was paid by his subcontractor (in which latter event there shall be no further liability in the transaction under this Act).~~
- ~~b) Installment payments made by servicemen are not included in the cost price until actually received by the supplier. If a supplier (or a serviceman who is discharging his own Service Occupation Tax liability) desires to file returns on a gross cost price billing basis, he shall notify the Department, in writing, of his intention to do so.~~

NOTICE OF PROPOSED AMENDMENTS

event that the serviceman does not pay such price within a specified time and if such penalty is paid to the supplier, such "penalty" is considered to be a part of the taxable cost price.

BC) If a discount is allowed for a payment in cash within a stated period of time, any amounts realized by suppliers through failure of a serviceman to take advantage of such a discount will be considered to be a part of the taxable cost price. Conversely, if the supplier allows the serviceman a discount from the base cost price (such as a discount for prompt payment) and the serviceman avails himself of the discount so that the supplier does not receive any receipts from that source, the amount of such discount is not part of the taxable cost price.

3) Maintenance Agreements. If a serviceman enters into an agreement to provide repair service for a particular machine for a stated period for a predetermined fee which does not separately state the selling price of parts to be transferred, the tax base shall be 50% of the entire contract amount, unless the serviceman can prove that the cost of the parts actually transferred was less than 10% of the contract amount.

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

Section 140.305 Refunds by Supplier or Serviceman

a) Where a supplier collects the service occupation tax with respect to the cost price of tangible personal property which he sells, and where the serviceman thereafter returns such property and the supplier refunds the cost price to the serviceman, the supplier shall also refund to the serviceman the tax previously collected from the serviceman. Any supplier may deduct from his gross price for the return period, any refunds made by him during the preceding return period to servicemen on account of tangible personal property returned to the supplier if the supplier has therefore included the cost price of such tangible personal property in a return made by him and it has paid the service occupation tax applicable thereto to the Department. Alternatively, the supplier may deduct the amounts of such refunds from any service use tax, retailers' occupation tax or use tax payable to the Department for that return period on the applicable return.

b) If the supplier has not already remitted the amount of such tax to the Department, he may not take such a deduction upon such return.

ae) Where a serviceman has made a sale of service and has paid the

NOTICE OF PROPOSED AMENDMENTS

e) For information concerning the procedure by which suppliers may avoid paying tax on State and local service occupation tax collected by them from servicemen, see Subpart B of this Part.

ba) The following listing indicates the Department's interpretation as to whether certain items may or may not be deducted in the computation of the cost price paid by a serviceman to his supplier.

- 1) Transportation and Delivery Charges
A) Transportation and delivery charges are considered to be freight, express, mail, truck or other carrier, conveyance or delivery expenses.
B) Where the supplier and the serviceman contract for the delivery of the tangible personal property to the serviceman for a lump sum charge, including transportation or delivery charges and a charge for the property itself, the entire amount constitutes the cost price upon which the serviceman incurs service occupation tax liability.

- C) If the supplier and the serviceman contract separately for such transportation or delivery charges, by not including them in a lump sum with the amount for the property itself, such transportation or delivery charges are not a part of the cost price on which the serviceman incurs service occupation tax liability. Incoming freight or other delivery expenses incurred by the supplier in acquiring the property for sale may not be deducted from the cost price charged by the supplier to the serviceman even if this type of delivery expense should be priced and billed separately by the supplier to the serviceman.

2) Finance or Interest Charges -- Penalties -- Discounts

- A) Where any tangible personal property is sold by a supplier to a serviceman under an installment contract, the interest or finance charges on account of credit so extended are not considered to be a part of the cost price in computing service occupation tax liability. The books and records of suppliers must clearly reflect such finance or interest charges. In the absence of an adequate showing of what such charges actually are, the Department will presume that such charges are not in excess of like charges which are customarily made in connection with similar installment sales.

B) If a "penalty" is added to the base cost price in the

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NOTICE OF PROPOSED AMENDMENTS

Section 140.410 Final Return

Notwithstanding any other provision in the Act concerning the time within which a supplier or serviceman may file his return, in the case of any supplier or serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under the Act, such supplier or serviceman shall file a final return under the Act with the Department not more than one month after discontinuing such business.

(Source: Amended at _____, effective _____)

Section 140.420 Annual Information Returns by Suppliers Servicemen

a) In addition to any other return required by the Act, each supplier serviceman shall annually file an information return covering the preceding calendar year (or fiscal year if the supplier serviceman files his Federal income tax returns on the basis of a fiscal year). Such annual return shall be filed with the Department on a form prescribed by the Department not more than 30 days after the date set for the filing of such supplier's Federal income tax return. Such annual return to the Department shall include a statement of gross receipts as shown by the supplier's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the supplier serviceman shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The supplier's serviceman's annual return to the Department shall also disclose the cost of goods sold by the supplier serviceman during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the supplier serviceman during such year, payroll information of the supplier's business during such year and the Department deems any additional reasonable information which the Department would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such supplier serviceman as hereinafter provided for in this Regulation Section.

b) The foregoing portion of this Regulation concerning the filing of an annual information return shall not apply to a supplier who is authorized to do business, and is equally doing business, in 2 or more States, it that generation is true.

eb) The foregoing portion of this Regulation Section concerning the filing of an annual information return does not apply to a supplier serviceman who is not required to file an income tax return

NOTICE OF PROPOSED AMENDMENTS

total combined amount of his cost prices and service tax received, he may then multiply the result by 5 in order to arrive at the amount of the tax collected.

dc) 2 1.75% Allowance to Supplier Serviceman for Collecting State Tax

After entering his State Service Occupation Tax liability on the return, the supplier serviceman may then deduct 2 1.75% of such liability as compensation for acting as a collector of the tax, but no such discount or deduction may be taken by the supplier against the number of County Service Occupation Tax which he reports on his return to the Department. The minimum discount, over the entire period of any given calendar year, for any single supplier serviceman (if such supplier serviceman has that much tax to remit) shall be \$5.00 for such calendar year. This allowance against the State tax is available only when the tax is remitted with a return which is filed when due under the Act; it is not available in any case in which the tax is paid late or the return is filed late. A service man who pays the tax directly to the Department is not allowed to deduct any amount as a collection allowance. The supplier should remit to the State the balance of the tax due after having deducted the collection allowance.

(Source: Amended at _____, effective _____)

Section 140.405 Annual Tax Returns

a) If the supplier's or serviceman's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

b) If the supplier's or serviceman's average monthly tax liability to the Department does not exceed \$20.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

c) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

with the United States Government.

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

Section 140.425 Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold to by numerous servicemen in Illinois by numerous suppliers, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under the Act with respect to such sales, if the suppliers servicemen who are affected do not make written objection to the Department to this arrangement and provided that such arrangement in any given case is acceptable to the Department.

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

Section 140.430 Incorporation by Reference

Sections 130.525, 130.530, 130.535, 130.545 and 130.560 of Subpart E of the Retailers' Occupation Tax Regulations, (86 Ill. Adm. Code 130), are incorporated herein by reference and made a part hereof insofar as such Sections can be applied, without conflict, to comparable Service Occupation Tax situations.

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

SUBPART E: INTERSTATE COMMERCE

Section 140.501 Sales of Service Involving Property Originating in Illinois

- a) Where tangible personal property is located in this State at the time of its transfer (or is subsequently produced in Illinois) as an incident to a sale of service, and is then delivered in Illinois, the serviceman incurs Service Occupation Tax liability on the cost selling price of the property. The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of such property in this State. This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce. The place at which the contract of sale of the service or contract to sell the service is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. Except as is set out at Section 140.501(d) of this Part, it also makes no difference that

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the purchaser is a carrier when that happens to be the case.

- b) The serviceman does not incur Service Occupation Tax liability on property which he resells as an incident to a sale of service under an agreement by which the serviceman is obligated to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made. Nor does the tax apply to property which the serviceman resells as an incident to a sale of service under an agreement by which the serviceman, by carrier (when the carrier is not also the purchaser) or by mail, delivers the property from a point in this State to a point outside this State, not to be returned to a point within this State. The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale of the service or contract to sell the service is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of service of the type described in this paragraph are deemed to be within the protection of the Commerce Clause of the Constitution of the United States. ~~Furthermore, a supplier incurs no obligation to collect any Service Occupation Tax from a serviceman to whom he delivers tangible personal property out of State within the meaning of this Regulation.~~
- c) To establish that the cost selling price of property sold as an incident to any given sale of service is exempt because the property is delivered by the serviceman from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the serviceman will be required to retain in his records, to support deductions taken on his tax returns, proof which satisfies the Department that there was such an agreement and a bona fide delivery, outside this State, of the property involved in the sale of service. The most acceptable proof of this fact will be:
- 1) If shipped by a common carrier: A waybill or bill of lading requiring delivery outside this State;
 - 2) if sent by mail: An authorized receipt from the United States Post Office Department, for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;
 - 3) if sent by the serviceman's own transportation equipment: A trip sheet signed by the person making delivery for the serviceman and showing the name, address and signature of the

person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing the name and address of the serviceman, the name and address of the purchaser and the time and place of such delivery outside Illinois by the serviceman, together with other supporting data as required by Section 140.701(c) of this Part and by Section 11 of the Act.

(d) Effective September 17, 1982, there are two exceptions to the rule that the tax is applicable where the service customer receives physical possession of the property in Illinois.

1) THE SERVICEMAN DOES NOT INCUR SERVICE OCCUPATION TAX LIABILITY WITH RESPECT TO ITEMS TRANSFERRED AS AN INCIDENT TO REPAIRING, RECONDITIONING OR REMODELING TANGIBLE PERSONAL PROPERTY BELONGING TO A COMMON CARRIER BY RAIL WHICH TAKES DELIVERY OF THE ITEMS IN ILLINOIS BUT WHICH TRANSPORTS THE ITEMS (OR SHARES WITH ANOTHER COMMON CARRIER IN TRANSPORTING THE ITEMS) OUT OF ILLINOIS ON A STANDARD UNIFORM BILL OF LADING SHOWING THE SERVICEMAN AS THE SHIPPER OR CONSIGNOR OF THE ITEMS TO A DESTINATION OUTSIDE ILLINOIS FOR USE OUTSIDE ILLINOIS.

2) WITH RESPECT TO ITEMS PRODUCED FOR AN INTERSTATE CARRIER BY RAIL ON SPECIAL ORDER (IN SUCH A WAY SO THAT THE APPLICABLE TAX WOULD BE SERVICE OCCUPATION TAX RATHER THAN RETAILERS' OCCUPATION TAX), NO SERVICE OCCUPATION TAX LIABILITY IS INCURRED IF THAT INTERSTATE CARRIER BY RAIL TAKES DELIVERY OF THE ITEMS IN ILLINOIS BUT TRANSPORTS THE ITEMS (OR SHARES WITH ANOTHER COMMON CARRIER IN TRANSPORTING THE ITEMS) OUT OF ILLINOIS ON A STANDARD UNIFORM BILL OF LADING SHOWING THE SELLER AS THE SHIPPER OR CONSIGNOR OF THE ITEM TO A DESTINATION OUTSIDE ILLINOIS FOR USE OUTSIDE ILLINOIS.

3) The two exceptions described immediately above at 5 subsections (d)(1) and (2) of this Section are also applicable to local Service Occupation Tax imposed by municipalities, counties, home rule units or by the Regional Transportation Authority and the Metro East Mass Transit District. However, the local taxes may be reimposed on these otherwise exempt transactions by municipal, county or Metro Base Mass Transit District ordinance or by Regional Transportation Authority resolution.

(Source: Amended at _____ Ill. Reg., effective _____) Section 140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

a) Definitions:

1) Supplier means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

2) Supplier maintaining a place of business in this State, or any like term, means having or maintaining within this State, either representative or other representative operating within this State the authority of the supplier or its subsidiary, directly or indirectly, whether such place of business or agent or other representative is located here permanently or temporarily, or whether such supplier or subsidiary is engaged to do business in this State; it does not matter that the agent may engage in business on his own account in other transactions, not that such agent may act as agent for other persons in other transactions, not that he is not an employee but is an independent contractor acting as agent; the term "agent" is broader than the term "employee"; "agent" includes anyone acting under the premisses authority in an agency capacity.

3) Every supplier maintaining a place of business in this State when delivering or shipping tangible personal property to a serviceman in this State from a point outside this State, is sold to the serviceman for resale as an incident to a sale of service, unless the serviceman gives the supplier a proper exemption certificate in accordance with Subpart M of this Part; the place at which the sale takes place is immaterial; it does not matter in the case of a partial sale whether the supplier retains the serviceman's purchase order in Illinois or outside Illinois, and it does not matter where the supplier accepts the purchase order. Out of State suppliers not maintaining a place of business in this State, who, though not registered with the Department, do so voluntarily, therefore have the same tax election and tax-paying responsibility as a supplier maintaining a place of business in this State.

(Source: Repealed at _____ Ill. Reg., effective _____) SUBPART M: USE OF EXEMPTION CERTIFICATES

Section 140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)

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a) If any taxpayer, outside the usual course of his business, sells or transfers the major part of any one or more of:

1) The stock of goods which he is engaged in the business of selling-er.

2) the furniture or fixtures-er.

3) the machinery and equipment-er or

4) real property

of any business that is subject to the provisions of the Act, the purchaser or transferee of such assets shall, within 10 days after the sale or transfer, file a report of the sale or transfer with the Department disclosing the name and address of the seller or transferee, the name and address of the purchaser or transferee, the date of the sale or transfer, a description of the property sold, the amount of the purchase price and such other information as the Department may reasonably require. The seller or transferee shall pay the Department the amount of tax, penalty and interest (if any) due from him under the Act up to the date of the sale. The seller or transferee, or the purchaser or transferee, at least 30 days before the date of the sale or transfer, may notify the Department of the intended sale or transfer and request the Department to audit the books and records of the seller or transferee or do whatever else may be necessary to determine how much the seller or transferee owes to the Department under the Act up to the date of the sale or transfer. The Department shall take such steps as may be appropriate to comply with such request.

b) The purchaser or transferee shall withhold enough of the purchase price to cover the amount of all tax, penalty and interest due and unpaid by the seller or transferee under the Act or, if the payment of money or property is not involved, shall withhold the performance of the condition that constitutes the consideration for the sale or transfer, until the seller or transferee produces a receipt from the Department showing that such tax, penalty and interest have been paid or a certificate from the Department showing that no tax, penalty or interest is due from the seller or transferee under the Act.

c) The purchaser or transferee is relieved of any duty to withhold from the purchase price and of any liability for tax, penalty or interest due under the Act from the seller or transferee if the Department fails to notify the purchaser or transferee of the amount claimed by the Department to be due under the Act from the seller or transferee within 30 days after the sale or transfer has been reported to the

Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at _____, effective _____)

SUBPART O: DISCONTINUATION OF A BUSINESS

Section 140.1501 Procedures

a) Where a supplier-er serviceman under the Service Occupation Tax sells out or discontinues his business, such supplier-er serviceman shall continue to file returns and pay tax with respect to ~~the~~ selling prices received by the supplier-er paid by the serviceman thereafter on account of taxable transactions which occurred up to the date upon which he sells out or discontinues his business. Such ~~the~~ date upon which he sells out or discontinues his business should be reported and paid upon notwithstanding the fact that the supplier or serviceman is no longer engaged in business. For the purposes of filing a final return under Section 140.410 of this Part, the taxpayer is not considered to have discontinued business as long as he continues to collect receipts from ~~the~~ (in the case of suppliers)-er to make payments on ~~the~~ (in the case of servicemen)-er ~~the~~ prices on which he is required to remit tax to the Department.

However, if such supplier-er serviceman has been duly granted permission by the Department and has consistently used gross amount of ~~the~~ prices as the method of computing his liability for tax under the Act, he will not be required to continue to file returns or to pay any tax after selling out or discontinuing his business except for the final return which would be due from him in any event under Section 140.410 of this Part for the last reporting period in which he ~~the~~ operated his business, but in this event, he must file with the Department a certificate of discontinuation of business. Since such supplier-er serviceman has filed returns and paid tax with respect to all taxable transactions at the time when they occurred, he does not have any further amounts of cost prices which are subject to the Service Occupation Tax. For information concerning the requirements for complying with the Bulk Sales Law when a business is sold by one person to another, see Subpart P of this Part.

(Source: Amended at _____, effective _____)

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section 140.1601 Requirements and Procedures

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Department where the seller or transferor or purchaser or transferee did not notify the Department of the intended sale or transfer at least 30 days before the date of the sale, or if the Department fails to notify the purchaser or transferee of the amount claimed by the Department to be due under the Act from the seller or transferor within 10 days after the sale or transfer has been reported to the Department where the seller or transferor or purchaser or transferee did notify the Department of the intended sale or transfer at least 30 days before it occurred and did request an audit or such other review as might enable the Department to determine how much it claims to be due under the Act from the seller or transferor up to the date of the sale or transfer.

- d) If the seller or transferor fails to pay the tax, penalty and interest (if any) due from him under the Act and the Department makes timely claim therefor against the purchaser or transferee as hereinabove provided, then the purchaser or transferee shall pay the amount so withheld from the purchase price to the Department. If the purchaser or transferee fails to comply with the requirements of this Regulation Section under the Act, the purchaser or transferee shall be personally liable to the Department for the amount owed under the act by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee.
- e) Any person who shall acquire any property or rights thereto which, at the time of such acquisition, is subject to a valid lien in favor of the Department shall be personally liable to the Department for a sum equal to the amount of taxes secured by such lien but not to exceed the reasonable value of such property acquired by him.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Proposed Action
1040.46 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking would amend the fatal accident and personal injury rule currently on file. The proposed rulemaking's title was changed to include revocations. The short title references were added to the citations throughout the rulemaking. In the explanation of the calculation of points, an exclusion was included for immediate action convictions where no points were assigned. Subsection g) was added which says conviction for an immediate action violation where a personal injury or fatality is involved will result in a revocation of the person's driving privileges.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other proposed amendments pending on this Part: Yes.

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.31	New Section	13 Ill. Reg. ()

- 10) Statement of Statewide Policy Objective: This proposed rulemaking will have no effect on local units of government.

NOTICE OF PROPOSED AMENDMENTS

SECRETARY OF STATE

11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Easum
 Deputy General Counsel to the Secretary
 2701 S. Dirksen Parkway
 Springfield, IL 62723
 217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

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

NOTICE OF PROPOSED AMENDMENTS

SECRETARY OF STATE

TITLE 92: TRANSPORTATION
 CHAPTER II: SECRETARY OF STATE

PART 1040
 CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section
 1040.10 Court to Forward Licenses and Reports of Convictions
 1040.20 Illinois Traffic Offense Table
 1040.30 3 or more Traffic Offenses Within 12 Months
 1040.32 Suspension or Revocation of Licenses or Permits Used Fraudulently
 1040.35 Commission of Offense Requiring Mandatory Revocation Upon Conviction
 1040.38 Commission of a Traffic Offense in Another State
 1040.40 Repeated Conviction or Collision
 1040.41 Invalidation of Licenses for Current Violations
 1040.42 Fleeing and Ejecting
 1040.43 Illegal Transportation
 1040.46 Fatal Accident & Personal Injury Suspensions or Revocations
 1040.48 Vehicle Emission Suspensions
 1040.50 Suspension or Revocation of a License or Commercial Vehicle Driver
 1040.60 Release of Information Regarding a Disposition of Court Supervision
 1040.65 Offenses Occurring on Military Bases
 1040.66 Invalidation of a Restricted Driving Permit
 1040.70 National Driver Register
 1040.100 Rescissions
 1040.101 Reinstatement Fees

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 11 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October

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DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 782-2920

By Messenger:

320 W. Washington
6th Floor
Springfield, Illinois

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.: June 15, 1989

The Department proposes to repeal Part 452 in its entirety, and elsewhere in this issue of the Illinois Register proposes to adopt new rules on Vehicle Inspections, Part 451, which will have an effect on small businesses. Questions pertaining to the effect that the new rules will have on small businesses can be found in the Notice of Proposed Rules for Part 451.

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

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 452
VEHICLE INSPECTION STATIONS GOVERNING SCHOOL BUSES (REPEALED)

Section	
452.10	Effective Date, Address for Correspondence and Authority
452.20	Definitions
452.30	Application Procedure for a Station Permit
452.40	Applicant Qualifications
452.50	Vehicle Inspection Station Qualifications
452.60	Lane Qualifications
452.70	Lane Classification, Requirements, and Inspection Equipment
452.80	Responsibility of Station Owner or Operator
452.90	Certified Mechanic
452.100	Certificates of Safety
452.110	Official Test Procedure
452.120	Forms, Records, and Reports
452.130	Supervision and Enforcement
452.150	Inspection Requirement Exemptions (School Buses 1-16 Passengers)
452.160	Vehicles for Special Education Transportation and/or School Related Activities
452.170	Driver's Pre-Trip Inspection
TABLE A	Class "C" and Class "A" Stations
TABLE B	Class "B" Stations
TABLE C	All Stations Class "C", Class "A" and Class "B"
TABLE D	Inspection Procedures and Specifications for All School Buses 16 Passenger or More (Type I)
TABLE E	Inspection Procedures and Specifications for All Van Type and/or Conversion School Buses 1-16 Passengers (Type II)
EXHIBIT A	Report and Certification, Form SB-6

AUTHORITY: Implementing and authorized by Sections 13-101 through 13-114 of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-101 through 13-114).

SOURCE: Filed and effective November 4, 1974; codified at 8 Ill. Reg. 18935; amended at 10 Ill. Reg. 1981, effective January 14, 1986; repealed at _____ Ill. Reg. effective _____

NOTE: Capitalization denotes statutory language.

Section 452.10 Effective Date, Address for Correspondence, and Authority
a) Effective Date
Effective September 1, 1974, and until further notice, the following rules govern Vehicle Inspection Stations and Vehicle Inspections.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Amendments, deletions, additions, or revisions will be effective on the date they are issued.
b) Address for Correspondence
All business and correspondence pertaining to the operation of a Vehicle Inspection Station and Vehicle Inspections shall be addressed to:
Department of Transportation
Office of Transportation Safety
Vehicle Inspection Section
2300 South Dirksen Parkway
Springfield, Illinois 62764
Section 452.20 Definitions

The following words and phrases, when used in this Part, shall for the purpose of the Part, have the meaning respectively prescribed to them in this chapter, except in those instances where the context clearly indicates a different meaning.

"Applicant"--Any individual owner, partners, authorized agent of a corporation, or lessee applying for a Vehicle Inspection Station Permit.

"Authorized Inspection Equipment"--Those testing and measuring devices approved and required by the Vehicle Inspection Section for the required test procedure.

"Bus"--Passenger carrying vehicle, purchased new or used, which will not be used for the transportation of pupils in connection with any school activity. The vehicle will then be tested according to the general requirements of the Illinois Rules and Regulations Truck Inspection Manual.

"Certificate of Safety"--The authorized visible symbol furnished by the Vehicle Inspection Section to a Vehicle Inspection Station which is to be directly affixed by a Certified Mechanic to a vehicle which satisfactorily meets the minimum prescribed safety standards established by the Vehicle Inspection Section.

"Certified Mechanic"--An individual who has satisfactorily passed a written exam and has demonstrated proficiency in the operation of authorized inspection equipment and has been issued evidence and authority to test school buses by the Department.

"Certified Mechanic Certificate"--Evidence issued by the Department to a Certified Mechanic.

"Commercial Driver Training Vehicle"--Any commercial vehicle (95 1/2-114) or vehicle of the second division (95 1/2-217) used in the preparation of an applicant for examination given by the Secretary of State for a drivers license or permit.

"Department"--Illinois Department of Transportation.
"Director"--The Director of the Office of Transportation Safety.
"Lane"--That clearly delineated area within the building of a Vehicle Inspection Station within which all authorized inspection equipment is installed or located.
"Office"--Office of Transportation Safety.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

"Official Records"--Those forms furnished by the Vehicle Inspection Section which are required to be completed incidental to the operation of a Vehicle Inspection Station.
"Original Inspection"--New or used school bus inspection prior to being put into operation in the State of Illinois.
"Other Vehicles"--In accordance with "The Illinois Vehicle Code," Chapter 95 1/2, Section 12-804, requires that no vehicle other than one registered as a school bus under Section 3-808 shall be painted national school bus chrome yellow, shall be identified with the sign "School Bus" or shall be equipped with a stop signal arm.
"Owner"--Any individual, partners, authorized agent of a corporation, or the lessee in whose name a Vehicle Inspection Station Permit has been issued.

"Pupil"--Every person enrolled in or attending a school or institution of instruction and learning or recreation operated by or for a public or governmental agency or by a private or religious organization.

"Purchase Date"--Purchase date is when the purchase transaction was completed, not when the body of chassis was built.
"Regular Inspection"--Every six months or semiannually after the original inspection.
"Rules and Regulations"--Those rules and regulations as amended, that are issued by the Department and pertain to the safety inspection of motor vehicles.

"School Bus"--Every motor vehicle, except as provided in paragraph (b) owned or operated by or for any of the following entities for the transportation of persons in connection with any activity of the entity: a school operated by a religious institution or a public or private nursery, primary, secondary or parental school.
This definition does not include the following:
A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route;
A motor vehicle designed for carrying not more than 9 passengers which is not registered as a school bus under Section 3-808 of the Revised Edition of "The Illinois Vehicle Code."

"Type I School Bus"--A school bus with provision for 13 inches of seating space for each of 17 or more passengers exclusive of the driver.

"Type II School Bus"--A school bus with provision for 13 inches of seating space for each of 16 or fewer passengers exclusive of the driver.

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b) The Station shall be a permanent building constructed so that the test lane is protected from exposure to the weather. The building shall have a permanent roof, contiguous permanent walls, and a permanent door or doors of sufficient height and width for vehicle passage (see Section 452.70). The floor of the building shall be a level concrete surface.

c) The building shall be located on the station property so that a vehicle waiting to enter the building shall neither obstruct passing vehicles, nor cause unsafe congestion in an alley, street, or highway.

d) The vehicular entrance and exit to the station shall neither be obstructed, nor shall a driveway be constructed as to interfere with the free movement of a vehicle entering or existing the station building. The approach to the entrance of the building shall be concrete, asphalt, or a comparable hard surfaced material.

e) Failure to meet any of the requirements of Section 452.50 shall nullify the application until all the requirements can be met.

Section 452.60 Lane Qualifications

a) The Lane shall be an orderly area of at least the minimum dimensions required for station classification. (see Section 452.70 (a)).

b) The floor of the lane shall be a level concrete surface free from high or low spots. The floor shall be suitable for the installation of Authorized Inspection Equipment according to the manufacturer's specifications.

c) The floor of the approach to the lane and the surface of the lane area shall be free from dirt, oil, and grease.

d) The Lane shall not be utilized for changing oil, greasing, repairing, washing, or storing vehicles.

e) The Lane shall be well lighted, adequately ventilated by natural or artificial means, and capable of being heated when necessary.

f) The Lane shall be located to allow a direct approach by the test vehicle within the dimensions required for Station Classification.

g) A Station may have more than one Lane. Each Lane must have all the required Authorized Inspection Equipment.

h) Failure to meet any of the requirements of Section 452.60 shall nullify the application until all the requirements can be met.

Section 452.70 Lane Classification, Requirements, and Inspection Equipment

a) MINIMUM DIMENSIONS

LANE CLASSIFICATION

C#	A#	B
Door Height	14'	12'
Door Width	12'	10'
Lane Height	14'	12'
Lane Width	14'	12'
Lane Length	65'	65'

(3) (2) (1)

8' 8' 8' 8' 8' 8'

12'6" 30*(40**)

the hours of 8 a.m. and 5 p.m. Monday through Friday, except on Legal Holidays. All public stations shall notify the Section in writing if the test lane operates during any additional hours. The notification shall be sent to the Section and shall include the complete test lane number, the city and town in which the test lane is located and the additional hours of operation.

l) Private Stations are not open to the public. They are established for the purpose of testing ten (10) or more vehicles owned or leased by the firm in whose name the Vehicle Testing Station Permit is issued.

m) Private Stations will be exempt from maintaining normal business hours.

n) Private Stations are subject to the same requirements as public stations except where specifically noted.

o) The Station must have at least one person rated by the Section as a Certified Mechanic. These persons have demonstrated to the Section proficiency in the operation and calibration of the authorized inspection equipment and a thorough knowledge of this Part, as amended.

p) No Safety Test shall be conducted unless the Station possesses a valid permit issued by the Section.

q) By accepting a permit the applicant agrees to comply with all statutes and all Rules and Regulations, as amended, that apply and govern the operation of a Vehicle Inspection Station and Vehicle Inspections.

r) If a lane is inoperative for a period of six months, the Permit will automatically be cancelled. If at a later date the station wishes to reopen, a new application must be submitted to the Section.

Section 452.40 Applicant Qualifications

a) An applicant shall be of good moral character, of legal age, and have a reputation for good business practices.

b) All forms furnished by the Section shall be completed truthfully and completely by the applicant.

c) Any supplemental information requested by the Section shall be furnished truthfully and completely.

d) Any false information supplied on the forms will nullify the application and any subsequent application for a period of one year from the date of the original application.

e) A permit will immediately be cancelled when any information contained on the application forms, or if any additional information requested by the Section, is found to be false. A new application may be completed and filed one year from the date of the cancellation.

f) All information supplied on the forms and all supplemental information will be thoroughly investigated by the Department. Section 452.50 Vehicle Inspection Station Qualifications

a) The Station shall be clean, orderly, and properly maintained.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- * With a combination wheel alignment and brake testing device.
 - ** With a separate wheel alignment tester and brake testing device.
 - # Must have an entrance and exit door in direct line with the inspection equipment.
- b) Classification of the lane will be governed by the smallest dimensions of the building and/or the minimum and maximum capacities of the required testing equipment.
 - c) Inspection equipment must be installed according to the respective manufacturer's specifications. The center line of the brake tester and/or wheel alignment tester shall be aligned with the center of the entrance and exit opening(s).
 - d) A perimeter line of at least three (3) inches in width and readily visible must be permanently marked on the floor in at least the minimum dimensions set forth in Section 452.70 (a).
 - e) All Authorized Inspection Equipment must be located within the perimeter line.
 - f) In addition to the minimum dimensions in Section 452.70 (a), a lane must have the appropriate capacity equipment as listed in Sections 452.70 (a) through (m). The Vehicle Inspection Section will establish and maintain a list of authorized inspection equipment.
 - g) Each lane within a station must be equipped with a hydraulic jack or lift, a wheel alignment indicator, a drive-on brake testing device, and a headlight testing and aiming device.
 - h)
 - 1) Each hydraulic jack or lift must equal or exceed the following minimum capacities and be capable of lifting the vehicle so that the bottom of the tires are at least a minimum of six (6) inches above the surface of the floor.
 - 2) Class C (1) and Class A (2) Lanes shall have a jack or lift with a Manufacturers rated "minimum lifting capacity" of 18,000 pounds.
 - 3) Class B (3) Lane shall have a jack or lift with a Manufacturers rated "minimum lifting capacity" of 5,000 pounds.
 - i) Every headlight testing and aiming device used must meet the specifications of SAE recommended practice J600a and must be installed in the lane according to the respective manufacturer's specifications. Each installation must be approved by the Section.
 - j) Every wheel alignment indicator must be of the drive-on type approved by the Section and must be permanently installed according to the respective manufacturer's specifications.
 - k) Each brake testing device must be of the drive-on type approved by the Section, and must be permanently installed according to the respective manufacturer's specifications. All brake testing devices will be approved by the Section.
 - l) Each item of equipment required by this Section shall be maintained in good repair and proper calibration. Maintenance, calibration, and

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- repair shall be performed in accordance with the respective manufacturer's instruction manuals and specifications.
- m) Each lane must be equipped with hand tools necessary to replace small parts or equipment.
 - n) There shall be no obstruction caused by building design or fixture placement within the minimum dimensions of the Lane.
 - o) Class "B" (3) lanes are limited to testing single unit motor vehicles (trucks, tractors, buses). No trailers or semi-trailers shall be tested by a "B" lane.
 - p)
 - 1) Maximum vehicle weight which can be safety tested at a Class "B" (3) lane is based upon the total maximum reading of the brake testing machine. The three classes of "B" lanes are:
 - A) Class "B" (3) Stations which have a brake testing machine capable of registering a capacity of 1,500 pounds on the tube or dial for each tread plate may test motor vehicles up to 8,000 pounds vehicle empty weight.
 - B) Class "B" (3) Stations which have a brake testing machine capable of registering a capacity of 2,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 10,000 pounds vehicle empty weight.
 - 2) These first two classes of "B" lanes pertain only to those lanes established prior to July 1, 1973. After July 1, 1973, all new applicants for "B" lanes must have the capacity of testing vehicles up to 14,000 pounds vehicle empty weight.
 - A) Class "B" (3) Stations which have a brake testing machine capable of registering a capacity of 3,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 14,000 pounds vehicle empty weight.
 - B) Caution: On brake testing machines which are flush mounted with the floor, no vehicle may be tested if any part of the tire tread of the vehicle extends over the side or sides of the tread plate.
 - q) Class "A" (2) lanes are limited to testing single vehicles or combinations of vehicles which are less than 12 feet in height when measured to the highest point of the vehicle(s). The weight of the vehicle(s) shall not exceed the capacity of the authorized inspection equipment.
 - r) Class "C" (1) lanes are authorized to test all sizes and combinations of vehicles which can enter the lane facilities and not exceed the capacity of the authorized inspection equipment.
 - s) The classification and requirements for a private station shall be the same as for a public station with the classification of the private station being dependent upon the largest vehicle in the firm's fleet of vehicles.
 - t) Failure to meet the qualifications in Section 452.70 will nullify an application until the qualifications can be met. However, any

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 452.90 Certified Mechanic

a) The owner of a Vehicle Inspection Station must notify the Section in writing that one or more of his employees wishes to conduct Safety Tests as a Certified Mechanic. Each employee must be at least 18 years of age before an exam may be given.

b) Each applicant must successfully pass a written test based on this part and must demonstrate proficiency in the operation of the inspection equipment at the station where employed before certification as a certified mechanic. A certified mechanic must inspect a minimum of 10% of the vehicles tested in the station during a calendar year to maintain his certification.

c) A certified mechanic may be retested and must successfully pass a written test based on the Rules and Regulations and must demonstrate proficiency in the operation of the test equipment where employed at any time the Section deems necessary.

d) A certified mechanic who fails to inspect a minimum of 10% of the vehicles or who changes employment may be required by the Section to pass a written test and proficiency exam as required in Section 452.90 (b) and (c).

e) A person who has failed any part of the examination and desires to reapply must wait a period of 15 days before reapplying. A person who fails a second or third must wait a period of 30 days before reapplying. A person may take the test to become a certified mechanic a minimum of three (3) times within a period of 12 months. After three (3) failures, a person is not eligible to again take the examination for a period of one year from the date of the first examination.

f) No person may perform a Safety Test unless he is rated as a Certified Mechanic by the Section and possesses a valid Certificate issued to him by the Section.

g) The Certified Mechanic shall perform the test procedures applicable to the test vehicle according to both the Test Procedure and the Test Specifications. The Certified Mechanic shall not delegate his responsibility to perform a proper and thorough safety test to any other person. It is also a requirement that the certified mechanic know the procedure for setting, calibrating, and otherwise causing such test equipment to be accurate and effective.

h) The Certified Mechanic shall have sole physical control of the vehicle to be tested during the entire test procedure. The safety test shall be performed only within the lane.

i) The Certified Mechanic shall personally affix the Certificate of Safety to the test vehicle in the location prescribed in the Rules and Regulations, only if the vehicle tested equals or exceeds all test specifications and statutory requirements.

j) The Certified Mechanic shall use his best judgment as to the safe operation of a particular component and its effect upon the safe operation of the vehicle upon the streets and highways in those parts

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Station issued a permit for a Class "A" station prior to the effective date of the Rules and Regulations may continue operations if it is reclassified to the appropriate lane classification and abides by the resulting limitations.

u) Any station that has a change in ownership, business name, or location will be reclassified to the appropriate lane classification if it does not meet the minimum specifications of a lane as stated in this Section. Any change in ownership, business name, or location requires a new application.

v) After July 1, 1973, all new lane permits will be issued for a single class of "B" lane only. That lane shall be equipped with a brake testing machine capable of testing motor vehicles with a minimum vehicle empty weight of 14,000 pounds. This will not effect an 8,000 pound class "B" already in existence, or one where the ownership changes provided the equipment remains in the existing building.

w) After July 1, 1973, all headlight testers shall be "track type". No "portable type" headlight testers shall be authorized unless it has been converted to "track type". All test lanes will comply with Section 452.70 (w).

x) Approved Equipment List.

Section 452.80 Responsibility of Station Owner or Operator

a) The owner and/or operator shall require all certified mechanics to comply with all rules and regulations as stated in the Rules and Regulations, as amended. All owners and/or operators will be responsible for all inspection practice and procedures in the station.

b) The owner and/or operator shall submit to the Section a schedule of all rates and charges made by him for performing any adjustments, corrections, or repairs required by an inspection. Nothing in this Section shall be construed as to mean any adjustments, corrections, or repairs must be made at the station performing the inspection.

c) It shall be the owner's and/or operator's responsibility to notify this Section immediately of any change in ownership, business name, or location. Any such change automatically cancels the existing permit.

d) It shall be the owner's and/or operator's responsibility to notify the Section and/or the Inspector at least 10 days prior to any voluntary lane closing. (Example: vacations, equipment maintenance, repairs, etc.) Equipment malfunctions should be reported immediately to the Section and/or the Inspector.

e) It shall be the owner's and/or operator's responsibility to immediately make any and all additions, deletions, and changes to the Rules and Regulations as required by the Department.

f) It shall be the responsibility of the owner(s) and operator(s) to bring to the attention of all employees who work with any part of the test lane operation any changes, additions, and deletions to the Rules and Regulations. (see Section 452.80 (e)).

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Serial number of the original certificate and the date of the original test. If the vehicle is presented to a station other than the original, a complete Vehicle Safety Test shall be performed, the prescribed fee shall be charged, and an inspection form shall be completed.

n) A police report must be presented to the lane owner or operator by the owner or driver of a vehicle who requests a replacement for a lost or stolen Certificate of Safety.

o) Certificates of Safety shall not be written upon, stamped, or defaced by a station owner or operator or by a Certified Mechanic or any other person.

p) No person shall duplicate, alter, reproduce, manufacture or create by any manner or means a Certificate of Safety or Certificates of Safety. Such persons shall be prosecuted for forgery under the Illinois Revised Statutes Chapter 38 Section 17.3.

q) Each damaged or mutilated certificate must be attached to form SVI-1280 and returned to the Section by Certified Mail together with the completed Monthly Certificate of Safety and Vehicle Defect Report (SVI-1237) and all unused Certificates of Safety which expired the preceding month by the 10th of the month.

r) No station shall borrow or receive any Certificate from another station, nor shall any station lend or give any certificate to another station.

s) Each and every unused Certificate of Safety issued to the station shall be immediately returned by the Owner to the Section, Inspector, or authorized personnel of the Department if testing operations are discontinued.

t) Emergency Procedures for reordering Certificates of Safety. Send telegram to:

Department of Transportation
 Vehicle Lane Inspection
 DC TL OK
 Sangamon County Illinois

AGENCY NOTE: The reorder for Certificates of Safety will not be processed if any of the following information is not included in the telegram.

1. Number of C/S requested.
2. Complete test lane number (8 digits).
3. Complete name of test lane.
4. City, town, or village in which the test lane is located.
5. Complete phone number of test lane.
6. Full name of person requesting additional C/S.

Section 452.110 Official Test Procedure

a) Each unit of a combination of units must have a separate official Vehicle Inspection Report.

b) When a vehicle is presented for inspection, the Certified Mechanic or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

requesting the additional Certificates.

h) A Certificate of Safety shall be issued to any vehicle, excluding exempt vehicles, of the second division which pass the Safety Test and Test Specifications.

i) The Certificate of Safety shall be issued by the Station and affixed by the Certified Mechanic in numerical sequence, starting with the lowest serial number and proceeding in strict ascending sequence through the highest serial number. Such numerical progression shall be directly related to the passage of time and date of the tests.

j) Each Certificate of Safety issued by the Station shall be accounted for on the Vehicle Inspection Report which has been truthfully and accurately completed with all required information. No Station Owner or Certified Mechanic shall issue, not shall any person accept, obtain, or attempt to obtain, a Certificate of Safety for a vehicle which has not completely and satisfactorily passed a Safety Test as set forth in the Rules and Regulations. Possession by a vehicle owner or operator of a Certificate of Safety which is not firmly affixed to a vehicle, or affixed in other than the prescribed location, shall be prima facie evidence of obtaining a Certificate of Safety without a Safety Test. Said possession shall also be prima facie evidence that the Certified Mechanic issued the Certificate of Safety without a Safety Test. Any Certificate of Safety which is obtained without an actual Safety Test and contrary to this part shall be of no benefit nor advantage to the vehicle owner or operator. Following a determination by the Secretary of a defendant's guilt, each Certificate shall be confiscated immediately by personnel of the Department from any person possessing illegally obtained Certificate(s) or from any vehicle displaying illegally obtained Certificate(s) of Safety.

k) Each Certificate of Safety illegally issued or illegally obtained shall be a separate and distinct violation of this part.

l) Any vehicle which is exempted by Illinois Revised Statutes Chapter 95 1/2, Illinois Vehicle Code Section 13-101 through 13-114 inclusive, as amended, may be safely tested. However, no Certified Mechanic, or Station Owner, shall issue a Certificate of Safety to any exempt vehicle. The display of a Certificate of Safety on any exempt vehicle shall be prima facie evidence of the illegal issuance of a Certificate of Safety by the Certified Mechanic or Station Owner. The Certificate of Safety shall become void if removed. Any such void Certificate shall not be re-affixed to the same vehicle or a different vehicle. If the original Certificate is mutilated, destroyed, or voided within sixty (60) days through normal wear or replacement of vehicle parts, the vehicle owner shall immediately return the vehicle to the original issuing Station which will issue a replacement Certificate without additional charge. The Station shall initiate a new Vehicle Inspection Report by completing the face thereof, stating the reason for replacement, and noting thereon the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

other Station employee shall complete the following parts of the Vehicle Inspection Report by printing the following information. Only use No. 2 lead pencil.

- c) Item 1--Insert the complete Station number.
- d) Item 7--Insert the date of the original test.
- e) Item 8--From the owner's registration card insert the year of the vehicle.
- f) If the Vehicle is newly purchased and has no registration card, obtain the information from other proof of ownership.
- g) If the vehicle belongs to a dealer, it must have dealers' registration plates attached.
- h) Do not proceed with the inspection until the driver of the Vehicle can produce an owner's registration card or proof of ownership.
- i) Item 9--Insert the make of the vehicle.
- j) Item 10--Insert the registration plate number.
- k) Item 11--Insert the name of the state issuing the registration plate.
- l) Item 12--Insert the Fleet number of the Vehicle if it has one.
- m) Item 13--Insert the odometer reading (mileage) shown at the time of the test.
- n) Item 16--From the registration card, or from the side of the Vehicle, insert the empty weight of the Vehicle.
- o) Item 17--Insert the Vehicle Identification Number (V.I.N.) of the Vehicle as shown on the registration card or other proof of ownership. The Certified Mechanic will make a physical check of the number on the vehicle to determine that the numbers shown are correct. Do not proceed with the test if the numbers do not agree.
- p) Items 18 thru 23, 26, and 28 thru 31--Mark, with a heavy dash between the dotted lines, the appropriate number or word in each of the applicable items.

Example: Item 18--Vehicle information state of residence.

COL	CONN	ID	IL
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Example: Item 20--Single wheel axle.

1	2	3	4
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- q) Item 37--Print the name and address of the Vehicle owner as shown on the registration card or other proof of ownership. On a Vehicle with dealer registration plates, insert the name and address of the dealership.
- r) Insert the current drivers license number of the Certified Mechanic

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

making the test in Item 2. From this point on, only a Certified Mechanic may complete the test procedure.

- s) The Certified Mechanic will remove completely any Illinois Inspection Certificates of Safety affixed to the vehicle.
- t) The Certified Mechanic will take possession of the vehicle to be inspected. The Certified Mechanic will insert the time of possession in Item 4.
- u) The Certified Mechanic will use all of the appropriate testing equipment to inspect those components listed in Items 24, 25, and 33. Insert a single heavy dash between the dotted lines only when a vehicle component is defective.
- v) Proceed to test and inspect all vehicle components listed in Items 24, 25, and 33 according to the Test and Inspection Specifications in Section 452.150 and Table E. Complete the entire test and inspection even though the first item, or several items may be defective.
- w) Insert the time of completion of the test and inspection in Item 5.
- x) If the vehicle passes the test, insert the number of the Certificate of Safety in Item 3 and personally affix the Certificate of Safety to the vehicle, noting the time in Item 6.
- y) Vehicles with windshield--The Certificate of Safety shall be applied as close as possible to the extreme bottom of the windshield glass directly in line with the center of the steering wheel of the vehicle. (If the vehicle is right hand drive, the Certificate of Safety shall be placed in the appropriate location as if the vehicle were left hand drive.)
- z) If the vehicle does not pass the test, do not complete Items 3 or 6. If the owner or driver wishes you to repair or adjust the defect, do so. Then retest only those items which were defective, after which you will complete Items 3, 6, 14, and 27.
- aa) If the vehicle does not pass the test, and the owner or driver does not want the vehicle repaired or adjusted at the Station, do not complete Items 3 and 6.
- bb) After performing (x) or (z) or (aa) ask the driver to complete Item 38.
- cc) Complete Items 15A, 15B, 15C; 15D, or those which are applicable.
- dd) Item 15A--Enter the total cost of those parts used, if any, to enable the the vehicle to pass the test and inspection.
- ee) Item 15B--Enter the cost of any labor to install the parts or make adjustments necessary to enable the vehicle to pass the test and inspection.
- ff) Item 15C--Enter the test fee charged according to the posted Section Price Schedule.
- qq) Item 15D--Enter total of Items 15A, 15B, 15C.
- hh) Complete Item 32. Mark, with a heavy dash between the dotted lines, the approximate test fee. Complete Item 34 only when parts and labor are included (this figure should also include the test fee).
- ii) Certified Mechanic is to sign his name on line in Item 39.

indicate the serial number of the Certificate issued by the Station as well as all other required information. If the tested vehicle has been rejected and has not returned to the Station at the end of 30 days, then the Vehicle Inspection Report for each rejected vehicle that has not returned in 30 days shall be mailed to the Section by the 10th day of the succeeding calendar month.

1) A rejected vehicle that is returned for a reinspection to the original Vehicle Inspection Station within 30 days of the original inspection and rejection shall be reinspected free. Parts and labor may be assessed if defects are corrected. A Certificate of Safety may be issued if the vehicle meets all test requirements.

2) A) A rejected vehicle that is returned for reinspection to the original Vehicle Inspection Station after 30 days or the original inspection shall be assessed the appropriate test fees. A new Vehicle Inspection Report shall be completed and parts and labor may be assessed if defects are corrected.

B) A Certificate of Safety may be issued if the vehicle meets all test requirements.

C) A rejected vehicle that is returned for reinspection to the original Vehicle Inspection Station two or more times for reinspection, within 30 days, shall be assessed each time the appropriate test fee. A Vehicle Inspection Report shall be completed and parts and labor may be assessed if defects are corrected. A Certificate of Safety may be issued if the vehicle meets all test requirements.

3) A rejected vehicle that is returned for reinspection to the original Vehicle Inspection Station two or more times for reinspection, within 30 days, shall be assessed each time the appropriate test fee. A Vehicle Inspection Report shall be completed and parts and labor may be assessed if defects are corrected. A Certificate of Safety may be issued if the vehicle meets all test requirements.

4) A rejected vehicle that is presented for reinspection to a station other than the original shall be assessed the appropriate test fee after completing an entire test. A Vehicle Inspection Report shall be completed and parts and labor may be assessed if defects are corrected. A Certificate of Safety may be issued if the vehicle meets all test requirements.

5) The top copy (first sheet) of the inspection report is to be filed and held at the station until picked up by the Department. Do not mail any copies of the inspection report to the Vehicle Inspection Section in Springfield.

6) Give the second copy of this report to the driver. Verbally remind the driver that the second copy of the report must accompany the next application for registration plates. The last copy of each completed Vehicle Inspection Report shall be filed in numerical order as determined by the series numbers of the Certificates of Safety issued and shall be grouped according to the calendar month. Each completed Vehicle Inspection Report shall be preserved and protected in the Station premises for a period of not less than eighteen (18) successive months following the month of

Item 40--If Certified mechanic conducting a retest on a vehicle is other than the Certified mechanic conducting the original test, the second Certified mechanic is to sign his name on line in Item 40.

(k) Give the second copy of this report to the driver.

(l) Verbally remind the driver that the second copy of the report should accompany the next application for registration plates.

(m) The first copy of the inspection report is to be filed and held at the station until picked up by the Department. Do not mail any copies of the inspection report to the Vehicle Inspection Section in Springfield.

(n) The third copy shall be filed in numerical order as determined by the serial number of the Certificate of Safety issued and shall be grouped according to calendar month (series number).

(o) Each completed third copy of the inspection report shall be preserved and protected in the station premises for a period of not less than eighteen (18) successive months following the month of issuance of the Certificate. The Station owner or his authorized employee shall be responsible for proper filing and preservation of the completed inspection reports.

Section 452.120 Forms, Records, and Reports

a) All Certificates of Safety, forms, records, and reports which are required for the operation of a Vehicle Inspection Station shall be prescribed and furnished by the Section. They shall remain the property of the Department. All unissued Certificates of Safety, forms, completed records, and reports shall be kept in a secure place upon the premises of and within the building of the Vehicle Inspection Station.

b) 1) The Station shall mount in a prominent place, within the lane or immediately adjacent, a display board of sufficient size to contain the following items which will be immediately posted upon receipt:

A) The Station Permit

B) The Certificate of each Certified Mechanic

C) The Test Procedure Chart

D) The Lighting Devices and Reflectors Chart

E) The price list prescribed for the test fee and captioned "Price List"

F) The address and phone number of the Vehicle Inspection Section

2) The above items shall be covered and protected, either individually or as a group, by a transparent material to preserve their neat and legible appearance and also be readily visible to persons in the test lane area.

c) The Vehicle Inspection Report shall be completed for each Safety Test performed at the station. If a Certificate of Safety is issued to the tested vehicle then the completed Vehicle Inspection Report shall

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c) specifications and requirements in effect at the time of purchase. By August 1, 1975, all Type II school buses purchased prior to September 1974, and not subject to school bus regulations prior to enactment of P.A. 78-1244, that do not meet the approved school bus specifications and requirements in effect at the time of purchase will be required to be brought up to specifications in effect for Type II school buses at the time of purchase.

d) In addition to the exemptions listed within Section 452.160 and Table B of the School Bus Rules, the following items are exempt from inspection on those Type II school buses manufactured prior to September, 1974, until August 1, 1975. These vehicles will be required, however, to comply with all other rules and regulations now in effect.

- 1) 123 inch wheel base
 - 2) 240 cubic
 - 3) 55 amp generator or alternator
 - 4) Dual belt system on the generator or alternator
 - 5) 70 amp battery
 - 6) 7000 lb. GVW Rating
 - 7) 3300 lb. front axle
 - 8) 5050 lb. rear axle
 - 9) 1490 lb. front spring
 - 10) 2200 lb. rear spring
 - 11) 8:00 x 16-8 ply tires
 - 12) 8 hole wheel
 - 13) plywood floor
 - 14) Full length head linings
 - 15) insulation
 - 16) Sealed beam units in flasher lights
 - 17) Rear heater
 - 18) 12 inch aisle
 - 19) Center aisle
 - 20) Seat across the back
 - 21) Over-center control handle
 - 22) Retractors on operator's seat belt
 - 23) Drive shaft guard on vehicles equipped with torque-tube drive shafts
 - 24) Undercoating
- Section 452.160 Vehicles for Special Education Transportation and/or School Related Activities
- a) General Requirements
- 1) Vehicles used for transporting children declared eligible for Special Education services shall comply with the minimum standard of one (1) of the three (3) classifications of vehicles that are allowed i.e., automobiles, station wagons, caravans used in transporting nine or less passengers; van type conversion buses 1 thru 16 passengers; and buses of 16

NOTICE OF PROPOSED REPEALER

2) Due to the nature of certain handicapping conditions vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. This may require certain modifications to the minimum standards. This section lists standards for special equipment and exceptions that may be made in the minimum standards.

4) The interior design of these vehicles will not be a cause for rejection provided a joint approval, issued by the Department and the Office of the Superintendent of Public Instruction, is presented to the Certified Mechanic at the time of inspection.

b) Special Equipment

1) Restraint Devices

Restraint devices or safety belts may be used if they are securely fastened to the seat or the floor of the vehicle.

2) Special Equipment for Children who are Physically and/or Orthopedically Handicapped

A) Special Service Door

1) A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

ii) Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment when doors are not securely closed.

iii) Each door shall contain a fixed or movable window aligned with lower line of other windows of bus, and as nearly as practical of same size as other bus windows.

iv) Each door panel shall open outward and positive fastening device shall be installed to hold door in open position.

v) Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

vi) Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

B) Bi-Parting Doors

1) Door shall be made of two panels of approximately equal width, equipped with hinges, hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- close space where door panels meet and weather seal shall be provided to close all door edges.
- ii) Door shall be equipped with at least one point fastening device on rear panel to floor or header and at least one two point fastening device to floor and header on forward door panel, both manually operated.
- iii) Sliding doors are acceptable provided they meet manufacturer's specifications.
- C) Ramps or Lifts
- i) Floor of ramp or lift shall be covered with nonskid material.
- ii) Dustproof and waterproof enclosed container shall be provided.
- D) Power Lift
- i) If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy egress and ingress from the lift.
- ii) If electricity is used, the alternator or generator and battery must be of increased capacity.
- iii) Controls shall be operable from both interior and exterior of vehicle.
- iv) Device shall be installed which will be used to prevent operation of lift until doors are opened.
- v) In travel position the lift must be in its uppermost position and securely fastened.
- vi) Vehicles of less than 54 passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.
- E) Ramp
- i) Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.
- ii) Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.
- iii) Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.
- iv) Ramp length shall be sufficient for easy ingress and egress.
- F) Fastening Devices for Wheelchairs
- Positive fastening devices shall be provided, attached to floor or walls and/or both that will securely hold

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- wheelchair in position in bus.
- G) Special Light
- Light shall be placed inside bus over special service door and shall be operated from door area.
- H) Grab Handles
- Grab handles shall be provided on each side of front right service door only when this door is used for ingress or egress of children.
- I) Over Center Door Control
- Over center door control shall be provided only when this door is used for ingress and egress of children.
- Section 452.170 Driver's Pre-Trip Inspection
- a) The 78th Illinois General Assembly passed legislation which was enacted into law September, 1974, as Public Act 78-1244. This law, among other things, added Section 13-115 to the Illinois Vehicle Code. This Section, entitled "PRE-TRIP INSPECTION," STATES: "EACH DAY THAT A SCHOOL BUS IS OPERATED, THE DRIVER SHALL CONDUCT A PRE-TRIP INSPECTION OF THE MECHANICAL AND A SAFETY EQUIPMENT ON THE BUS AS PRESCRIBED BY RULES AND REGULATIONS OF THE DEPARTMENT."
- b) The rules promulgated by the Illinois Department of Transportation which become effective August 1, 1975, will require the following:
- 1) The driver must inspect his vehicle each day prior to beginning a trip.
 - 2) The driver is required to make a written report of this pre-trip inspection, reporting any defects found to the proper authority, so that the defects may be corrected.
 - 3) The pre-trip inspection report shall be made in duplicate.
 - 4) The original copy shall be presented to the person of authority, as designated by the owner, on a daily basis. These original copies shall be retained by the owner for 180 days.
 - 5) The duplicate copy shall remain in the bus for a period of at least 30 days.
 - 6) The form shall specify items to be checked and the minimum information to be recorded.
 - 7) The pre-trip inspection records and reports will be made available for inspection and audit to authorized representatives of the Illinois Department of Transportation at any time.
 - 8) It is the responsibility of the bus owner to furnish pre-trip inspection report forms that meet the minimum requirements of the Department's Rules and Regulations.

Section 452. TABLE A Class "C" and Class "A" Stations

CLASS "C" AND CLASS "A" STATIONS

Brake Tester	Amico Tools, Inc.	900 Flush Type
Brake Tester	Bear Mfg. Co.	4505 Surface Type

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

wheel Alignment Tester Weaver Mfg. Co. WJ-22 Surface Type
 wheel Alignment Tester Weaver Mfg. Co. WJ-25 Flush Type
 * This piece of equipment is acceptable only if it remains in the possession of the owner as of July 1, 1973, or if it is sold to a new owner but remains in the same facility.

AGENCY NOTE: Class "B" Stations can utilize the brake testers and/or wheel alignment testers approved for Class "C" and Class "A" Stations but such possession does not permit the "B" Station to inspect vehicles larger or heavier than those authorized for Class "B" Stations generally.

Lifting Equipment
 Any Jack, Lift or Hoist having a lifting capacity of 5,000 pounds or more and capable of lifting the heaviest vehicle to be inspected to a height adequate for proper "front end" inspection.

Section 452. TABLE C ALL Stations Class "C", Class "A" and Class "B"

ALL STATIONS CLASS "C", CLASS "A" AND CLASS "B"

Headlight Tester Alemite 3150 Portable Type
 Div. (Stewart-Warner Corp.)
 Headlight Tester Alemite 3151 Track Type
 Div. (Stewart-Warner Corp.)
 Headlight Tester Bear Mfg. Co. 560 Portable Type
 Headlight Tester Bear Mfg. Co. 561 Track Type
 Headlight Tester Bear Mfg. Co. 565 Track Type
 Headlight Tester Hunter Eng. Co. 25-33-2 Portable Type
 Headlight Tester Hunter Eng. Co. 25-34-2 Track Type
 Headlight Tester Hunter Eng. Co. 25-35-2 Portable Type
 Headlight Tester Hunter Eng. Co. 25-36-2 Track Type
 Headlight Tester John Bean Div. (FMC Corp.) 270 Portable Type
 Headlight Tester John Bean Div. (FMC Corp.) 271 Track Type
 Headlight Tester John Bean Div. (FMC Corp.) 272 Portable Type
 Headlight Tester John Bean Div. (FMC Corp.) 273 Track Type
 Headlight Tester Weaver Mfg. Co. WX-45 Portable Type
 Headlight Tester Weaver Mfg. Co. WX-46 Track Type
 Headlight Tester Weaver Mfg. Co. WX-50 Portable Type
 Headlight Tester Weaver Mfg. Co. WX-51 Track Type

The foregoing list of Approved Equipment supersedes all previous Approved Equipment lists issued before March 1, 1973.

Section 452. TABLE D Inspection Procedures and Specifications for All School Buses 16 Passenger or More (Type I)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Brake Tester Bear Mfg. Co. 4506 Flush Type
 Brake Tester Bear Mfg. Co. 4510 Surface Type
 Brake Tester Weaver Mfg. Co. WY-40SA Surface Type
 Brake Tester Weaver Mfg. Co. WY-70SA Flush Type
 Brake Tester Weaver Mfg. Co. WY-75 Flush Type
 Brake Tester Weaver Mfg. Co. WY-85 Flush Type
 Brake Tester Weaver Mfg. Co. WY-76 Flush Type
 Combination Brake Tester Weaver Mfg. Co. WY-76 Flush Type
 Wheel Alignment Tester Weaver Mfg. Co. WY-86 Flush Type
 Brake Tester Weaver Mfg. Co. WY-400 Surface Type
 Wheel Alignment Tester Alemite Division 3132 Surface Type
 Wheel Alignment Tester Ammo Tools, Inc. 8725 Surface Type
 Wheel Alignment Tester Bear Mfg. Co. 230 Surface Type
 Wheel Alignment Tester Bear Mfg. Co. 231 Flush Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-23 Surface Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-27 Flush Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-132A Surface Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-133A Flush Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-131 Flush Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-132 Surface Type
 Wheel Alignment Tester Weaver Mfg. Co. WJ-133 Flush Type
 Lifting Equipment
 Any Jack, Lift or Hoist having a lifting capacity of 18,000 pounds or more and capable of lifting the heaviest type of vehicle to a height adequate for proper "front end" inspection.

CLASS "B" STATIONS

Brake Tester Ammo Tools, Inc. 800 Flush Type
 Brake Tester Bear Mfg. Co. 450 Surface Type
 Brake Tester Bear Mfg. Co. 451 Flush Type
 Brake Tester Bear Mfg. Co. 450W Surface Type
 Brake Tester Weaver Mfg. Co. WY-30 Surface Type
 Brake Tester Weaver Mfg. Co. WY-60 Flush Type
 *Combination Brake Tester-Weaver Mfg. Co. WY-25 Surface Type
 Wheel Alignment Tester Ammo Tools, Inc. 8725 Surface Type
 Wheel Alignment Tester Bear Mfg. Co. 240 Surface Type
 Wheel Alignment Tester Bear Mfg. Co. 241 Flush Type
 Wheel Alignment Tester Bear Mfg. Co. 250 Surface Type
 Wheel Alignment Tester John Bean Div. (FMC Corp.) 146 Surface Type
 Wheel Alignment Tester John Bean Div. (FMC Corp.) 149 Surface Type

Section 452. TABLE B Class "B" Stations

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F. Flasher Lights

(exempt.)

Two red lamps above windshield spaced no less than 3 feet apart and at same horizontal level. Minimum diameter 5 1/2" sealed beam.

(All buses purchased prior to 1967 are exempt from the 3" black area around the flasher lights.)

One amber lamp, at least 4 inches in diameter or 1 1/2 square inches, on each side, at or near the front, at the same height, and as far apart as practicable. Lamps must conform to Federal Standards. Shall have at least two headlamps of the sealed beam type, with at least one mounted on each side of the front of the bus. Lamp body securely attached. Lenses, reflectors, bulbs, etc., in good condition, proper aim and intensity. Shall conform to Federal Standards.

G. Turn Signals

Check operation of turn signals and four-way flasher hazard warning system. Check for broken or cracked glass.

Check operation and visibility. Check for broken or cracked glass. Check for proper aim.

H. Headlights

Same as original. Check for broken or cracked glass.

I. Parking Lights

Must be in working condition. Check for broken or cracked glass.

J. Clearance Lights

Federal Standards. Shall conform to Federal Standards. Shall be one lamp on each side. Two clearance lights (amber) at highest and widest portions of the body. Shall conform to Federal Standards.

R. Cluster Lights

Three amber lights mounted at center front near top of body above "School Bus" sign. Shall conform to Federal Standards. "School Bus" in black lettering at least 8" high placed as high as possible on body or sign attached thereto. Vehicle number assigned for identification, minimum 4 inches high. Decals are permissible. All lettering must be black.

L. Lettering

Lettering distinct.

A. Brakes Service

Operate on all four wheels. Record braking effort in pounds for each wheel. Total braking effort not less than 60 percent of weight of empty vehicle plus driver. Recommended 60 percent of loaded weight. Each wheel to exert a braking effort of not less than 80 percent of braking effort of wheel on other end of axle. Braking effort of either axle shall not exceed 70 percent of total braking effort of vehicle. Hydraulic line pressure shall not exceed recommendations of chassis or brake manufacturer. Equalization pedal minimum total braking effort of 20 percent of effort of 20 percent of machine pads at 4-8 mph and apply service brakes to bring vehicle to a halt. Do not lock wheels on the same axle must not vary more than 20 percent. Check for proper fluid level. Check hydraulic line for leakage and cracks in hose line.

UNDERCARRIAGE

Drive vehicle onto brake machine pads at 4-8 mph and apply emergency brakes and apply service brakes to bring vehicle to a halt. Do not lock wheels on the same axle must not vary more than 20 percent. Check for proper fluid level. Check hydraulic line for leakage and cracks in hose line. Less than 80 percent of braking effort of wheel on other end of axle. Braking effort of either axle shall not exceed 70 percent of total braking effort of vehicle. Hydraulic line pressure shall not exceed recommendations of chassis or brake manufacturer. Equalization pedal minimum total braking effort of 20 percent of effort of 20 percent of machine pads at 4-8 mph and apply emergency brakes

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

weight of empty vehicle plus driver. Recommended 20 percent of loaded weight. Capable of holding vehicle from rolling in either direction when parked on 30 percent grade.

C. Brake Systems

If the bus has operated less than 10,000 miles AND less than 12 months have passed since bus MANUFACTURE, a Form SB-6 is NOT required. Write, "Less than 10,000 miles and less than 1 year old" in REMARKS space on driver and station copies of Vehicle Inspection Report (VIR). The month and year of bus manufacture are shown on the FEDERAL CERTIFICATION LABEL described in Bulletin SHB 77-6, September 12, 1977.

to bring vehicle to halt. Do not lock wheels. Brake effort not to be less than 20 percent of the empty vehicle weight nor have more than 20 percent variance.

The brake systems on each school bus are to be inspected each 12 months or each 10,000 miles of operation, whichever occurs first. Any discrepancies such as excessive wear, maladjustment, binding caused by rust, broken parts, missing parts and leakage of brake fluids are to be corrected in accordance with chassis manufacturer's maintenance and repair instructions. These acts may be done wherever the school bus owner or operator chooses. Beginning January 1, 1986 a properly completed REPORT & CERTIFICATION Form SB-6 shall accompany each school bus submitted to a safety test. Each Form SB-6 must be signed no more than 10 days before the current safety test and must show the brake systems were inspected within the last 10,001 miles of operation or within the last 12 months IF the bus operated less than 10,000 miles during the year.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Attach the dated and signed Form SB-6 to the Vehicle Inspection Report (VIR) filed at the official testing station (3rd copy of VIR).

Same as original.

D. Front Wheel Bearings

With front end of vehicle raised properly, attempt to move wheel relative to the spindle either by grasping front tire top and bottom or by using a bar for leverage. Movement should not exceed 1/4" in and out movement.

E. Toe-in

Shall not exceed plus or minus 10 feet side slip per mile. Recommend 5 ft. instead of 10 ft.

Same as original.

F. King Pins Linkage and Ball Joint Play

With the front end of vehicle lifted properly, grasp front and rear of tire and attempt to turn assembly right and left. Movement should not exceed 1/4" on 16" (or less) wheels, 3/8" on 17" or 18" wheels, 1/2" on 18" (or more) wheels.

Same as original.

G. Tires Rims and Lugs

Tires less than 3/32 tread depth at any point shall be rejected. Lug secured. Tires on any opposite axle must be of same tread design. No mixing of tread on rear duals. Recapped tires not allowed on steering axle.

Same as original. (See section on tires and wheels in Truck Inspection Manual for additional information.)

H. Springs and

Shall conform to

Check for broken leaves,

tail pipe shall not be reduced after it leaves muffler. Exhaust system shall be insulated by metal shield when it is 12" or less from fuel tank or tank connections. No part of exhaust system shall pass within 12 inches of any flexible brake line or hose unless shielded. Minimum capacity of 30 gallons, mounted on right side of chassis frame; filled and vented entirely outside body. Tank fittings and lines not to extend above side member of chassis. Engine supply line shall be from top of tank. Flexible gasoline and oil proof connection at engine end of feed line. Filter between tank and carburetor. Firmly attached. No leakage. Same as original. Fire-resistant undercoating material applied by spray. Entire underside of body, front fenders, floor members, and side panels below floor level. Same as original. Check operation. Check for broken or cracked glass. Two lamps, one amber at front and one red are rear, mounted as high as practical. Shall conform to Federal

LEFT SIDE OF BUS

A. Marker Lamps

T. Undercoating

S. Fuel Lines

R. Fuel Tank

Federal Standards. Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity. Shall conform to Federal Standards and firmly attached to springs. Heavy duty. Dry or oil-bath type. Replaceable element or cartridge type. Minimum one quart capacity. Not worn or corroded. Securely attached. Permitted only when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base. Of sufficient strength to protect drive shaft and prevent it from going through floor or dropping to ground if broken. Required on each segment on shaft. Chassis frame shall extend to rear of body cross member. Exhaust pipe, muffler, and tail pipe shall be outside bus body and attached to chassis. Tail pipe of seamless or electrically welded tubing of 16 gauge steel or equivalent shall extend beyond chassis frame but not beyond bumper. Size of Federal Standards. Shackles, or hanger. Check for breakage and leakage. Free from apparent damage and firmly attached to springs. None. None. None. Same as original. None. Must be solid and firmly attached. None. Of sufficient strength to protect drive shaft and prevent it from going through floor or dropping to ground if broken. Required on each segment on shaft. Chassis frame shall extend to rear of body cross member. Exhaust pipe, muffler, and tail pipe shall be outside bus body and attached to chassis. Tail pipe of seamless or electrically welded tubing of 16 gauge steel or equivalent shall extend beyond chassis frame but not beyond bumper. Size of

Shackles

I. Shock Absorbers

J. Axle

K. Air Cleaner

L. Oil Filter

M. Battery Cables

N. Frame Extension

O. Drive Shaft Guard

P. Mounting

Q. Exhaust System

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Window, "Emergency Exit." Vehicle number assigned for identification minimum 4" high. Decals are permissible. All lettering must be black.

None.

Every vacuum booster or air system must be equipped with a reserve tank of not less than 1,000 cubic inch capacity.

If the engine is so located as to prevent a rear emergency door, it shall be on the left side of the rear half of the bus. Hinged on front side, open outward, safety glass or equivalent in upper portion of at least the same gauge metal as the body. (For further specifications see 14.41 of this manual.)

Entire rear of bus must be nonhitchable. Two clearance lights (red) mounted at highest and widest part of body. Shall conform to Federal Standards. Three red lights mounted at center rear near top of body either above or below "School Bus" sign. Shall conform to Federal Standards.

REAR OF BUS

A. Projections
B. Clearance Lights
C. Cluster Lights
D. Flasher Lights

None.
Check operation. Check for broken or cracked glass.
Check operation. Check for broken or cracked glass.
Check operations. Check

inches.
Length minimum 18 inches--maximum 22 inches.

This semaphore surface on both sides must be painted a bright red as a background with the word "Stop" in white letters six inches high both sides. The semaphore must have a band of white around the edge one-half inch in width on both sides as a border contrast.

(Buses purchased prior to November, 1964, may have a yellow panel with black lettering.)

Hexagon--16 gauge This arm to be a hexagon shaped semaphore approximately 18 inches wide and 18 inches long.

None.

Two of ample strength to resist impact, from windshield to rear corner radius. One located at approximately seat line and one at floor line. Owner's name and/or number of school district in lettering at least 4" high. If bus is equipped with emergency windows which are knock-out type, they are to be labeled in letters at least 2" high directly below

All lettering distinct.

H. Emergency Door Left Side

G. Booster Tank

A. Projections
B. Clearance Lights
C. Cluster Lights
D. Flasher Lights

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

so that lower edge of lens is not lower than top line of side window openings, and not less than 3 feet apart and at same horizontal level. Five and one-half inches minimum diameter sealed beam. Shall conform to Federal Standards. (All buses purchased prior to 1967, are exempt from the 3" black area around the flasher lights.)

for broken or cracked glass.

E. Turn Signal Lights

Mounted at rear seat level. Lenses at least 7" in diameter, red with arrow.

Check operation of turn signals and four-way flasher warning hazard system and for broken or cracked glass.

F. Stop Lights

Two red lights mounted at same height and as high as practical below window line. Not less than 3 feet apart laterally. Seven inches minimum diameter. Shall conform to Federal Standards.

Check operation. Check for broken or cracked glass.

G. Tail Lights

Two lights mounted with centers not less than 40" nor more than 50" from surface on which vehicle stands. Shall conform to Federal Standards.

Check operation. Check for broken or cracked glass.

H. License Plate Light

Adequate to illuminate license plate. May be combined with one of the tail lights. Shall conform to Federal Standards.

Check operation. Check for broken or cracked glass.

I. Reflectors

Two rear reflectors on

Check for broken or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

rear body within 12" of lower right and lower left corners. Minimum 3" in diameter.

cracked glass. Must be securely attached.

J. Backup Lamps

Two shall be provided. Shall conform to Federal Standards.

Check operation. Check for broken or cracked glass.

(All buses purchased prior to September, 1974, are exempt, however, for any units that have backup lamps, they should be operational.)

K. Lettering

"School Bus" in black lettering at least 8" high placed as high as possible on body or sign attached thereto. "Emergency Door" in lettering at least 2" high at the top of emergency door of directly above. "Emergency Exit" (for those buses without a rear emergency door) in letters 2" high directly below rear emergency window. An arrow, at least 6" in length and 3/4" in width indicating the direction the release mechanism should be turned to open "Emergency Door," located on door in black. Vehicle number assigned for identification minimum 4" high. Decals permissible. All lettering must be black.

All lettering distinct.

Standards.
 (All buses purchased prior to September, 1974, are exempt.)

Check operation of turn signal and four-way flasher hazard warning system. Check for broken candlepower mounted at lamp, minimum of 4 type amber clearance flush mounted "armored" B. Turn Signal Lights

Level and rub rail height just to rear of service door, to function with regular turn signal lamps. (All buses purchased prior to September, 1974, are exempt.)

Two, one amber at or near the front and one red at or near the rear. Mounted at a height not less than 15" and not more than 60" above ground. One amber on side of buses 30' or more in length, as near center as practicable. Minimum of 3" in diameter. Two of ample strength to resist impact from service door to rear corner radius. One located at approximately seat line and one at floor line. Owner's name and/or number of school district in lettering at least 4 inches high. Empty weight, passenger capacity of bus in letters at least 2 inches high, displayed to the left of the

Must be securely attached. Check for broken or cracked glass.

None.

All lettering distinct.

(All buses purchased prior to April, 1964, are exempt from having the 6" arrow indicating the direction the door handle releases.)

Minimum horizontal opening of 24" and minimum vertical opening of 48" measured from floor level. Hinged on right; open outward with 120-degree swing; upper portion of door safety glass or equivalent with exposed area not less than 400 square inches in upper portions and not less than 300 square inches in lower portion. Outside latch permanently attached and designed to prevent "high rides." When not fully latched, door shall actuate signal audible to driver, no cutoff switch allowed. Channel steel at least 3/16" thick with a minimum 9" face, full wrap around and so attached as to prevent hitching rides. Shall extend to the bumper but not beyond the bumper.

RIGHT SIDE OF BUS

Two lamps, one amber at front and one red at rear mounted as high as practical. Shall conform to Federal

Check operation of latch; 120-degree swing; working condition of signal. Check for broken or cracked glass.

M. Rear Bumper

N. Tail Pipe

A. Marker Lamps

Same as original.

Solidly attached and free from sharp edges likely to cause injury.

C. Reflectors

D. Rub Rails

E. Lettering

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A vertical stanchion shall be installed at the rear of the entrance step well from floor to roof and located so as not to restrict the passageway at any level to less than 24 inches nor the aisle to less than 12 inches.

A guard rail and step well guard panel shall be installed from step well stanchion to right wall to prevent passengers in front seat from being thrown into the step well.

The guard rail shall be approximately 30 inches above the entrance passageway to less than 24 inches at any level. The panel shall extend from the guard rail to within 2 inches of the floor. The guard panel shall be positioned or flanged to avoid having its lower edge extended over the step well.

The clearance between the step well guard panel and the first seat shall be at least 24 inches measured from the panel to the front face of the seat back at seat cushion height. All stanchions and guard rails shall be a minimum of one inch outside diameter steel

When more than 2 steps are used, risers must be approximately of equal height, except when floor is plywood over steel. (Increase by thickness of plywood.) (All buses purchased prior to September, 1974, are exempt from having the 1/2" white nosing as an integral part of the nonskid material surfacing the steps.)

Must be located on first step with sufficient candlepower to illuminate step well, actuated automatically by opening of door.

A vertical stanchion shall be installed from floor to roof at the right rear corner of the operator's seat in such position as to neither interfere with the adjustment of the seat nor obstruct the rail, approximately 30 inches above floor, but not higher than the driver's seat back when adjusted to its lowest position and so placed as not to interfere with the fore and aft adjustment of the operator's seat, shall extend from the vertical stanchion to the left wall.

F. Stanchion and Guard Rails

E. Step Well Light

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

or equivalent strength tubing and be padded to minimize injury producing impact forces.

G. Floor and Floor Covering

Covering in underseat area, including tops of wheel housings, driver's compartment, and toeboard covered with fire-resistant floor covering of type commonly used in passenger transportation equipment. The floor covering in the aisle and entrance area shall be of a nonskid, wear-resistant, fire-resistant, and rib type commonly used in commercial passenger transportation vehicles. Covering must be permanently bonded to floor, must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer.

Check for abnormal wear and obstructions. Any abnormal wear--cut out and replace.

H. Aisle

Minimum clearance of all aisles, including aisle (or passageway between seats) leading to emergency door, shall be 12 inches.

None.

I. Seats and Seat Spacing

All seats shall have a minimum fore and aft depth of 14 inches. In determining seating capacity of a bus,

Seats solidly bolted. Check for wear and tear.

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

individual seating width shall be 13 inches where 3-3 seating plan is used and 15 inches where 3-2 seating plan is used. All seats shall be forward facing and shall be securely fastened to that part or parts of the body which support them and shall withstand 20 g. horizontal loading. Jump seats are not acceptable. Aisles between forward facing seats shall have a minimum clear width of 12 inches.

The forwardmost seat on the right side of the bus shall be located so as not to interfere with the driver's vision and be not farther forward than the rear of the operator's seat when adjusted to its rearmost position. The minimum center to center seat spacing shall be 27 inches, measured at cushion height. The distance between the rearmost position of the driver's seat and the front face of the seat back of the forwardmost seat on the left side shall not be less than 24 inches measured at cushion height. The minimum distance between the steering

seat shall be provided and shall be enclosed and non-protruding.

Seat padding and covering shall be of a fire resistant material which will not flash or explode upon contact with spark or fire. Seat cushions shall be securely fastened to the seat structure.

Each side window shall

provide unobstructed emergency opening at least 9" high and 22" wide, obtained either by lowering window or by use of knock-out type split sash. Six-inch stopline required on all windows. Safety glass with exposed edges banded.

When emergency door is not in the rear, a rear emergency window shall be provided. Minimum 1.6" in height and as wide as practicable. Designed to be opened from the inside or the outside. Hinged on top, devised and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle and nondetachable and nonhitchable. When not fully latched, window

K. Emergency Window

J. Windows

wheel and the back rest of the driver's seat shall be 11 inches. The operator's seat shall be rigidly positioned, shall have vertical adjustment and fore and aft adjustment of not less than 4 inches, without the use of tools or other devices. A minimum of 36 inches or headroom for the sitting position above the top of the undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than 7 inches from the side wall at cushion height and at the fore and aft center of cushion.

The backs of seats of similar size shall be of the same width at the top and of the same height from the floor and shall slant at the same angle with the floor. The top corners, and at least ten inches of the top of the back surface of the seat backs shall be padded sufficiently to reduce the likelihood of injury upon impact. The rear most seats may be exempt from these requirements.

A hand grip on each

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under operating conditions without opening windows except in extremely warm weather. If static-type exhaust roof ventilators are desired, they shall be installed in low pressure area of roof panel.

U. Storage Compartment (Optional) Tools

Covered fire-resistant container securely fastened of adequate strength and capacity for fire chains and tools for minor emergency repairs. If located inside, shall be in right rear of bus.

V. Warning Devices

Check condition.

Three red cloth flags not less than 12" square and means for mounting; three red reflectors minimum of 3" in diameter or three bidirectional emergency triangles. Kit must be securely stowed. Must meet Motor Vehicle Safety Standard 125. (All vehicles purchased after January 1, 1974, and operated under ICC authority are required to have the bidirectional emergency triangles.)

A. Windshield

DRIVER'S COMPARTMENT

Installed between front corner posts and designed to afford minimum obstruction to driver's view. Slanted

Check for broken, cracked or discolored glass. Must be reasonably clean.

B. Windshield Wipers

to reduce glare. Tinted safety glass. Two automatic, individually powered, variable speed wipers with nonflare arms and blades. Check blades for maximum possible cleaning area. Check blades for signs of damage, torn, hardened, or physical breakdown of the rubber wiping element.

Check operations.

Windshield washer shall effectively clean entire area covered by both wipers.

C. Windshield Washer

(All buses purchased prior to September, 1974, are exempt. However, if bus is so equipped, they must be in good operating condition.)

Check mounting and condition.

Interior, adjustable, transparent, not less than 6" X 30", installed above windshield.

D. Sun Shield

(All buses purchased prior to August, 1967, are exempt from having a transparent sun shield.)

E. Defrosters

Defrosting equipment shall keep the windshield, the windows to the left of the operator, and the glass in the service door clear of fog, frost, and snow, using heat from heaters and circulation from fans. Must conform to Federal Standards.

F. Rear View Mirror

Clear view safety glass minimum 6" X 30" Must be clean and clear. Must not be broken or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

overall, metal backed and framed with rounded corners and edges which shall be padded. It shall afford good view of the bus interior and roadway to the rear. (All buses purchased prior to September, 1974, are exempt from having the mirror padded.)

G. Instruments and Instrument Panel

Panel equipped with the following: speedometer, odometer, ammeter, oil pressure gauge, upper beam headlamp indicator, air pressure or vacuum gauge where air or vacuum brakes are used, directional indicator, and flasher light indicator. All instruments clearly visible to driver in normal seated position and easily accessible for maintenance and repair. Lamps of sufficient candlepower to illuminate all instruments, record speedometer reading.

cracked.
Satisfactory working condition.

H. Locked Compartment (Optional)

Fire extinguisher, first aid kit, warning devices, and wheel chocks may be stored under lock and key provided that the locking device is connected with an automatic audible warning signal to notify the operator of the locked compartment

Same as original.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

I. Battery

when the ignition is turned on. Mounted outside the body. Not less than 90 ampere-hours at 12 volt, measured at 20-hour rate. Sufficient capacity for starting signal devices, heating, and other electrical equipment. Free of corrosion.

Same as original.

J. Generator of Alternator

The generator or alternator with rectifier shall have a maximum output of at least 62 amperes (in accordance with SAW rating) with a minimum charging of 20 amperes at manufacturer's recommended idle speed (12-volt system), and shall be ventilated and voltage-controlled, and, if necessary, current-controlled, and shall be capable of supplying all electrical requirements. Dual belt drive shall be used with generator or alternator.

Meet Standards.

K. Wiring

Nine regular circuits; heat, tail stop, and instrument panel lamps; clearance lamps; dome and step well emergency door signal; turn signal lamps; horn. A separate fuse or circuit breaker for each circuit except starter motor and ignition. All wires

Check for breaks in insulation. Must be securely fastened.

with operation.
 (All buses purchased prior to September, 1974, are exempt from having a pressurized dry chemical gauge type, approved by the Underwriters' Laboratories, Inc. However, they must have one with a minimum 2 1/2 pound capacity with a rating of not less than 8-B.C., sealed with a seal type that will not interfere with its operation, is permissible.)
 Kit conforming to specifications, mounted in full view in accessible place in driver's compartment, the contents of which shall include, but not be limited to, the following:
 1 Package Burn ointment
 1 Package 4-inch bandage compress
 1 Package 2-inch bandage compress
 2 Packages 1-inch bandage compress
 1 Package 40-inch triangular bandage with 2 safety pins
 1 Package wire splint
 1 Package Tourniquet
 1 Package Iodine applicator or applicator of other antiseptic solution of at least equivalent bacteriological

Must be complete.

S. First Aid Kit

L. Certificate Holder (School Bus Driver's Permit)
 properly insulated and securely fastened, except started motor and ignition.
 6" X 4" cardholder with transparent front, placed on inside header panel toward right side, out of pupil's reach.
 Manufacturer's placard shall be displayed in conformity with Federal Regulations.
 Name plate rating on hot water heater.
 Combustion type heater approved by Underwriters' Laboratories, Inc. Heaters capable of maintaining inside temperature of 50 degrees F. at average minimum January temperature.
 Two extra fuses for each size fuse used on the bus shall be conveniently mounted on the bus body.
 Lost motion not to exceed 2", with front wheels on ground.
 Audible at a distance of 300 feet.
 Pressurized Gauge must indicate in the calibrated or marked "Full Charge" area. Seal unbroken.
 Underwriters' Laboratories, Inc., rating of not less than 10-B.C. mounted in bracket readily accessible. Sealed with a seal of type that will not interfere

I. Certificate Holder (School Bus Driver's Permit)
 properly insulated and securely fastened, except started motor and ignition.
 6" X 4" cardholder with transparent front, placed on inside header panel toward right side, out of pupil's reach.
 Manufacturer's placard shall be displayed in conformity with Federal Regulations.
 Name plate rating on hot water heater.
 Combustion type heater approved by Underwriters' Laboratories, Inc. Heaters capable of maintaining inside temperature of 50 degrees F. at average minimum January temperature.
 Two extra fuses for each size fuse used on the bus shall be conveniently mounted on the bus body.
 Lost motion not to exceed 2", with front wheels on ground.
 Audible at a distance of 300 feet.
 Pressurized Gauge must indicate in the calibrated or marked "Full Charge" area. Seal unbroken.
 Underwriters' Laboratories, Inc., rating of not less than 10-B.C. mounted in bracket readily accessible. Sealed with a seal of type that will not interfere

M. Model of Vehicle
 Same as original.

N. Heaters
 Check working condition.

O. Fuses
 Same as original.

P. Steering Gear
 Same as original.

Q. Horns
 Same as original.

R. Fire Extinguisher
 Same as original.

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seeing that the locks meet the standard, as provided by the Office of the Superintendent of Public Instruction. Door must be able to be opened at all times from the inside if inadvertently left locked. A letter for each bus is required from the school district stating that the emergency door lock meets with their approval.

(Source: Amended at 10 111. Reg. 1981, effective January 14, 1986)

Section 452. TABLE E Inspection Procedures and Specifications for All Van Type and/or Conversion School Buses 1-16 Passengers (Type II)

FAILURE OF THE BUS TO COMPLY WITH ANY OF THE STANDARDS OR ORIGINAL

OR SAFETY INSPECTION IS CAUSE FOR REJECTION

SCHOOL ORIGINAL REGULAR INSPECTION

BUS INSPECTION

When conducting an original inspection, be sure you also perform a regular

inspection.

FRONT OF BUS

A. Bumper

Manufacturer's standard solidly attached and free for vehicle. From sharp edges likely to cause injury.

B. Outside Mirrors

Two firmly mounted, adjustable exterior rear view mirrors, one on the left and one to the right of the driver, rectangular 5" X 10" minimum. The outside mirror mounts

DEPARTMENT OF TRANSPORTATION NOTICE OF PROPOSED REPEALER

shall include a side angle adjustable convex mirror (no less than 3" in diameter) to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surfaced mirror below 50 square inches. A convex mirror at least 7 1/2" in diameter adjustable firmly mounted at the left front corner of the vehicle adjusted so that the seated operator may observe a reflection of the road from the front bumper forward to a point where direct observation is possible.

(For proper method of checking observation see paragraph 14.1D of this manual.)

Two red lamps above windshield spaced as far apart laterally as practicable and at same horizontal level. Minimum diameter of 5 1/2" sealed beam. (All buses purchased prior to September, 1974, may have roof mounted type.)

D. Flasher Lights

U.S. DOT WVSS 108. Shall be in conformance with current requirements of Capital

E. Turn Signal Lights

Check operation of turn signals and four-way flasher hazard warning system. Check for broken or cracked glass.

C. Cross Over Mirror

Must be clear. Check for broken or cracked glass. Check view and mounting.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- F. Headlights Shall be in conformance with current requirements of Capital U.S. DOT MVSS 108. Check for operation and visibility. Check for broken or cracked glass. Check for proper aim.
- G. Parking Lights Shall be one lamp on each side. Shall be in conformance with current requirements of Capital U.S. DOT MVSS 108. Same as original. Check for broken or cracked glass.
- H. Lettering "School Bus" in black lettering at least 8" high, placed as high as possible on the body of sign attached thereto. Vehicle number assigned for identification minimum 4" high. Decals permissible. All lettering must be black. (All buses purchased prior to September, 1974, may have roof mounted "School Bus" sign with flashing red lights.) Lettering distinct. Flashing red lights must be operational.

UNDERCARRIAGE

- A. Brakes Service Operate on all four wheels. Record braking effort in pounds for each wheel. Total braking effort not less than 60 percent of weight of empty vehicle plus driver. Recommended 60 percent of loaded weight. Each wheel to exert a braking effort not less than 80 percent of braking effort on wheel on other end of axle. Braking effort of See Truck Inspection Manual for actual testing procedure.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- either axle shall not exceed 70 percent of total braking effort of vehicle. Power brakes required. Hydraulic line pressure shall not exceed recommendations of chassis or brake manufacturer. Check hydraulic line for leakage and cracks in hose line.
- B. Brakes Emergency Equalization pedal or ratchet type minimum total braking effort of 20 percent of weight of empty vehicle plus operator. Recommended 30 percent of loaded weight. Capable of holding vehicle from rolling in either direction when parked on a 30 percent grade. Same as original. See Truck Inspection Manual for actual testing procedure.
- C. Brake Systems If the bus has operated less than 10,000 miles AND less than 12 months have passed since bus MANUFACTURE, a Form SB-6 is NOT required. Write, "Less than 10,000 miles and less than 1 year old" in REMARKS space on driver and station copies of Vehicle Inspection Report (VIR). The month and year of bus manufacture are shown on the FEDERAL CERTIFICATION LABEL described in Bulletin SHB 77-6, September 12, 1977. The brake systems on each school bus are to be inspected each 12 months or each 10,000 miles of operation, whichever occurs first. Any discrepancies such as excessive wear, maladjustment, binding caused by rust, broken parts, missing parts and leakage of brake fluids are to be corrected in accordance with chassis manufacturer's maintenance and repair instructions. These acts may be done wherever the school bus owner or operator chooses. Beginning January 1, 1986 a properly completed REPORT & CERTIFICATION Form SB-6 shall accompany

and Lugs	tread depth at any point will be rejected. Lugs secured. Tires on any opposite axle must be of the same tread design. Recapped tires are not allowed on steering axle. Shall conform to Federal standards.	Check for broken leaves, shackles or hangers. Check for breakage and rear heavy-duty double-acting shock absorbers. Shall conform to Federal standards. Free from apparent damage and firmly attached to springs.
Springs and Shackles	Heavy duty. Dry or oil bath type. Replacement element or cartridge type. Minimum one quart capacity. Not worn or corroded. Securely attached. Permitted only when alterations are behind rear hanger or rear springs and not for the purpose of extending the wheel base. Shall be of sufficient strength to protect drive shaft and prevent it from whipping through floor or dropping to ground, if broken. Required on each segment of shaft. Must be solid and firmly attached.	None. None. Same as original. None.
Shock Absorbers	Air Cleaner	None.
Axles	Oil Filter	None.
I.	Battery Cables	Same as original.
J.	Frame Extension	None.
K.	Drive Shaft Guard	Must be solid and firmly attached.
L.	Exhaust System	Check entire system for leaks and general condition.
M.	Toe-In	Tires less than 3/32" wheels.
N.	King Pins Linkage and Ball Joint Play	1/2" on 18" (or more) on 17" or 18" wheels, (or less) wheels, 3/8" not exceed 1/4" on 16" left. Movement should assembly right and attempt to turn and rear of tire and properly, grasp front vehicle lifted
O.	Bearings	With front end of vehicle raised properly, attempt to move wheel relative to the spindle either by grasping front tire top and bottom or by using a bar for leverage. Movement should not exceed 1/4" in and out.
P.	Front Wheel	Same as original.

each school bus submitted to a safety test. Each Form SB-6 must be signed no more than 10 days before the current safety test and must show the brake systems were inspected within the last 10,001 miles of operation or within the last 12 months if the bus operated less than 10,000 miles during the year. Attach the dated and signed Form SB-6 to the Vehicle Inspection Report (VIR) filed at the official testing station (3rd copy of VIR).	With front end of vehicle raised properly, attempt to move wheel relative to the spindle either by grasping front tire top and bottom or by using a bar for leverage. Movement should not exceed 1/4" in and out. Shall not exceed, plus or minus five feet, side slip per mile. With the front end of vehicle lifted properly, grasp front and rear of tire and attempt to turn assembly right and left. Movement should not exceed 1/4" on 16" (or less) wheels, 3/8" on 17" or 18" wheels, 1/2" on 18" (or more) tires less than 3/32" wheels.
D.	Front Wheel Bearings
E.	Toe-In
F.	King Pins Linkage and Ball Joint Play
G.	Tires wheels rims

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requires rub rail on operator's entrance door at same level. (All buses purchased prior to September, 1974, are exempt.)

Owner's name and/or number of school district in lettering at least 4" high. The vehicle number assigned for identification purposes shall be at least 4 inches high. Decals permissible. All lettering must be black.

REAR OF BUS

Entire rear of bus must be nonhitchable. (All buses purchased prior to September, 1974, are exempt; however, this does not exempt them from the nonhitchable door handle on a rear door.)

Two red lamps mounted so that lower edge of lens is not lower than top line of side window openings, as far apart laterally as practicable, and at the same horizontal level. Minimum diameter sealed beam five and one-half inches. Shall conform to Federal Standards. Two red lights mounted at same height. Shall conform to Federal Standards.

Check operation of turn signals, four-way flasher warning hazard system. Check for broken or cracked glass.

mechanically operated. They must conform to one of the following specifications:

Rectangular-- Width minimum 8 1/2 inches--maximum 10 inches. Length minimum 18 inches--maximum 22 inches.

This semaphore surface on both sides must be painted a bright red as a background with the word "Stop" in white letters six inches high both sides. The semaphore must have a band of white around the edge one-half inch in width on both sides as a border contrast. (All buses purchased prior to November, 1964, may have a yellow panel with black lettering.)

Hexagon-- This arm must be 16 gauge metal, and a semaphore approximately 18 inches wide and 18 inches long. One of ample strength to resist impact, from rear edge of entrance door to rear corner radius. Located at approximately seat line. Stop arm on body

B. Rub Rails

C. Lettering

A. Projections (Exterior)

B. Flasher Lights

C. Turn Signal Lights

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

		cracked glass.
D. Stop Lights	Two red lights mounted at same height. Shall conform to Federal Standards.	Check operation. Check for broken or cracked glass.
E. Tail Lights	Two red lights mounted at same height. Shall conform to Federal Standards.	Check operation. Check for broken or cracked glass.
F. License Plate Light	Adequate to illuminate license plate.	Check operation. Check for broken or cracked glass.
G. Back Up Lamps	Two shall be provided. Shall meet Federal Standards. (All buses purchased prior to September, 1974, are exempt; however, for any unit equipped with back up lamps, they must be operational.)	Check operation. Check for broken or cracked glass.
H. Lettering	"School Bus" in black lettering at least 8" high placed as high as possible on body or sign attached thereto. "Emergency Door" in lettering at least 2" high at the top of emergency door or directly above. (If adequate space is not available in these positions, lettering may be immediately below window level.) Vehicle number assigned for identification shall have a minimum height of 4". Decals permissible.	All lettering distinct.
I. Emergency Door Rear	All Buses purchased	Check operation of latch,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

	after September, 1974, doors are to open outward with a 120-degree minimum swing; upper portion of each door shall be of fixed safety glass. When not fully latched, doors shall actuate a signal audible to the driver; no cutoff switch is allowed. Emergency door inside locks shall be made inoperable.	120-degree minimum swing in both doors, working condition of signal, for broken or cracked glass. Key type external lock for operation of device to prevent starter activation. No inside locks.
	All buses purchased prior to September, 1974, the emergency door shall be in the center of the rear end of bus and shall be equipped with fastening devices for opening from the inside and the outside body, which may be quickly released but is designed to offer protection against accidental release.	Check operation.
J. Rear Bumper	Manufacturer's standard for vehicle, so attached or shielded between body and bumper to prevent hitching rides. (All buses purchased prior to September, 1974, are exempt.)	Solidly attached and free from sharp edges likely to cause injury.
K. Tail Pipe	Shall extend to the rear bumper, but not beyond the bumper.	Same as original.
RIGHT SIDE OF BUS		
A. Rub Rails	One of ample strength to resist impact from	None.

more than 12" in height, enclosed to prevent accumulations of ice and snow. Installed inside doorway, solidly attached on the left side, as long as practicable and of stainless clad steel. Stanchion post shall be installed at the rear of the entrance of the step well from floor to roof with guard rail attached approximately 30" above the floor. A step well guard panel installed from stanchion to right hand wall and from guard rail to within 2" of floor. Clearance between step well and first pupil seat, should be at least 24" measured from panel to front face of seat back at cushion height. All stanchion and guard rails shall be 1" outside diameter minimum, steel or equivalent strength cubing, and shall be padded. Padding on stanchions shall extend to within 3" of ceiling and floor, on guard rail it shall extend from wall to furthest support. (All buses purchased prior to September, 1974, are exempt from the padding.)

rear edge of service door to rear corner radius, also across service door. Located at approximately seat line, 4" minimum width. (All buses purchased prior to September, 1974, are exempt.)

Owner's name and/or name and number of school district in lettering at least 4" high. Empty weight, passengers' capacity and number of bus in letters at least 2" high displayed on the left of the service door. The vehicle number assigned for identification purposes shall be at least 4" high. Decals permissible. All lettering must be black.

Interior of bus

Door shall be located to right of operator, operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Exposed edge banded. Steps shall be designed so that the first step is not less than 12" nor more than 16" off the ground level. Risers shall be approximately equal in height, upper risers no

Check operation of door control and attaching points. Check for broken or cracked glass. Steps must be solid and covered with nonskid material in good condition.

A. Service Door

B. Steps

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the window. Six inch stop line required on all windows. Safety glass, or equivalent with exposed edges banded. (All buses purchased prior to September, 1974, and after January 1, 1972, must have approved safety glass in all windows and doors, and all exposed edges of the glass shall be banded.)

(Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession, that had previously passed the School Bus Safety Inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.)

Interior shall be free of all unnecessary projections; remaining projections shall be padded to prevent injury. This requires inner lining of ceiling and walls. (All buses purchased prior to September, 1974, are exempt from the padding.)

I. Projections (Interior)

Check operation, must open easily. Check for broken or cracked glass.

shall be padded to cushion level. (All buses purchased prior to September, 1974, and after January 1, 1972, shall have a seating plan for 16 pupils consisting of four rows of 30" forward facing seats with a minimum 12" aisle down the center. No jump or portable seats allowed. No seat or other object placed in the bus which restricts passageway to emergency door to less than 12 inches.)

Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession, that had previously passed the School Bus Safety Inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.

All buses purchased after September, 1974, must have each side window as an unobstructed emergency opening and at least a 9" X 22" wide opening obtained by lowering

H. Windows

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

J.	Interior Lights	Two, adequate to illuminate aisle, step well and emergency passageways.	Same as original.
K.	Insulation	All buses purchased after September, 1974, must have the ceiling and wall insulated with fire resistant material. (All buses purchased prior to September, 1974, must have the ceiling and walls insulated with fireproof material to deaden sound and reduce vibration to a minimum.)	None.
L.	Emergency Door Latch	Designed to offer protection against accidental release but easily accessible. Control from operator's seat not permitted.	Check operation.
M.	Emergency Door Lettering	"Emergency Door" in letters at least 2" high directly over emergency door exit. "Emergency door operating instruction" applied to door.	All lettering distinct.
N.	Ventilation	Body shall be equipped with ventilating system capable of supplying proper quantity of air under operating conditions without opening windows except in extremely warm weather.	Covered and securely fastened.
O.	Storage Compartment Tools (Optional)	Covered fire resistant container, securely fastened, of adequate strength capacity for	Covered and securely fastened.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

		tools, etc., for minor emergency repairs. If located inside, it shall be in the right rear of bus under the rearmost seat.	
P.	Warning Devices	Three red cloth flags not less than 12" square and means for mounting three red reflectors minimum of 3" in diameter or three bidirectional emergency triangles. Kit securely stored. Must meet Motor Vehicle Safety Standard 125. (All vehicles purchased after January 1, 1974, and operated under ICC authority are required to have the bidirectional emergency triangles.)	Check operation.
DRIVER'S COMPARTMENT			
A.	Windshield	All buses purchased after September, 1974, must have tinted safety glass or equivalent to reduce glare. (All buses purchased prior to September, 1974, must have safety glass and shall be heat resistant, laminated plate.)	Check for broken, cracked or discolored glass. Must be clean.
B.	Windshield Wipers	Wipers shall be either two speed or variable speed with nonglare arms and blades. Blades need not be individually powered.	Check action and blades for maximum possible cleaning area. Check blades for signs of damaged, torn, hardened, or physical breakdown of rubber element.

normal seated position and easily accessible for maintenance and repair. Lamps of sufficient candlepower to illuminate all instruments. The generator or alternator with a rectifier shall have a maximum output of at least 62 amperes (in accordance with SAW rating) with a minimum charging of 20 amperes at manufacturer's recommended engine idle speed (12 volt system), and shall be ventilated, and voltage controlled, and, if necessary, current controlled, and shall be capable of supplying all electrical requirements. Dual belt drive shall be used with generator or alternator. Mounted outside body. Not less than 70 amperes-hours at 12 volt, measured at 10-hour rate. Sufficient capacity for starting, lighting, heating signal devices, heating and other electrical equipment. Free of corrosion. Circuits arranged to manufacturer's specifications are acceptable. An additional circuit shall be added for the alternate flashing

Check for breaks in insulation. Must be securely fastened.

Same as original.

Windshield washer shall effectively clean the area covered by both wipers. Adjustable interior shield not less than 5" X 16" installed above operator's windshield. Defrosting equipment shall keep the windshield and the window to the left of the operator and the glass in the service door clear of fog, frost, and snow, using heat from heaters and circulation from fans. All buses purchased after September, 1974, must have a clear view safety glass, metal backed and framed with rounded corners and edges which shall be padded. Shall afford a good view of the interior and roadway to the rear. (All buses purchased prior to September, 1974, must have a rear view mirror.) Panel shall be equipped with the following: speedometer, odometer, ammeter, oil pressure gauge, fuel gauge, (indicator lights in lieu of gauges are permissible) upper beam and flasher light indicator. All instruments clearly visible to operator in satisfactory working condition.

C. Windshield washer

D. Sun Shield

E. Defrosters

F. Inside Rear View Mirror

G. Instruments and Instrument Panel

H.

Generator or Alternator

I.

Battery

J.

Wiring

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alarm to indicate to the operator when the door is in the locked position while the ignition switch is in the "on" position. No cutoff switch allowed.

Section 452.EXHIBIT A Reports and Certification, Form SB-6

Inspection and Maintenance of Brakd Systems of School Bus No. _____ Type I II

Chassis: Year _____ Make _____ VIN _____

I, _____ certify as follows:

- 1. I am the person authorized to control the condition of brake systems on the above identified school bus.
- 2. On _____, 19____, at odometer reading _____, an inspection of the brake systems on this bus was conducted. The odometer shows actual distance operated.
- 3. Each portion of brake systems visible underneath (the vehicle) or elsewhere (elsewhere means from some point to the side of the wheel or by opening the hood - anywhere not requiring the person to get under the bus to make the observation) was inspected without the removal of any parts. Each piece cracked to outside, improperly located, or otherwise defective, plus each source of fluid, air, or lubricant leak, was replaced or repaired in accordance with chassis manufacturer's instructions. Also, parts were opened or removed as necessary to determine (using manufacturer's guidelines) whether each brake lining was worn to a limit shown below:

Bonded lining on Type I bus -- 1.5 mm (2/32") minimum thickness; or Bonded lining on Type II bus - 1 mm (1/32") minimum thickness; or Other lining on either type - within 1 mm (1/32") of a rivet or bolt; or

Other lining wear limit specified by chassis manufacturer.*

- 4. Lining worn beyond its limit was replaced. Each part exposed during replacement was checked and serviced in accordance with chassis manufacturer's instructions. A drum or disc either reworked or worn beyond its marked discard limit (the marked discard limit can be found on brake drums or brake discs) was replaced.** If a drum or disc was either reworked or worn beyond a limit shown below it was not continued in service with new lining on any school bus. A drum diameter 1 mm (.040") under marked discard limit on Type I bus; or A drum diameter .75mm (.030") under marked discard limit on Type II; or A disc thickness .75mm (.030") over marked discard limit on any bus; or

Other rework (rebore, reface) limit specified by chassis manufacturer.*

- 5. Each brake system (including power component, gage, warning signal, and each brake component positioning part) has been checked, maintained and repaired in accordance with chassis manufacturer's instructions. Nothing has been done that nullifies or degrades a braking characteristic required for this bus by a Federal Motor Vehicle Safety Standard found in the Rules entitled "Minimum Safety Standards for Construction of Type I School Buses," (92 Ill. Adm. Code 440.510) and "Minimum Safety Standards for Construction of Type II School Buses (1-16)," (92 Ill. Adm. Code 442.130). On a bus with split hydraulic service brakes, each automatic lining clearance adjuster is in place and functioning properly to protect the split system.

Date _____ Signature and Title _____

Owner's Name _____

Address _____

- 2. On _____, 19____, at odometer reading _____, an inspection of the brake systems on this bus was conducted. The odometer shows actual distance operated.
- 3. Each portion of brake systems visible underneath (the vehicle) or elsewhere (elsewhere means from some point to the side of the wheel or by opening the hood - anywhere not requiring the person to get under the bus to make the observation) was inspected without the removal of any parts. Each piece cracked to outside, improperly located, or otherwise defective, plus each source of fluid, air, or lubricant leak, was replaced or repaired in accordance with chassis manufacturer's instructions. Also, parts were opened or removed as necessary to determine (using manufacturer's guidelines) whether each brake lining was worn to a limit shown below:

Bonded lining on Type I bus -- 1.5 mm (2/32") minimum thickness; or Bonded lining on Type II bus - 1 mm (1/32") minimum thickness; or Other lining on either type - within 1 mm (1/32") of a rivet or bolt; or

Other lining wear limit specified by chassis manufacturer.*

- 4. Lining worn beyond its limit was replaced. Each part exposed during replacement was checked and serviced in accordance with chassis manufacturer's instructions. A drum or disc either reworked or worn beyond its marked discard limit (the marked discard limit can be found on brake drums or brake discs) was replaced.** If a drum or disc was either reworked or worn beyond a limit shown below it was not continued in service with new lining on any school bus. A drum diameter 1 mm (.040") under marked discard limit on Type I bus; or A drum diameter .75mm (.030") under marked discard limit on Type II; or A disc thickness .75mm (.030") over marked discard limit on any bus; or

* Manufacturer's limit prevails. ** Published discard limit if not marked (published in the manufacturer's maintenance manuals or instructions).

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Vehicle Inspections
- 2) Code Citation: 92 Ill. Adm. Code 451
- 3) Section Numbers: Proposed Action:
 - 451.10, 451.20, 451.30, 451.40, 451.50, New Section
 - 451.60, 451.70, 451.80, 451.90, 451.100, New Section
 - 451.110, 451.120, 451.130, 451.140, New Section
 - 451.150, 451.160, 451.Appendix A, New Section
 - 451.Appendix B, 451.Appendix C, New Section
 - 451.Appendix D, 451.Appendix E, New Section
 - 451.Appendix F, 451.Appendix G, New Section
 - 451.Illustration A, 451.Illustration B. New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401, 12-800 through 12-820, and 13-100 et seq.
- 5) A complete description of the subjects and issues involved:

The Notice of Proposed Repealer for Part 452, "Vehicle Inspection Stations Governing School Buses," is being published in this same issue of the Illinois Register. The Department of Transportation (the Department) intends to replace Part 452 with Part 451 upon adoption of these two rulemakings. The significant changes in the Department's rules on vehicle inspections are highlighted in the Section-by-Section analysis found below to aid the reader in identifying new provisions not included in the old Part (452) on vehicle inspections.

This rulemaking establishes administrative requirements for operating an Official Testing Station. The qualifications that an applicant and a Lane must meet are set out in detail. The Department has summarized the provisions contained in this Part as follows:

Section 451.10, Purpose and Scope, explains what the Part intends to do.

Section 451.20, Application, lists the persons who will be affected by the requirements of this Part.

Section 451.30, Standards of Construction, explains the guidelines that the Department used in constructing the Part.

NOTICE OF PROPOSED RULES

Section 451.40, Address for Correspondence, is necessary for the correct disposition of correspondence between the Official Testing Stations and the Department. This provision includes a name and address change. The Vehicle Inspection Section (VIS) has been changed to the Commercial Vehicle Safety Section (CVSS). This Section also includes a change of mailing address.

Section 451.50, Definitions, identifies necessary words and phrases used throughout this Part.

Section 451.60, Supervision of Official Testing Station and Enforcement of Department Policies, identifies the responsibilities of employees of the CVSS.

Section 451.70, Permit Application Procedures and Operating Requirements for Official Testing Stations, contains the procedures and requirements which must be followed in order to establish an Official Testing Station. The provisions which are new to this Section are as follows:

- . The requirement to forward photographs for B1, B2, and D Lanes has been added.
- . An additional fee will be required to amend or change an existing permit.
- . Public Lanes are required to test without appointment during normal working hours.
- . Private Lanes are required to submit, on an annual basis, the storage locations of their vehicles. Information on storage locations are necessary so that fleet inspections can be performed by Department personnel.

Section 451.80, Applicant Qualifications for Official Testing Station Permit, contains the qualifications which must be met by the applicant before an Official Testing Station Permit is issued.

Section 451.90, Official Testing Station Requirements, contains the construction and maintenance requirements necessary to become an Official Testing Station. A new provision concerning minimum dimensions for the Station Lane approach has been added.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 451.160, Official Testing Station Forms, Records and Reports, lists all forms, records and reports necessary for the operation of an Official Testing Station. This Section also includes requirements for posting, securing and maintaining necessary records and reports. This Section also provides for Form SVI-1274 which was created by combining two previous forms, SVI-1274 and SVI-1275. The receipt is now included on the new Form SVI-1274.

Section 451. Appendix A, Inspection Procedures/Specifications for Type I School Buses, has been reformatted. The "original" and "regular" inspection columns have been deleted and replaced with a three column format with the headings "Subject," "Procedures/Specifications" and "Reject Vehicle If." This Section alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type I School Bus. Provisions new to Appendix A are as follows:

- Illinois certification provisions have been established for new and used buses manufactured to meet the standards of another state. For example, if a bus is purchased for use in Illinois, it may have to be altered before Illinois certification is awarded.
- Provisions have been established for School Buses which use propane as the main fuel source. These provisions emphasize venting the discharge for propane fuel.
- The Department added lettering requirements on the right exterior side of Type I School Buses.
- New provisions have been established approving the use of radial and bias construction tires on the same vehicle. Certain limitations still apply when "mixing" bias and radial tires.

Section 451. Appendix B, Inspection Procedures/Specifications for Type II School Buses, alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type II School Bus. This Section is also organized in the new format with two column headings entitled "Subject," and "Procedures/Specifications." The rejection procedures are usually the same as those used in the inspections of Type I School Buses. When these procedures are the same, the statement "Reject Procedures

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 451.100, Official Testing Station Lane Requirements, contains general requirements that the Official Testing Lane must meet in order to receive a permit. Some of these requirements include maintaining a clean and properly lit lane.

Section 451.110, Lane Classifications, Specifications, and Safety Test Equipment, contains the provisions requiring the qualifying dimensions and necessary equipment for Official Testing Station Lanes. Two new provisions have been added to this Section. They are as follows:

- B1 and B2 Lane classifications have been added to increase capabilities of existing B Lanes; and
- D Lanes are public lanes authorized to test only School Buses.

Section 451.120, Responsibilities of Official Testing Station Owner, contains practices and procedures an owner must follow in order to operate an Official Testing Station. The Department added a provision that obligates the Official Testing Station owner to charge only those rates approved and posted by the owner.

Section 451.130, Responsibilities of Certified Safety Tester (CST), explains what is necessary for a person to obtain and maintain CST certification. The Department added the following new provision to this Section: A CST's permit becomes void if that person's driver's license is suspended, cancelled or revoked.

Section 451.140, Certificate of Safety, describes the necessary procedures for ordering, completing and issuing Certificates of Safety. This Section also lists mandatory security and inventory measures, and describes the physical characteristics of the Certificate itself.

Section 451.150, Completion Procedures for Vehicle Inspection Report (VIR), provides detailed information for completing each field on a VIR. This Section also includes all necessary information for filling out the VIR, including proper distribution and filing. A new provision under this Section describes Field 22 which is mandatory for all lanes other than private lanes.

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 9: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 451

VEHICLE INSPECTIONS

Section 451.10

Purpose and Scope

451.20

Application

451.30

Standards of Construction

451.40

Address for Correspondence

451.50

Definitions

451.60

Supervision of Official Testing Station and Enforcement of

451.70

Department Policies

451.80

Permit Application Procedures and Operating Requirements

451.90

for Official Testing Stations

451.100

Applicant Qualifications for Official Testing Station Permit

451.110

Official Testing Station Requirements

451.120

Official Testing Station Lane Requirements

451.130

Responsibilities of Certified Safety Tester

451.140

Certificate of Safety

451.150

Completion Procedures for Vehicle Inspection Report

451.160

Official Testing Station Forms, Records and Reports

APPENDIX A

Inspection Procedures/Specifications for Type I School Buses

APPENDIX B

Inspection Procedures/Specifications for Type II School Buses

APPENDIX C

Inspection Procedures/Specifications for Type I Special Buses

APPENDIX D

Inspection Procedures/Specifications for Type II Special Education School Buses

APPENDIX E

Inspection Procedures/Specifications for Type II Special Education School Buses

APPENDIX F

Authorized Inspection Requirements

APPENDIX G

Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974

ILLUSTRATION A

Stop Arm Panel

ILLUSTRATION B

Exhaust Guidelines

AUTHORITY: Implementing and authorized by Sections 6-401 of the Illinois Driver Licensing Law, 12-800 through 12-820 of the Illinois Vehicle Equipment Law and 13-100 et seq. of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401, 12-800 through 12-820 and 13-100 et seq.).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

NOTICE OF PROPOSED RULES

(C) Reporting, bookkeeping or other procedures required for compliance:

A new reporting requirement was included in this Part. The Department combined Forms 1274 and 1275 to create a new Form 1274. The receipt is now included on the order form.

(D) Types of professional skills necessary for compliance: Mechanical skills are necessary for compliance with this Part.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

NOTE: Bold face print denotes statutory language.

Section 451.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- a) Implementation of Article VIII, the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-800 through 12-820);
- b) Implementation of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-100 et seq.);
- c) Operations of Official Testing Stations;
- d) Inspection procedures for school buses;
- e) Inspection procedures for special education school buses; and
- f) Performance of the daily pre-trip inspection by school bus drivers.

Section 451.20 Application

- a) This Part applies to the following persons:
 - 1) Department personnel;
 - 2) Owner(s) of Official Testing Stations;
 - 3) Employees of Official Testing Stations;
 - 4) School bus operation managers;
 - 5) School bus drivers; and
 - 6) Persons authorized to perform inspection and maintenance of school bus braking systems.
- b) Sections 451.10 through 451.160 apply to the following vehicles:
 - 1) Second division vehicles (unless exempted by Section 13-101 of the Illinois Vehicle Inspection Law);
 - 2) School buses; and
 - 3) Rebuilt vehicles.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- c) Appendix A through Illustration B apply to school buses.

Section 451.30 Standards of Construction

- a) "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- b) Words imparting the masculine gender include the feminine.
- c) Changes in the administration of the State school bus inspection program and changes to federal and state law have caused the purchase or manufacture date of school buses to be critical in the application of this Part. The effective dates for some of these standards will vary.
 - 1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."
 - 2) Exemptions to some standards are provided for school buses manufactured prior to March 1977, the date of the Department's Order "Minimum Safety Standards for Construction of Type I School Buses."
 - 3) Exemptions are provided for Type II school buses manufactured prior to October 1978, the date of the Department's Order "Minimum Safety Standards for Construction of Type II School Buses."
 - 4) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 451.40 Address for Correspondence

All business and correspondence pertaining to the operation of an Official Testing Station and vehicle inspections shall be addressed to:

Department of Transportation
Division of Traffic Safety
Commercial Vehicle Safety Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

prescribed safety standards established by the Department's Commercial Vehicle Safety Section (see Appendices A, B, C and D).

"Certified Safety Tester" (CST) - An individual who has passed a written exam and has demonstrated proficiency in the operation of authorized safety test equipment and has been issued evidence and authority by the Department.

"Certified Safety Tester Certificate" - Evidence issued by the Department to a Certified Safety Tester granting the individual named thereon the privilege and authority to test vehicles.

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Citation/Complaint" - A formal statement charging that an act of commission or omission constituting a violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or this Part was committed by Official Testing Station personnel. The citation and complaint will also contain an official summons to appear or otherwise plead, as well as a statement of the relief sought by the Department.

"Code" - The Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 1-100 et seq.)

"Commercial Driver Training Car" - Any commercial vehicle or vehicle of the second division used in the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit. Vehicles owned by public schools or educational institutions are exempt from inspection. (Section 6-401 of the Code)

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation. Formerly known as the Vehicle Inspection Section.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Illinois Vehicle Inspection Law)

"Director" - The Director of the Division of Traffic Safety for the Illinois Department of Transportation.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

P.O. Box 19212
Springfield, Illinois 62794-9212

Section 451.50 Definitions

"Administrative Hearing" - Proceedings in which witnesses are heard, evidence is presented, and testimony is taken relative to:

Citation/Complaints issued by the Department to Official Testing Station personnel for alleged violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or of this Part.

Petitions presented by Official Testing Station owners for approval of testing fee schedules.

Petitions presented by Official Testing Station owners or applicants for reconsideration of revocation or denial of their Station Permits.

"Applicant" - Any individual owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

"Authorized Inspection Equipment" - Those testing and measuring devices approved and required by the Department's Commercial Vehicle Safety Section for the required test procedure. (See Appendix F for approved list.)

"Body" - Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-107 of the Illinois Vehicle Code (the Code))

"Certificate of Safety" - The authorized visible symbol furnished by the Department's Commercial Vehicle Safety Section to an Official Testing Station which is to be directly affixed by a Certified Safety Tester to a vehicle which meets the minimum

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Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

"Vehicle Inspection Section" - See "Commercial Vehicle Safety Section."

Section 451.60 Supervision of Official Testing Station and Enforcement of Department Policies

a) Lane inspectors, compliance officers and administrative personnel are responsible for the compliance of the following provisions:

- 1) To monitor Official Testing Stations and enforce this Part, Sections 12-800 through 12-820 of the Illinois Vehicle Equipment Law and Section 13-100 et seq. of the Illinois Vehicle Inspection Law.
- 2) To review applications for Official Testing Station Permits and Certified Safety Tester (CST) Certificates.
- 3) To conduct written tests and proficiency tests for persons requesting to become CSTs. (See Section 451.130 for testing procedures.) To conduct same tests for persons who have been requested by the Department to be retested.
- 4) To inspect buildings, equipment and adjacent roadways or alleys for compliance with lane classification requirements or any conditions which affect the entrance and exit of vehicles.
- 5) To inspect safety testing equipment for cleanliness, operability and accuracy.
- 6) To require the owner to close the Official Testing Station when testing equipment is totally or partially inoperative or inaccurate.

A) All Certificates of Safety at the Official Testing Station may be removed and held by a Department

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

"Vehicle" -

"Supplies" - All items issued to an Official Testing Station by the Commercial Vehicle Safety Section. All supplies remain the property of the Commercial Vehicle Safety Section.

"Special Education School Buses" - Vehicles constructed to transport children with special needs which require the alteration of specific component requirements (i.e., ramps, lifts, wheelchair accommodations).

"Secretary" - Secretary of the Illinois Department of Transportation.

A motor vehicle of the first division. (Section 1-182 of the Code)

Being used for shuttle service between attendance centers or other educational facilities.

On a regularly scheduled route for the transportation of other fare paying passengers; furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

This definition shall not include the following:

Any public or private primary or secondary school; Any primary or secondary school operated by a religious institution; or Any public, private or religious nursery school.

transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

employee or the Commercial Vehicle Safety Section office until the safety testing equipment has been cleaned, adjusted or repaired so as to render accurate results.

- B) An authorized Department employee will approve the condition of the Lane before it is reopened for testing (i.e., equipment is operating efficiently and effectively).
- 7) To instruct Official Testing Station Owners and CSTs in the proper method of completing forms and reports used in safety testing procedures.
 - 8) To inspect forms required to be posted, completed and filed for cleanliness, legibility, accuracy and availability.
 - 9) To determine whether safety tests are performed in accordance with this Part.
 - 10) To have access to all records and supplies which are the property of and furnished by the Department.
 - 11) To inspect the Station's copy of this Part for completeness and availability.
 - 12) To inspect Vehicle Inspection Reports for accuracy, completeness, legibility and proper filing order.
 - 13) To inspect Certificates of Safety at Official Testing Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all Certificates of Safety issued to such Station.
 - 14) To investigate all complaints lodged against an Official Testing Station or CST. (Section 13-107 of the Illinois Vehicle Inspection Law)
 - 15) To monitor Official Testing Station and procedures used in conducting safety tests through the use of both official marked and unmarked vehicles.
 - 16) To enforce compliance of goals for this program by issuing warning tickets or citations/complaints to Official Testing

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Station Permit holders and their employees for alleged infractions of Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part. The charges as outlined in the citation(s) will be adjudicated at Administrative Hearings conducted by the Secretary, or his authorized representative. The Secretary will determine the innocence or guilt of the defendant after careful evaluation of the evidence presented at such hearings. If a determination of guilt is made, the Secretary will assess penalties for violations alleged on the citation/complaints.

- 17) To close the Official Testing Station upon determination of a guilty verdict by Department personnel and subsequent suspension or revocation of testing privileges. Permit(s) and Certificates of Safety will be removed from the facility.

- b) Department employees will not solicit or accept any monies, gifts, services or favors for political contributions, supplies furnished, services performed, safety testing equipment purchased or sold, cost of doing business, or for any other activity or reason including "goodwill."

Section 451.70 Permit Application Procedures and Operating Requirements for Official Testing Stations

- a) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.
- b) The completed forms, accompanied by a ten dollar check or money order made payable to: TREASURER, STATE OF ILLINOIS, shall be sent to the CVSS. Such fee is nonrefundable.
- c) Following review of the application, the background investigation of the applicant and the granted interim approval, the authorized safety test equipment must be permanently installed in the location and the position must be approved by the CVSS.
- d) The applicant shall forward to the CVSS the following photographs: (Lane dimensions are to be included on the photographs' reverse sides.)
 - 1) For a Class "A," "C," "B2" or applicable "D" or "I" Lane: three 8" x 10" photographs. One photograph must show the

test program. Applicants whose original or renewal Testing Station Permit applications have been denied by the Department may request an Administrative Hearing to present such evidence for the granting of an original or renewal Testing Station Permit. Official Testing Station Permits will be issued in one of two categories: Public or Private.

1) Public

A) Public Stations shall inspect any vehicle presented within the limits defined in Section 451.110.

B) Public Stations shall agree in writing to be open for testing between the hours of 8 a.m. and 5 p.m., Monday through Friday, except on legal holidays. All public Stations shall notify the CVSS in writing if the test Lane operates during any additional hours. The notification shall be sent to the CVSS and shall include the complete test Lane number, the city in which the Lane is located and the additional hours of operation.

C) It shall be the applicant's responsibility to file with the Department a proposed schedule of rates to be charged for performing a safety test. The proposed schedule will be approved by the Department before a license is issued. (Refer to 92 Ill. Adm. Code 454 for procedures.)

D) Lane personnel shall not require vehicle owners to make an appointment to have their vehicles tested. Should a vehicle owner request an appointment, the time set for such testing must be at a time when the Lane is closed to the public (see subsection (1)(1)(B)). Times that are not stated in subsection (1)(1)(B) are times the Lane is considered "closed to the public."

E) Upon notification that a vehicle has been presented for a safety test, the test shall be performed.

2) Private

A) Private Stations are not open to the public. They are established solely for the purpose of testing ten

Lane entrance, another must show the Lane exit and the third must show the entire testing Lane with the installed testing equipment.

2) For a Class "B" or "B1" or applicable "D" or "I" Lane: two 8" x 10" photographs. One photograph must show the Lane entrance and another must show the entire testing Lane with the installed testing equipment.

e) The applicant shall file with the CVSS a bond in the amount of one thousand dollars with security approved by the CVSS. This bond is dependent on the applicant and Station employee's compliance with this Part, as amended. The bond form will be secured by the CVSS.

f) Any Official Testing Station owned and operated by governmental agencies (i.e., state, city, village, incorporated town or county) shall be exempt from the payment of any original or renewal fee and exempt from the filing of any bond.

g) The specific identification number and location of the Station will be stated on each Permit. Safety tests can only be conducted within the specified Lane identified on the Permit.

h) Each Permit approved and issued by the Department will expire twelve months following issuance. The Permit may be renewed annually by complying with this Part and upon payment of a renewal fee of ten dollars. Any change or amendment to an existing Permit will require an additional ten dollar fee.

i) The CVSS will issue an amended Permit following a change in location and installation of testing equipment. The new location must satisfy the requirements of this Part. The amended Permit will be the only authority for the applicant to begin testing at the new location. Testing may begin upon receipt and after properly displaying the amended Permit.

j) Any Official Testing Station Permit issued by the Department will be subject to cancellation, suspension or revocation by the Department for violations of this Part or of Section 13-100 et seq. of the Illinois Vehicle Inspection Law.

k) The CVSS may permanently deny, on application, an original or renewal Lane Permit to applicants whose Permits have been suspended or revoked or whose backgrounds or records are such that granting a Permit would appear detrimental to the safety

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b) The following are minimum dimensions and lane classifications:

	C+	A+	B	B1	B2+	D (optional)
Door Height	14'	12'	8'	12'	14'	12'
Door Width	12'	10'	8'	10'	12'	10'
Lane Height	14'	12'	8'	10'	14'	12'
Lane Width	14'	14'	12'6"	12'6"	14'	14'
Lane Length	64'	64'	30'*/40'*	++	++	64'

* With a combination wheel alignment and brake testing device

+ Must have an entrance and exit door in direct line with the safety test equipment. D Lanes have optional drive through capabilities.

++ Lane dimensions have been waived to accommodate vehicles. Refer to subsections (e) and (f) for requirements.

c) Class C Lanes are authorized to test all sizes and combinations of vehicles which can enter the lane facilities and not exceed the capacity of the authorized safety test equipment.

d) Class A Lanes are limited to testing single vehicles or combinations of vehicles which are less than twelve feet in height when measured to the highest point of the vehicle(s). The weight of the vehicle(s) must not exceed the capacity of the authorized safety test equipment.

e) Class B1 Lanes are authorized to test single motor vehicles. The Station must not be a drive-through operation (i.e., vehicle cannot completely "drive through" Official Testing Station). The brake testing machine must be capable of testing a vehicle over 14,000 pounds empty weight. Vehicles being tested cannot exceed the capacity of the authorized safety test equipment. No trailers or semitrailers shall be tested at a B1 Lane.

f) Class B2 Lanes are authorized to test all sizes and combinations of vehicles. B2 Lanes must have drive-through capabilities. The brake testing machine must be capable of testing a vehicle over 14,000 pounds empty weight. Vehicles being tested cannot exceed the capacity of the authorized safety test equipment.

g) Class B Lanes are limited to testing single unit motor vehicles (trucks, tractors and buses). No trailers or semitrailers shall be tested at a B Lane. Vehicles tested at B Lanes must not exceed authorized capacity of test equipment or Permit limitations.

h) Any size classification test Lane may test school buses provided

b) dimensions required for Station classification (see Section 451.110(b)).

The floor of the Lane must be a level concrete surface free from high or low spots. The floor must be suitable for the installation of authorized safety test equipment according to the manufacturer's specifications.

c) The floor of the approach and the surface of the Lane area must be free from dirt, oil and grease.

d) The Lane must not be utilized for servicing, repairing, washing or parking vehicles. The Lane must not be utilized for the storing of vehicles, parts or other materials. (Minor repairs or adjustments to rejected vehicles, e.g., light bulb replacement, headlight aim are allowed.)

e) The Lane must be well lighted, ventilated by natural or artificial means and capable of being heated when necessary.

f) The Lane must be located to allow a direct approach by the test vehicle within the dimensions required for Lane classification.

g) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the Lane.

h) A Station may have more than one Lane. Each Lane must be equipped with the authorized safety test equipment (see Appendix F for list of equipment).

i) If an Official Testing Station Permit is cancelled because a Lane is closed or inactive for at least six months, or because an Official Testing Station has changed ownership, an inspection of testing equipment and building facilities will be conducted by Department personnel. All equipment and facilities must be approved prior to the issuance of a new Permit.

j) Failure to meet any of the requirements of this Section shall nullify the application until all requirements are met.

Section 451.110 Lane Classifications, Specifications and Safety Test Equipment

a) Classification of the Lane shall be governed by the smallest dimensions of the land configuration, the building (interior and exterior), and the maximum capacities of the required testing equipment.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Department authorization has been granted.

- i) Class D Lanes are public Lanes established solely to conduct school bus safety tests. These Lanes are authorized to test all school buses which can enter the Lane facility and not exceed capacity of the authorized safety test equipment. D Lanes may have drive through capabilities, if their building so permits, but it is not a requirement.
- j) The classification and requirements for a private (i.e., Independent (I)) Lane shall be the same as for a public Lane with the classification of the private Lane being dependent upon the dimensions of the Lane, capacity of the authorized safety test equipment and the largest vehicle in the firm's fleet.
- k) Department personnel will determine appropriate Lane classifications based on Lane dimensions and equipment capabilities set forth by the Department in this Section (i.e., B1 and B2 Lane classifications). B1 and B2 Lane Permits shall display the allowable size dimensions for vehicles being tested in that Lane.
- l) A Lane perimeter line at least three inches wide and readily visible must be permanently marked on the floor in at least the minimum dimensions set forth in subsection(b).
- m) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the Lane perimeter lines.
- n) All authorized safety test equipment must be located within the perimeter lines.
- o) In addition to the minimum dimensions in subsection (b), a Lane must have the appropriate capacity equipment installed and utilized as approved by the Department. The Commercial Vehicle Safety Section will establish and maintain a list of authorized safety test equipment (see Appendix F for approved list). This list will be available upon written request to the CVSS.
- p) Safety test equipment must be installed according to the respective manufacturer's specifications. The location of the installed equipment must be approved by the CVSS. The center line of the brake tester or wheel alignment tester may be offset from the center of the Lane entrance to the center of the Lane

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

exit; however, drive-through capabilities and accurate test readings must be maintained.

- q) Each Lane within a Station must be equipped with the following equipment:
 - 1) jack or lift;
 - 2) wheel alignment indicator (drive-on type);
 - 3) brake testing device (drive-on type);
 - 4) track-mounted headlight testing and aiming device;
 - 5) tread depth gauge; and
 - 6) small hand tools (e.g., screwdriver, pliers, wrench).
- r) Each jack or lift must equal or exceed the following minimum capacities and must be capable of lifting the vehicle so that the bottom of the tires are at a distance from the floor to allow inspection of the vehicle's underside components.
 - 1) Classes C, A, B1, B2 and D Lanes must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 18,000 pounds.
 - 2) Class B Lanes, with an 8,000 or 10,000 pound vehicle scope, must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 5,000 pounds.
 - 3) Class B Lanes with a 14,000 pound vehicle scope must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 8,000 pounds. This requirement pertains only to Lanes licensed on or after January 1, 1977, or those where the jack or lift is replaced.
- s) Every wheel alignment indicator must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications.
- t) Each brake testing device must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications.
- u) Maximum vehicle weight which can be safety tested at a Class B Lane is based upon the total maximum reading of the brake testing

DEPARTMENT OF TRANSPORTATION
ILLINOIS REGISTER
NOTICE OF PROPOSED RULES

- aa) Failure to meet the qualifications in this Section will nullify an application until the qualifications are met.
- bb) Any Station that has a change in ownership, business name, equipment or location will be reclassified to the appropriate lane classification. Any change in ownership, business name or location requires a new application and payment of the ten dollar filing fee. Following approval by Department personnel, a new permit will be issued.
- cc) Any Station issued a Permit for Class C or Class A Lane prior to January 1, 1977, which does not meet any specifications for its respective classification, shall be required to reclassify to the appropriate lane classification and abide by the resultant limitations.

Section 451.120 Responsibilities of Official Testing Station Owner

- a) The owner shall require all CSTs to comply with this Part.
- b) The owner shall be responsible for all practices and procedures in the Station, including, but not limited to, any certified or non-certified personnel allowed to perform vehicle safety tests while in the employ, direction or control of the owner. The owner is responsible for all safety test practices and procedures in the Station, regardless of whether the owner has knowledge or approves of such practices and procedures.
- c) No Station Owner shall allow the rates charged to be more or less than the scheduled rates approved by the Department and posted at the lane.
- d) Nothing in this Section shall be construed to mean that any adjustment, correction or repair must be made at the Station performing the safety test.
- e) It shall be the owner's responsibility to notify the CVSS immediately of any change in ownership, business name, location or status. Such changes include incorporation of the firm, change in corporate officers or dissolution of partnership or corporation. Any such change without immediate notification shall automatically cancel the existing Permit.
- f) The owner of an Official Testing Station shall notify the CVSS in writing when he or his employees wish to make application to

DEPARTMENT OF TRANSPORTATION
ILLINOIS REGISTER
NOTICE OF PROPOSED RULES

- machine. The three classes of B Lanes are:
- 1) Class B Lanes which have a brake testing machine capable of registering a capacity of 1,500 pounds on the tube or dial for each tread plate may test motor vehicles up to 8,000 pounds vehicle empty weight.
 - 2) Class B Lanes which have a brake testing machine capable of registering a capacity of 2,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 10,000 pounds vehicle empty weight.
 - 3) Class B Lanes which have a brake testing machine capable of registering a capacity of 3,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 14,000 pounds vehicle empty weight.

- v) Class B Lanes established prior to July 1, 1973 with brake testing machine capabilities of 8,000 and 10,000 pounds empty vehicle weight, may remain active provided ownership has not changed and equipment remains in the existing building. After July 1, 1973, all new B Lanes which are opened must have equipment with the capacity to test vehicles up to 14,000 pounds vehicle empty weight.
- w) For each wheel alignment indicator installed after January 1, 1977, the indicator tower must be located to the driver's left. For each brake testing device installed after January 1, 1977, the tower must be located either on the left side or at the right front corner. Both the wheel alignment indicator and brake testing device towers must be installed so they can be easily read from the driver's seat.
- x) On brake testing machines which are mounted flush with a floor, no vehicles shall be tested if any part of the tire tread of the vehicle extends over the side or sides of the tread plate.
- y) Every headlight testing and aiming device used must meet the specifications of SAE Recommended Practice J600A and must be installed in the lane according to the respective manufacturer's specifications. When specification requirements have been met, approval of the installation will be granted by the CVSS.
- z) Each item of equipment required must be maintained in proper calibration. Maintenance, calibration and repair shall be performed in accordance with the respective manufacturer's instruction manuals and specifications.

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e) The Station Owner may request retesting of a CST applicant who failed the initial test(s).

1) A person who failed any part of the initial examination shall wait a period of fifteen days before reapplying.

2) A person who fails a second time shall wait a period of thirty days before reapplying.

3) After three failures within one twelve month period, a person is not eligible to take the examinations for a period of one year from the date of the last failure.

f) A CST shall test a minimum of ten percent of the vehicles safety tested during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification.

g) If the lane where a CST is employed changes testing equipment, the CST shall be required to demonstrate proficiency in the operation of the new testing equipment.

h) If a CST leaves the employ of one Official Testing Station and is subsequently hired by another, the later employer shall request in writing a transfer of the CST's certification.

1) The CVSS may require the CST to pass the written and proficiency examinations before his Certificate is transferred.

2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds thirty days, if the lane classifications of the two Stations differ or if the testing equipment differs.

1) Ceases testing vehicles; or

2) Ceases to be employed by the Official Testing Station; or

3) Certificate is suspended, cancelled or revoked; or

Section 451.130 Responsibilities of Certified Safety Tester

a) Persons interested in becoming a Certified Safety Tester (CST) must meet the following requirements:

t) If as the result of an Administrative Hearing an Official Testing Station Permit is suspended, performance of any and all vehicle inspection activities shall be prohibited for the duration of the suspension. It shall be the owner's responsibility to surrender the Lane Permit, Certificates of Safety and other related supplies requested by authorized personnel of the Department on the date the suspension begins. The owner shall be responsible for making certain all employees honor the terms of the suspension.

1) Each applicant must be at least eighteen years of age and possess a valid driver's license before making application to take the examinations.

2) A CST applicant shall be competent in the complete testing procedures, maintenance and calibration of testing equipment and the proper completion of forms and reports prior to the administration of the examinations.

b) Every applicant must accomplish the following before certification as a CST is awarded:

1) Pass a written test based on this Part.

2) Demonstrate proficiency in the operation and calibration of the safety test equipment at the Station where employed.

3) Physically inspect an appropriate vehicle.

c) Only a CST who has been licensed for a minimum of thirty days to test trucks is eligible to make application to take a school bus examination. (Employees of Class D and I school bus lanes are exempt from this subsection.)

d) Every applicant must accomplish the following before certification as a School Bus CST is awarded:

1) Pass a written test based on this Part.

2) Demonstrate proficiency in the operation and calibration of the safety test equipment at the Station where employed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 4) Fails to maintain his certification; or
- 5) Driver's license is expired, cancelled, suspended or revoked.
- j) The testing privileges granted by the CST's Certificate shall be subject to cancellation, suspension or revocation by the Department for any violation of this Part (see also Section 13-108 of the Illinois Vehicle Inspection Law regarding administrative hearings).
- k) If a CST's Certificate has been suspended for ninety days or more or cancelled, the CVSS will require that the CST pass the written and proficiency examinations prior to recertification.
- l) If a Lane is inoperative for a period of six months or more, all CST Certificates shall be cancelled. Any former CST shall be required to be reexamined before a Certificate is issued.
- m) Failure of a CST to pass either the proficiency or written portion of any retest shall automatically cancel their Certification.
- n) Refusal of a CST to submit to retesting shall automatically cancel his certification and his Certificate shall be immediately surrendered to Department personnel.
- o) No person shall perform a safety test unless they are rated as a CST by the CVSS and possess a valid Certificate issued by the CVSS. The Certificate shall be displayed at the Lane where the CST is employed.
 - 1) No CST, Station Owner, or Station employee shall authorize duties which are required to be performed by a CST to one who is not a CST.
 - 2) No person shall test school buses unless they have been rated as a School Bus CST.
 - 3) The Department may issue a citation/complaint or warning ticket to a Lane employee who is not a CST but who has safety tested vehicle(s) and issued Certificate(s) of Safety in violation of this Part or Section 13-100 et seq. of the Illinois Vehicle Inspection Law.
- p) The CST shall perform the safety test applicable to the tested

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

vehicle according to vehicle type, specifications and test procedures (see Appendices A through D for testing procedures).

- q) The CST shall have sole physical control of the vehicle to be tested during the entire safety test procedure. All safety tests shall be performed within the perimeter lines of the Lane (see Section 451.110).
 - 1) The CST shall perform the retesting of repaired components requiring use of testing equipment only within the perimeter lines of the Lane.
 - 2) The CST shall not perform any repairs or charge for any repairs made on a vehicle submitted for a safety test without the express consent of the owner or driver.
- r) The CST shall be responsible for all safety test results entered on the Vehicle Inspection Report (VIR). The CST shall prepare an inspection report for each and every vehicle presented for a test. The CST shall write his signature in the proper space on the VIR when the test is completed.
- s) The CST who performed the original safety test or retest of a vehicle shall affix the appropriate Certificate of Safety on the windshield as prescribed in Section 451.140(n). The Certificate of Safety shall be affixed only if the vehicle tested equals or exceeds all requirements of this Part.
 - 1) The CST shall complete the reverse side of the Certificate of Safety with the required information using a permanent ink pen.
 - 2) The CST shall affix to the face of the Certificate of Safety the appropriate numeric decal insert representing both the month of vehicle certification and the Certificate of Safety expiration date.
- t) A CST shall not accept any gratuity from any person for or in connection with an official safety test or for the issuance or giving of a Certificate of Safety.

Section 451.140 Certificate of Safety

- a) Certificates of Safety shall be affixed to second division vehicles and applicable first division vehicles (i.e., rebuilt vehicles and driver education training cars) as a result of

of Safety which is not firmly affixed to a vehicle, or is affixed in any other location than the prescribed location, shall be prima facie evidence of obtaining a Certificate of Safety without a proper safety test. Possession of such Certificate of Safety indicates the CST did not perform a proper safety test.

2) If as the result of an Administrative Hearing or the filing of a voluntary waiver of hearing and a plea of guilty, the Secretary of the Department makes a determination of a defendant's guilt, each Certificate of Safety involved in the action will be confiscated immediately by personnel of the Department from any person possessing illegally obtained Certificate(s) or from any vehicle displaying illegally obtained Certificate(s).

3) The Department assumes no liability for the cost of reinspection of a vehicle from which a Certificate has been confiscated.

4) Each Certificate of Safety illegally issued or illegally obtained shall be a separate, distinct violation of this Part.

h) Each Certificate of Safety issued by the Station must be accounted for on the appropriate corresponding Vehicle Inspection Report.

i) The Certificate of Safety shall be issued at the Station. The Certificate shall be affixed by the CST in the correct six month cycle and in numerical sequence, starting with the lowest serial number and proceeding in strict ascending order through the highest serial number. Such numerical progression shall be directly related to the passage of time and date of tests performed.

j) The numerical insert decal applied to the Certificate of Safety shall correspond to the date of the original test, or retest, and the month of expiration (i.e., month of test plus six months).

k) Truck, school bus and rebuilt vehicle Certificates of Safety shall be written upon only as prescribed by the Department. The backsides of the Certificate of Safety shall be completed by the CST as prescribed before the Certificate of Safety is affixed to the vehicle. The following information must be completed on the backsides of the corresponding Certificate of Safety:

b) Certificates of Safety remain the property of the State of Illinois and can be seized when Official Testing Stations are in violation of this Part.

c) Certificates of Safety shall be subject to inspection by Department personnel at any time during a Station's required regular business hours and shall only be used as directed by the CVSS.

d) Certificates of Safety shall comply with the following physical description:

1) Change color with every six month testing cycle (except rebuilt vehicle certificate);
2) Be in size and form prescribed by the Department;

3) Display on front side a serial number which shall be unique to the Certificate and begin with one of the following codes "TRK" (for truck), "TRL" (for trailer), "SHB" (for school bus), or "RBV" (for rebuilt vehicle).

4) Display on back side an area where required information shall be inserted by the CST (except trailer certificates);
5) Display on front side an area where the numerical insert decal identifying the expiration month (except rebuilt vehicle certificates).

e) Except as authorized by the Department, no person shall duplicate, alter, reproduce, manufacture, or create by any means, a Certificate of Safety or facsimile thereof.
f) Certificates of Safety expire at midnight on the last day of the month indicated by the large numerical insert applied on the individual Certificate (i.e., no grace period).

g) No Station Owner or CST shall issue, nor shall any person accept, obtain or attempt to obtain a Certificate of Safety for a vehicle which has not completely passed a safety test as described in Appendices A through D.
l) Possession by a vehicle owner or operator of a Certificate

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- 2) If the original Official Testing Station does not have a supply of Certificates of Safety to issue to a rejected vehicle being returned for retest, the test fee shall be refunded to the vehicle owner.
- x) Certificates of Safety shall be stored in a locked safe or other locked place within the Official Testing Station. Only written authorization from the CVSS shall permit storage of the Certificates of Safety for security purposes at another location.
- y) Procedures required for the reporting of lost or stolen Certificates of Safety:

 - 1) The Station Owner shall immediately notify the police agency in the jurisdiction where the Station is located of the loss or theft of any Certificates of Safety.
 - 2) The Station Owner shall then notify the CVSS without delay by telephone (217/782-2920) giving Station name, number, and address; the series and serial numbers of the Certificates that were lost or stolen; and the name of the person reporting the loss.
 - 3) The Station Owner shall complete the prescribed SVI-1241-1a2 Form. The Administrator's copy is to be mailed to the CVSS. The Station's copy is to be retained in the Station's eighteen month file.
 - 4) Credit will not be issued for either Certificates lost while in transit from the Station to the CVSS or those which are stolen from the Station. It is the responsibility of the Lane owner to file a claim with the appropriate party.

- z) All unused Certificates of Safety from the preceding test cycle shall be returned during the first ten days of a new cycle. The complete Lane number must be written on the back cover of each returned booklet of Certificates. For all unused Certificates of Safety returned (without inserts applied), an equal amount of the fee paid shall be credited to the Official Testing Station's account. This credit may be used to offset the cost of future orders.
- aa) If defective, mutilated, or voided (due to replacement of windshield) Certificates are being returned, a completed SVI-1280 is to be submitted to the CVSS with the necessary information. An amount equal to the fee paid shall be credited to the Station for retest.

NOTICE OF PROPOSED RULES

- 1) Send telegram and funds (unless Station has a credit balance) to cover cost of order to:

 - IDOT Commercial Vehicle Safety
 - 320 West Washington - 2nd floor
 - Springfield, Illinois 62766

- 2) The order or reorder for Certificates must include the following information:

 - A) Complete test Lane number (four digits);
 - B) Complete name of Official Testing Station;
 - C) Address of Official Testing Station;
 - D) Full name of person sending telegram;
 - E) Telephone number of Lane;
 - F) Type (i.e., truck, trailer, school bus, or rebuilt);
 - G) Number of Certificates requested; and
 - H) Cycle number of Certificates needed.

- 3) Certificate orders or reorders may be picked up by authorized personnel presenting a completed order and the appropriate funds to:

 - Illinois Department of Transportation
 - Commercial Vehicle Safety Section
 - 320 West Washington - 2nd floor
 - Springfield, Illinois

- v) The Station Owner shall immediately return a signed receipt to the CVSS for all Certificates of Safety delivered to his Station. Delivery of Certificates of Safety cannot be made to any address other than that of the Official Testing Station unless prior written approval has been made by the CVSS.
- w) Inventory requirements for Official Testing Station:

 - 1) The Official Testing Station must maintain a supply of Certificates of Safety and numerical insert decals to issue to both originally tested vehicles and vehicles returning for retest.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

for each returned defective, mutilated or voided Certificate. Each Certificate returned must clearly display a complete serial number and must be less than sixty days old.

- bb) When an Official Testing Station permanently closes, the owner shall submit a written request to the CVSS in order to obtain any refund monies due the Station. The refund will cover all Certificates previously returned for credit. The request must include the owner's social security number or federal employer's tax number.
- cc) When Certificates of Safety are returned to the CVSS, they shall be sent by certified mail.

Section 451.150 Completion Procedures for Vehicle Inspection Report

- a) The VIR shall be completed by a CST for each and every vehicle submitted for an inspection at an Official Testing Station.
- b) The VIR remains the property of the Department at all times.
- c) Every combination of vehicles (e.g., tractor-trailer) shall be tested as separate units and must have separate VIRs.
- d) The vehicle owner's registration card, title, or equivalent proof of ownership shall be presented to the CST at the time of the safety test. For school bus inspections, a valid wheel pull form (SB6) shall be presented to the CST prior to the safety test. The safety test cannot begin without proper ownership documentation and wheel pull form (if school bus is tested).
- e) The Vehicle Identification Number (VIN) which is recorded on the vehicle registrations material must be identical to the VIN found on the vehicle VIN plate.
- f) The CST shall write legibly and use only a number two lead pencil to record information on the VIR.
- g) In fields 5, 7, 10, 11 and 21, the required numbers and/or letters shall be written in the spaces above the bubbled area and the corresponding bubbles shall be marked below.
- h) The following fields shall be recorded on the VIR in the following manner:
 - 1) Field 8 - Date of the safety test.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 2) Field 9 - Starting time of safety test.
 - A) Time recorded must directly correspond to actual time of test.
 - B) Only one vehicle is to be tested at a time.
- 3) Field 11 - Official Testing Station and CST identification numbers.
- 4) Field 12 - CST initials.
- 5) Field 1 - Manufactured year of the vehicle.
 - A) Shall be found on the proof of ownership material.
 - B) If the vehicle's year is prior to 1970, only the bubble labeled "prior to 1970" is marked.
 - C) For all other years, the appropriate combination of 1970 or 1980 and the appropriate last digit of the year is marked (e.g., for a 1983 vehicle, the "1980" and "3" bubbles would be marked).
- 6) Field 2 - Type of vehicle to be tested.
- 7) Fields 3 or 4 - Manufacturer of the Power Unit
 - A) Mark the appropriate manufacturer of the vehicles being tested.
 - B) If no name is given, the bubble "other" is marked.
- 8) Field 5 - License Plate Number
 - A) Enter the exact license plate letters and/or numbers found on the plates attached to the vehicle.
 - B) Begin filling from the left most box and proceed to the right.
 - C) Fill only enough boxes to record the number.
 - D) If no plates are attached to the vehicle, enter "NONE" in the upper fields and mark the appropriate bubbles below.

NOTICE OF PROPOSED RULES

9) Field 7 - Vehicle Identification Number (VIN)

A) Begin filling from the left most box and proceed to the right.

B) Do not leave any blank spaces between numbers or letters.

C) Blank spaces are acceptable only at the far right if not needed to record the VIN.

10) Field 10 - Odometer Reading

A) Begin filling from the right most box.

B) Mark "0" in any unoccupied boxes (e.g., odometer reading of 17,323 would be written 017,323).

C) Mileage is bubbled in thousands of miles (e.g., odometer reading of 17,323 would be bubbled 017).

11) Field 15 - Number of Axles

A) Mark the number of wheel axles found on the vehicle.

B) Single and double wheel axles are recorded separately.

12) Field 13 - Component Reject Area

A) Mark the appropriate bubble(s) for any defects found on the vehicle during the safety test.

B) Complete the entire test, regardless of defects found.

C) Where several defects are represented by the same bubbled area, the "remarks section" on the second blue sheet of the VIR is to be used for a more detailed description of the defects found.

13) Field 16 - Test Fee

A) Enter the test fee charged according to the posted Official Testing Station fee schedule.

B) If a Certificate of Safety is issued, the fee for the Certificate is to be included in this field. If no

NOTICE OF PROPOSED RULES

Certificate of Safety is issued, only the test fee is recorded.

14) Fields 17 and 18 - Repair Charges

A) The cost of parts used for minor repairs shall be entered in Field 17. No repairs or adjustments shall be initiated without express permission of the vehicle owner or driver.

B) The cost of labor necessary to make minor repairs shall be entered in Field 18. Labor charges can only be assessed for specific mechanical work performed.

C) The costs shall be rounded to the nearest dollar.

15) Field 14 - Completion Time of Test.

A) Time is determined after testing procedures and Vehicle Inspection Report are complete.

B) Both the front and rear sides of the Vehicle Inspection Report must be complete.

16) Fields 19, 20 and 21 - Certificates of Safety Issued

A) Certificates of Safety shall only be issued to a vehicle meeting or exceeding the minimum safety test requirements.

B) The date the Certificate is affixed to the windshield shall be entered in Field 19.

C) The time the Certificate is affixed shall be entered in Field 20.

D) The complete eleven-digit Certificate serial number shall be entered in Field 21.

17) Field 22 - Total Costs for Safety Test

A) Field 22 is mandatory for all lanes other than I Lanes. Field 22 is optional for I Lanes.

B) Subtotal fees are separated into the following categories:

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D) The third copy shall be available for inspection by Department personnel during regular business hours.

o) Rejected Vehicle Inspection Reports:

1) First and third copies are to be retained at the Station for thirty days.

2) Second copy allows thirty days for repair and return to the original Station for retest.

3) If the vehicle is returned for retest within the thirty day period of time, the VIR is to be completed and copies distributed as in subsections (n)(1), (2) and (3).

4) If at the end of thirty days the vehicle has not returned for a retest, the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The third copy is filed in the eighteen month file by month of original test.

p) Incomplete Vehicle Inspection Reports:

1) The first and third copies of the VIR shall be held at the Station for sixty days.

2) The second copy allows sixty days for completion and return to the original Station for retest.

3) If the vehicle is returned for retest within the sixty day period, the VIR is completed and copies distributed as in subsections (n)(1), (2), and (3).

4) If at the end of the sixty days the vehicle has not returned for retest, the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The third copy is filed in the eighteen month file by month of original test.

Section 451.160 Official Testing Station Forms, Records and Reports

a) The following forms, records, supplies and reports which are required for the operation of an Official Testing Station shall be prescribed and furnished by the CVSS:

1) VIR-1 - Vehicle Inspection Report

2) Certificate of each CST;

1) Official Testing Station Permit;

It shall be the Station Owner's responsibility to mount in a prominent place, within the lane or immediately adjacent, a display board to contain the following items which are furnished by the CVSS:

d) It shall be the Station Owner's responsibility to maintain a supply of all forms needed in the operation of the Official Testing Station. These forms may be obtained from the CVSS by submitting the prescribed order form. It shall be the owner's responsibility to make sure his employees utilize the proper forms.

e) Upon request of the Department, all materials and supplies furnished by the Department will be surrendered immediately to Department personnel when the Station is either temporarily or permanently closed.

f) Furnished materials shall be available for inspection by Department personnel anytime during the Station's required regular business hours.

g) All forms, completed records and reports shall be kept in a secure place within the Official Testing Station.

h) All required forms, records, supplies and reports will remain the property of the Department.

i) VIR Mailers - Envelopes used to return top copy of VIR to the Department for tabulation. Do not use these envelopes for any other purposes.

2) SVI-1312 - Rejected Vehicle Report

3) SVI-1241-1 - Lost or Stolen Certificate Report

4) SVI-1280 - Defective, Mutilated or Replacement Certificate of Safety Report

5) GVI-R075 - Certificate of Safety Registration Form

6) SVI-1274 - Registration form for all supplies, including Certificates of Safety. Receipt for Certificates of Safety.

7) VIR Mailers - Envelopes used to return top copy of VIR to the Department for tabulation. Do not use these envelopes for any other purposes.

NOTICE OF PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 3) Test Procedure Chart;
 - 4) Lighting Devices and Reflectors Chart;
 - 5) Approved inspection fee per axle as shown on the Vehicle Inspection Station Price Schedule (if applicable);
 - 6) Approved school bus inspection fee as shown on the Official School Bus Testing Lane poster (if applicable);
 - 7) Vehicle Identification Number (VIN) Chart; and
 - 8) Consumer Information, Vehicle Owner Rights, and Warning Chart.
- h) The items required to be displayed shall be posted immediately upon receipt.
- i) The posted items shall be covered and protected, either individually or as a group, by a transparent material to preserve their neat and legible appearance.
- j) The board displaying the posted items must be accessible and visible to the vehicle's driver waiting for a safety test.
- k) The Station Owner shall advise the CVSS immediately if any of the posted items need to be reissued due to their being inaccurate, invalid, illegible or no longer current.
- l) All posted items remain the property of the Department.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 451. APPENDIX A Inspection Procedures/Specifications for Type I School Buses

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
a) AIR CLEANER	Any type is acceptable.	No air cleaner is present.
b) AISLE	Unobstructed minimum clearance leading from service door to emergency door (or back of bus) must be at least 12 inches (305 mm) wide. For buses manufactured in July 1987 or later, aisle width at two inches below top of seat back must be 15 inches (380 mm). Floor to ceiling height must be a minimum of 68.9 inches (1.75 m) at any location within the aisle.	Does not meet minimum standards or is obstructed.
c) ALTERNATOR (GENERATOR)	The generator, or alternator with rectifier, shall have a minimum capacity rating of 60 amperes (in accordance with SAE rating) and shall be capable of meeting all electrical requirements.	Does not meet minimum standards or is not functioning.
d) AXLES	Must meet federal chassis requirements as indicated on federal certification label. 49 CFR 568 (1987)	Visible signs of apparent damage or not firmly attached.

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

1977 or earlier, the barrier may consist of a floor-to-ceiling vertical stanchion, padded to within three inches of ceiling and floor, and a stanchion-to-wall, fully padded, horizontal guard rail. However, if located adjacent to barrier shall include a stepwell guard panel that extends from the stanchion to the wall and from the guard rail to within two inches of the floor.

Exception: All buses manufactured prior to September 1974 are exempt from padding on stanchions and guard rails.

One or more batteries may be mounted either in engine compartment or on outside of passenger/driver area. Battery (or batteries together) in a 12 volt system shall be rated, when new, to provide the following: Engine manufacturer's

Not securely mounted; excessively corroded; not rated for manufacturer's cold cranking current and reserve capacity or ampere-hour ratings.

f) BATTERY OR BATTERIES

SUBJECT

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

Barrier is not solidly attached. Padding or covering shows wear and tear. Does not meet requirements.

A guard barrier, constructed and thickly padded so as to provide head, knee and leg protection, shall be installed in front of each forward facing passenger seat that does not directly face the rear surface of another passenger seat. The barrier must measure the same height as the passenger seat back directly behind that barrier (i.e., 24 inches). 49 CFR 571.222 (1987)

In a bus manufactured in January 1988 or later, guard barriers must measure the same height as the seat back directly behind that barrier (i.e., 28 inches).

Exception: In a bus manufactured from July 1, 1987, to December 31, 1987, the barrier may be less than the required 28 inch seat back.

Exception: In a bus with chassis (incomplete vehicle) manufactured in March

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PROCEDURES/SPECIFICATIONS

SUBJECT

2) Check actuating mechanism for release. Actuating mechanism does not fully release when release control is operated properly.

1) Drive vehicle onto brake machine pads at 4-8 m.p.h.
2) Apply emergency/parking brakes to bring vehicle to a halt. Do not lock wheels.
3) Note the braking forces registered by the brake machine.

Using drive-on pad type tester:
1) Position axle with emergency brake onto roller.
2) Apply emergency brake but do not lock wheels. Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

Using roller type tester:
1) Position axle with emergency brake onto roller.
2) Apply emergency brake but do not lock wheels. Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

PROCEDURES/SPECIFICATIONS

SUBJECT

1) Backing Plate Check condition. Backing plate is in poor condition.

2) Drums/Discs Inspect drums and/or discs for cracks or for being worn or reworked beyond the marked discard limit.
1) Drum diameter .040 inch (1mm) under marked discard limit on Type I bus.
2) Drum diameter .030 inch (.75mm) under marked discard limit on Type II bus.
3) Disc thickness .030 inch (.75mm) over marked discard limit on any bus.
4) Other rework (rebore, reface) limit specified by chassis manufacturer.

Does not meet requirements.

Emergency/parking braking system must apply brakes to at least two wheels. (Section 12-301(a) of the Illinois Vehicle Equipment Law).
Micro brakes are not considered a separate means of braking and are not acceptable.
1) Apply operating control fully.

Procedures for testing:
1) Apply operating control fully.

AGENCY NOTE:

3) Emergency/Brake

Not equipped with emergency/parking brakes. Operating mechanism does not hold in the applied position.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
4) Emergency Brake Ratchet (Pedal or Lever)	Must be in proper adjustment.	Does not meet requirements.
5) Pedal Clearance (Service Brakes)	Minimum 1 1/2 inch clearance with pedal fully depressed.	Does not meet requirements.
6) Power Systems		
A) Air	With air system fully charged (compressor governor "cut-out") run engine at low idle. Make one full (maximum) brake application and immediately record reservoir air pressure. Apply and release brakes until pressure is at least 10 psi (i.e, pounds per square inch) below governor "cut-in" pressure. Run engine at high idle and determine seconds required to raise reservoir pressure from recorded pressure.	Time required to raise air pressure from recorded to cut-out is more than 30 seconds.
B) Electric/ Hydraulic	Turn engine "off." Depress service brake pedal. Electric hydraulic pump must come "on" (listen).	Electric pump does not operate properly or is absent.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
C) Hydraulic	Inspect booster system belt(s), supports, tubes, hoses, connections and general condition. Clean reservoir, cover as necessary and check booster fluid level. Do not contaminate fluid. Turn engine "on." Warning signal must come on (look/listen). Depress brake pedal lightly. Start engine. Pedal must move down slightly (feel). Warning signal must go "off" (look/listen).	Belt is slack or worn; tube or hose is damaged; any part leaks or is cracked; booster fluid is low. Either booster or warning signal does not operate properly.
D) Vacuum/ Hydraulic	Inspect tank(s), chambers, hoses, tubes, connectors, clamps, and booster air cleaner. Inspect supports and attachments. With engine off, repeatedly apply service brakes until vacuum is depleted, with medium	1. Any component is restricted, collapsed, scraped, cracked, loose, or broken. Booster air cleaner is clogged. 2. Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing. 3. Foot pedal does not fall away from foot when engine is started; insufficient

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

B) Brake Performance Test

Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

Drive vehicle onto brake machine pads at 4-8 m.p.h.

Apply service brakes to

bring vehicle to a halt. Do not lock wheels.

Note the braking forces registered by the brake

machine.

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

Using Roll-On Type Tester:

When using roller-type tester each axle must be tested separately.

Braking forces at opposite wheels on same axle vary more than 20%.

Transmissions must be in neutral when testing brakes on any drive axle.

Drive front axle onto rollers. Start roller

motor. Apply service

brakes but do not lock wheels.

Repeat the above step for

each axle.

The total braking force

on a vehicle must be

Machine does not register a total braking force of at least 60% of the

PROCEDURES/SPECIFICATIONS

SUBJECT

vacuum reserve to permit one full

service brake application after

engine is off without

actuating "Low Vacuum" indicator; valve or

diaphragm leaking.

pressure on brake pedal, start engine; release brake and operate engine until maximum vacuum is established; stop engine; apply service brakes hard.

With brakes still applied, start engine; after one minute of running engine, check "Low Vacuum" indicator.

7) Service Brakes

Must be equipped with service brakes on all wheels. (Section 12-301(a)(5) of the Illinois Vehicle Equipment Law)

Do not meet requirements.

Must be equipped with a "split system" on service brakes. 49 CFR 571.105 (1987)

Do not meet requirements.

Power-assisted service brakes are required. 49 CFR 571.105 (1987)

A) Brake Report and Certification Form (SB6)

Verify SB6 for following:

Absent or invalid SB6.

- 1) Proper completion.
- 2) Issued not more than 10 days before safety test.
- 3) Correct brake mileage.

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NOTICE OF PROPOSED RULES

REJECT VEHICLE IF

standards in effect in (month/year) ;

6) The vehicle identification number (VIN) ;

7) The vehicle's classification (usually "bus"). 49 CFR 567.5 (1987)

Alterer's certification:

A certified vehicle might have been altered before its purchase for use as a school bus. The alterations may have included, but are not limited to, classification changes, gross weight rating changes, or changes to the application/effective date of a federal motor vehicle safety standard. If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, shows when alteration was completed, "as altered" GWR, GAWR and classification (if changed). It must also state that the altered vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year). 49 CFR 567.7 (1987)

PROCEDURES/SPECIFICATIONS

SUBJECT

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS

affixed. "Permanently affixed" means the label cannot be removed without destroying or defacing it.

A certification label does not contain the

required statement and all other information required for that label.

The manufacturer's label must contain the following information:

1) Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed;

2) Name of incomplete vehicle (chassis) manufacturer and the month and year in which he performed his last manufacturing operation on the incomplete vehicle;

3) Gross vehicle weight rating, or ratings (GWR);

4) Gross axle weight ratings (GAWR);

5) The statement, "This vehicle conforms to all applicable federal motor vehicle safety

SUBJECT

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

2) State

The State of Illinois requires a certification label in each new Type I bus constructed upon a chassis (incomplete vehicle) that was manufactured in April 1977 or later. This label may be displayed in earlier buses.

When displayed, this label must contain:

- 1) Name of vehicle (bus) manufacturer (usually same as on federal label);
- 2) An identification of the completed bus by VIN; and
- 3) A statement that the bus conforms to all applicable Illinois minimum safety standards in effect on the first day of the same month shown in the latest statement of conformance to federal standards; or on the first day of a later month.

New buses that have been manufactured to meet other than Illinois construction standards, but have been sold for use in Illinois, must

The month shown on the State of Illinois certification label is earlier than the month shown in the statement of conformance to federal standards on the federal certification label.

The Vehicle Identification Number (VIN) on the state and federal certification labels is not the same number.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

display a federal and state certification label certifying that all Illinois requirements have been met.

Used buses that have been manufactured to meet other than Illinois construction standards, but have been sold for use in Illinois, must either display federal and state labels or obtain a letter of approval from DOT administration personnel verifying all Illinois construction standards have been met. Such letter must remain on the bus at all times.

n) DEFROSTERS

Using heat from heaters and circulation from fans, defrosting equipment shall keep the windshield, the windows to the left of the operator, and the glass in the service door clear of fog, frost, and snow. Auxiliary fans are not considered to be a defrosting and defogging system. Must conform to federal standards. 49 CFR 571.103 (1987)

Defrosting system does not function properly.

o) DRIVE SHAFT
GUARD

Shall be of sufficient

Drive shaft guard is not

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

ILLINOIS REGISTER
PROCEDURES/SPECIFICATIONS
SUBJECT

REJECT VEHICLE IF

Fuses are not present or are not conveniently mounted.
Switches not operating properly or are missing. Insulation is frayed or missing. Wiring not securely attached.

Two extra fuses for each size fuse used on the bus shall be conveniently mounted on the bus body.
Check operation and condition.

All wires shall be properly insulated and securely attached at not more than 18.1 inch (460 mm) intervals. Check condition.

Check operation and condition.
All buses must be equipped with either a rear emergency door or a left side emergency door and a rear emergency window. 49 CFR 571.217 (1987)

Release mechanism is not protected, accessible, or operable (inside and outside); Unable to open easily; hinge is located at incorrect location; location and size of opening is incorrect. Alarm at door does not function (see EMERGENCY EXIT - Alarms and Locks).

shall be hinged on front side and open outward. Shall be equipped with alarm and safety glass (or equivalent). Glass shall be located in upper and lower portions of the door. Door shall be of at least the same gauge metal as the body. Shall be 24 inches or more

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

ILLINOIS REGISTER
PROCEDURES/SPECIFICATIONS
SUBJECT

REJECT VEHICLE IF

solid and is not firmly attached.
strength to protect drive shaft and prevent it from going through floor or dropping to ground if broken. Shall be required on each segment on shaft.

Shall be arranged in at least nine regular circuits as follows:
1) Head, tail, stop (brake) and instrument panels lamps;
2) Clearance lamps and any lamp in or adjacent to step risers;

Breaks in insulation are present. Not on proper circuit or properly wired.

1) Head, tail, stop (brake) and instrument panels lamps;
2) Clearance lamps and any lamp in or adjacent to step risers;

3) Switches

4) Wiring

9) EMERGENCY EXITS

1) Left Side

p) ELECTRICAL SYSTEM
1) Circuits

- 1) Head, tail, stop (brake) and instrument panels lamps;
- 2) Clearance lamps and any lamp in or adjacent to step risers;
- 3) Interior lamps;
- 4) Starter motor;
- 5) Ignition, emergency exit alarm signals and other alarm signals;
- 6) Turn signal lamps;
- 7) Alternately flashing signal lamps and stop signal arm lamps;
- 8) Horn;
- 9) Heater and defroster.

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REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

convenient to the seated driver's unobstructed vision. Entrance door shall be power or manually operated from the driver's seat and designed to afford easy release and prevent accidental opening. No parts of the hand lever shall come together so as to shear or crush fingers. Vertical closing edges shall be equipped with flexible material to prevent injury. Lower and upper panels of door shall be of safety glass or equivalent. Bottom of lower panel shall be not more than 35 inches from ground when unloaded. Top of upper glass panel shall be not more than 6 inches from top of door. No door is permitted to left of driver.

A service door equipped with power shall also be capable of manual operation in case of power failure.

Exception: All buses purchased prior to September 1974 are exempt from split type door. They may be split, sedan, or jack-knife type.

SUBJECT

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

Binding or jamming is evident, malfunctions, not equipped, over-ride device on power operated door does not function, control not accessible by driver.

Door is missing, loose, or torn.

Also, engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a tool, key, or combination.

Alarm cut-off or "squelch" control is prohibited.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the "not fully latched" alarm may only be audible to the seated driver. The engine starting system may operate while the emergency door is locked.

1) Physical Requirements

r) ENTRANCE DOOR

Minimum 24 inch horizontal opening.

Minimum 68 inch vertical opening. Jack-knife or split type door required on buses purchased after September 1974. If split type door is used and one section opens inward and the other outward, front section shall open outward. Door shall be located on the right side near the front,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

2) Locks and Alarms

A service door lock is not required, but if any type of service door locking system is installed on the bus, the system shall conform to the following:

- 1) The locking system shall not be capable of preventing the seated driver from easily and quickly opening the service door.
- 2) The locking system shall include an audiovisual alarm. The alarm shall emit sound and light (or other visual indication) that demands attention and will alert the seated driver when the engine is running and the service door is locked. An alarm disconnect, "squench control," or other alarm defeating or weakening device shall be prohibited.

Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier is exempt from driver being seated; that is, the driver may move from

Locks and alarms do not meet requirements. Bent, worn, or dislocated parts that would delay quick door release and opening are present.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

s) EXHAUST SYSTEM

driver's seat to interior side of service entrance to operate service door.

"Exhaust System" includes each component used to conduct gas from an engine exhaust port (manifold) to authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tailpipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak. System shall have an outlet at its discharge end(s) only.

All parts of system are not securely fastened and supported.

Any part is leaking, missing, or patched.

Any part contains holes not made by manufacturer.

1) Shielding

Any flammable material, electrical insulation, brake hose, or fuel system component containing fuel that is located within 11 13/16 inches (300 mm) of a component containing exhaust gas shall be safeguarded by a heat shield.

Exhaust system shall be shielded from either

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not labeled in compartment, if applicable.

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., rating of not less than 10 B.C. mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labeled.

Kit is not complete. Dust or other visible dirt is present inside case. Individual packages are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not labeled.

Kit shall be readily identifiable, removable, and mounted in readily accessible place in driver's compartment -- either in full view or in specified secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to, either the following Type 1 or Type 2.

Type 1: Unit Type (Minimum Contents)
4" bandage compress... 2 pkgs
(May be 1 package in bus

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

accidental contact, "hitching to," or "standing on," except at discharge end. A chassis or body component may provide required shield.

2) Discharge

The exhaust system's discharge end (tailpipe) shall be within .98 inch (25 mm) of bus side, rear, or rear corner, but not to rear of rear bumper and not outside a side rub rail; however, it may be more than .98 inch (25 mm) below bumper or body skirt. Gas shall not be directed towards a door or other opening into bus body. In addition, the discharge end, or ends, shall not be located in any prohibited zone shown in Illustration B.

t) FENDERS

Sharp edges are evident. Fenders are not solid or in bad condition. Shall be properly braced and free from any body attachment.

There shall be approximately one inch located between front fenders and back face to cowl.

Replaceable element or cartridge type. Minimum one-guart capacity.

u) FILTER, OIL

Does not meet requirements.

w) FIRST AID KIT

v) FIRE EXTINGUISHER

SUBJECT

PROCEDURES/SPECIFICATIONS

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Any part of fuel system, except extensions for driver control of air or fuel, is within passenger/driver compartment.

PROCEDURES/SPECIFICATIONS

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

SUBJECT

1) Fuel
Filter
Cap

Meets federal specifications. Must be the same as or equivalent to original equipment. 49 CFR 393.67 (1987)

Cracked, leaks, insecure mounting, damaged, clamps missing, mount clips missing or not separated (300 mm) from any part of exhaust system that contains exhaust gas or shield. Inside engine compartment, the chassis manufacturer's standard shall govern separation and shielding between parts designed by chassis manufacturer.

Leaks or is not secure.

Leaks, damaged, or is not secure.

Leakage, seepage, or abrasion; hole or crack

PROCEDURES/SPECIFICATIONS

Boots and seals around shift levers and emergency brakes must be secure and solidly attached.

SUBJECT

Y) FRAME AND BODY

Visually inspect:

1) Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip fumes through the joint between the chassis cowl and the body.

1) Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body.

2) Loose, cracked, broken or missing.

2) Cross member mounting bolts.

3) Missing, loose.

3) Engine mounting bolts.

4) Cracked, broken, bent, rusted to a depth as to substantially weaken frame - welding except by body manufacturer.

4) Frame shall extend to rear of body cross member.

5) Unless permitted, frame extends past wheel base.

5) Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.

5) Fuel Tank(s)

Tank must be safeguarded by structure that

4) Fuel Pump

Check condition.

3) Fuel Filter Tube

Check condition.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	protects from side or angular impact blows. 49 CFR 571.301 (1987)	that would leak or seep when tank is full.
	Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier is exempt from being equipped with a tank guard structure.	
6) Fuel tank mount(s)	Check condition.	Cracked, loose, bolts missing.
7) Fuel tank straps	Check condition.	Cracked, loose, or missing.
8) Propane relief valve/piping	The relief valve discharge shall be vented to the left, or driver's side, of the vehicle and up the outside near or at the driver's station and then to the eave of the roof line. It must not reach above this point and must be nonhitchable. Where it is possible to do so, it is acceptable to run the discharge piping between the inner and outer walls of the bus. On existing installations, if the discharge pipe is run through the inside of the bus, the following criteria shall also apply:	Propane relief valve/piping system is not properly installed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	The pipe shall be galvanized.	
	No connections may be made inside of the bus, in other words, the pipe should be one length and threaded only on the exterior, both top and bottom.	
	The pipe shall be covered with a material, such as foam rubber, to prevent a person from hurting themselves if they were pushed or fell against the post.	
	The pipe must be securely clamped with a u-bolt on the bottom to hold it in place.	
	If the pipe goes through the vertical stanchion, the vertical stanchion shall be bolted, both top and bottom, as it was originally constructed.	
	In all cases, the discharge piping shall terminate above the window line. An appropriate rain cap arrangement shall be provided to prevent the entry of water, ice, etc., into the discharge piping.	

aa) GRAB HANDLES

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. (Section 12-601 of the Illinois Vehicle Equipment Law)

Horn button, ring or other control may be located anywhere in cab that is readily accessible to driver.

Shall be equipped with the following nonpare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible. 49 CFR 571.101 (1987)

- 1) Speedometer;
- 2) Odometer;
- 3) Fuel Gauge;
- 4) Oil Pressure Gauge;
- 5) Water Temperature Gauge;
- 6) Ammeter with graduated charge and discharge indications;

ee) INSTRUMENTS AND INSTRUMENT PANEL

AGENCY NOTE:

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

At least one step grab handle shall be located on each side at front of body so as to provide easy access to windshield.

Stainless clad steel with measurements not less than 10 inches long located in unobstructed location inside doorway.

Nameplate must identify manufacturer and heater rating capacity. Must be capable of maintaining inside temperature of 50 degrees. The heater hoses shall be adequately supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be adequately protected to prevent injury from burns in the event of rupture.

Hood does not open or hood latches do not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body. Horn control is missing, defective or not audible.

1) Exterior

2) Interior

bb) HEATERS

cc) HOOD

At least one horn shall be provided giving an

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect latches or remote control for proper operation.

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PROCEDURES/SPECIFICATIONS

SUBJECT

Fuels are not properly marked with decal. Decal is in wrong location.

Fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. Such decal shall be diamond shaped with white or silver scotchlike letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlike border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed on or near the rear bumper and visible from the rear of vehicle. (Section 12-704.3 of the Illinois Vehicle Equipment Law)

Lettering or decals are not black, distinct, required, or allowed.

Owner's name and school district number must be at least four inches (100 mm) high, approximately centered and as high as possible below window line. (Section 12-802 of the Illinois Vehicle Equipment Law)

D) Right

SUBJECT

REJECT VEHICLE IF

possible on body or sign attached thereto.

(Section 12-802 of the Illinois Vehicle Equipment Law) "EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing at least 44 inches (1.12 m) above floor level.

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window, or on exit glazing at least 44 inches above floor level. An arrow, at least 5.9 inches in length and 3/4 inches in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All lettering must be black.

If bus uses alternate

buses using alternate

NOTICE OF PROPOSED RULES

SUBJECT PROCEDURES/SPECIFICATIONS REJECT VEHICLE IF

The following lettering must be at least two inches (50 mm) high:

1. The word "CAPACITY," or abbreviation "CAP.," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS.," shall be displayed on the outside of the body near the rear edge of the service entrance.
2. Empty weight, in both pounds and newtons, must be shown. Empty weight is indicated by "EW" and newtons is indicated by "N." (Section 12-802 of the Illinois Vehicle Equipment Law)
3. If emergency window is installed, "EMERGENCY EXIT" shall be displayed on or immediately below emergency window.

Manufacturer's identification name or emblem may be displayed, but not on service door glazing. Manufacturer's name or emblem must not interfere with required

NOTICE OF PROPOSED RULES

SUBJECT PROCEDURES/SPECIFICATIONS REJECT VEHICLE IF

lettering. Decals are permissible. All lettering must be black.

Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier need not show empty weight in newtons.

AGENCY NOTE:

Weight in newtons (N) = weight in pounds (lb) x 4.448222 (or 4.45).

2) Interior

A) Front

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

Does not meet requirements. Lettering is not black, distinct, required or allowed.

On right side: Either "CAPACITY" or "CAP," plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED."

A red cross formed of

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

ILLINOIS REGISTER

PROCEDURES/SPECIFICATIONS
REJECT VEHICLE IF

affixed either directly above each emergency exit, or on top metal of exit (door or window), or on top of exit glazing at least 44 inches (1.12 m) above floor. An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit shall be painted or permanently affixed within six inches of each release handle. All lettering and arrow(s) must contrast with background. Decals are permitted.

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches (150 mm and 150 mm) below the top of the window opening. The line shall be located between each window that slides downward. Decals are permitted.

Instructions for emergency operation of a power operated door shall be affixed permanently on the inside of the door in letters at least .5 inch high. Decals are permitted.

SUBJECT

hh) LIGHTS

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

ILLINOIS REGISTER

PROCEDURES/SPECIFICATIONS
REJECT VEHICLE IF

five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment. The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDSEES" need not be opposite center of aisle and the word "PASSENGERS," or "PASS.," is optional.

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches (150 mm and 150 mm) below the top of the window opening. The line shall be located between each window that slides downward.

Does not meet requirements. Lettering is not black, distinct, required, or allowed.

SUBJECT

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS
REJECT VEHICLE IF

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDSEES" need not be opposite center of aisle and the word "PASSENGERS," or "PASS.," is optional.

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches (150 mm and 150 mm) below the top of the window opening. The line shall be located between each window that slides downward. "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least two inches (50 mm) high painted or permanently

B) Left

C) Rear

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

- alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- 2) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm shall not extend.
- 3) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Open the service door. The alternately flashing signal lamps of either color shall not go on and stop signal arm shall not extend.
- 4) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS

SUBJECT

switch shall be provided for this signal system. When in its "off" position this master switch shall prevent the following:

- 1) Operation of the 8 lamp system;
- 2) Operation of any lamps mounted on the stop signal arm;
- 3) Operation of any electrically controlled mechanism that would cause the stop signal arm to extend.

The controls for the eight lamp flashing signals, the stop signal arm and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running.

- 1) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULESSUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

- 5) Deselect but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm shall extend.
- 6) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 7) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 8) Open the service door. The red pilot and red signals shall remain on and the stop arm remain extended.
- 9) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULESSUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

7) Headlights

Shall have at least two sealed-beam headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed (see Aiming Procedures below) and fill required intensity. Shall conform to federal standards. 49 CFR 571.108 (1987).

Do not meet requirements.

A) Aiming

Use approved calibrated headlamp tester according to manufacturer's instructions. The headlamp tester shall be in good repair and calibration.

Headlights are not aimed properly.

All type "2" lamps, regardless of size, must be aimed and tested on low beam.

Check for bulb burnout and proper beam switching.

Check springs for sag or broken leaves.

Clean lenses.

B) Test

Procedures

1) Upper Beam Aim.

Applies only to 5 3/4

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

REJECT VEHICLE IF

front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108 (1987)

shall be one lamp on each side; white or amber color. 49 CFR 571.108 (1987)

Does not meet requirements; improper color; cracked or broken lenses.

Exception: All buses purchased prior to September 1974 are exempt.

All buses 80 or more inches in overall width which are equipped with side marker lamps, and clearance lamps, and intermediate side marker lamps are exempt from having parking lights. However, if vehicle is equipped with parking lights, they must be operational. (Section 12-202 of the Illinois Vehicle Equipment Law)

At least the nosings of the service entrance steps and the floor around the stepwell shall be automatically illuminated with white light when the following occurs:

Does not meet requirements; improper color; cracked or broken lenses.

1) Service entrance door is opened.

12) Parking Light

13) Step Well

SUBJECT

PROCEDURES/SPECIFICATIONS

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

inch Type "1" sealed beam headlamp units.

2) Lower Beam Aim

The following type headlamp units are to be tested only on the lower beam:

5 3/4 inch - Type "2" sealed beam, or

7 inch - Type "2" sealed beam.

Adequate to illuminate aisles, step well, and emergency passageways.

Does not provide adequate lighting; cracked or broken lenses; improper color.

Does not provide adequate lighting; cracked or broken lenses; improper color.

Adequate white light to illuminate license plate. 49 CFR 571.108 (1987) May be combined with one of the tail lights.

8) Interior

9) License Plate

10) Marker, Left

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108 (1987)

Does not meet requirements; does not function properly; improper color; cracked or broken lenses.

Exception: All buses purchased prior to September 1974 are exempt.

11) Marker, Right

Two lamps: one amber at

Does not meet

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SUBJECT REJECT VEHICLE IF
PROCEDURES/SPECIFICATIONS
SUBJECT REAR SIGNAL, TURN 20)

Operate turn signals and four-way warning hazards to check performance of front and rear lights.

Chassis manufactured after March 31, 1977, must have two 7 inch diameter, or 19 square inch, amber lenses mounted on the rear as far apart and as high as practicable below rear window. 49 CFR 571.108 (1987)

Exception: Chassis manufactured prior to April 1, 1977, may have yellow or red turn signals with arrow lenses. 49 CFR 571.108 (1987)

Not readily accessible to driver; lettering or identification missing; alarm does not function properly when compartment is locked and vehicle is running.

Fire extinguisher, first-aid kit, and warning devices may be stored either in a closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when compartment is locked. The automatic alarm shall be both

SUBJECT TURN 18) SIGNAL, RIGHT (ARMORED)
PROCEDURES/SPECIFICATIONS
REJECT VEHICLE IF

mounted behind driver's seat at seat level and rub rail height. Functions with regular turn signal.

Exception: All buses purchased prior to September 1974 are exempt from having left armored turn signals.

Flush mounted "armored" type amber clearance lamp mounted at approximately seat level and rub rail height just to rear of service door. Functions with regular turn signal lamps.

Exception: All buses purchased prior to September 1974 are exempt from having right armored turn signals.

Does not meet requirements; does not function properly; improper color; cracked or broken lenses.

One amber lamp at least four inches in diameter, or 12 1/2 square inches, located on each side at or near the front. They shall be located at the same height and as far apart as practicable. Lamps must conform to federal standards. 49 CFR 571.108 (1987)

TURN 19) SIGNAL, FRONT

TURN 19) LOCKED COMPARTMENT

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and not readily opened without using a tool, key, or combination. An alarm cut-off or "squench" control is prohibited.

Each safety item inside the compartment shall be named on the outside of the compartment cover, or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment.

Exception: A bus with chassis manufactured in March 1977 or earlier need not have a visible alarm.

jj) MIRRORS

Every required mirror shall be of reflecting material protected from abrasion, scratching, and corrosion. Mirror shall be firmly installed on stable supports so as to give a clear, stable, reflected view. Mirrors shall be adjustable so as to give and maintain its required field of view.

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONSREJECT VEHICLE IF

1) Exterior

A) Rear View

Driving Shall be mounted outside. Must give seated driver a view to the rear along each side of bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. 49 CFR 571.111 (1987)

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

A convex driving mirror may be installed to expand the driving view to the rear, provided the usable flat reflecting surface is rectangular and is at least 50 square inches.

Exception: When a convex driving mirror is installed on a bus manufactured in August 1974 or earlier, the usable flat reflecting surface need not be rectangular but must be at least 50 square inches.

B) Right Side Safety

An outside convex mirror, either alone or in combination with the driving mirror system, shall give the seated driver a view of the roadway along the right

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

mirror is optional on a bus with chassis manufactured in March 1977 or earlier.

D) Cross Over Mirror

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of reflecting surface of this mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle). 49 CFR 571.111 (1987)

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a cross over mirror is optional.

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

Clear view safety glass, minimum 6 inches x 30 inches overall; framed with rounded and padded corners and edges. It shall afford good view of the bus interior and portions of the roadway to the rear.

Exception: All buses manufactured prior to September 1974 are exempt from padding on the mirror.

SUBJECT

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

side of the bus between the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only.

Exception: A right safety mirror is optional on a bus manufactured in August 1974 or earlier.

C) Left Side Safety

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

The seated driver shall have a reflected view of left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. If the left driving mirror system does not give that view, a convex mirror shall be installed that, either alone or in combination with the driving mirror, does give the seated driver that view.

Exception: A left safety

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PROCEDURES/SPECIFICATIONS

SUBJECT

Missing or damaged reflective material; not located or positioned as required.

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

2) Left Side

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

Missing or damaged reflective material; not located or positioned as required.

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

3) Right Side

PROCEDURES/SPECIFICATIONS

SUBJECT

Missing or damaged reflective material; not located or positioned as required.

Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Illinois Vehicle Equipment Law) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail (12 inches on a bus with chassis manufactured in March 1977 or earlier). The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

1) Front

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
4) Rear	Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.	Missing or damaged reflective material; not located or positioned as required.
nn) RUB RAILS	<p>There shall be one rub rail located approximately at seat level which shall extend from the rear of the service entrance completely around the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.</p> <p>There shall be one rub rail on each side located approximately at the floor line which shall extend over the same longitudinal distance as the rub rail located at the seat level.</p> <p>More than two rub rails may be installed on sides and rear of bus.</p> <p>Rub rails of longitudinally corrugated or ribbed steel at least 3.9 inches (100 mm) wide</p>	Rub rails are not firmly attached; incorrect color; incorrect number of rails or missing.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	shall be fixed on the outside of the bus.	
	Exceptions:	
	1) Rub rail need not extend across wheel housing.	
	2) Rub rail may terminate at the point of curvature at the right and left rear corners of the body.	
oo) SEAT BELTS	Must be installed on driver's seat. (Section 12-807 of the Illinois Vehicle Equipment Law) Belt material, buckle, tongue, etc. shall remain above floor when not in use. All retractors installed shall be an automatic locking type.	Reject if dirty, frayed, torn, cracked or broken or if retractor or buckle does not operate properly.
	Exception: On a bus manufactured in August 1974 or earlier, a retractor must be installed; however, the belt, etc., need not remain above floor but must not be excessively dirty.	In buses manufactured prior to September 1974, seat belt is excessively dirty.
pp) SEAT, DRIVER'S	The driver's seat shall be rigidly positioned and shall afford vertical,	Not securely anchored to floor; in poor condition; adjustment mechanism does

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

body which support them. No jump or portable seats are allowed.

The forwardmost seat on the right side of the bus shall be located so as not to interfere with the driver's vision and not be farther forward than the rear of the driver's seat when adjusted to its rearmost position.

The center-to-center seat spacing shall be no more than 24 inches, measured at cushion height. The distance between the rearmost position of the driver's seat and the front face of the seat back of the forwardmost seat on the left side shall not be less than 24 inches measured at cushion height.

A minimum of 36 inches of headroom for the sitting position above the top of the undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than 7 inches from the side wall at cushion height and at the front and rear center of cushion.

Seat backs of similar

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECT PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

not function properly.

forward and backward adjustments of not less than 3.9 inches (100 mm) without the use of a tool or non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 11 inches (280 mm).

Seat padding and covering shall be in good condition, free from holes and tears. Seat cushions shall be securely fastened to the seat frame.

All seats shall have a minimum front to rear depth of 14 inches. In determining seating capacity of a bus, individual seating width shall be 13 inches where 3-3 (three pupils on both sides of aisle) seating plan is used and 15 inches where 3-2 (three pupils on one side of aisle and two pupils on other side of aisle) plan is used.

Not firmly attached to body; broken frame; cushions not firmly attached; padding and covering not fire resistant. Padding or poor condition, or missing; seats are torn or have holes; minimum seat dimensions or seat spacing are not in compliance.

All seats shall be forward facing and shall be securely fastened to that part or parts of the

SEAT, PASSENGER (99)

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NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
C) Power Steering	Manually and visually inspect:	Steering components are:
	1) Belts	1) Loose, frayed, cracked, missing; incorrect belts.
	2) Cylinders	2) Loose and/or leaking.
	3) Fluid Level	3) Low fluid level
	4) Hoses	4) Cracked, leaking, rubbed by moving parts.
	5) Mounting Brackets	5) Cracked, loose, or broken.
	6) Power Assist	6) No assist is evident.
	7) Pump	7) Loose, leaking.
D) Toe-In/ Toe-Out	With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator. Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination).	More than 30 feet per mile on the approved side slip indicator.
E) Wheel Bearings	With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom, rock it in and out. Record movement. To verify that any looseness detected is	Relative movement between drum and backing plate, measured at tire, is 1/4 inch or more.

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>										
	in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield.											
AGENCY NOTE:	Wheel bearing play can be eliminated by applying service brakes.											
2) Interior												
A) Column	Inspect to determine that column support bracket is properly tightened and all bolts are present.	Column support bracket is not properly tightened or bolts are missing.										
B) Lash	With road wheels in straight ahead position, turn steering wheel until a turning movement can be observed at the left road wheel. Slowly reverse steering wheel motion and measure lash.	Lash exceeds following acceptable limits: <table border="1"> <thead> <tr> <th>Steering wheel maximum diameter (inches)</th> <th>Acceptable lash (inches) measured at maximum circumference</th> </tr> </thead> <tbody> <tr> <td>16 or less</td> <td>2</td> </tr> <tr> <td>18</td> <td>2 1/4</td> </tr> <tr> <td>20</td> <td>2 1/2</td> </tr> <tr> <td>22</td> <td>2 3/4</td> </tr> </tbody> </table>	Steering wheel maximum diameter (inches)	Acceptable lash (inches) measured at maximum circumference	16 or less	2	18	2 1/4	20	2 1/2	22	2 3/4
Steering wheel maximum diameter (inches)	Acceptable lash (inches) measured at maximum circumference											
16 or less	2											
18	2 1/4											
20	2 1/2											
22	2 3/4											
C) Shaft	Grasp steering wheel with both hands and attempt to move shaft up and down.	Steering shaft moves up and down.										
D) Steering Wheel	Inspect steering wheel condition.	Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.										

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

have the "STOP" painted on both sides in white letters at least six inches high with a brush stroke approximately 7/8 inches wide. The word "STOP" shall be painted on a panel with red background of approximately 8 inches by 16 inches. Remaining area of stop arm blade is to be painted white with a band of white border at least 1/2 inch wide painted front and rear on both sides as contrast. White portion of stop arm signal shall be reflectorized or shall have double-faced lamps with red lens approximately four inches in diameter located in the top and bottommost position of the blade. These lamps shall light and flash when stop arm is extended and likewise turn off and stop flashing when arm is closed. Decals may be used in lieu of painting. (Section 12-803 of the Illinois Vehicle Equipment Law) (See Illustration A for example.)

Steps or risers are not solid. Steps, risers or nonskid material covering surface shall be of 1/2 to 3 inch white nonskid material with 1/2 to 3 inch white nonskid material. Riser of upper step not more than 15 inches in height. When more than two steps are used, risers must be approximately of equal height, except when floor is plywood over steel. (Increase by thickness of plywood.)

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.

Turn steering wheel through a full right and left turn checking for binding, jamming and complete travel left and right.

Steps or risers are not nonskid material covering surface shall be of 1/2 to 3 inch white nonskid material with 1/2 to 3 inch white nonskid material. Riser of upper step not more than 15 inches in height. When more than two steps are used, risers must be approximately of equal height, except when floor is plywood over steel. (Increase by thickness of plywood.)

Steps shall be enclosed and shall not protrude beyond side body line. Surface shall be of 1/2 to 3 inch white nonskid material with 1/2 to 3 inch white nonskid material. Riser of upper step not more than 15 inches in height. When more than two steps are used, risers must be approximately of equal height, except when floor is plywood over steel. (Increase by thickness of plywood.)

(89) STEPS, ENTRANCE

R) Travel

A stop arm panel must be installed on the left side of the bus and may be operated either manually or mechanically. The arm shall be a hexagon shaped semaphore approximately 18 inches wide and 18 inches long and of 16-gauge metal. The stop arm signal shall

(90) STOP ARM PANEL

Stop arm panel is in poor condition (i.e., faded, peeling, or rusted); lights do not operate properly (if installed); not securely attached; not operating properly.

(91) STORAGE COMPARTMENT (optional)

Covered, fire-resistant (optional)

If installed, does not

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SUBJECT

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Flags not less than 12 inches square and three red reflectors minimum of three bidirectional emergency triangles that conform to 49 CFR 571.125 (1987) (Section 12-702 of the Illinois Vehicle Equipment Law) Kit shall be securely stored.

Full open type attached to floor sheet to prevent water, fumes or dust entering the body. Inside height should not exceed 10 inches above floor line. Housings shall allow for unimpeded wheel and tire service or removal. Housing shall provide clearance for tire chains on the dual or single tires installed on the rear wheels.

Inspect tire and road wheel assemblies.

A tire or wheel is rubbing against any portion of the suspension, chassis, or body.

Any wheel or rim securing device such as a nut, bolt, stud, lug, or other type securing device is loose, missing or that obscures any of bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap, or decorative ring that obscures any of

1) Housings

bbb) WHEELS

2) Rim

Required warning devices

Rather three red cloth

PROCEDURES/SPECIFICATIONS

SUBJECT

REJECT VEHICLE IF

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

Tow hook(s) extend beyond bumper; not securely attached.

Tow hook(s) extend beyond bumper; not securely attached.

2) Rear

yy) UNDERCOATING

zz) VENTILATION

aaa) WARNING DEVICES

Fire resistant undercoating material applied to entire underside of body, front fenders, wheel wells, floor members, and side panels below floor level. Non-metallic parts need not be coated.

Does not meet requirements.

Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.

Air is obstructed; not securely fastened; not covered.

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	these items must be removed prior to the inspection.	or cracked.
	Inspect for visible wheel damage.	Wheel locating hole(s) are elongated, oversized, or "wallowed out." Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle.
3) Tires	A regrooved, retreaded, or recapped tire shall not be on the front steering axle.	Regrooved, retreaded or recapped tire is located on front steering axle.
	A tire with restricted use marking is prohibited. (e.g., "NHS" or "SL" following size marking, "Off Highway," "Farm Use," "Racing Only," etc.)	Restricted marking is present.
	Inspect for tread wear. Check for the presence of tread wear indicators.	
	1) Tires with tread wear indicators.	Tread wear indicators contact road in any two adjacent grooves at three equally spaced intervals around the circumference of the tire.
	2) Tires without tread wear indicators. Use tread depth gauge. Do	On steering axle, tread groove depth is less than 4/32 inch (drive axle is

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	not measure on a tie-bar, groove hump, fillet, or tread wear indicator.	2/32 inch) in any two adjacent grooves at three essentially equally spaced intervals around the circumference of the tire.
	3) Tires without tread wear indicators and with noncircumferential grooves, or "spaces," between the tread elements (as in snow, mud, lug knob, or traction treads).	On steering axle, tread groove depth is less than 4/32 inch (drive axle is 2/32 inch) when measured in a major groove at a point half way between the center of the tire and the outside of the tread at three essentially equally spaced intervals around the circumference of the tire.
	4) Tires with treads that are bald, partially bald, cupped, dished, or unevenly worn.	The lateral width of any bald area (measured across the tire between bordering grooves) is 1/4 or more of the tread width (measured across the tire between the outer edges of the outermost tread elements).
	AGENCY NOTE:	"Bald" means without a groove.
	Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.	A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

Tires on the same axle are not of same construction.
A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction.
Tires on same axle must be of same construction.

Inspect tires for size designation and for matched construction.
A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

AGENCY NOTE:

Inspect each single dual tire assembly.
A mixture of regular and mud-and-snow treads must be same on both sides of axle.
When radial and conventional tires are both used on a vehicle, requirements shall be met:
1. On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the

Does not meet requirements.
Does not meet requirements.

Does not meet requirements.

PROCEDURES/SPECIFICATIONS

SUBJECT

seen - either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.
Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage, or loss of adhesion between carcass and tread or sidewall.

Inspect for evidence of tread or sidewall separation.

Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.

Inspect for regrooved or recut treads.

49 CFR 369 (1987) require tires marked "REGROOVABLE" to have sufficient tread rubber that, after regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32 inch thick.

Inspect tires for legible markings showing size designation and carcass construction.

A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

AGENCY NOTE:

"R" in size designation shows radial construction. More plies at tread than sidewall

AGENCY NOTE:

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REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

signs, letters or numerals displayed on the window in the rear of the bus shall be located at least 44 inches above floor line.

Does not meet emergency opening requirements. Window does not open easily. Glass is cracked or broken. Stop lines are missing.

Each side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering window or by use of knock-out type split sash. A "Stop Line" is required six inches from top of window on all windows. Safety glass with exposed edges shall be banded.

Latches do not operate properly.

Window latch must be in proper working order. Shall be installed between front corner posts and designed not to obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law) Windshield shall be slanted to reduce glare. Tinted safety glass shall only be allowed six inches below top of windshield.

4) Windshield

WASHER
WINDSHIELD

Washer does not effectively clean entire

Windshield washer shall effectively clean entire

PROCEDURES/SPECIFICATIONS

SUBJECT

height and as wide as practicable. It shall open from the inside and the outside and be top-hinged. It shall be devised and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When not fully latched, window shall actuate signal audible to driver. No cutoff switch allowed.

Glazed panels, or windows, (except rear emergency window) shall be of fixed type and installed in the rear of the bus so the seated driver has a reflected view through the rear of the bus as wide and as high as practicable. Such view shall be as low as allowed by the backs of the rear seats. When the aisle extends to a rear emergency door, an additional lower window panel shall be installed so the driver has an additional view through such panel at least the width of the required aisle and as low and high as practicable. Any authorized or required

2) Rear

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
	area covered by both wipers. Exception: All buses purchased prior to September 1974 are exempt. However, if bus is so equipped, washer must be in good operating condition.	area or does not operate properly.
eee) WINDSHIELD WIPER	Two automatic, variable speed wipers with nonglare arms and blades. Need not be individually powered.	Wiper does not cover entire cleaning area. Blades are damaged, torn, hardened, or rubber wiping element has broken down. Wiper fails to park properly when shut off.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 451.APPENDIX B Inspection Procedures/Specifications for Type II School Buses

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>
a) AIR CLEANER	Same as Section 451.Appendix A(a).
b) AISLE	Unobstructed minimum clearance leading from service door to emergency door or back of bus must be at least 12 inches wide. Floor to ceiling height must be a minimum of 58.9 inches at any location within the aisle. Reject procedures same as in Section 451.Appendix A(b).
c) ALTERNATOR (GENERATOR)	The generator, or alternator with rectifier, shall have a minimum capacity rating of 55 amperes (in accordance with SAE rating) and shall be capable of meeting all electrical requirements. Reject procedures same as in Section 451.Appendix A(c).
d) AXLES	Meets federal chassis requirements as indicated on federal certification label. 49 CFR 568 (1987) Wheel base shall not be less than 123 inches. Reject procedures same as in Section 451.Appendix A(d).
e) BARRIER, GUARD	Shall be either the following Type A or B: Type A: Constructed and thickly padded to give head and knee impact protection. Installed at the rear of service entrance at least 23 inches ahead of seat back and no more than one inch from right hand wall, bottom shall be no more than two inches above floor. Guard barrier shall match width and above-floor height of the seat-back on right-front forward-facing

PROCEDURES/SPECIFICATIONS

shall be rated not less than either 70-ampere hours at the 20-hour discharge rate or 105-minutes at the 25-ampere discharge rate.
Reject procedures same as in Section 451.Appendix A(f).

Same as Section 451.Appendix A(g).

g) BATTERY CABLES

Same as Section 451.Appendix A(h).

h) BATTERY CARRIER

Same as Section 451.Appendix A(i).

1) BRAKES

Same as Section 451.Appendix A(i) (1).

1) Backing Plate

Same as Section 451.Appendix A(i) (2).

2) Drums/ Discs

Same as Section 451.Appendix A(i) (3).

3) Emergency/ Parking Brake

Same as Section 451.Appendix A(i) (4).

4) Emergency Brake Ratchet

Same as Section 451.Appendix A(i) (5).

5) Pedal Clearance

Same as Section 451.Appendix A(i) (6).

6) Power Systems

Same as Section 451.Appendix A(i) (7).

7) Service Brakes

Power assisted brakes are required. 49 CFR 571.105 (1987)

SUBJECT

PROCEDURES/SPECIFICATIONS

seat; provided, however the barrier's width shall be reduced as necessary to maintain a 12 inches wide service entrance way and aisle. Except for a grab handle, the guard barrier shall not extend more than one inch ahead of the rear of service door opening nor more than 1 inch into the space above any service step. No portion of the barrier shall present a "snagging," sharp, tripping, or other hostile surface to a person moving through aisle or service entrance way.

TYPE B: Stanchion post shall be installed to the rear and left of the service entrance step well from floor to ceiling with guard rail attached approximately 30 inches above the floor. A step well guard panel installed from stanchion to right hand wall and from guard rail to within two inches of floor. Clearance between step well and first seat should be at least 24 inches measured from panel to front face of seat back at cushion height. All stanchion and guard rails shall be padded. Padding on the stanchions shall extend to within 3 inches of ceiling and floor; on guard rail it shall extend from wall to stanchion. 49 CFR 568 (1987)

Exception: All buses manufactured prior to September 1, 1974, require Type A or B. Buses manufactured from September 1, 1974, to March 31, 1977, require Type A.

Exception: Buses manufactured after April 1, 1977, are not required to have guard barriers.
Reject procedures same as in Section 451.Appendix A(e).

Battery may be mounted either in engine compartment or on outside of passenger/driver area. Battery shall be a nominal 12-volt type. It shall be of sufficient capacity to supply all electrical requirements but

SUBJECT

f) BATTERY OR BATTERIES

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PROCEDURES/SPECIFICATIONS

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the engine starting system may operate while the emergency door is locked. The "Not Stop Engine" requirement applies to every bus.

Exception: On a bus manufactured in August 1974 or earlier, the "Not Fully Latched" alarm is optional. The "Door Locked" alarm is required on each bus with a lockable emergency door.

Reject procedures same as in Section 451. Appendix A(q) (4).

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Exposed edges must be banded.

Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.

Reject procedures same as in Section 451. Appendix A(r) (1).

A service door lock is not required but if any type of service door locking system is installed on the bus, the system shall conform to one of the following:

1) The locking system shall not be capable of preventing the seated driver from easily and quickly opening the service door.

2) The locking system shall include an audiovisual alarm. The alarm shall emit sound and light (or other visual indication) that demand attention and

SUBJECT

r) ENTRANCE DOOR

1) Physical

Requirements

2) Locks and Alarms

PROCEDURES/SPECIFICATIONS

Shall be protected against accidental operation and must be easily accessible from the inside. Must be operated only by moving handle as shown by arrow and without use of remote control, power device, key, tool, or any attached or unattached object other than the release handle. 49 CFR 571.217 (1987)

Exception: On a bus manufactured in August 1974 or earlier, the emergency exit shall be in the center of the rear end, exempt from 120 degree swing and may open either vertically or horizontally.

Reject procedures same as in Section 451. Appendix A(q) (2).

Same as Section 451. Appendix A(q) (3).

- 3) Emergency Window
- 4) Alarms and Locks

1) Is not fully latched, or

2) Is locked and not readily operated manually.

Also, the engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a tool, key, or combination.

An alarm cut-off or "squelch" control is prohibited.

On a van conversion, any rear cargo door inside lock(s) of the type installed by the chassis manufacturer (such as commonly used in cars - "push/pull" type) shall be made inoperable. The mechanism cannot, through jarring, vibration, etc. cause the door to become locked and be inoperable from the inside or outside.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONS

will alert the seated driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," or other alarm defeating or weakening device shall not be installed.

Exception: On a bus manufactured in October 1978 or earlier, option #1 above is exempt from driver being seated. That is, the driver may move from driver's seat to interior of service entrance to release the door.

Reject procedures same as in Section 451. Appendix A(r)(2).

s) EXHAUST SYSTEM

Exhaust pipe, muffler, and tail pipe shall meet manufacturer's standards and shall be outside the bus body and attached to chassis. Tail pipe shall not extend beyond rear bumper. Size of tail pipe shall not be reduced after it leaves muffler. The tail pipe shall exit the exhaust gases either to the right or left side behind the rear wheel well, or at the rear bumper. Exhaust system shall be insulated by metal shield when it is 12 inches or less from fuel tank or tank connections. No part of exhaust system shall pass within 12 inches of any flexible brake line or hose unless shielded.

Reject procedures same as Section 451. Appendix A(s).

t) FENDERS

Same as Section 451. Appendix A(t).

u) FILTER, OIL

Same as Section 451. Appendix A(u).

v) FIRE
EXTINGUISHER

Same as Section 451. Appendix A(v).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONS

w) FIRST AID KIT

Same as Section 451. Appendix A(w) with following exception:

Type II First Aid Kits are required to have one package when two packages are required in Type I kits.

x) FLOORS AND
FLOOR COVERING

A plywood of 5/8 inches exterior BB grade or equivalent material shall be applied over the existing steel floor and securely fastened. Covering in underseat area shall be of fire resistant floor covering of type commonly used in passenger transportation equipment and shall have a minimum thickness of .125 inches. The floor covering in the aisle shall be of a nonskid, wear resistant, fire resistant and rib type.

Shall have a minimum thickness of .140 inches. Covering must be permanently bonded to floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer. All openings in floorboard or fire wall between chassis and passenger carrying compartment must be solid and sealed.

Boots and seals around shift levers and emergency brakes must be secure and solidly attached.

Reject procedures same as in Section 451. Appendix A(x).

y) FRAME AND
BODY

Same as Section 451. Appendix A(y).

z) FUEL STORAGE
AND DELIVERY
SYSTEM

PROCEDURES/SPECIFICATIONS

50 degrees. The heater hoses shall be adequately supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be adequately protected to prevent injury from burns in the event of rupture. Primary heater shall be a high output fresh air type. The secondary heater may be a recirculating type and located so as not to interfere with aisle space. Reject procedures same as in Section 451.Appendix A(bb). Same as Section 451.Appendix A(cc).

Dual electric horns shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. Reject procedures same as in Section 451.Appendix A(dd).

ee) INSTRUMENTS AND INSTRUMENT PANEL Same as Section 451.Appendix A(ee).
ff) INSULATION Same as Section 451.Appendix A(ff).
gg) LETTERING Same as Section 451.Appendix A(gg) (1).
A) Front Same as Section 451.Appendix A(gg) (1) (A) with following exception:

PROCEDURES/SPECIFICATIONS

1) Fuel Filler Same as Section 451.Appendix A(z) (1).
2) Fuel Lines Same as Section 451.Appendix A(z) (2).
3) Fuel Filler Tube Same as Section 451.Appendix A(z) (3).
4) Fuel Pump Same as Section 451.Appendix A(z) (4).
5) Fuel Tank(s) Minimum capacity of 24 gallons, mounted, filled, and vented entirely outside body. Must meet manufacturer's specifications. 49 CFR 571.301 (1987) Reject procedures same as in Section 451.Appendix A(z) (5).

6) Fuel Tank Mount(s) Same as Section 451.Appendix A(z) (6).
7) Fuel Tank Straps Same as Section 451.Appendix A(z) (7).
8) Propane Relief Valve/Piping Same as Section 451.Appendix A(z) (8).

1) Exterior Not required.
2) Interior Shall be of stainless clad steel, installed inside doorway, solidly attached on left side, and as long as practicable. Reject procedures same as in Section 451.Appendix A(aa) (2).

Must be capable of maintaining inside temperature of

aa) GRAB HANDLES

1) Exterior

2) Interior

bb) HEATERS

SUBJECT

A) Front

ee) INSTRUMENTS AND INSTRUMENT PANEL

ff) INSULATION

gg) LETTERING

1) Exterior

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS

- 9) License Plate Same as Section 451.Appendix A(hh)(9).
- 10) Marker, Left Same as Section 451.Appendix A(hh)(10).
Exception: A bus manufactured in August 1974 or earlier is exempt.
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 11) Marker, Right Same as Section 451.Appendix A(hh)(11) with following exception:
Exception: A bus manufactured in August 1974 or earlier is exempt.
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 12) Parking Same as Section 451.Appendix A(hh)(12).
- 13) Step Well Same as Section 451.Appendix A(hh)(13).
- 14) Stop Same as Section 451.Appendix A(hh)(14) except minimum size dimension is optional.
- 15) Strobe (optional) Same as Section 451.Appendix A(hh)(15).
- 16) Tail Same as Section 451.Appendix A(hh)(16).
- 17) Turn Signal, Left (armored) Same as Section 451.Appendix A(hh)(17) with following exceptions:
1) Shall be located behind driver's seat.

SUBJECT

SUBJECT

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PROCEDURES/SPECIFICATIONS

- 1) Back Up Same as Section 451.Appendix A(hh)(1).
- 2) Clearance, Front Same as Section 451.Appendix A(hh)(2) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 3) Clearance, Rear Same as Section 451.Appendix A(hh)(3) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 4) Cluster, Front Same as Section 451.Appendix A(hh)(4) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 5) Cluster, Rear Same as Section 451.Appendix A(hh)(5) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)
- 6) Flashing Same as Section 451.Appendix A(hh)(6).
- 7) Headlights Same as Section 451.Appendix A(hh)(7).
- 8) Interior Same as Section 451.Appendix A(hh)(8).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECT

PROCEDURES/SPECIFICATIONS

2) Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

18) Turn
Signal,
Right
(armored)

Same as Section 451. Appendix A(hh) (18) with following exceptions:

Exceptions: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

19) Turn
Signal,
Front

One amber or white lens on each side, at or near the front, at the same height and as far apart as practicable. Must meet federal standard 49 CFR 571.108 (1987).

Reject procedure same as Section 451. Appendix A(hh) (19).

20) Turn
Signal,
Rear

One red or amber lens on each side at the same height and as far apart as practicable below window. Must meet federal standard 49 CFR 571.108 (1987).

Reject procedure same as Section 451. Appendix A(hh) (20).

ii) LOCKED
COMPARTMENT

Same as Section 451. Appendix A(ii).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECT

PROCEDURES/SPECIFICATIONS

jj) MIRRORS

Same as Section 451. Appendix A(jj).

1) Exterior

A) Rear
View
Driving

Two firmly mounted, adjustable, exterior rear view mirrors located to the left and to the right of the driver. Rectangular five inch x ten inch minimum. The outside mirror mounts shall include a side angle adjustable convex mirror (no less than three inches in diameter) to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surface mirror below 50 square inches. 49 CFR 571.111 (1987)

Exceptions: Buses purchased prior to September 1974 may have the three inch "stick on" type convex mirrors, provided they do not reduce the visual field of the mirror below 50 square inches.

Reject procedures same as in Section 451. Appendix A(jj) (1) (A).

B) Right
Side
Safety

Optional Mirrors - Unless otherwise specified by the purchaser, the following may be installed on the right, left or both sides of the bus in lieu of or in addition to the corresponding convex mirror(s) required.

An outside convex mirror may be installed on the right side that, either alone or in combination with the flat driving mirror, will afford any seated driver a reflected view of the roadway along the right side of the bus from at least the forwardmost surface of the right front tire to at least the rearmost surface of the rear bumper. The projected reflecting area of this convex mirror shall be no less than 40 square inches.

PROCEDURES/SPECIFICATIONS

SUBJECT

Reject procedures same as in Section 451. Appendix A(jj)(1)(B).

(C) Left Side Safety

An outside convex mirror may be installed on the left side that, either alone or in combination with the flat driving mirror, will afford any seated driver a reflected view of the roadway along the left side of the bus from at least the rear edge of the driver's seat in its most forward position to at least the rearmost surface of the rear bumper. The projected reflecting area of this convex mirror shall be no less than 30 square inches.

Reject procedures same as in Section 451. Appendix A(jj)(1)(C).
An adjustable convex mirror at least 7 1/2 inches in diameter firmly mounted at the left front corner of the vehicle. The mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus.

(D) Cross Over

If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a cross over mirror is optional.

Reject procedures same as in Section 451. Appendix A(jj)(1)(D).

(2) Interior

All buses purchased during and after September 1974 must have a clear view safety glass, metal backed and framed with rounded corners and edges which shall be padded. Shall afford a good view of the interior and roadway to the rear.

All buses purchased prior to September 1974 must have a rear view mirror.

SUBJECT

PROCEDURES/SPECIFICATIONS

Reject procedures same as in Section 451. Appendix A(jj)(2).

(k) PAINT REQUIREMENTS

The exterior of the body, excluding required rub rail and lettering, shall be painted a uniform color: National School Bus Glossy Yellow. Required rub rail and lettering must be black. Additional rub rails may either be black or yellow. The front and rear bumpers and wheels may be black or bright finish (chrome, anodized aluminum, etc.). (Section 12-801 of the Illinois Vehicle Equipment Law)

Optional: Black area around flashing lights is permitted. Black area must not interfere with "SCHOOL BUS" lettering.

Reject procedures same as in Section 451. Appendix A(kk).

(1) PROJECTIONS

(1) Exterior

Entire rear of bus must be nonhitchable. Exceptions: A bus manufactured in October 1978 or earlier is exempt from nonhitchable bumpers. A bus manufactured in August 1974 or earlier is exempt from nonhitchable projections. Every school bus, however, must have a nonhitchable door handle.

Reject procedures same as in Section 451. Appendix A(11)(1).

(2) Interior

Same as Section 451. Appendix A(11)(2) with following exception:

All buses purchased prior to September 1974 are exempt from padding on interior projections.

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PROCEDURES/SPECIFICATIONS

B) Linkage Same as Section 451. Appendix A (rr) (1) (B).

C) Power

Steering Same as Section 451. Appendix A (rr) (1) (C).

D) Toe-In/

Toe-Out Same as Section 451. Appendix A (rr) (1) (D).

E) Wheel

Bearings Same as Section 451. Appendix A (rr) (1) (E).

2) Interior

A) Column Same as Section 451. Appendix A (rr) (2) (A).

B) Lash

Same as Section 451. Appendix A (rr) (2) (B).

C) Shaft

Same as Section 451. Appendix A (rr) (2) (C).

D) Steering

Wheel Same as Section 451. Appendix A (rr) (2) (D).

E) Travel

Same as Section 451. Appendix A (rr) (2) (E).

SS) STEPS

The first service entrance step shall be no more than 13 1/2 inches off the ground. If necessary, a step of adequate width and length shall be installed to meet this requirement. Provision shall be made to prevent road splash from the wheel from accumulating on the step if installed outside the body.

Risers shall be approximately equal in height, upper risers no more than 12 inches in height.

The surface entrance steps shall have a nonskid material applied. A 1/2 inch to three inch white nosing is required as an integral part of this material on each step and on the floor at the top riser.

Reject procedures same as in Section 451. Appendix A(ss).

PROCEDURES/SPECIFICATIONS

top of undepressed cushion line on all seats (measured vertically not more than seven inches from side wall at cushion height and at front and rear center of cushion). Backs of all seats of similar size shall be of the same width at top and the same height from floor and shall slant at the same angle with the floor. The top and side rails and seat backs shall be padded to cushion level. Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame. 49 CFR 571.222 (1987)

All buses purchased prior to September 1974 and after January 1, 1972, shall have a seating plan for 16 pupils consisting of four rows of 30 inch forward facing seats with a minimum 12 inch aisle down the center. No jump or portable seats allowed. No seat or other object placed in the bus which restricts passageway to emergency door to less than 12 inches.

Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession that had previously passed a school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.

Reject procedures same as Section 451. Appendix A (qg).

SUBJECT

1) STEERING SYSTEM

1) Exterior

A) King Pins

Same as Section 451. Appendix A (rr) (1) (A).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONS

- tt) STOP ARM PANEL Same as Section 451.Appendix A(tt).
- uu) STORAGE
COMPARTMENT
(optional) Same as Section 451.Appendix A(uu).
- vv) SUN VISOR Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield.
- Not required to be transparent, but must not interfere with view of interior rear view mirror.
- Reject procedures same as in Section 451.Appendix A(vv).
- ww) SUSPENSION
- 1) Shocks Equipped with front and rear heavy-duty, double acting shock absorbers.
- Reject procedures same as in Section 451.Appendix A(ww)(1).
- 2) Springs
- A) Coil Same as Section 451.Appendix A(ww)(2)(A).
- B) Leaf Same as Section 451.Appendix A(ww)(2)(B).
- C) Torsion
(Stabilizer
Bar) Same as Section 451.Appendix A(ww)(2)(C).
- xx) TOW HOOKS
(optional) Same as Section 451.Appendix A(xx).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBJECTPROCEDURES/SPECIFICATIONS

- yy) UNDERCOATING Fire resistant undercoating material applied by spray. Entire underside of body, front fenders, floor members and side panels below floor level must be covered.
- Reject procedures same as in Section 451.Appendix A(yy).
- zz) VENTILATION Same as Section 451.Appendix A(zz).
- aaa) WARNING DEVICES Same as Section 451.Appendix A(aaa).
- bbb) WHEELS Same as Section 451.Appendix A(bbb).
- ccc) WINDOWS
- 1) Emergency Same as Section 451.Appendix A(ccc)(1).
- 2) Rear Glazing in rear of bus shall be of fixed type.
- Reject procedures same as in Section 451.Appendix A(ccc)(2).
- 3) Side All buses purchased after September 1974 must have each side window as an unobstructed emergency opening and at least a nine inch by 22 inch wide opening obtained by lowering the window. Six inch stop line required on all windows. Safety glass, or equivalent, with exposed edges banded.
- All buses purchased prior to September 1974 and after January 1, 1972, must have approved safety glass in all windows and doors and all exposed edges of the glass shall be banded.
- Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession

Section 451.APPENDIX C Inspection Procedures/Specifications for Type I Special Education School Buses

REJECT VEHICLE IF

PROCEDURES/SPECIFICATIONS

SUBJECT

PROCEDURES/SPECIFICATIONS

SUBJECT

and had previously passed the school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.

Reject procedures same as in Section 451.Appendix A(ccc) (3).

4) Windshield

Shall be installed between front corner posts and must not obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law)

All buses purchased on and after September 1974 must have tinted safety glass six inches below top of windshield or equivalent to reduce glare.

All buses purchased prior to September 1974 must have safety glass and shall be heat resistant, laminated plate.

Reject procedures same as in Section 451.Appendix A(ccc) (4).

ddd) WINDSHIELD
WASHER

Windshield washer shall effectively clean the area covered by both wipers.

Reject procedure same as in Section 451.Appendix A(ddd).

eee) WINDSHIELD
WIPER

Wipers shall be either two speed or variable speed with nonflare arms and blades. Blades need not be individually powered.

Reject procedure same as in Section 451.Appendix A(eee).

a) GENERAL REQUIREMENTS

Generally, a school bus used for transporting children declared eligible for special education services shall comply with the applicable minimum standards for either a Type I school bus (GWR more than 10,000 lbs.) or a Type II school bus (GWR 10,000 lbs. or less). However, due to the nature of certain handicapping conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department of Transportation, is presented to the Certified Safety Tester at the time of inspection.

b) RESTRAINING OR SAFETY DEVICES

In buses manufactured prior to November 10, 1978,

Restraint devices or seat belts are not securely fastened or are missing when required.

Restraint devices or safety belts may be used if they are securely fastened to the seat or the floor of the vehicle.

In buses manufactured on and after November 10, 1978, each handicapped passenger's seat

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*Fair usage policy applies

REJECT VEHICLE IF

Does not operate properly.
Does not meet requirements.

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

SUBJECT

2) RAMP

Does not operate properly.
Does not meet requirements.

PROCEEDURES/SPECIFICATIONS

Protection against dust and water sufficient to ensure reliable operation must be present.

If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed which will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for

transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

SUBJECT

1) POWER LIFT

REJECT VEHICLE IF

F) FASTENING DEVICES

Does not securely hold wheelchair to floor position. Does not meet requirements.

Positive fastening devices shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

g) SPECIAL LIGHT

Does not operate properly. Does not meet requirements. Missing.

Light shall be placed inside bus over special service door opening, or at other location it shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
h) GRAB HANDLES	Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.	Not securely attached. Does not meet requirements. Missing.
i) OVER CENTER DOOR CONTROL	Over center door control shall be provided only when this door is used for entry and exit of children.	If installed, does not operate properly. Does not meet requirements. Missing when required.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 451. APPENDIX D Inspection Procedures/Specifications for Type II Special Education School Buses

<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>
a) GENERAL REQUIREMENTS	Same as in Section 451. Appendix C(a)
b) RESTRAINING OR SAFETY DEVICES	In buses manufactured on and after April 1, 1977, restraining or seat belts are mandatory on all seats. In buses manufactured prior to April 1, 1977, restraining devices or seat belts are optional. If restraining devices or safety belts are furnished, they must be securely fastened to the seat or the floor of the vehicle. Reject procedures same as in Section 451. Appendix C(b).
c) SPECIAL SERVICE DOOR	Same as Section 451. Appendix C(c).
d) BI-PARTING DOORS	Same as Section 451. Appendix C(d).
e) LIFTS AND RAMPS	Same as Section 451. Appendix C(e).
f) FASTENING DEVICES	Same as Section 451. Appendix C(f).
g) SPECIAL LIGHT	Same as Section 451. Appendix C(g).
h) GRAB HANDLES	Same as Section 451. Appendix C(h).
i) OVER CENTER DOOR CONTROL	Same as Section 451. Appendix C(i).

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- t) 55 amp alternator.
- u) 70 amp battery.
- v) Two 5" x 10" (minimum) outside rear view mirrors (West Coast Type), and two 3" convex mirrors (buses purchased prior to September, 1974, may have the 3" stick on type" type convex mirrors, provided they do not reduce the visual field of the mirror below 50 square inches.)
- w) Inside rear view mirror.
- x) A convex crossover mirror 7 1/2" in diameter, mounted on left front to give the seated driver a view of the roadway immediately in front of the front bumper.
- y) Seating plan must allow 13 inches of seating space for each of 16 or fewer passengers, exclusive of the driver. All seats must face forward with a minimum of 12" aisle down the center or down the right side. No jump or portable seats allowed.
- z) Manually or mechanically operated "Stop" signal arm. Hexagon shaped semaphore mandatory on all vehicles purchased after December 31, 1975.
- aa) One rub rail applied to each side operator's door and service door. Rub rail may be omitted on operator's door if "Stop" signal arm is mounted on it.
- hb) Floor must be covered with a non-skid type material.
- cc) Roof mounted "School Bus" sign with flashing lights, acceptable until December 31, 1976. An eight light system is then mandatory.
- dd) Color of bus shall be National School Bus Chrome Yellow.
- ee) All required lettering shall be in black. Emergency door lettering shall be two inches. Bus Number, School Name, District or Contractor's name on both sides of vehicle shall be four inches. School Bus shall be eight inches.
- ff) Vehicles may not be altered or converted to carry more than 16 passengers.

with fastening devices for opening from the inside and the outside body, which may be quickly released, but is designed to offer protection against accidental release.

c) No seat or other object shall be placed in the bus which restricts passageway to the emergency door shall be twelve inches.

d) The minimum clearance of all aisles, including between the seats and leading to the emergency door shall be twelve inches.

e) The ceiling and walls shall be insulated with fireproof material to deaden sound and reduce vibration to a minimum.

f) The interior of the school bus shall be free of all unnecessary projections likely to cause injury. This includes lining on ceiling and walls shall be fiberboard or metal.

g) All glass in the windshield, windows, and doors shall be of approved safety glass. All exposed edges of glass shall be banded. The glass in the windshield shall be heat-absorbent laminated plate.

h) 123 inch wheelbase.

i) G.V.W.R. 7600 pounds.

j) 3300 lbs. front axle.

k) 5050 lbs. rear axle.

l) 1475 lbs. front springs.

m) 2200 lbs. rear springs.

n) 8:00 x 16.5, 8 ply rating tires.

o) 8 hole disc 16.5" x 6.00".

p) High output primary heater.

q) Rear heater recirculating type.

r) Two movable glass vents or windows. One located on the right side and one on the left side of the driver's area. These are optional.

s) 240 cu. in. minimum engine.

ILLUSTRATION A Stop-Arm Panel

Hexagon-

This arm must be 16-gauge metal, and a hexagon shaped semaphore approximately 18 inches wide and 18 inches long.

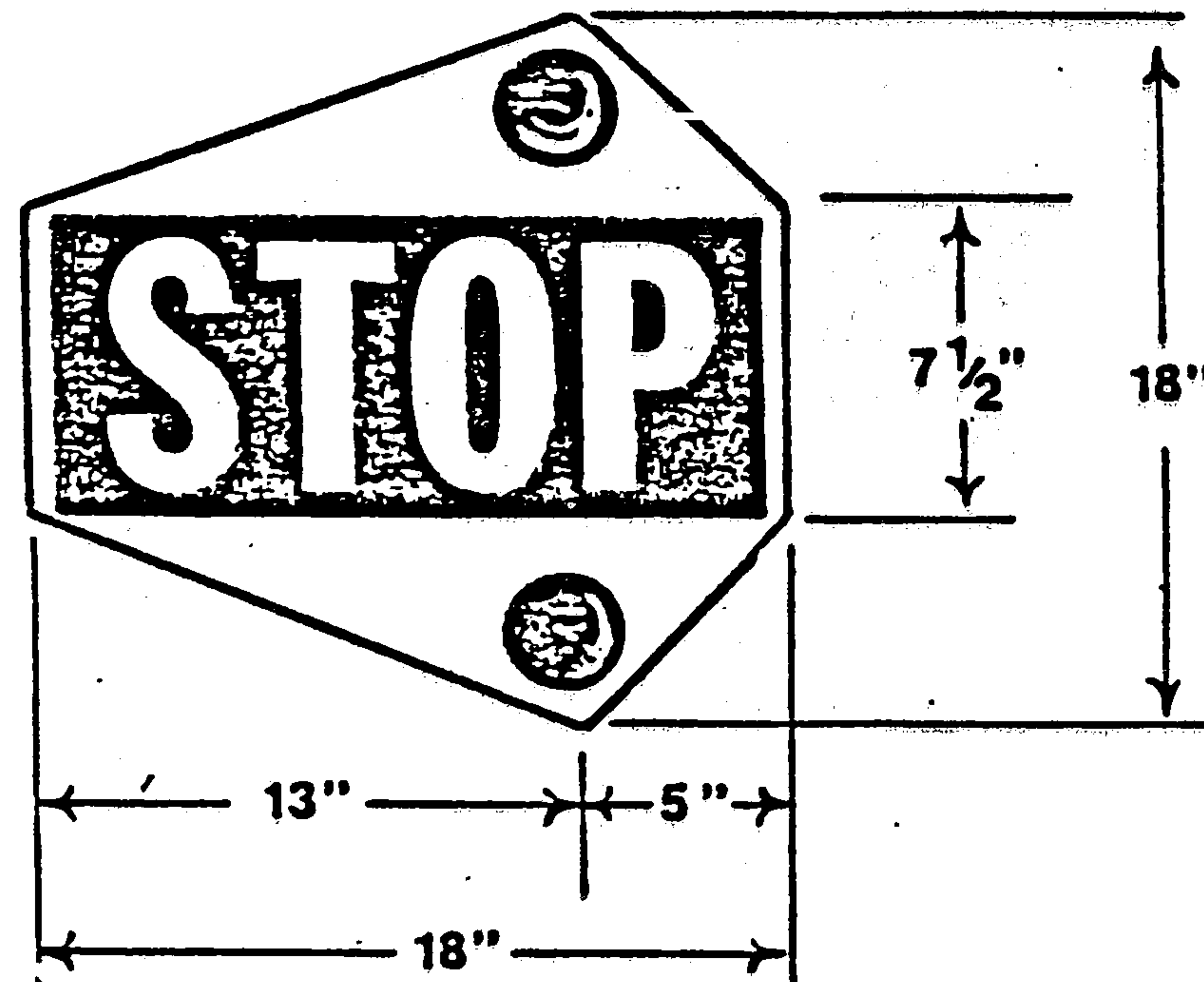
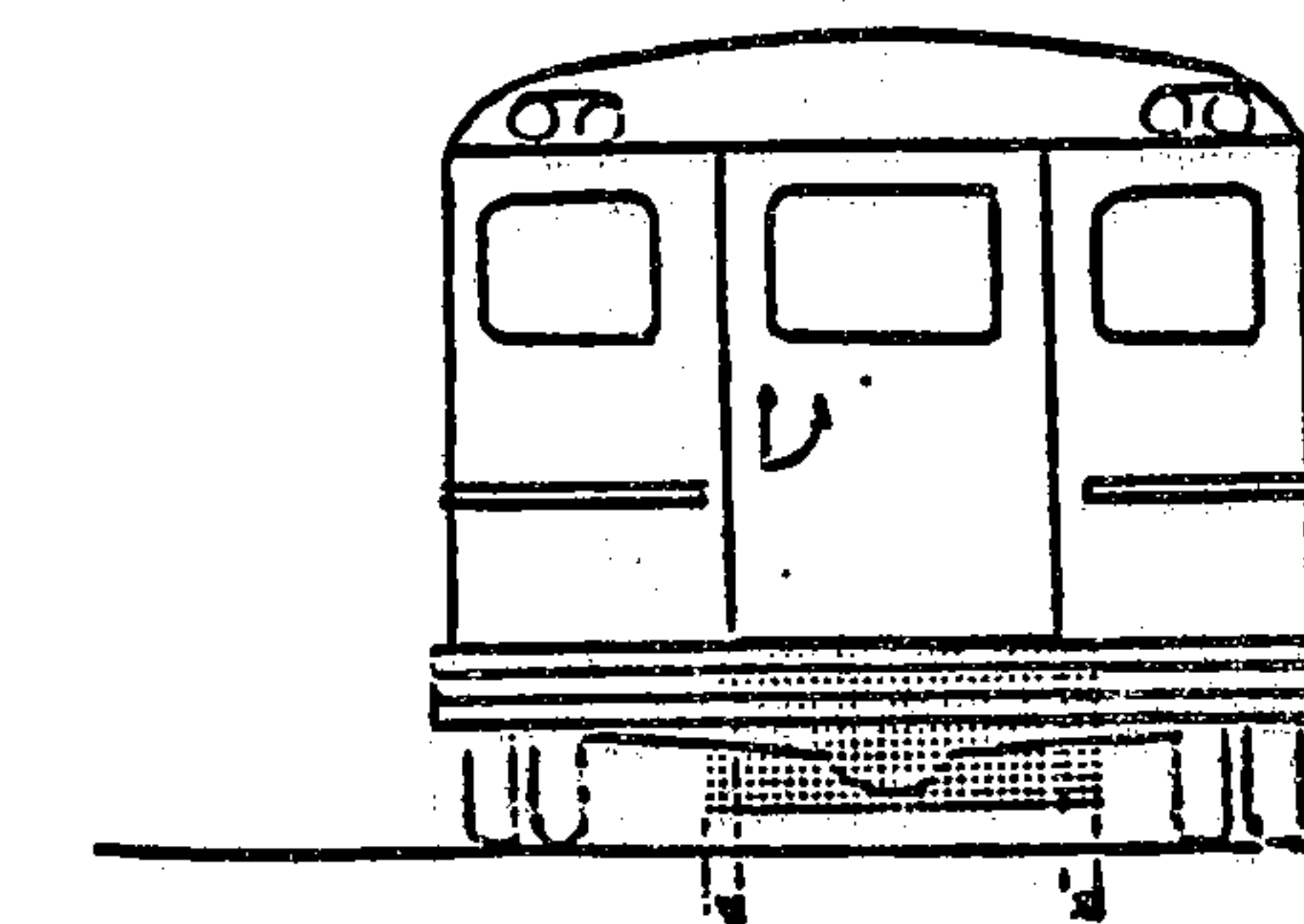
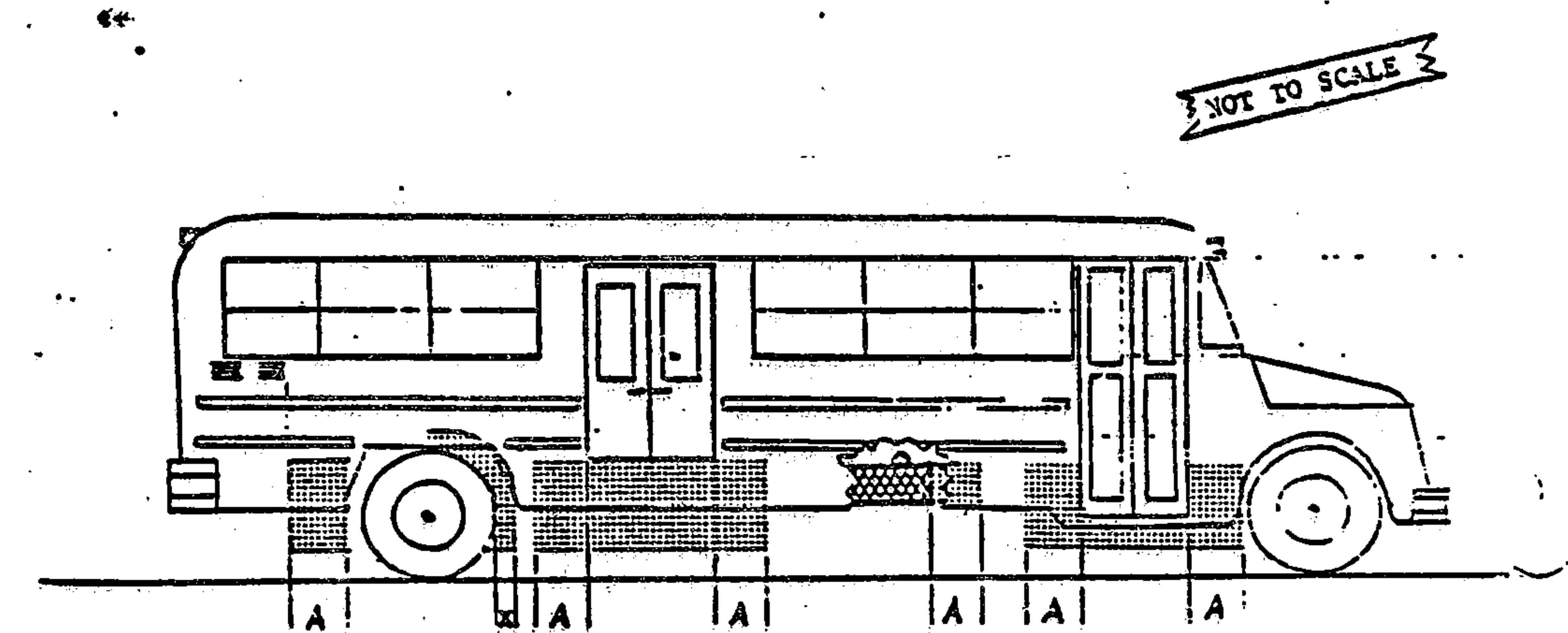
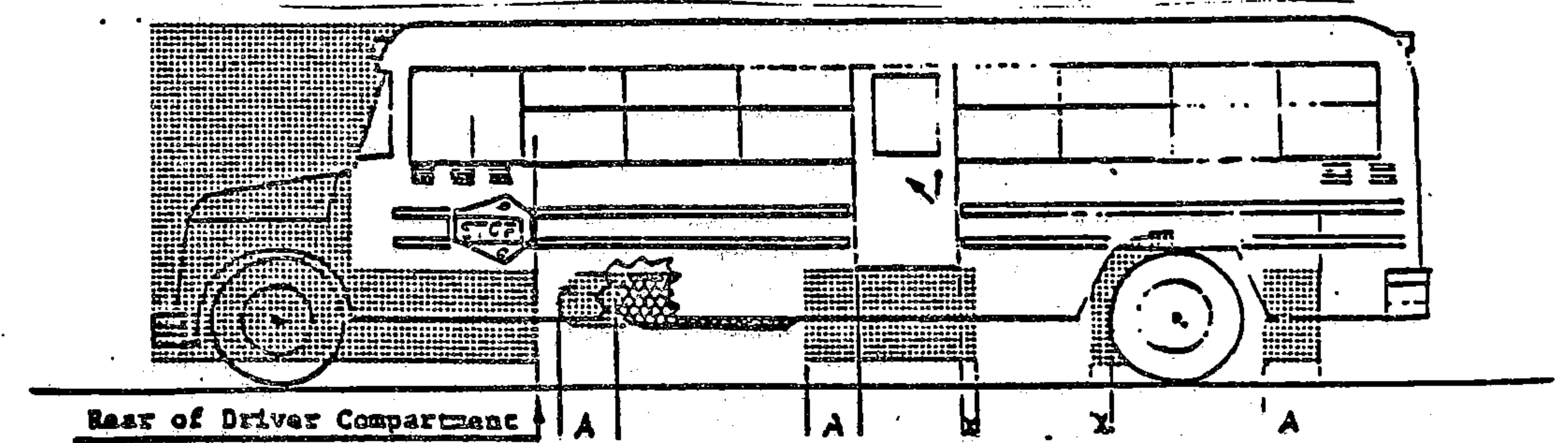

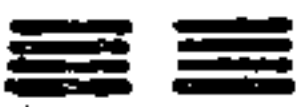



ILLUSTRATION B Exhaust Guidelines



- Distance A = 1 meter (39 3/8")
- Distance X = 150 millimeters (3 7/8")
-  Prohibited Zone
-  Ventilating Air Intake (anywhere on side)
-  Fuel Tank
- Heat shield between tank & discharge eliminates prohibited zone at tank.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

Appendix F is the Department of Energy and Natural Resources' Agricultural Land Preservation Policy Statement and Cooperative Working Agreement which specifies the policy of that agency toward farmland preservation and the administrative process used to implement that policy.

The original policy statement was prepared in response to Executive Order 80-4, and according to Section 4 of the Farmland Preservation Act, that policy was to remain in effect upon the Act becoming law. Section 4 of the Act requires the policy statements and cooperative agreements to be prepared as rules for the administration of the program. Further, the policy statement and cooperative working agreement shall be updated by the State agency and reviewed and approved by the Department of Agriculture every 3 years.

Appendix F is being updated to reflect current policy of the Department of Energy and Natural Resources. The Executive Order promoted the protection of Illinois farmland by seeking the greatest degree of protection for Classes I, II, and III lands. The provisions of the Farmland Preservation Act give protection to all classes of farmland. Many of the changes are simply language clarification of existing policy and for consistency purposes and ease in referencing two agencies.

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

Name: Donna Garman
Address: Division of Administrative Services, Illinois Department of Agriculture, Agriculture Building, State Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Farmland Preservation Act

2) Code Citation: 8 Ill. Adm. Code 700
3) Section number: Adopted Action: Amended Appendix F

4) Statutory Authority: Farmland Preservation Act (Ill. Rev. Stat. 1987, ch. 5, pars. 1304 and 1306).

5) Effective Date of Amendments: June 16, 1989

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

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 9, 1989

9) Notices of Proposal Published in Illinois Register: March 3, 1989, 13 Ill. Reg. 2598 (Issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Language referring to the Superconducting Super Collider has been deleted from the proposed amendments. References to the SSC appeared in the last paragraph of the "Background" section, and in Items 1, 8, 9, and 10 of the "Cooperative Working Agreement."

The introduction of Appendix F, subsection 3, was amended to read: "provisions for minimizing agricultural land conversion as defined in Section 700.10". The Background of Appendix F, first paragraph, "botony" was changed to "botany".

In Item 1 of the Cooperative Working Agreement of Appendix F, added "(Geological, Natural History, and Water Survey)" after "three scientific surveys" and changed "state surveys" to "scientific surveys".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

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DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

land. Even in those cases, however, the purchase will probably not lead to the irreversible conversion of agricultural land.

The State Museum owns or operates three remote archaeological sites in Illinois and has the power to accept grants of property and to hold property for the purpose of preservation, research or interpretation of significant archaeological and natural phenomena. In practice, most archaeological, historic and natural areas are acquired by the Illinois Department of Conservation and the Historic Preservation Agency.

ENR, the Department through its responsibilities in "The Illinois Coal and Energy Development Bond Act", grants money to encourage the development of coal use technologies and for research and development of other forms of energy such as solar, wind and biomass. The power of eminent domain can also be used by ENR the Department for the purposes of siting, obtaining rights of way or easements for coal resource developers in facility siting and coordination with public and private organizations. Although this program has a potential for causing the conversion of prime agricultural land, it has not done so to date.

CONTRIBUTIONS TO AGRICULTURE

ENR the Department has contributed to the preservation of agricultural, as well as other natural and cultural resources of the State, in many ways. Some specific responsibilities ENR the Department has, which relate to these resources, are:

- * to investigate and study the natural resources of the State and prepare printed reports and furnish information fundamental to the conservation and development of natural resources.
- * to cooperate with and advise departments having administrative powers and duties relating to the natural resources of the State.
- * to investigate all insects dangerous or injurious to agricultural or horticultural plants, and crops and livestock.
- * to act as the central data repository and research coordinator for the State in matters related to water resources.
- * in the conduct of economic impact studies on rules and regulations of the Pollution Control Board to include an evaluation of the economic impact on Illinois agriculture.

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

It through will (as defined by the first Department of Agriculture).

ENR the Department, as one of the agencies named in the Farmland Preservation Act Executive Order, has developed the following policy in support of the Act Order. In addressing the preservation of agricultural and the Department because of the various statutory roles in other natural resource areas has also addressed the preservation of these natural resources. This approach ensures that agricultural preservation is viewed in the context of the State's total resources.

ENR the Department of Energy and Natural Resources recognizes the need to ensure that its actions do not unnecessarily encourage the conversion of prime farmland to non-farm uses when there are viable alternatives available which are less destructive to Illinois' best agricultural lands. ENR the Department will help protect the State's best prime agricultural land from irreversible conversion to uses which result in its loss as an environmental or essential food production resource. The Department, however, ENR also recognizes that Illinois has other natural and cultural resources which deserve equal consideration and which play an important role in the State's economy, environment and heritage.

BACKGROUND

ENR the Department of Energy and Natural Resources has the duty to investigate practical problems, implement studies, conduct research and provide assistance, information and data relating to the technology and administration of environmental protection; energy; the natural history, entomology, zoology and botany of Illinois; the geology and natural resources of Illinois; the water resources and weather of Illinois; and the archaeological and cultural history of Illinois.

ENR the Department has not been responsible for any agricultural land conversion in the past three years. Research facilities of the Geological, Natural History and Water Survey Divisions of the Department, aside from the central offices in Urbana, Champaign, and Savoy are generally secured either on a lease basis or through cooperation with other State agencies or divisions such as the Department of Conservation or the University of Illinois. The potential for land acquisition of the Survey is small because of the availability of these cooperative arrangements, but some research needs in the future may dictate the purchase of

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- * to carry out educational efforts in cooperation with other state agencies on natural resource and energy issues. ENR The Department co-sponsored the two Governor's Conferences on the Preservation of Agricultural Lands as part of this function. Educational aids directed at agriculture are also produced by the Surveys.
- * to offer demonstration and assistance programs for alternative energy resources. Alcohol, gasohol and solar programs, projects and assistance have directly contributed to increasing the viability of the agricultural sector in Illinois.

IMPACT MITIGATION POLICIES

State Surveys

1. ENR will it will be the Department's policy to attempt to avoid irreversible conversion of agricultural land when the purchase acquisition of land is necessary to carry out Survey research functions. The present cooperative agreements with State agencies and institutions and lease arrangements will continue to be the preferred course of action. If research needs dictate that the Surveys purchase land, any purchases over ten (10) acres of agricultural land will be reviewed by an ENR acquisition of land is necessary, any acquisition over five acres of prime agricultural land will be reviewed by a Department committee in order to determine whether other alternatives exist. The committee will make a report of its finding and forward it to the Department of Agriculture (DOA) and the Governor's Office. An exception to this would be the acquisition of an agricultural research farm. This potential case as well as other research needs for land is not expected to result in irreversible conversion.

Illinois State Museum

2. The Illinois State Museum will only purchase acquire those sites of National Natural Register quality for the purpose of preserving, studying and interpreting archaeological and natural phenomena. While this may mean that in the future some agricultural land may be removed from production, the application of criteria (36 CFR 60 (1983)) restricting acquisition to National Register quality sites will minimize adverse impacts to agriculture and help preserve the other natural or cultural resources of exceptional quality.

Illinois Coal and Energy Development Bond Act

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

3. ENR The Department, in carrying out its responsibilities under this Act, will actively attempt to minimize any adverse impacts on agriculture. For state funded projects converting more than ten (10) five acres of prime agricultural land, ENR (Classes I, II, III), the Department will ensure that an environmental study of that project will be carried out. The study will evaluate the potential adverse impacts on Illinois agriculture in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B, "Project Proposal Information Requirements," as well as other Illinois natural and cultural resources within the context of the sstate's social, economic and environmental goals, based on such factors as the following: (a) decrease in future food production capabilities; (b) increase in soil erosion; (c) deterioration or reduction of water quality and groundwater supplies; and (d) any other environmental factors related to the particular project that diminishes Illinois' cropland base or otherwise adversely impacts Illinois' agricultural lands. The information identified above and the alternative strategies for mitigation of adverse impacts shall be provided to the DOA. Alternative strategies for mitigation of adverse impacts shall be proposed and provided to the Department of Agriculture and the Governor's office.

When assistance is provided to sponsors of non-state funded projects for energy development, the ENR Department will provide a copy of the ENR Agricultural Land Preservation Policy Statement and the Cooperative Working Agreement information to the sponsor at the earliest possible date on the State policy regarding farmland preservation. Alternatives to the conversion of prime agricultural land will be explored with project sponsors. Natural resource information on agricultural land, wildlife resources, geological and cultural resources will be provided in order to avoid adverse impacts on the State's resources.

(October, 1988 July, 1981; revised)

Department of Energy and Natural Resources - Department
of Agriculture Cooperative Working Agreement
COOPERATIVE WORKING AGREEMENT

The Illinois Department of Energy and Natural Resources (ENR) and the Illinois Department of Agriculture (DOA) agree to the following:

1. ENR The Department of Energy and Natural Resources shall notify the DOA Department of Agriculture in writing of all state-

ILLINOIS REGISTER DEPARTMENT OF AGRICULTURE NOTICE OF ADOPTED AMENDMENTS

under the DOA's review until the official Study of Agricultural Impacts has been completed, and acquisition by the three state surveys or the state museum shall not be subject to review by the Department of Agriculture. The Department of Energy and Natural Resources shall follow the mitigation procedures outlined in its Agricultural Land Preservation Policy. The DOA shall be notified in writing of the purchase of any agricultural research farms.

5. 4. ENR The Department of Energy and Natural Resources shall notify the DOA Department of Agriculture of any agricultural land donated to the agency. Donated land shall not be subject to DOA Department of Agriculture review.

5. 5. ENR The Department of Energy and Natural Resources shall notify the DOA Department of Agriculture in writing of all proposed changes in policies and procedures that alter the existing agreement. If deemed necessary by both agencies, a new agreement shall be negotiated in accordance with the Act and these rules.

7. 6. This Cooperative Working Agreement, ENR's Agricultural Land Preservation Policy and the Farmland Preservation Act shall be cooperative agreement, the Illinois Department of Energy and Natural Resources Farmland Preservation Policy and Executive Order 80-4 (Preservation of Illinois Farmland) shall be the governing documents for ENR's the Department of Energy and Natural Resources Farmland Preservation Policies and what not be pre-empted in whole nor in part by any other agency's agreement.

(October, 1988 July, 1981; revised)

(Source: Amended at 13 Ill. Reg. 10489, effective June 16, 1989)

funded capital projects where it would be purchasing parcels of agricultural land of more than ten (10) acres, requiring the acquisition of more than five (5) acres of agricultural land of more than ten (10) acres, requiring the acquisition of more than ten (10) acres, ENR the conversion of more than five (5) acres of agricultural land to non-farm uses, the Illinois Department of Energy and Natural Resources will provide information in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B, "Project Proposal Information Requirements," to the DOA 700-20 to the Department of Agriculture as to necessary to make a determination of conflicts with estate policy.

2. The opportunity shall be provided to the DOA Department of Agriculture to review projects funded through the Illinois Coal Development Bond Act before a contract is entered into with the applicant and bond proceeds shall be completed during the earliest application stage. DOA the Department of Agriculture shall not publicize or circulate its comments beyond the DOA, ENR, Department of Agriculture, the Department of Energy and Natural Resources and the Governor's Office. The Department of Agriculture shall complete the review within a 30-day period after receiving information from the Department of Energy and Natural Resources in accordance with 8 Ill. Adm. Code 700-APPENDIX A, EXHIBIT A, the Department of Agriculture shall follow the guidelines for review of projects proposed contained in the Agricultural Land Preservation Policy when conducting the review.

3. The DOA shall complete its Study of Agricultural Impacts within a 30-day period after receiving the required information from the ENR in accordance with 8 Ill. Adm. Code 700.APPENDIX A, EXHIBIT B. The DOA shall follow the guidelines for review of the project proposals contained in its Agricultural Land Preservation Policy when conducting its review. Furthermore, ENR will not release information to the general public relative to a final decision on a project site(s) which fails

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DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

8 Ill. Reg. 8174, effective May 29, 1984; amended at 12 Ill. Reg. 10437, effective July 1, 1988; emergency amendments at 13 Ill. Reg. 4015, effective March 9, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 10499, effective June 16, 1989.

Section 230.20 Prohibited (Primary) Noxious Weed Seeds

The following list of prohibited noxious weed seeds is hereby established:

Common name	Scientific name
Bindweed, field	Convolvulus arvensis
Cress, hoary	Cardaria draba
Johnsongrass*	Sorghum halepense
Knapweed, Russian	Centaura picta
Southistle,	Sonchus arvensis
perennial	
Spurge, leafy	Ruphorbia esula
Thistle, Canada	Cirsium arvense
Tussock, serrated	Nassella trichotoma

*NOTE: Johnsongrass includes Sorghum Aluum (Sorghum aluum) and all seeds indistinguishable from Johnsongrass.

(Source: Amended at 13 Ill. Reg. 10499, effective June 16, 1989.)

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER 8: SEEDS

PART 230
ILLINOIS SEED LAW

Section 230.10

Methods of Sampling, Inspecting, Analyzing, Testing and Examining Agricultural, Vegetable, and Other Seeds and Tolerances to be Followed in the Administration of the Act

230.20 Prohibited (Primary) Noxious Weed Seeds
230.30 Restricted (Secondary) Weed Seeds
230.40 Label Requirements
230.50 Relabeling Seed After Expiration of Germination Date
230.60 Prohibitions
230.70 Seed Permit
230.80 Fee Charges for Requested Official Seed Sampling and for Seed Samples Submitted for Purity Analysis, Noxious Weed Test and Germination Test

230.90 Sampling in the Administration of the Act
230.100 Labeling Treated Seed
230.110 Plant Variety Protection Act
230.120 Sampling Small Containers in the Administration of This Act
230.130 Hybrid
230.140 Germination Standards for Vegetable Seeds
230.150 Native Grasses
230.160 Grower's Declaration (Repealed)

230.170 Labeling of Seed Distributed to Wholesalers
230.180 Germination as to Mixtures
230.190 Disclaimers, Limited Warranties and Nonwarranties
230.200 Use of the Department of Agriculture in Advertising
230.210 Seed Certifying Agency
230.220 Uncleaned Seed
230.230 Uncleaned Seed (Repealed)

230.240 Revocation of Permits
230.250 Refusal to Issue Permit
230.260 Seed Contract
230.270 Seed Disposition Report
230.280 Removal of Seed Permit
EXHIBIT A Example of Label or Tag for Container of Agricultural, Vegetable or Other Seeds

AUTHORITY: Implementing and authorized by The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 401 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 6956, effective July 1, 1981; notice of codification at 5 Ill. Reg. 10520; amended at

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

1) THE HEADING OF THE PART: Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life

2) CODE CITATION: 17 Ill. Adm. Code 870

3) SECTION NUMBERS: ADOPTED ACTION:

870.10	New Section
870.20	New Section
870.30	New Section
870.40	New Section
870.50	New Section
870.60	New Section
870.70	New Section

4) STATUTORY AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)

5) EFFECTIVE DATE OF RULES: June 20, 1989

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DOES THIS RULEMAKING CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 17, 1989
13 Ill. Reg. 3213

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 870.10 of the Table of Contents and Text, the Title was changed to Aquatic Life Approved Species.

The Source Note from the Part 870 being repealed was incorporated into the Source Note for the New Rules.

In Section 870.10(c), language in line one was changed to read "pursuant to Section 8 of the Illinois Endangered Species" and in the third line "Illinois" was added prior to "Endangered" and Section "333" was changed to Section "33".

In Section 870.10(e), in line three "it, and/or" was removed.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

In Section 870.10(e)(1) through (5) was replaced with new language.

In Section 870.10(f), a new sentence was added at the end of the paragraph "The Aquaculture Advisory Committee's recommendations and the decision of the Chief of the Division of Fisheries shall be based upon the potential detriment to the natural fishery resource."

In Section 870.30(b), the following was added at the end of the paragraph "Approval shall be based upon the following:"

In Section 870.30(b)(1), following "Transportation" the following was added "(92 Ill. Adm. Code 706)" and at the end of the paragraph the following was added ", based upon the facility's susceptibility to flooding."

In Section 870.30(b)(2)(C), the following was added at the end of the sentence ", pursuant to Section 2.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 2.1)."

At the end of Section 870.40(a), "(See Section 870.10(e))" was added.

At the end of Section 870.40(b), "(See Section 870.10(e))" was added.

At the end of Section 870.40(c), ", based upon the potential detriment to the aquatic resource." was added and "law" in line three was replaced with "the Fish Code of 1971".

In Section 870.40(d) the paragraph was replaced with new language.

In Section 870.40(f), the word "Adequate" was removed and "in Chapter 56, Section 5.16" was replaced with "in Section 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 5.16)."

In Section 870.50(a), the following was added at the end of the paragraph "(Section 3.20 of the Fish Code of 1971). Permission will be based upon the potential detriment to the aquatic resource."

In Section 870.50(c)(2), following "Pathogens" in the third line the following was added "(1985)" and following "Canada" in the sixth line "(1988), (no further amendments of editions are included)" was added.

In Section 870.60(a), following "Department" in the ninth line, "pursuant to Section 3.21 of the Fish Code of 1971" was added.

In Section 870.60(d), the reference to was changed to "Section 870.60(b)".

In Section 870.70, "their" in the first line was changed to "his or her" and following "described in" in the third line, "Sections 2.4, 5.7, 5.16 and 5.19 of" was added.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 870

AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION AND/OR POSSESSION OF AQUATIC LIFE

Section

- 870.10 Aquatic Life Approved Species
- 870.20 Aquaculture Permit Application Requirements
- 870.30 Aquaculture Facility Requirements
- 870.40 Aquaculture Operational Rules
- 870.50 Unlawful Acts
- 870.60 Restricted Species Transportation Permit Procedures
- 870.70 Penalties

AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 3.21 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 3.21 and 5.16)

SOURCE: Adopted July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed, New Part adopted at 13 Ill. Reg. 10503, effective June 20, 1989.

Section 870.10 Aquatic Life Approved Species

a) For the purposes of Section 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 5.16), the Aquatic Life Approved Species List is established. The following aquatic life categories will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.

- 1) Amphibians
- 2) Reptiles
- 3) Crustaceans
- 4) Mollusks
- 5) Gastropods
- 6) Fish

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THIS RULE REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF RULES:

These rules have been promulgated for the purpose of proper management and utilization of the aquatic life resources of the waters of the State. Except in the case of injurious species as determined by the Department of Conservation, these rules do not apply to the aquarium industry, or State agencies or universities, so long as they are operating in a manner which will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED RULES SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED RULES BEGINS ON THE NEXT PAGE

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NOTICE OF ADOPTED RULES

1) Facilities must be self-contained and not capable of overflowing into other waters of the State and cannot be located on or in a 100 year flood plain, as defined by the Division of Water Resources of the Illinois Department of Transportation (92 Ill. Adm. Code 706), unless such location receives approval by the Department of Conservation, based upon the facility's susceptibility to flooding.

2) Self-contained facilities needing draining or discharges of water shall dispose of water:

- A) into a municipal water treatment facility; or
- B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or
- C) as approved by the Department of Conservation, pursuant to Section 2.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 2.1).

Section 870.40 Aquaculture Operational Rules

a) Permit holders must request a letter of authorization from the Aquaculture Coordinator for each additional species not on the Aquatic Life Approved Species List they wish to import or possess, which is not listed on their original permit application. (See Section 870.10(e)).

b) A letter of authorization from the Department shall be required for each aquatic life species which does not appear on the Aquatic Life Approved Species List. Such letter shall be attached to the permit and shall be available for inspection upon request. (See Section 870.10(e)).

c) In the event that an aquaculturist possessing aquatic life not on the Aquatic Life Approved Species List goes out of business or possesses such aquatic life contrary to The Fish Code of 1971, the Department shall determine disposition of such aquatic life as deemed necessary, based upon the potential detriment to the aquatic resource.

d) Permit holders or their heirs or assigns possessing aquatic life not on the Aquatic Life Approved Species List, who cease operation for whatever reason, are required to notify the Department in writing within 30 days of their cessation of business.

e) When the permit holder who possesses aquatic life not on the Aquatic Life Approved Species List ceases doing business voluntarily or involuntarily, his or her permit expires at the cessation of business. Heirs, assigns or new owners must apply for an aquaculture permit.

f) Records shall be maintained as required in Section 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 5.16).

NOTICE OF ADOPTED RULES

Section 870.50 Unlawful Acts

a) It is unlawful to release any aquatic life into the waters of this state without first securing permission of the Department to do so, except that the owner(s) of a body of water or their agents may release aquatic life on the Aquatic Life Approved Species List into waters that are wholly on their property. All aquatic life may be released into the waters from which they were taken. (Section 3.20 of the Fish Code of 1971). Permission will be based upon the potential detriment to the aquatic resource.

b) It is unlawful for any person(s) to transport, ship, or convey within the State, any live grass carp or white amur (Ctenopharyngodon idella), bighead carp (Hypophthalmichthys nobilis), silver carp (Hypophthalmichthys molitrix), or hybrid grass carp, unless that person(s) has in his possession a "Restricted Species Transportation Permit" issued by the Illinois Department of Conservation.

c) It is unlawful to transport, ship, or convey live trout, salmon, or char into the State unless a salmonid import permit has been issued to the source hatchery, as required by Section 3.21 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 3.21). A copy of the salmonid import permit must accompany each shipment. A salmonid import permit will be issued only if the source hatchery has been inspected within the last 12 months and found free of, but not limited to, the following disease agents: VHS - Viral Hemorrhagic Septicemia Virus; IHN - Infectious Hematopoietic Necrosis Virus; CS - Ceratomyxosis (Ceratomyxa shasta); PKD - Proliferative Kidney Disease agent; and/or any other disease agents which are not known to be present in the Great Lakes Basin.

1) A salmonid import permit may be issued for a period of up to 6 months following the inspection of the source hatchery. Said salmonid import permit will be reissued if the owner/operator of the source hatchery certifies that there has been no change in the disease status of the source hatchery in the 6 month period following the annual inspection. A bill of sale, listing quantity, species, and hatchery of origin shall be provided to and retained by the final recipient of the fish, until the fish are disposed of.

2) The Department recognizes persons inspecting hatcheries using the methods of diagnosis found in "Procedures for the Detection and Identification of Certain Fish Pathogens" (1985) published by the Fish Health Section of the American Fishing Society or the "Manual of Compliance to the Fish Health Protection Regulations of the Department of Fisheries and Oceans, Canada, (1988) (no further amendments or editions are included) as competent in the diagnosis of fish diseases, unless a clearcut conflict of interest exists. (Such as the inspector being related to the hatchery owner by blood, adoption, marriage or economic interest).

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- d) No live aquatic life not on the Aquatic Life Approved Species List produced at the facilities operated or owned by an aquaculture permit holder may be removed from the site unless they are being transferred to another permit holder who has permission to possess them, or to a fish market as food, or to an aquarium shop.

Section 870.60 Restricted Species Transportation Permit Procedures

- a) A Restricted Species Transportation Permit is required for live grass carp, bighead carp, silver carp, or hybrid grass carp. Restricted Species Transportation Permit(s) are available from the Division of Fisheries, 524 S. Second Street, Lincoln Tower Plaza, Springfield, IL 62701-1787. Applications must be received by the Division of Fisheries at least two weeks prior to the proposed shipment date. A "Restricted Species Transportation Permit" shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department pursuant to Section 3.21 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 3.21). Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked and may be possessed only by authorized aquaculture permit holders.
- b) Lake or pond owners are exempt from the "Restricted Species Transportation Permit" requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from an aquaculture permit holder or licensed non-resident fish dealer stating that the grass carp have a triploid number of chromosomes, and the lake or pond owner's name and address is listed on the aquaculturist's "Restricted Species Transportation Permit". A "Restricted Species Transportation Permit" is valid only:
- 1) on the dates listed on the permit, and
 - 2) for names and addresses listed for delivery on such application/permit.
- c) For the purposes of this administrative rule, a shipment is defined as one load of fish; for example three truckloads of fish being transported in convoy would be three shipments.
- d) Except for persons exempt under Section 870.60(b), any person hauling any live triploid grass carp must subject the shipment to examination by the Department of Conservation. For a batch of fish containing more than 56 individuals, 56 fish will be tested; for a batch containing less than 56 individuals, 100% will be tested.

Section 870.70 Penalties

Any person who violates this Part, falsifies or makes any misrepresentation on his or her application, permit required records, or any other information required to be given to

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

the Department or consumer, shall be subject to penalties described in Sections 2.4, 5.7, 5.16 and 5.19 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 2.4, 5.7, 5.16 and 5.19).

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section

730.10

Statewide Regulations

730.20

Regulations at Various Department-Owned or -Managed Sites

730.30

Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
- 1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) THE HEADING OF THE PART: Dove Hunting

2) CODE CITATION: 17 Ill. Adm. Code 730

SECTION NUMBERS:

ADOPTED ACTION:

730.20

Amendments

730.30

Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

5) EFFECTIVE DATE OF AMENDMENTS: June 15, 1989

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 3, 1989

13 Ill. Reg. 2609

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were based upon biological surveys and data analyses which have resulted in the determination that modifications to the dove hunting regulations are necessary to maintain and manage healthy populations of doves.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price

Lincoln Tower Plaza

524 S. Second Street

Springfield, Illinois 62701-1787

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I-24 Area (Wednesday, Saturday and Sunday only, 5 p.m. closing)

Iroquois County Conservation Area (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7, statewide hours and seasons apply; hunting permitted only in designated areas; DOC issued back patch required September 1 - 7)

Johnson Sauk Trail State Park (September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first 2 weeks of season then everyday thereafter; 5:00 p.m. closing)

Kickapoo State Park (Hunters must check in and check out; DOC issued back patch must be worn while hunting)

Lake Kinkaid Fish and Wildlife Area

Lake Le-Aqua-Na State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 5, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting within 300 yards from dove management areas)

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (September 1 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (open September 1 - 8, Monday through Thursday thereafter; 5:00 p.m. closing)

NOTICE OF ADOPTED AMENDMENTS

Marshall State Fish and Wildlife Area

Matthiessen State Park (September 1 - 15 on opening day, holidays, Wednesdays, Saturdays and Sundays except closed the Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Mazonia State Fish and Wildlife Area (September 1 - two weeks before duck season)

Mermet Lake Conservation Area (Wednesday, Saturday and Sunday only, 5:00 p.m. closing)

Middle Fork State Fish and Wildlife Area (September 1 - 7, 5:00 p.m. closing; daily quota filled by drawing at site 11:00 daily, registration begins at 10:00 a.m.; after September 7, statewide regulations apply; at all times, hunters must maintain 20 yard spacing and hunt in designated areas only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (September 1 - 30)

Moraine View State Park (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Mt. Vernon Game Farm (5:00 p.m. closing; Wednesday, Saturday and Sunday only)

Panther Creek Conservation Area

Parklands-Recreational Area (September 1 - 30, 5 p.m. closing)

Pike County Conservation Area

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (September 6 - 18; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing)

Red Hills State Park (5:00 p.m. closing; Wednesday, Saturday and Sunday only; September 1 - 30; statewide regulations apply daily thereafter)

Rend Lake Wildlife Management Area (5:00 p.m. closing)

Saline County Conservation Area (5:00 p.m. closing)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Sand Ridge State Forest (September 6 - October 30)

Sangamon County Conservation Area

Sanganois Conservation Area (5:00 p.m. closing September 1 - 5; statewide regulations apply thereafter; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (September 6 - 30)

Shabbona State Park (September 1 - 15, 5:00 p.m. closing)

Siloam Springs State Park

Silver Springs State Park (September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Stephen A. Forbes State Park (5:00 p.m. closing)

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing)

Union County Conservation Area (September 1-5; 5:00 p.m. closing; statewide regulations thereafter)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Washington County Conservation Area (~~5:00 p.m. closing~~)

Wayne Fitzgerald State Park (closed September 5 -- 7-2 - 4 and during horseback field trials; 5:00 p.m. closing)

Weinberg-King State Park (5:00 p.m. closing)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. ~~A windshield card, provided along with permit, must be displayed in hunter's vehicle windshield while hunting, with permit number visible. -~~ The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

- e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m.:

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting/shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting/shooting line)

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.
- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.
- 5) All hunters must wear a back patch.
- 6) Shot size to be used is 7½, 8 or 9 lead or 6 steel or smaller.
- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful. Submission of duplicate applications will result in rejection of all applications.

(Source: Amended at 13 Ill. Reg. 10513, effective June 15, 1989)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

a) A one-day Youth Dove Hunt will be held on September 3-1988 the first Saturday of the season, at the following sites:

- Banner Marsh Fish and Wildlife Area
- Horseshoe Lake State Park
- Kankakee River State Park
- Middle Fork Fish and Wildlife Area
- Mt. Vernon Game Farm
- Ramsey Lake State Park
- Sangchris Lake State Park
- Silver Springs State Park

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond hunting line; guns must be unloaded when walking to and from hunting area)

2) Permit Applications

A) To apply for a permit prospective hunters must complete a Dove Application and Permit form-#IL-42-0514 by providing:

- i) name and address
- ii) the area they wish to hunt (one area only)
- iii) the first, second, and third choice of hunting dates;
- iv) signature;
- v) hunting license number;
- vi) daytime telephone number; and
- vii) physical description of the applicant.

B) An application may be obtained by writing to:

Illinois Department of Conservation
Dove Permit Office
P.O. Box 19227
Springfield, IL - 62794-9227

C) The Department will not accept more than two applications per envelope.

D) Permits will be allocated by drawing.

E) Applications will be accepted beginning June 15 through July 12. Applications received after July 13 will be processed on a first-come, first-serve basis.

F) Failure to provide required information will result in the application being rejected.

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per

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12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS:

The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modification to waterfowl hunting regulations are necessary to maintain and manage healthy populations of waterfowl. These changes include updating non-toxic shot zones, as required by the U.S. Fish and Wildlife Service and expanding/modifying/decreasing waterfowl hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, following "emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days;" the following was added "emergency expired May 6, 1989."

In Section 590.10(e), ", such as avian cholera or duck virus enteritis" was added at the end of the paragraph.

In Section 590.60(b)(1)(G), the commas following "high" and "flooding" were removed and "(due to flooding)" was placed in parentheses and in the fifth line "and" was inserted following "that".

In Section 590.60(b)(1)(C), a the closing parenthesis was added at the end of the paragraph.

In Section 590.60(b)(1)(N), "(that are in season)" was added following "species" in the third line.

1) THE HEADING OF THE PART: Duck, Goose and Coot Hunting

2) CODE CITATION: 17 Ill. Adm. Code 590

3) SECTION NUMBERS: ADOPTED ACTION:

590.10	Amendments
590.30	Amendments
590.40	Amendments
590.50	Amendments
590.60	Amendments
EXHIBIT A	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 28, 1987).

5) EFFECTIVE DATE OF AMENDMENTS: June 20, 1989

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER:

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective September 29, 1987) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.

- b) The regulations in Section 2.33 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.33) on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify. ~~Muzzleloading shotguns are exempt from non-toxic shot regulations for the 1988-89 season.~~ Sites covered by these regulations are as stated in the federal regulations or they are listed under Site Specific Regulations. Only non-toxic shot may be used for hunting waterfowl in the following non-toxic shot zones (see EXHIBIT A):
- 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
 - A) All of Alexander, Calhoun, Carroll, Henderson, Jackson, Jersey, Pike, Rock Island and Union Counties.
 - B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.
 - C) Hancock County: (Dallas City), IL-9/96, IL-96/US 136, and IL-96.
 - D) Henry County: I-80 and I-74/280.
 - E) Jo Daviess County: IL-35 (East Dubuque), US-20, IL-84/US-20, and IL-84.
 - F) Mercer County: Railroad Bridge (Keithsburg), County Hwy-16, and County Hwy-25.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 590
DUCK, GOOSE AND COOT HUNTING

Section	
590.10	Statewide Regulations
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
EXHIBIT A	The Non-Toxic Shot Zones of Illinois

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16

5) Other Areas All of Bond, Clinton, Fayette, Kane, Lake and McHenry Counties.

e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached or when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas and Refuges

1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.

2) Geese and Refuges

A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.

B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:

i) Horseshoe Lake Conservation Area - Alexander County (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)

ii) Rend Lake and Rend Lake Wildlife Management Area

iii) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)

g) Migratory Waterfowl Hunting Area Permits (Commercial and Non-Commercial)

1) The holder of a permit shall forward within one week after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.

2) Section 590.10 (g) of this Part shall be in accordance with Section 3.7 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.7).

g) Pike County - US-36 (Shepherd), IL-96/US-36, and IL-96. (Also see Illinois River Section 590.10(d)(2)-below)

h) Rock Island County - IL-5, IL-5/92, and I-80; I-74/280, I-280, and IL-92 to Iowa state line.

hG) Whiteside County: IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road; County Hwy-21/Sand Road, and IL-5.

2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

A) All of Calhoun, Cass, Fulton, Jersey, Marshall, Mason, Peoria, Pike, Putnam, and Woodford Counties.

B) Brown County: County Hwy-3/Federal Aid Secondary Route (FAS) 582, FAS-582, County Hwy-12, and IL-99.

C) Bureau County: IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29, and IL-29.

D) Greene County: Kampsville Ferry Route, IL-108, and Federal Aid Primary Route (FAP) 155 (south).

E) Morgan County: IL-104 (Meredosia) and IL-100/US-67.

F) Peoria County - IL-29, IL-29/US-24, and IL-9/US-24.

G) Pike County - IL-104 (Meredosia) - and IL-99. - (Also see Mississippi River Section 590.10(d)(1)-above).

hF) Schuyler County: IL-100 (Bluff City) IL-103, and County Hwy-9.

hG) Tazewell County: IL-26, IL-116, IL-116/US-150, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and County Hwy-16.

3) Southern Illinois Quota Zone All of Alexander, Union and Williamson Counties.

4) Rend Lake Goose Quota Zone All of Jefferson County and all of Rend Lake plus all adjacent areas managed by US Army - Corps of Engineers - or Illinois Department of Conservation and Franklin Counties.

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NOTICE OF ADOPTED AMENDMENTS

2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of waterfowl season, except for those areas listed in Section 590.60(b)(7) and Section 590.60(b)(15), after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes will be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned before August 31. Failure to do so will result in forfeiture of blind.

6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.

7) Boat hides are required, except as noted in Sections 590.40, 590.50 and 590.60, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of waterfowl season; failure to meet these standards will result in forfeiture of blind site.

Use of blinds

1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

2) No person shall hunt, or attempt to hunt, except from within a registered blind.

3) Persons under 16 years of age shall not hunt, or attempt to hunt unless accompanied by an adult due to safety factors.

4) Blinds shall not be locked.

5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied is unlawful.

6) No person shall fish within 250 yards of an occupied blind within the hunting area.

7) All hunting parties shall hunt over a spread of at least 12 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container. Decoys must be removed at the end of the day's hunt or left overnight, as determined by the site manager.

Public Drawing

1) Time and place for all sites holding drawings will be publicly announced by the Department of Conservation.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and Owner's Identification Card unless exempted by law. Person exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of duck blind sites.

(Source: Amended at 13 Ill. Reg. 10525, effective June 20, 1989)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section are:

Anderson Lake Conservation Area

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- Batchtown (Federal Lands)
- Calhoun Point (Federal Lands)
- Glades (Federal Lands)
- Godar-Diamond (Federal Lands)
- Horseshoe Lake State Park - Madison County
- Lake DePue Fish and Wildlife Area
- Marshall County Conservation Area
- Mazonia Fish and Wildlife Area
- Sanganois Conservation Area
- Spring Lake Conservation Area
- Stump Lake (Federal Lands)
- Woodford County Conservation Area

b) The sites listed above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in parentheses and in the remainder of this Section.

- 1) Anderson Lake Conservation Area - All Management Units (legal opening - noon; ~~last 3 days statewide hours~~)
 - A) ~~Carlson Management Unit -- (for the first ten days of the season, waterfowl hunting will be permitted on all alternate days beginning with the opening of duck season; thereafter, hunting is permitted every day. - In the event of adverse water and/or feed conditions, hunting will be prohibited.)~~
 - B) ~~West Point Management Unit - (waterfowl hunting will be permitted on all alternate days beginning with the second day of the duck season. - Hunting will be restricted to within 50 feet of the staked site. - In the event of adverse water and/or feed conditions, hunting will be prohibited and posted at the check station.)~~
- 2) Batchtown (legal opening - 3:30 p.m. Central Standard Time (CST); ~~last 3 days of duck season, statewide hours~~)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 3) Calhoun Point (legal opening - 3:30 p.m. CST; ~~last 3 days of duck season, statewide hours~~ after the close of the duck season, goose pits will be allocated by a daily drawing)
- 4) Glades (legal opening - 3:30 p.m. CST; ~~last 3 days of duck season, statewide hours~~)
- 5) Godar-Diamond (legal opening - 3:30 p.m. CST; ~~last 3 days of duck season, statewide hours~~)
- 6) Horseshoe Lake - Madison County (legal opening - 3:30 p.m. CST; ~~last 3 days of duck season, statewide hours~~; goose hunting is prohibited after the duck season)
- 7) Lake DePue (sunrise - noon; ~~goose hunting is prohibited after the duck season~~)
- 8) Marshall County Conservation Area - Spring Branch Unit (legal opening - Noon)
- 9) Mazonia Fish and Wildlife Area (legal opening to 12 noon; closed to goose hunting during the September season)
- 9)10) Sanganois (check station and walk-in area, legal opening - Noon; ~~except last 3 days of duck season are statewide hours~~)
- 10)11) Spring Lake (legal opening - Noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.)
- 11)12) Stump Lake (legal opening - 3:30 p.m. CST; ~~last 3 days of duck season, statewide hours~~)
- 12)13) Woodford County Conservation Area (legal opening - Noon)

c) The following regulations apply to all sites listed in this Section under Subsection (a):

- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before shooting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Mazonia Fish and Wildlife Area (9:00 a.m.)
Rice Lake (walk-in 9:00 a.m.)

Sanganais (10:00 a.m.)

Spring Lake (9:00 a.m.)

Stump Lake (9:00 a.m. - 1:00 p.m.)

Woodford County Conservation Area (9:00 a.m.)

e) Blind sites will be allocated for a one-year period by a public drawing at:

Anderson Lake (Anderson Lake Management Unit)

Horseshoe Lake (Madison County)

Lake Depue

Marshall County Conservation Area - Spring Branch Unit

Mazonia Fish and Wildlife Area

Sanganais

Spring Lake

Woodford County Conservation Area

f) Previous year's blind builders will have until the time as noted in parentheses to salvage materials from their blinds.

Anderson Lake (February 1 of the following year)

Batchtown (7 days after the current drawing)

Calhoun Point (7 days after the current drawing)

Glades (7 days after the current drawing)

Godar-Diamond (7 days after the current drawing)

Horseshoe Lake - Madison County (7 days after the current drawing)

Lake Depue (February 1 of the following year)

Marshall County Conservation Area - Spring Branch Unit (February 1 of the following year.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

3) All hunting will be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.

4) All hunters must be checked out within one hour of the close of the legal shooting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards will be returned.

5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 3 days prior to the waterfowl season.

6) It shall be unlawful to trespass upon the designated waterfowl hunting area or waterfowl refuge beginning 7 days prior to the waterfowl season and on areas designated as waterfowl refuges 14 days prior to the waterfowl season and until the end of the waterfowl season on Anderson Lake, Lake Depue, Marshall County, Spring Lake, and Woodford County Sites.

7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of waterfowl season at Mazonia Fish and Wildlife Area

z)8) No more than 4 persons shall occupy a blind at one time.

d) Blinds during duck season, blinds not claimed by the builder or partners by one hour before shooting time will be assigned by a drawing at this time or during the time in parentheses, after which time the area will be closed to additional hunters.

Anderson Lake (9:00 a.m. - 1:00 p.m.)

Batchtown (9:00 a.m. - 1:00 p.m.)

Calhoun Point (9:00 a.m. - 1:00 p.m.)

Glades (9:00 a.m. - 1:00 p.m.)

Godar-Diamond (9:00 a.m. - 1:00 p.m.)

Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)

Lake Depue (9:00 a.m.)

Marshall County Conservation Area - Spring Branch Unit (9:00 a.m.)

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NOTICE OF ADOPTED AMENDMENTS

d) Special access restrictions are at the following sites:

Savanna Ordnance Depot (boat access only)

e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Savanna Ordnance depot.

f) Previous year's blind builders shall have until the date listed in parentheses of the following year to salvage materials from blind sites. After this date, all materials will become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Chain O'Lakes (blind drawing date)

Des Plaines River (blind drawing date)

Fuller Lake (7 days after the current year's drawing)

Helmhold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Simmissippi (blind drawing date; after May 1 the Department reserves the right to remove any blinds or parts thereof that it deems necessary for reasons such as but not limited to, hazards to navigation, interference with canal feeder or access and hazards to recreational boating)

Marshall County Conservation Area - Sparland Unit (February 1)

Meredosia Lake - Cass County Portion Only (February 1)

Mississippi River Pools 16, 17, 18 (the next season's blind drawing date)

Mississippi River Pools 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date)

Piasa (7 days after the current year's drawing)

Red's Landing (7 days after the current year's drawing)

NOTICE OF ADOPTED AMENDMENTS

Riprap Landing (7 days after the current year's drawing)

Savanna Ordnance Depot (blind drawing date)

Starved Rock State Park (February 1)

William Powers (February 1)

g) Blind sites will be allocated for the period as noted by a public drawing at

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Kankakee River (1 year)

Lake Simmissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

Meredosia Lake - Cass County Portion Only (1 year; mail in drawing to be conducted at District office; date and procedures to be publicly announced)

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

Mississippi River Pool 21 (1 year)

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Savanna Ordnance Depot (1 year)

Starved Rock State Park (1 year)

William Powers (1 year)

h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

1) Mississippi River Pools 16, 17, and 18

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must mail or phone in notice to re-register that blind site. Failure to re-register during the publicly announced prescribed period will result in loss of blind site.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

2) Mississippi River Pools 21, 22, 24, 25 and 26

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period will result in loss of blind site.

3) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

i) Fishing restrictions

1) On Mississippi River Pools 16, 17, 18, fishing will be permitted on the area with the exception that no person shall engage in fishing within 200 yards of an occupied waterfowl blind during the regular waterfowl season.

2) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

j) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned by ~~December 31~~ January 15 or the blind building builder and partners for that blind will not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

William Powers Conservation Area

(Source: Amended at 13 Ill. Reg. 10525, effective June 20, 1989.)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Carlyle Lake Wildlife Management Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Clinton Lake State Recreation Area

Crab Orchard Refuge

Donnelléy State Wildlife Area

Fox Ridge State Park

Ft. de Chartres Historic Site

Heidecke Lake State Fish and Wildlife Area and Powerton Lake and LaSalle Fish and Wildlife Area

Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area (other than permit area)

Horseshoe Lake State Recreation Area (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville

Lake Shelbyville Fish and Wildlife Management Area

LaSalle Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mermet Lake Conservation Area

Mississippi River Area Fish and Wildlife Area

Pike County Conservation Area

Powerton Lake (Regulations combined with Heidecke Lake)

Rend Lake Wildlife Management Area

Rice Lake Conservation Area

Saline County Conservation Area

NOTICE OF ADOPTED AMENDMENTS

Sanganois Conservation Area

Sangchar's Lake State Park

Shawnee National Forest, Bluff Lake

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)

Stephen A. Forbes State Park

Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)

Union County (firing line Watertown Management Area)

b)

Site specific regulations

1)

Carlyle Lake-Bands and Waters

A) Shooting-hours-are-statewide-opening-hour-until-1:00-p.m. during-the-duck-hunting-season.-During-the-last-3-days-of the-duck-season-the-shooting-hours-will-be-from-legal statewide-opening-to-legal-statewide-closing.

B) Watertown-and-coot-hunting-will-be-permitted-except-in-clearly posted-refuge-areas-or-developed-recreation-areas,or-within 500-feet-of-construction-sites-or-developed-recreation-areas.

C) No-permanent-blinds,-goose-pits,-or-other-structural-works may-be-constructed-or-dug-on-state-managed-lands-at-any time.-All-blinds-must-be-of-a-portable-nature-or-constructed with-natural-vegetation-located-at-the-blind-site-and-must be-removed-or-dismantled-at-the-end-of-the-day's-hunt. Cutting-of-live-trees-and-shrubs-on-the-area-is-prohibited.

D) It-is-unlawful-to-enter-the-subimpoundment-area-3-days-before the-beginning-of-watertown-hunting-season.-No-one-may-enter the-subimpoundment-area-before-3:00-a.m.-each-day-of-the duck-hunting-season-and-no-one-may-remain-in-the-area-after 3:00-p.m.-except-the-last-3-days-of-the-duck-season-the-area must-be-vacated-2-hours-after-the-legal-statewide-closing hour.-The-subimpoundment-area-is-defined-as-being-from river-to-the-bluff.

E) No-one-may-enter-or-remain-on-the-waters-of-Carlyle-Lake from-12:00-a.m.-to-3:00-a.m.-each-day-of-the-duck-hunting

NOTICE OF ADOPTED AMENDMENTS

season.-No-watertown-hunter-may-remain-in-the-area-after 3:00-p.m.,-except-the-last-3-days-of-the-duck-season-the-area must-be-vacated-2-hours-after-the-legal-statewide-closing-hours

F) It-is-unlawful-to-be-in-possession-of-firearms-on-the-water of-Carlyle-Lake-after-3:00-p.m.-each-day-during-the-watertown hunting-season-and-24-hours-prior-to-opening-day-of-watertown season.

G) Only-walk-in-hunting-will-be-permitted-on-the-subimpoundment area,-except-when-the-water-level-is-too-high-to-allow-for regular-hunting.-Department-personnel-will-post-that-the-area is-open-to-boats.-Boats-are-allowed-only-at-these-times-in the-subimpoundment-area.

H) Only-watertown-and-coot-may-be-hunted-in-the subimpoundment-area-during-duck-season.

I) Each-hunting-party-is-required-to-hunt-over-a-minimum-of 12-decoys.

J) A-minimum-of-200-yards-shall-be-maintained-between watertown-hunting-parties.-A-hunting-party-shall-be-defined as-an-individual-or-group-of-hunters-occupying-a-single-beat, blind,-or-hunting-site).

K) No-person-shall-tamper-or-attempt-to-manipulate-any-of-the gates,-pumps,-or-structures-in-the-subimpoundment-area. Decoys-shall-not-be-left-out-unattended,or-after-1:00-p.m. each-day,-except-for-the-last-three-days-of-the-duck-season when-statewide-regulations-shall-apply.

M) No-motor-driven-vehicles-are-allowed-in-the-subimpoundment area-except-those-operated-by-Department-of-Conservation or-Corps-of-Engineers-personnel.

N) The-lands-and-waters-lying-south-of-a-line-from-the-mouth of-Coles-Creek-on-the-east-side-of-the-lake-to-Allen-Branch on-the-west-side-of-the-lake-is-a-watertown-refuge-and-is closed-to-hunting.

A) Shooting-hours-for-watertown-are-statewide-opening-hour-until 1:00-p.m.

1)

Watertown Hunting Regulations for Carlyle Lake Lands and Waters

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NOTICE OF ADOPTED AMENDMENTS

D) No more than 3 persons shall occupy or use a portable boat blind.

E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.

F) Hunters must fill out and deposit hunter-survey cards provided prior to leaving the area.

G) Each hunting party is required to hunt over a minimum of 12 decoys.

Donnelley State Wildlife Area

A) Hunting is prohibited on Tuesdays and Wednesdays.

B) Hunting hours are from sunrise to 12 Noon.

C) Goose hunting is prohibited after the close of the duck season.

D) All hunting will be from designated blinds only. Refilling or changing blinds is not permitted.

E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

F) \$5 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized DOC personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.

J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season will be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There will be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

NOTICE OF ADOPTED AMENDMENTS

4) Fox Ridge State Park

A) Hunting restricted to Embarras River and its flood waters.

B) No permanent blinds of any kind or other structural works are permitted.

C) No pits shall be dug, built or occupied.

5) Fort de Chartres Historic Site

A) No check station.

B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.

C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.

D) Hunting parties must maintain a minimum distance of 200 yards apart.

E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

F) No hunting is allowed during firearm deer season.

5) 6) Heidecke Lake, State Fish and Wildlife Area and Powerton Lake and Lake Fish and Wildlife Area

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials will be removed at the end of each hunting day.

ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located. Daily draw - procedure by which blinds or blind sites are allocated daily.

iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after 10:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.
- G) Hunting will be from boat blinds only.
- H) Access to water blind sites will be by boat only and from designated boat launch sites.
- I) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- M) Heidecke Lake will be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. LaSalle Fish and Wildlife Area and Powerton Lake will be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season. ~~LaSalle Fish and Wildlife Area will be closed to boat usage from February 15 through March 31.~~
- N) No hunting will be allowed on Monday and Tuesday at Heidecke Lake. ~~No hunting will be allowed on Monday and Friday at LaSalle Fish and Wildlife Area.~~ No hunting will be allowed at Powerton Lake on Monday through Thursday except hunting will be permitted on State holidays.
- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.
- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- Q) Hunting is closed on Christmas Day.
- R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- S) It is unlawful to shoot across any dike at Heidecke Lake.
- T) Waterfowl hunting will close with the conclusion of the duck season. ~~No goose hunting during the September Goose Season is permitted at Heidecke Lake at Powerton Lake.~~ At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted at Heidecke Lake.
- U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

6) Horseshoe Lake (Alexander County) Public Hunting Area (other than permit area)

The refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to the intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch.

7) Horseshoe Lake State Recreation Area (Madison County)

A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

8) Kaskaskia River Fish and Wildlife Area

A) Shooting hours are statewide opening hour until 1:00 p.m. during the duckwaterfowl hunting season. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal shooting hours shall be from statewide opening hour until statewide closing hour. During the last 3 days of the duck-season the shooting-hours will be from legal opening hour to statewide closing-hour-for-the-entire-area,Goose hunting hours end at 1:00 p.m.

B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.

C) No permanent blinds will be allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.

D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.

F) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) This area will be closed to all public use 3 days prior to waterfowl hunting season. No one may enter the area before 3:00 a.m. each day of the waterfowl hunting season and no one may remain in the area after 3:00 p.m. after 3:00 p.m. closing-hour.No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Waterfowl, coot and archery deer hunting only will be allowed in this area during the duck hunting season.

9) Lake Shelbyville

It is unlawful for any unauthorized persons to enter a duly posted restricted area.

10) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

A) Waterfowl hunting will be permitted as described below except in duly posted restricted and "No Hunting" areas.

B) Waterfowl hunting in the Fish Hook Waterfowl Area, the McGee Waterfowl Area, and the Jonathan Creek Waterfowl Area will be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Drawings will be conducted at each area. Parties will register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn will be

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C) The daily drawing shall be held one hour prior to legal shooting time.

D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas will be numbered to correspond with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.

H) Daily hunting hours shall be the legal opening until 12:00 Noon local time, except that on the last 3 days of the season, hunting shall be from the legal opening until sunset, local time.

I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

†(4)(16) Mississippi River Area Fish and Wildlife Area

A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

NOTICE OF ADOPTED AMENDMENTS

†(5)(17) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 or the legal statewide closing, whichever is earlier, in Area A.

†(6)(18) Rend Lake Wildlife Management Area

A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

B) No goose pits or permanent blinds shall be dug or built on State lands.

C) Only row boats and boats with electric motors shall be used in the subimpoundment areas during the waterfowl hunting season, except that during the last 14 days of the duck hunting season and until the end of the waterfowl season 10 h.p. outboard motors or less may be used.

D) All waterfowl hunters and all boats must be out of the subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 3:00 a.m.

E) No hunting will be permitted from the subimpoundment dams. No waterfowl hunting will be permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

G) The distance between waterfowl hunting parties shall be no less than 100 yards in the Big Muddy and Casey Fork subimpoundment and 200 yards outside the subimpoundment on the remainder of the Area. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

H) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1.

I) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt. All waterfowl hunting along an east-west line running 200 yards north of the Casey Fork Subimpoundment Dam will be within 10 feet of staked locations.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- K) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- L) Daily shooting hours for waterfowl will be from legal opening time to 1:00 p.m.
- M) The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.

17)19) Rice Lake (Walk-in and Voorhees-Copperas Creek Management Units)

- A) Hunting will be alternated between units every other day beginning with opening day at the walk-in unit; and shall be limited to 20 hunters per day.
- B) Hunters shall be determined by a daily drawing at the designated check station.
- C) Shooting hours shall be from legal opening time until 12:00 Noon. Statéwide bag and possession limits apply on this area.

18)20) Saline County Conservation Area

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

19)21) Sanganois

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- B) Walk-in waterfowl hunting will be permitted only in the area posted for this purpose.
- C) All hunters using this area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- D) Upon the completion of hunting, hunters must report to the check station within one hour.
- E) Fishing is prohibited in the impoundment areas during the waterfowl season.
- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.
- G) No person shall trespass on the Marion-Pickereel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season.

20)22) Sangchris Lake State Park

- A) Hunting hours are legal opening until 12:00 Noon ~~(except last 3 days are statewide hours).~~
- B) Hunters will participate in daily drawing commencing 2 hours prior to sunrise. Blind sites not selected during the drawings will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated until 9:00 a.m. Further, no blind sites will be allocated after 10:00 a.m., ~~except the last 3 days when no blind sites will be allocated after 1:00 p.m.~~
- C) All hunting will be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

DEPARTMENT OF CONSERVATION
ILLINOIS REGISTER
NOTICE OF ADOPTED AMENDMENTS

(N) All hunting must be from 1 portable blind or 1 anchored portable blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose will be unlawful.

(O) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

(P) No pits or blinds will be built on State leased or Commonwealth Edison land.

(Q) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

(R) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.

(S) Fishing will be prohibited in the east and west arms of the lake during the period from 10 days prior to the waterfowl duck season through the end of the waterfowl season.

(T) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

(U) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.

21)23) Shawnee National Forest, Bluff Lake

(A) Goose hunting is prohibited.

(B) Shooting hours: legal opening until noon.

(C) No permanent blinds or other structures may be constructed on the site.

22)24) Shawnee National Forest, Larue Scatters

(A) All hunting will be by walking in or in boats without motors.

(B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be

DEPARTMENT OF CONSERVATION
ILLINOIS REGISTER
NOTICE OF ADOPTED AMENDMENTS

(E) There will be a duly posted waterfowl refuge located at the north end of the lake that will include all waters of the lake located north and at right angles to (in an east and west direction) the peninsula created by the junction of the east and west arms. This area will be closed to all boat traffic and boat fishing during the waterfowl duck season. Bank fishing along the dam will be permitted.

(F) A waterfowl refuge will be located on State land between the east and west arms of the lake. Additional refuges are located on waters from the junction of the center arm and the east arm of the lake north to the refuge area, the area adjacent to the power plant is utilized as a fly ash pond and the south portion of the west arm will be duly designated as inviolate areas.

(G) Waterfowl hunting will close with conclusion of duck season.

(H) No more than 4 persons shall occupy a blind at one time.

(I) Waterfowl hunting will be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake will be closed to all waterfowl hunting.

(J) Blind sites will be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation will remove, move or close blind sites in order to carry out the operations of the overall management program.

(K) Blind sites will be allocated on a daily draw basis.

(L) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

(M) Access to blind sites will be by boat only and from designated boat launch sites, the West Hill Boat Launch and the East Harbor Boat Launch. A corridor located north of the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to the west arm of the Lake from the East Harbor Boat Launch when the West Hill Boat Launch is closed. Such notice of corridor use will be announced prior to the blind drawing for that day.

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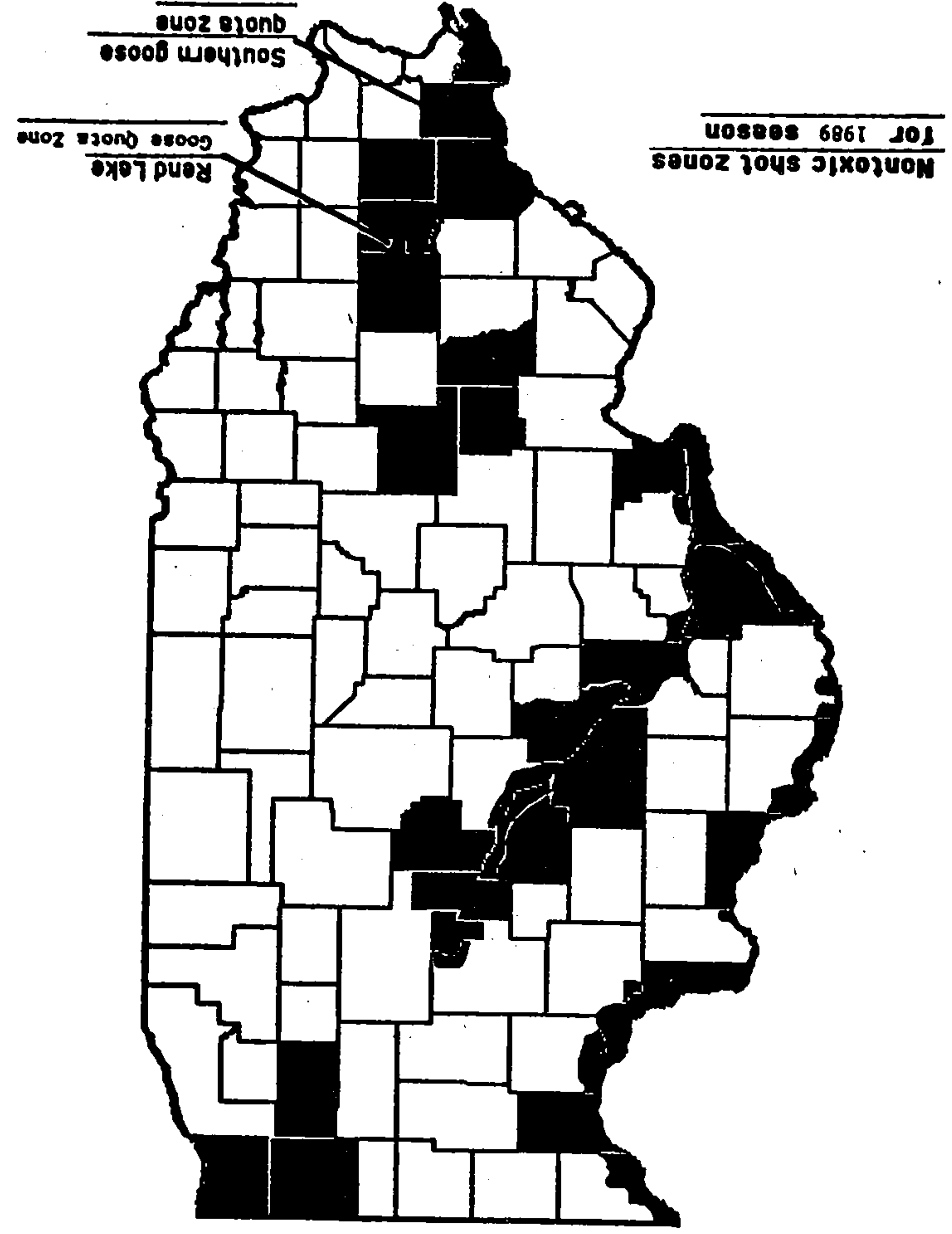
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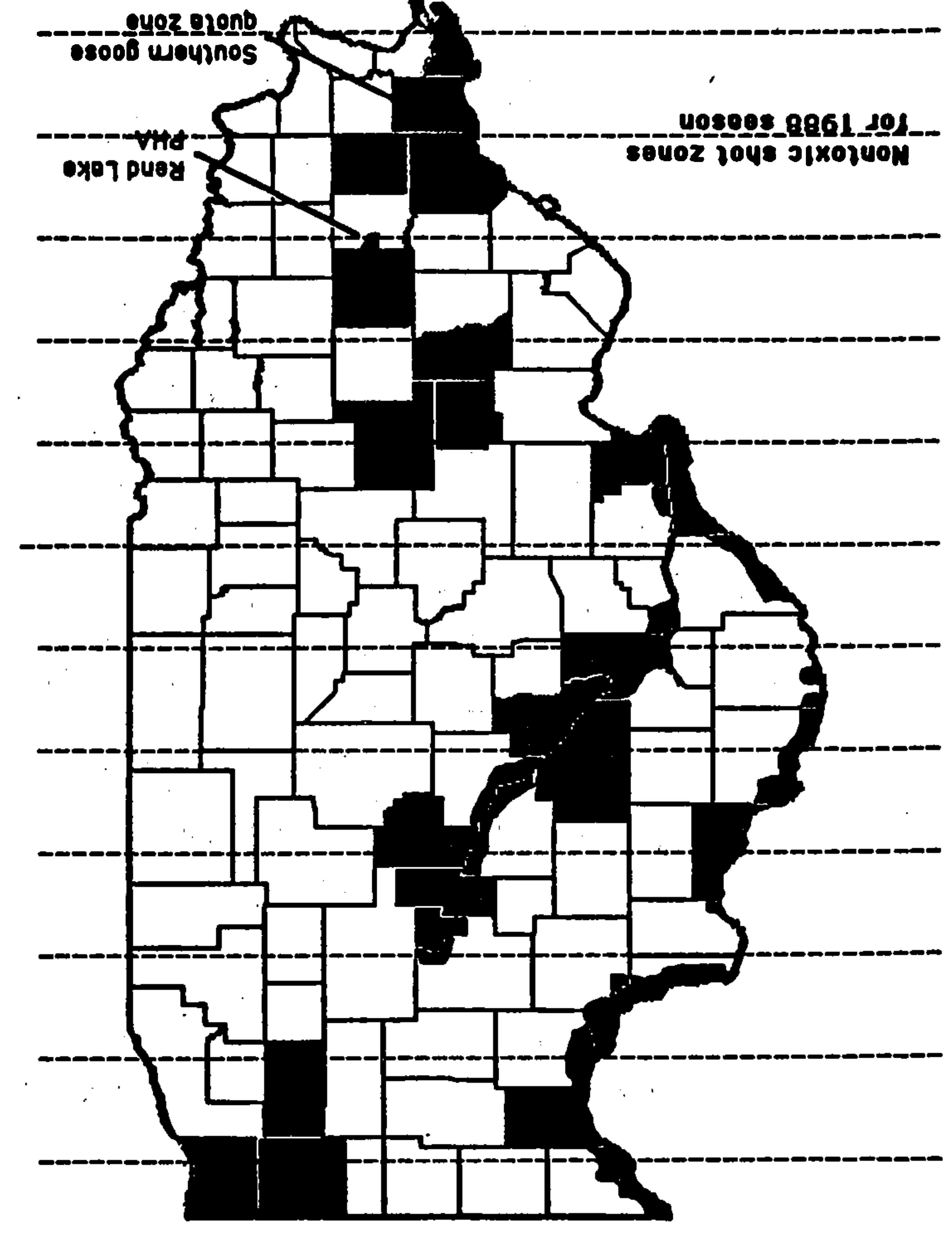
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DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS
EXHIBIT A The Non-Toxic Shot Zones of Illinois



(Source: Amended at 13 Ill. Reg. 10525, effective June 20, 1989)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS
EXHIBIT A The Non-Toxic Shot Zones of Illinois



NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER d: FORESTRY

PART 1590

FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

b) The extended season for the harvesting of the following migratory species by raptors shall be in accordance with federal regulations (50 CFR 20.109, effective October 4, 1985) (no incorporation in this Part includes later amendments or editions): Common (Wilson's) Snipe, Rail, Duck and Coot, Woodcock, Mourning Dove and Teal.

- 5) Fox & Gray Squirrel Seasons: 1 August - 31 December
6) Raccoon, Opossum, Skunk, Gray and Red Fox Season 1 November - 31 January

NOTICE OF ADOPTED AMENDMENTS

Section 1590.10 Establishment of Rules and Regulations
1590.20 Definitions for the Purpose of these Regulations
1590.30 Provisions of Rules and Regulations (Repealed)
1590.40 Violation of Rules (Repealed)
1590.50 Permit and License Requirements
1590.60 Examination and Application Procedures
1590.70 Inspection of Facilities and Equipment
1590.80 Falconry Permits - Class and Types
1590.90 Capturing of Raptors - Regulations
1590.100 Transfer, Temporary Care and Reporting Requirements
1590.110 Hunting Seasons for Falconers
1590.120 Special Provisions
1590.130 Violation of Rules

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 335).

SOURCE: Amendment filed November 17, 1977; effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989.

Section 1590.110 Hunting Seasons for Falconers

a) Falconers shall possess a valid hunting license and abide by all wildlife code regulations. The extended season for the harvesting of the following game species by raptor shall be:

- 1) Cook Pheasant Season: 15 October - 31 January
2) Bobwhite Quail Season: 15 October - 31 January
3) Hungarian Partridge Season: 15 October - 31 January
4) Rabbit Season: 1 October - 31 January

g) Permittees in possession of an Illinois Game Breeders Permit may train raptors by using or killing or pen reared game at any time.

f) Nothing in this Part shall prohibit the use of raptors held on a falconry permit for educational purposes.

e) A permittee who possesses a lawfully acquired raptor on which a market is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17, effective September 30, 1985), and such raptor(s) were acquired prior to the enactment of these regulations or prior to listing of such bird to the Endangered Species list of Illinois or the United States, legally acquired out of state (see Section 1590.90(b)), or is the progeny of two legally held birds (see Section 1590.80(d) and Section 1590.100(f)), shall be allowed to retain possess such raptor(s) as part of the permittee's falconry permit class.

d) Raptor species in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act, effective April 1973) are exempt from the possession requirements of Section 1590.60 of this Part.

c) Convictions of any Section of this Part shall result in a period of suspension or revocation of the permittee's falconry privileges for up to 5 years by the Department, pursuant to 17 Ill. Adm. Code 2530.

b) Any person convicted of illegal possession of raptors shall have his (or her) permit revoked and his (or her) raptors confiscated by the Department. The Department shall dispose of the confiscated raptor by transferring the raptor to another permittee, releasing to the wild, or destroying the raptor if it is unsuitable to be transferred or released.

a) Moulted and salvaged feathers from birds held in captivity may be retained and exchanged by their permittees for imping purposes only.

Section 1590.120 Special Provisions

(Source: Amended at 13 Ill. Reg. 10567, effective June 16, 1989)

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER B: FISH AND WILDLIFE

PART 930

FIELD TRIALS ON NON-DEPARTMENT OWNED OR MANAGED LANDS

Section

930.10	Statewide Regulations
930.20	Permits
930.30	Responsibility
930.40	Licenses
930.45	Furbearer Competitive Events
930.50	Shoot-to-Retrieve Field Trials
930.60	Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.34, 3.1 and 3.5).

SOURCE: Adopted at 2 Ill. Reg. 48, p. 57, effective December 1, 1978; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 13951, effective September 4, 1985; amended at 11 Ill. Reg. 12864, effective July 28, 1987; amended at 12 Ill. Reg. 11720, effective June 30, 1988; amended at 13 Ill. Reg. 10572, effective June 19, 1989.

Section 930.45. Furbearer Competitive Events

a) During the 20 day period preceding the opening date of the raccoon hunting season and the 20 day period following the closing date of the raccoon hunting season, the Department may only issue field trial permits for hunting season, the Department may only issue field trial permits for United Kennel Club, American Coon Hunters Association, Professional Kennel Club, Mid-America Coon Hunters Association, or the National Kennel Club licensed competitive live raccoon hunts and fox hound field trials conducted in fenced enclosures approved by the Department for the hours of sunset to sunrise in accordance with Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.34).-- Field-trial-permits will not be issued for the period of firearm-deer-hunting season as specified in 17 Ill.-Adm.-Code-650.10.

b) Field trial permits for competitive coon hound field events and for fox hound field trials, except fox hound field trials conducted in fenced enclosures approved by the Department as fox-proof, will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10.

c) All vehicles associated with competitive live raccoon hunts conducted during the 20 day periods preceding and following the raccoon hunting season must display a windshield sticker provided with the Field Trial Permit.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER B: FISH AND WILDLIFE

PART 930

FIELD TRIALS ON NON-DEPARTMENT OWNED OR MANAGED LANDS

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS

SHALL BE DIRECTED TO:

Jack Price
 Lincoln Tower Plaza
 524 S. Second Street
 Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED REPEALER

- 1) THE HEADING OF THE PART: Fish Stocking, Importation, and/or Possession of Aquatic Life
- 2) CODE CITATION: 17 Ill. Adm. Code 870
- 3) SECTION NUMBERS:

<u>SECTION NUMBERS:</u>	<u>ADOPTED ACTION:</u>
870.10	Repeal
870.15	Repeal
870.20	Repeal
870.30	Repeal
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56; pars. 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16)
- 5) EFFECTIVE DATE OF REPEALER: June 20, 1989
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DOES THIS REPEALER CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 17, 1989
13 Ill. Reg. 3264
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THIS REPEALER? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THIS REPEALER REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF REPEALER: Following Departmental review of Part 870, it was determined that this Part should be modified extensively. Department personnel decided that the best possible way to do this was by repealing the existing Part 870 and proposing a new Part 870 which would contain the new language. The Notice of Adopted Rules for Part 870 is being published in this same issue of the Illinois Register.
- 16) INFORMATION AND QUESTIONS REGARDING THIS ADOPTED REPEALER SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED REPEALER

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

NOTICE OF ADOPTED RULES

1) THE HEADING OF THE PART: Forest Fire Protection Districts Act

2) CODE CITATION: 17 Ill. Adm. Code 1560

3) SECTION NUMBERS:

ADOPTED ACTION:

1560.10	New Section
1560.20	New Section
1560.30	New Section
1560.40	New Section
1560.50	New Section
1560.60	New Section
1560.70	New Section
1560.80	New Section
1560.90	New Section

4) STATUTORY AUTHORITY: Implementing and authorized by "AN ACT to provide for the creation of intensive forest fire protection districts, to regulate the burning of combustible materials, to provide penalties for violations and to repeal an Act therein named" (Ill. Rev. Stat. 1987, ch. 96½, pars. 7001 et seq.).

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE RULES CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 3, 1989
13 Ill. Reg. 2626

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note the correct name of the Act was added.

In the Table of Contents, Section 1560.90, the "T" in "This" was capitalized.

In Section 1560.10, the labels were removed.

In Section 1560.10, "Fire Danger", the following was added at the end of the paragraph "as contained in the National Fire Protection Association Standard #295 entitled "Written Contract," 1985 (this standard does not include any later amendments of editions)."

NOTICE OF ADOPTED RULES

In Section 1560.10, a definition for "The Act" and a citation were added.

In Section 1560.20, the spelling of "lessees" was corrected.

In Section 1560.30(a), following "submitted" the following was added "in any manner".

In Section 1560.30(b), following "District" in line three, the comma was replaced with "and" and the language following "Act" was removed.

In Section 1560.40(c), a comma was added following "Johnson."

In Section 1540.50, the language under (b) and (c) was removed and the label for (a) was removed.

In Section 1560.60(i), "classification" was added following "extreme"; "may" was changed to "shall"; and "and/" was removed.

In Section 1560.60(k), "and/" was removed and "Administrator of the" was added prior to "Shawnee".

In Section 1560.70, "these Rules and Regulations" was replaced with "this Part."

In Section 1560.80, language under (a) was re-written; in (b), "This ruling" was replaced with "subsection (a)"; and a new subsection (c) was added.

HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE RULES REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF RULES: This Part provides for the creation of intensive forest fire prevention districts to regulate the burning of combustible materials during certain periods of the year when the potential for forest fires is highest.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED RULES SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED RULES BEGINS ON THE NEXT PAGE

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NOTICE OF ADOPTED RULES

Section 1560.60 Issuance of Burning Permit

a) The Director of the Department may appoint burning permit writers.

b) Burning Permit Writers must be certified (Form F-20) by the Chief, Division of Forest Resources, who will assign the Burning Permit Writer to a District.

c) Burning Permits can only be issued by a duly authorized Burning Permit Writer.

d) A permit to kindle a fire in the open air outside the limits of any city, village or incorporated town within a District will be issued only on the official Burning Permit form as supplied by the Department.

e) The Regional Administrator in whose Region the District is located is responsible for all training, supplies, maps, forms and any other provisions needed by the Burning Permit Writer in the performance of their assigned duties.

f) The Burning Permit can only be issued for 3-5 days depending upon the anticipated fire dangers for the length of the Permit.

g) The Burning Permit must be completed by the Burning Permit Writer and signed by the Writer and the person to whom the permit is issued.

h) The Burning Permit must include the person's name and address, the legal location of the property on which the burn is to take place, the material and amount to be burned, the hours when burning will be permitted and the dates of the burning.

i) The Burning Permit must be completed in triplicate. The white copy is to be given to the person to whom the Permit is issued; the green copy will be sent to the Goreville District Forestry Office, Post Office Box 67, Goreville, Illinois 62939; the yellow copy will be retained by the Burning Permit Writer.

j) If the Fire Danger Rating reaches very high or extreme classification within a District, the Director, upon notification of such a fire danger by the Chief of the Division of Forest Resources shall suspend the issuance of burning permits or proclaim a closure on all burning within the district or a portion thereof until such time as burning conditions fall below the very high designation.

k) The Regional Administrator in whose Region the issuance of burning permits is suspended or closure is imposed is responsible for posting such a notice in public places within the District, notifying all Burning Permit Writers in the District and notifying the Administrator of the Shawnee National

NOTICE OF ADOPTED RULES

Forest if the affected District is within the Shawnee National Forest Protection Area.

Section 1560.70 Enforcement of Act

Any law enforcement officer within the State of Illinois has the duty to issue a citation to persons violating any provision of the Act and this Part and to cooperate with the Department in the enforcement of same.

Section 1560.80 Violation of Act

a) Any person who kindles or authorizes any other person to kindle a fire in the open air outside the limits of any city, village or incorporated town within an intensive fire protection district during the months of February, March, April, October and November or during such other times when fire hazard conditions are declared to exist by order of the Director in accordance with this Act, without first obtaining a burning permit issued by a forest fire warden for the District in which such burning shall take place, or does not strictly comply with the terms of the permits, commits a Class B misdemeanor.

b) Subsection (a) does not apply to land owned or controlled by a railroad corporation when the fire is for the purpose of clearing its right of way of dangerous combustible materials or for the kindling of a fire in a plowed field, garden or public highway when such fire is kindled at a distance of 200 feet or more from any woodland, brush land or field containing dry grass or other combustible material.

c) Any person who kindles or authorizes any other person to kindle any woods, brush, grass, grain, weeds or stubble within an intensive fire protection district without first having obtained a burning permit issued by a forest fire warden for the District in which such burning shall take place at any time period for which the Director has issued a proclamation declaring such burning unlawful shall, upon conviction, be fined not to exceed \$1,000 or be imprisoned in a penal institution other than the penitentiary not exceeding 6 months, or both.

Section 1560.90 Correspondence and Inquiries Regarding This Act

All correspondence and/or inquiries regarding this Act shall be directed to:

State of Illinois
Department of Conservation
Division of Forest Resources
524 South Second Street
Springfield, Illinois 62701-1787

ATTENTION: Forest Protection Program

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) THE HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) CODE CITATION: 17 Ill. Adm. Code 510
- 3) SECTION NUMBERS: ADOPTED ACTION:
510.10 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)
- 5) EFFECTIVE DATE OF AMENDMENTS: June 19, 1989
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 17, 1989
13 Ill. Reg. 3268
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
In Section 510.10(d)(3), language was changed to read ". . . displayed in a location visible through the windshield of"
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were promulgated by the Department to provide for clarification in statewide rules and to simplify Sections which pertain to hunting and trapping regulations for specific species and State-managed sites by deleting duplicative language.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section
510.10
General Site Regulations
510.20
Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989.

Section 510.10 General Site Regulations

a) Regulations

1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.

2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.

2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.

3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

5) Adult - a person 18 years of age or older.

c) It shall be unlawful:

1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.

2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.

3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day.

4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.

5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.

6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.

7) To hunt or trap outside designated areas at the site.

8) To trespass within a refuge.

9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 670, 690, 710, 730, and 740).

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) THE HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) CODE CITATION: 17 Ill. Adm. Code 570

3) SECTION NUMBERS:

570.20	Amendments
570.30	Amendments
570.40	Amendments

ADOPTED ACTION:

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

5) EFFECTIVE DATE OF AMENDMENTS: June 15, 1989

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 3, 1989
13 Ill. Reg. 2632

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Sections 570.20(c)(1) and 570.30(c)(1), a space was inserted in "Jo Daviess."
In Section 570.40(b)(1) through (42), the labels were deleted.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments are based upon biological surveys and data analyses which have determined that modifications to these trapping regulations are necessary to maintain and manage healthy populations of furbearers. The proposed changes include changing season dates and site-specific regulations.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG) TRAPPING

- Section 570.10 Statewide Zones
- 570.20 Statewide Season Dates
- 570.30 Statewide Hours, Daily Limit and Possession Limit
- 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
 - 1) Northern Zone: November 15 through December 29.
 - 2) Southern Zone: November 25 through January 8.
- b) Red fox, gray fox and coyote
 - 1) Northern Zone: November 25 through December 29.
 - 2) Southern Zone: November 25 through January 8.
- c) Beaver
 - 1) Northern Zone: November 15 through ~~February 28~~ March 15, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the ~~Jo Daviess~~ Jo Daviess ~~Jo Daviess~~ Jo Daviess County line will be open to beaver trapping only from November 15 through December 29, inclusive.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

2) Southern Zone: November 25 through ~~February 28~~ March 15.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 13 Ill. Reg. 10589; effective June 15, 1989)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
 - 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- b) Red fox, gray fox and coyote
 - 1) Trapping hours: November 25 open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- c) Beaver
 - 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; ~~February 28~~ March 15 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the ~~Jo Daviess~~ Jo Daviess ~~Jo Daviess~~ Jo Daviess County line, are closed for trapping December 29 after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- d) Woodchuck (groundhog)
 - 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours unrestricted.
 - 2) Daily and possession limit: none.

(Source: Amended at 13 Ill. Reg. 10589; effective June 15, 1989)

sets; after the close of upland season foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

4) Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which will be issued at the site headquarters)

5) Clinton Lake Recreation Area (permit required; water sets only)

6) Coffeen Lake State Park (permit required; water sets only; no trapping during waterfowl/duck season)

7) Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

8) Eidon Hazlet State Park - north of Allen Branch and west of Peppenhurst Branch only (water sets only)

9) Fort de Chartres Historical Site (permit required; water sets only)

10) Fox Ridge State Park (permit required; water sets only; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawings; trapping limited to areas within 15-foot-of-Embarrass River waters edges body-gripping traps with a jaw spread exceeding 5 inches are limited-to-water-sets-only)

11) Green River State Wildlife Area (Lee County Conservation Area) (no trapping until after the close of the permit pheasant season; permit required)

12) Hennepin Canal Parkway including Simmsippi Lake (permit required; water sets only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a)

General Regulations

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

2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.

3) Trappers must stay within designated areas.

4) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.

5) All sites except Lake Kincaid, Mississippi River Pools 16, 17, 18, 21, 22, 23, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report will result in the trapper being ineligible to trap at that site for the following year.

6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

f) Anderson Lake Conservation Area (no trapping during waterfowl duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

2) Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

3) Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water

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34) Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

35) Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

36) Spartan Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during waterfowl/wilduck season)

37) Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during waterfowl/wilduck season)

38) Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)

39) Union County Conservation Area (permit required; water sets only; beaver, mink and muskrat trapping only)

40) Washington County Conservation Area (permit required; water sets only)

c) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which will be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

1) All regulations will be according to species regulations as provided for in this Part.

2) Permit application information and site specific regulations will be announced publicly by the Department through the news media by September 1 of each year.

3) Site specific regulations will be listed on the application and permit and posted at the site.

(Source: Amended at 13 Ill. Reg. 10589, effective June 15, 1989)

1) THE HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) CODE CITATION: 17 Ill. Adm. Code 550

3) SECTION NUMBERS: ADOPTED ACTION:

550.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

5) EFFECTIVE DATE OF AMENDMENTS: June 19, 1989

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 17, 1989

13 Ill. Reg. 3273

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer hunting regulations are necessary to maintain and manage healthy populations of furbearers.

The changes include expanding/modifying/decreasing hunting programs at State-owned or -managed sites as recommended following evaluation of site specific resources and deletion of requirements covered under Part 510 - General Hunting and Trapping on Department-Owned or -Managed Sites.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX; GRAY FOX, COYOTE AND
WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations
550.20 Statewide Regulations
550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985; for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report will result in the hunter being ineligible to hunt at that site for the following year.
- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

NOTICE OF ADOPTED AMENDMENTS

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Chilton Lake State Recreation Area (night-hunters must obtain a permit; .22 rimfire firearms may be used from sunset to sunrise only no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Eldon Hazlet State Park north of Allen Branch and west of Peppenhurst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only; shotgun with a minimum barrel length of 26 inches using black powder, fired by percussion cap or flint type ignition with lead shot except .22 rimfire firearms permitted from sunset to sunrise)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season)

NOTICE OF ADOPTED AMENDMENTS

coyote season January 1 - February 28; .22 rimfire firearms permitted) I-24 Wildlife Management Area

Iroquois County Conservation Area (sunset to sunrise only; permitted after the close of permit pheasant hunting season; raccoon and opossum only may be hunted; permit required; .22 rimfire firearms may be used from sunset to sunrise)

Kankakee River State Park (raccoon and opossum hunting; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required and must be displayed in visible location inside windshield of vehicle while hunting; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Thursday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during waterfowl season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used from sunset to sunrise; permit required, obtain from site office; permit must be returned and harvest reported by February 15)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Little Black Slough State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

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DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Amendments

690.30

ADOPTED ACTION:

SECTION NUMBERS:

CODE CITATION: 17 Ill. Adm. Code 690

THE HEADING OF THE PART: Squirrel Hunting

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STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

EFFECTIVE DATE OF AMENDMENTS: June 15, 1989

DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 13, 1989

NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 3, 1989

13 Ill. Reg. 2641

HAS ICAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND ICAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY ICAR? Yes

WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to squirrel hunting regulations are necessary to maintain and manage healthy populations of squirrels.

INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Weinburg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. - A windshield card provided with each permit must be displayed in hunter's vehicle windshield while hunting with the permit number visible. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire arms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 13 Ill. Reg. 10598, effective June 19, 1989)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section	
690.10	Hunting Zones
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

Anderson Lake Conservation Area

Big Bend Conservation Area

Big River State Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Carlisle Lake Lands and Waters - Corps of Engineers managed lands

- * Carlisle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)

~~Clinton Lake State Park~~

- * Crawford County Conservation Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)

- * ~~Fort De Chartres Historic Site (black powder only; sunrise to 4:00 p.m. hunting with muzzleloading firearms or bow and arrow)~~

Green River State Wildlife Area (September 6-30, no hunting during field trials)

- * Horseshoe Lake Public Hunting Area - Alexander County (north of Route 3 only)

I-24 Wildlife Management Area

- * ~~Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area from opening day to 3 days before waterfowl season closed 3 days prior to and during duck season)~~

Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

- * Kinkaid Lake Fish and Wildlife Area

- * Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no pistols)

- * Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw State Fish and Wildlife Area (September 1 - October 31)

- * ~~Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)~~

NOTICE OF ADOPTED AMENDMENTS

Immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park

Tapley Woods State Natural Area

* Trail of Tears State Forest

* Turkey Bluffs Conservation State Fish and Wildlife Area

Washington County Conservation Area

Weinberg-King State Park

* Wildcat Hollow State Forest

Woodford County Conservation Area

d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park

Ft. Massac State Park (east of Massac Creek only)

Giant City State Park

Hamilton County Conservation Area

Pere Marquette State Park

Pyramid State Park

Ramsey Lake State Park

Saline County Conservation Area (south of Township Road)

Sam-Dale-Lake Conservation Area

Siloam Springs State Park

Washington-County-Conservation Area

e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):

Argyle Lake State Park; October 15 to the end of the statewide season

NOTICE OF ADOPTED AMENDMENTS

Marshall State Fish and Wildlife Area

* Mermet Lake Conservation Area (from opening day until the first day of the duck season)

Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

* Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

* Panther Creek Conservation Area

Partands-Fish-and-Wildlife Area

* Pike County Conservation Area

Ramsey Lake State Park

Randolph County Conservation Area

Red Hills State Park

* Rend Lake Wildlife Management Area

* Saline County Conservation Area (North of the township road)

Sam Dale Lake Conservation Area

Sam Parr Fish and Wildlife Area

* Sand Ridge State Forest (from opening day until the first day of the upland hunting season)

* Sangamon County Conservation Area

* Sanganois Conservation Area

* Shawnee National Forest, Larue Scatters (closes at noon)

* Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon, steel shot only)

Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news releases; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1285.240	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.245	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.250	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.255	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.260	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.265	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.270	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.310	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.320	New Section	13 Ill. Reg. 15880, October 7, 1988
1285.330	New Section	13 Ill. Reg. 15880, October 7, 1988

15) Summary and Purpose of Rules:

Section 1285.20(f) is new and requires applicants for licensure who completed rotations in an affiliated teaching facility to submit a copy of each affiliation agreement between the medical college which conferred the degree and each clinical teaching facility in which a core clerkship rotation was completed. To be considered valid, the affiliation agreements must contain the criteria set forth in this Section.

Section 1285.20(j) has been added which deals with the examination requirements for graduates of medical colleges outside of the United States and Canada.

Section 1285.95 has been added and relates to individuals who graduated from a medical or osteopathic college prior to January 1, 1985 and provides criteria in determining continuing clinical skills that the Board may consider in making a determination as to whether the applicant is eligible for temporary or permanent license.

The following sentence has been added to Sections 1285.50, 1285.70 and 1285.90: "In addition to the requirements of this Section, pre-1985 graduates will be required to provide documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(1) of the Act."

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

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION.
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285
MEDICAL PRACTICE ACT OF 1987

Section	
1285.20	Six (6) Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.95	<u>Clinical Skills Standards for Pre-1985 Graduates</u>
1285.100	Visiting Professor Permits
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

AUTHORITY: Implementing the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989.

NOTE: Capitalization denotes statutory language.

Section 1285.20 Six (6) Year Post-Secondary Programs of Medical Education

The standards for the six (6) year post-secondary program of medical education described in Section 11(A)(2)(a)(1) of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1, et seq.) ("the Act") are:

- a) At least two (2) academic years of a course of instruction prerequisite to professional training in a college of liberal arts or a medical college.
- b) At least two (2) academic years of study in the basic medical

32) be fully executed by the administrator of the clinical teaching facility and the Dean of medical college; and

4) clearly define the rights and responsibilities of each party including agreements on the role and authority of the governing bodies of both the clinical teaching facility and the medical college.

5) The affiliation agreement(s) must be substantiated by submission of an evaluation form for each core clerkship rotation completed by the supervising physician for that rotation.

g f) For the purposes of this Section, "academic year" shall be defined as a minimum of nine (9) months in length which includes no less than 25 clock hours per week of basic sciences as set forth in subsection (b) above and no less than 40 clock hours per week of clinical sciences as set forth in subsection (d) above.

h g) Each clerkship shall be at least four (4) weeks but no more than twelve (12) weeks in length, shall consist of a hands-on exposure to patients which is planned, managed and supervised by faculty of the medical school conferring the degree, and be performed in accordance with all requirements of the jurisdiction in which it is completed.

1 h) Clinical teaching facilities are defined as those which meet or exceed the requirements of Section 1285.40 or which are part of a residency program accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or the Accreditation Council on Canadian Graduate Medical Education (ACCGME).

2) In addition, if the applicant is a graduate of a medical college outside of the United States and Canada, he must successfully complete an examination conducted by the Educational Council for Foreign Medical Graduates, either the ECFMG or the Visa Qualifying Examination (VOE), or Foreign Medical Graduates Examination in the Medical Sciences (FMGEMS), or another comprehensive examination determined by the Department to be substantially equivalent.

(Source: Amended at 13 Ill. Reg. 10613, effective June 16, 1989)

Section 1285.50 Application for Examination

a) An applicant for licensure to practice medicine in all of its branches must make application to the Department of Professional Regulation (the "Department") or its designated testing service on forms furnished by the Department at least 90 days prior to such examination.
b) Each applicant to take the examination for a license to practice

sciences which shall include formal instruction in at least the following subjects:

- 1) anatomy
- 2) biochemistry
- 3) physiology
- 4) microbiology and immunology
- 5) pathology
- 6) pharmacology and therapeutics
- 7) preventive medicine

c) The required basic science courses stated in subsection (b) must be taken and completed as part of a program of medical education taught at a medical school and shall not be accepted or co-validated from courses completed as a student in a secondary school, community college, or college of liberal arts and sciences at which degrees are earned prior to the commencement of the medical education program.

d) At least two (2) academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, which shall include at least the following required core clerkship rotations:

- 1) internal medicine
- 2) obstetrics and gynecology
- 3) pediatrics
- 4) psychiatry
- 5) surgery

e) The core clerkship rotations must have been taken and completed in clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located.

f) Each applicant for licensure who completed rotations in an affiliated teaching facility must submit a copy of each affiliation agreement between the medical college which conferred the degree and each clinical teaching facility in which a core clerkship rotation was completed. The affiliation agreement(s) to be considered valid pursuant to Section 11(A)(2)(a)(1) of the Act must:

1) be in writing;
2) be dated;

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1) A fully completed application which is signed on which all questions have been answered, and all programs of medical education attended by the applicant have been identified, including dates of attendance;

2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act.

3) An official transcript of the course of instruction prerequisite to professional training in a college of liberal arts or medical college;

4) A complete work history since graduation from medical school;

5) Fee as required by Section 21 of the Act; and

6) An official transcript and the diploma or certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum medical education requirements of the Act. Such evidence shall include proof that the core clerkship rotations were completed at clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located in accordance with Section 1285.20 of this Part.

7) For applicants to practice medicine in all of its branches, proof of completion of an approved program of postgraduate clinical training of 24 months' duration in a hospital in the United States or Canada approved by the Department.

8) Proof on forms provided by the Department of the successful completion of the examination set forth in Section 1285.60.

9) In addition to the requirements of this Section, pre-1985 graduates will be required to provide documentation of clinical

skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(1) of the Act.

10 9) Waiver.

A) The provisions of subsection (8) above shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application in form and substance satisfactory to the Department under Section 9 of the Medical Practice Act of 1987 and causes to be filed with the Department, in addition to his application, proof of the candidate's successful completion of:

1) the National Board of Medical Examiners examination subsequent to January 1, 1964; or

11) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or

111) the Federation Licensing Examination ("FLEX") in another state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or

1v) the Licentiate of the Medical Council of Canada examination ("LMCC") subsequent to May 1, 1970; or

v) The Federation Licensing Examination ("FLEX") in another state obtaining a score of 75 or more in each Component.

B) Verification of the candidate's successful completion of the above described examinations shall show the scores achieved by the candidate on the examination with certificate number(s) and where and when the candidate took the examination.

b) Each applicant for a license to practice as a chiropractic physician must submit to the Department:

1) A fully completed application which is signed, on which all questions have been answered, and all programs of chiropractic education attended by the applicant have been identified including dates of attendance;

2) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively on the Personal History portion of the application or who have engaged in activities which

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act.

- 3) A complete work history since graduation from chiropractic school;
- 4) Fee as required by Section 21 of the Act; and
- 5) Proof of the successful completion of Part I, Part II and the Written Clinical Competency Examination forwarded directly to the Department from the National Board of Chiropractic Examiners.

(Source: Amended at 13 Ill. Reg. 10613, effective June 16, 1989)

Section 1285.90 Temporary Licenses

- a) An application for a Temporary License to pursue specialty/residency training must be filed, in form and substance satisfactory to the Department, at least 60 days prior to the commencement date of the training.
- b) Each application shall not be considered complete unless it is signed, all questions have been answered and it contains or is accompanied by:
 - 1) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board.
 - 2) An official transcript of the courses of instruction prerequisite to professional training in a college of liberal arts or medical college;
 - 3) An official transcript and diploma or certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum education requirements of the Act. Evidence which shall include proof that the core clerkship rotations were completed at clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college which is officially recognized by the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

jurisdiction in which the medical school which conferred the degree is located in accordance with Section 1285.20 of this Part.

- 4) Proof that the applicant has been accepted or appointed to a position in a specialty/residency program which is approved by the Department, pursuant to the provisions of Section 1285.40 and the number of the postgraduate year for which he has been accepted or appointed;
- 5) A statement identifying all medical education program attended, including dates of attendance;
- 6) Applicants who submit any document in a foreign language shall submit an original notarized English translation.
- 7) A complete work history since graduation from medical school; and
- 8) The fee required by Section 21 of the Act.
- 9) In addition to the requirements of this Section, pre-1985 graduates will be required to provide documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(1) of the Act.
- c) Written notice of the Department's final action on every application for a temporary license shall be given to the applicant and hospital designated therein. If such application is approved pursuant to Section 17 of the Act and this Section, the temporary license shall be delivered or mailed to the hospital and shall be kept in the care and custody of such hospital. Any person not licensed to practice medicine in all of its branches in the State of Illinois who is pursuing specialty/residency training must have had a Temporary License issued on his behalf to an approved program of training prior to the commencement of the training.
- d) Commencement of the specialty/residency training program prior to the issuance of a temporary license shall be construed as the unlicensed practice of medicine.
- e) A Temporary License shall be issued for a maximum of three years, subject to renewal as provided in this section. In no event shall a Temporary License be issued for less than one year except as provided in subsection (1) below or for any purpose other than a post-graduate specialty/residency program required for licensure under the Act.
- f) Not more than one Temporary License shall be issued to any person for the same period of time.

- A) serving full-time in the Armed Forces;
 - B) an incapacitating illness as documented by a currently licensed physician;
 - C) proof of continuance of a residency training program as documented by the residency training program director.
- k) Any individual who participates in any portion of a specialty/residency program without a temporary license issued by the Department shall be considered to be involved in the unlicensed practice of medicine.

(Source: Amended at 13 Ill. Reg. 10613, effective June 16, 1989)

Section 1285.95 Clinical Skills Standards for Pre-1985 Graduates

An individual who graduated from a medical or osteopathic college officially recognized by the jurisdiction in which it is located for the purpose of receiving a license who graduated from said school prior to January 1, 1985, in addition to meeting all of the requirements of the Act and this Part for licensure, shall submit documentation to the Department evidencing clinical activities since graduation from a medical or osteopathic college in order for the Medical Licensing Board to make a determination as to whether the applicant is eligible for temporary or permanent license. In determining continuing clinical skills the Board shall consider, but not be limited to, the following activities:

- a) Medical research which shall be human clinical research that is consistent with the requirements of the Federal Food and Drug Administration (21 CFR 50)(1988, no further amendments or additions included) and the Consumer Product Safety Commission (16 CFR 1028)(1988, no further amendments or additions included) or other equivalent medical research.
- b) Specialized training or education which shall be clinical training or clinical education such as, or equivalent to, the following:
 - 1) Clinical training which takes place in a residency training program in accordance with the requirements set forth in Section 1285.40 of this Part or the equivalent thereof (e.g., residency training in another state or jurisdiction).
 - 2) Clinical medical practice in the National Health Service or its equivalent.
 - 3) Continuing medical education (CME) recognized by the Accreditation Council on Continuing Medical Education (ACGME), the American

Council on Continuing Medical Education (ACGME), the American

- g) When a resident is dismissed or otherwise terminates his specialty/residency program, it shall be the responsibility of the staff of the program to notify the Department immediately and return the temporary license to the Department. If the temporary license has been lost or destroyed, the staff of the program shall submit a written explanation to the Department.

- h) A Temporary License may be transferred from one program to another only upon the return of the Temporary License and receipt by the Department of a new application which contains a certificate of acceptance that the resident has been accepted or appointed to a specialty/residency position in an approved program. Requests for transfers shall be filed with the Department at least 60-days prior to the commencement date of the new program.

- i) Temporary licenses may be extended or renewed only in the following documented situations:

- 1) serving full-time in the Armed Forces;
- 2) an incapacitating illness;
- 3) proof of continuance of a residency training program in order to meet the remedial requirements for licensure set forth in Section 1285.60(a)(4); or
- 4) proof of continuance of a residency training program.

- j) The Department shall issue limited temporary licenses for no more than six (6) months on behalf of individuals who apply in form and substance satisfactory to the Department and submit evidence that:
 - 1) He is enrolled in a postgraduate clinical training program outside of the State of Illinois meeting the requirements of Section 1285.40;
 - 2) He has been accepted for a specific period of time to perform, under supervision, a portion of that program at a clinical training program approved pursuant to the provisions of Section 1285.40 in the State of Illinois due to the absence of adequate facilities in the other State;
 - 3) The approved clinical training program in this State has assumed full supervisory responsibility for the individual during the full period specified on his application.
 - 4) A limited temporary license may be extended or renewed only in the following documented situations:

A limited temporary license may be extended or renewed only in the

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110

APPLICATION PROCESS

Section

- 110.1 Incorporation By Reference
- 110.10 Application For Assistance
- 110.15 Local Office Action on Application for Public Assistance
- 110.20 Time Limitations On the Disposition On An Application Approval of An Application and Initial Authorization of Financial Assistance
- 110.32 Approval of An Application and Initial Authorization of Medical Assistance (MAG)
- 110.34 Approval of An Application and Initial Authorization of Medical Assistance - No Grant (MANG)
- 110.36 Approval of An Application and Initial Authorization of General Assistance and Aid to the Medically Indigent
- 110.38 General Assistance and Aid to the Medically Indigent -- Special Approval Provisions
- 110.40 Denial of An Application

AUTHORITY: Implementing Articles II, IV, V, VI and VII (111. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-5 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 111. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 111. Reg. 5, p. 875, effective February 2, 1979; amended at 3 111. Reg. 44, p. 173, effective October 19, 1979; amended at 6 111. Reg. 8125, effective July 1, 1982; codified at 7 111. Reg. 5195; amended at 8 111. Reg. 6760, effective May 3, 1984; amended at 9 111. Reg. 6798, effective April 30, 1985; amended at 9 111. Reg. 13087, effective August 16, 1985; amended at 12 111. Reg. 11457, effective July 1, 1988; amended at 13 111. Reg. 3836, effective March 10, 1989; amended at 13 111. Reg. 10628, effective June 22, 1989.

Section 110.10 Application For Assistance

a) An application is a signed request for assistance on a Department of Public Aid ("Department") form which has

NOTICE OF ADOPTED AMENDMENT

calendar days after the individual's death, excluding the day of death. This rulemaking also eliminates the provision which concerned the need for an application for medical assistance to be filed on behalf of a deceased person who was a General Assistance (GA) or Aid to the Medically Indigent (AMI) recipient because an application for medical assistance would have previously been completed in order to receive GA or AMI.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Myron Brigman, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid

Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

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

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENT

Section 110.10 Application For Assistance (Cont'd.)

been completed to the best of client's knowledge and ability.

- b) The application must be signed by the applicant with the following exceptions:
 - 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
 - 3) When application is made in behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his/her behalf.)
- c) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, ~~or for medical assistance in behalf of a deceased person who was a General Assistance-(GA)-or-Aid-to-the-Medically-Indigent-(AMI) recipient,~~ the completed application must be received in the local office not more than ~~five-(5)~~ thirty (30) calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- d) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- e) The date of application shall be the date an application is received by the local office serving the area of the State in which the applicant lives.
- f) If an application form is filed with the County Department for determination of eligibility for medical assistance and is subsequently denied because categorical relatedness does not exist and is referred

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENT

Section 110.10 Application For Assistance (Cont'd.)

for AMI, the date of application shall be the date the application was received in the County Department.

- g) Medical Assistance No Grant - Aid to the Aged, Blind or Disabled (MANG) (AABD)

Application shall be made for residents of facilities operated by the Department of Mental Health and Developmental Disabilities (DMHDD) only when the services received by the residents are being provided in a covered setting. Covered setting is defined according to the services provided, the age and diagnosis of the patient and the facility certification. The following are covered settings:

 - 1) Psychiatric Hospital Service
 - A) Client Age: 65 and over
 - i) Client Diagnosis: Any
 - ii) Facility Certification: Title XVIII (Medicare)
 - B) Client Age: Under 21 or up to age 22 when services were being received immediately prior to attaining age 21 and the treatment plan includes re-entry into the community
 - i) Client Diagnosis: Mentally Ill
 - ii) Facility Certification: Joint Commission on the Accreditation of Hospitals (JCAH)
 - 2) Medical/Surgical Services
 - A) Client Age: No Restrictions
 - B) Client Diagnosis: No Restrictions
 - C) Facility Certification: Title XVIII (Medicare)
 - 3) Skilled Nursing Facility (SNF), Intermediate Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

1) Heading of the Part:

Renal Diseases Program for Care and Treatment Code

2) Code Citation:

77 Ill. Adm. Code 700

3) Section Numbers:

Adopted Action: Amendment
Amendment
Amendment

4) Statutory Authority:

AN ACT to establish in the Department of Public Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto; and making an appropriation therefor.
111. Rev. Stat. 1987, ch. 111 1/2, par. 22.31 et seq.

5) Effective Date of Rules:

July 1, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes No

If "yes," please specify type: 6.02(a) X or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the joint committee attached to this rulemaking? Yes No

8) Date Filled in Agency's Principal Office:

July 1, 1989

9) Date Notice(s) of Proposal was Published in Illinois Register:

August 5, 1988 - 12 Ill. Reg. 12777

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 110.10 Application For Assistance (Cont'd.)

Facility (ICF) and Intermediate Care Facility for the Mentally Retarded (ICF-MR) Services

A) Client Age: 65 and over

i) Client Diagnosis: No Restriction

ii) Facility Certification: By Department of Public Health for Title XX (Medicaid)

B) Client Age: Up to 65

i) Client Diagnosis: Mentally Retarded

ii) Facility Certification: By Department of Public Health and Title XX (Medicaid)

C) Client Age: Under 21

i) Client Diagnosis: Mentally Ill ONLY

ii) Facility Certification: JCAH (Does not include ICF-MR)

h) Eligibility exists only when the DMHDD patient has not been adjudicated incompetent or if there has been an adjudication of incompetency, a conservator has been legally appointed.
Application shall be made for a patient age 21 or over by the patient, conservator or by someone acting responsibly in the patient's behalf. Application for patients under age 21 shall be made by the patient's parent(s), legal guardian or conservator.

j) If the parents are unwilling to apply for assistance, the patient is not eligible.

(Source: Amended at 13 Ill. Reg. 10628, effective June 22, 1989)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1. CHRONIC DISEASES

PART 700
RENAL DISEASES PROGRAM FOR CARE AND TREATMENT CODE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Mr. Robert John Kane, Division of Governmental Affairs, Department of
Public Health, 525 West Jefferson, Second Floor, Springfield,
Illinois 62761, 217/782-6187.

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

ILLINOIS REGISTER

Section
700.10
700.20
700.30

Scope of the Program and Assistance Level
Application Requirements to Establish Eligibility
Determination of Eligibility
Appendix A Direct Care Program - Renal Participation Worksheet
Appendix B Bureau of Labor Statistics Equivalence Table

AUTHORITY: Implementing and authorized by Sections 1 and 3 of "AN ACT to establish in the Department of Public Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefore" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 22.31 and 22.33)

SOURCE: Adopted and codified 6 Ill. Reg. 11042, effective August 30, 1982; amended at 13 Ill. Reg. 10634, effective July 1, 1989.

Section 700.10 Scope of the Program and Assistance Level

a)

The Illinois Department of Public Health Chronic Renal Disease Program assists patients who have not qualified for Public Aid benefits and its supplementary to all other resources, including Medicare, private insurance and private income. It is limited to not more than the same fee schedule as Medicare for costs designated in this Rate Section and eligible for Medicare payment. It and not more than the same schedule as the Illinois Department of Public Health for other designated in this Rate-

1)

The Illinois Department of Public Health assists eligible patients with the cost of dialysis at dialysis facilities approved pursuant to Federal regulations 42 CFR § 405.2100 - § 405.2171, 1988 and state-guaranteed assistance Part. Assistance for all eligible chronic outpatient dialysis patients, both in-facility dialysis and home dialysis, will not exceed 15% of the Medicare rate. In consultation with the Renal Disease Advisory Committee, the Department will determine annually the rate of reimbursement to be used for the fiscal year, based on the following criteria:

A)

Amount of the appropriation;

B)

Average cost per patient;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

C) Projected number of patients to be assisted.

- 2) New patients who qualify for chronic outpatient dialysis assistance during the waiting period for Medicare (60 to 90 days from the date of first dialysis) will be assisted at a maximum of 95 percent or less, based on the criteria determination as defined in subsection (a)(1). NOTE: Program assistance is provided after Medicare, private insurance and patient participation (subsection (a)). This payment is accepted by the dialysis facility as payment in full for all eligible costs for that patient during the specified time period (subsection (b)).
- 3) Patients who will never be eligible for Medicare will be assisted at a maximum of 95 percent or a minimum of 80 percent, based on the criteria determination as defined in subsection (a)(1).
- A) ~~Assistance-for-patients-dialyzed-in-a-free-standing facility-is-provided-according-to-the-Illinois Department-of-Public-Aid-scheduled-fee.~~
- B) ~~Assistance-for-patients-dialyzed-in-a-hospital-is provided-at-15%-of-the-Medicare-rate-except-that-if the-facility-is-operated-by-other-management,-the rate-for-a-free-standing-facility-(See-(A)-above) shall-apply.~~
- 2) ~~Eligible-dialysis-patients-are-provided-assistance-with-the portion-of-the-cost-of-outpatient-dialysis-not-paid-by Medicare-when-the-dialysis-is-done-without-staff-assistance.~~
- 34) Assistance may be provided for approved eligible patients for the costs of prescribed medication and/or transportation to and from the site of dialysis or the site of out-patient post transplantation care when such needs are defined as emergency situations by the physician and social worker in the approved facility.
- 45) For eligible patients, costs, not otherwise covered, of laboratory tests related to the patient's status after transplantation, are paid for 3 years after the date of transplantation.
- b) Only Medicare approved providers of care with which a valid agreement by the Illinois Department of Public Health is in force during the fiscal year for care for chronic renal disease patients, shall be paid by the Illinois Department of Public

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Health for any services during that fiscal year. Only one provider of care will be paid by the Illinois Department of Public Health for costs of care provided for any given time period to any given patient; payments made to this provider shall be considered total assistance available for all eligible costs for that patient during that time period.

(Source: Amended at 13 Ill. Reg. 10634, effective July 1, 1989)

Section 700.20 Application Requirements to Establish Eligibility

- a) In order to establish eligibility for participation in the Department of Public Health's Chronic Renal Disease Program, proof of the Illinois Department of Public Aid evaluation or denial of eligibility or a written statement from the facility social worker verifying same must be submitted with the application. The Medicare approved dialysis or transplantation facility where the patient has been evaluated and accepted for treatment must submit the medical and financial data described in subsections (1), (2) and (3) below. This information must be submitted each fiscal year that assistance with costs of a patient's treatment is sought from the Illinois Department of Public Health.
- 1) The Department of Public Health medical sheet, which provides medical criteria for patient selection and includes:
- A) a diagnosis of end stage renal disease,
 - B) information as to other disabling, irreversible or life-threatening disease,
 - C) first dialysis date,
 - D) possibility of patient being a candidate for home dialysis and reasons if not possible,
 - E) possibility of patient receiving a transplantation and reasons if not possible, and
 - F) plans for immediate and future medical care.
- 2) The Department of Public Health financial application sheet, which provides:
- A) patient identifying information,
 - B) family information,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

costs of care of the patient described in Section 700.10.

- d) When-~~projections-ndicate-that-costs-for-the-patients-accepted~~ with-be-such-that-the-appropation-with-be-expanded-no addition-patients-with-be-accepted-until-additional-information changes-the-projections-or-the-next-fiscal-year-begins-which ever-occurs-first

(Source: Amended at 13 Ill. Reg. 10634, effective July 1, 1989)

3) Most recent federal and state income tax returns and accompanying schedules.

- b) The applicant and/or the applicant's parent or guardian must sign a statement authorizing the release to the Department of Public Health, or to an approved chronic renal disease treatment facility, of all medical and financial records.
- c) All information submitted to the Department of Public Health will be treated as confidential information and only those involved with the administration of the Renal Disease Program will have access to this information.

(Source: Amended at 13 Ill. Reg. 10634, effective July 1, 1989)

Section 700.30 Determination of Eligibility

- a) Upon receipt of all necessary application forms and information, the Illinois Department of Public Health shall make a review of the applicant's medical and financial status. The Department will utilize the information in concert with Bureau of Labor Statistics standards to determine eligibility for payment as outlined in Appendix A and B. The Department shall inform the dialysis center staff and the applicant of the conditions of eligibility and of the applicant's eligibility for the program.
- b) If a substantial change in the need of any applicant occurs after the applicant has filed the necessary application forms and information, the applicant shall submit a report of the change and may ask for a re-evaluation of his or her status.
- c) In determining the eligibility of any applicant for participation in the Chronic Renal Disease Program, the Department of Public Health shall consider the ability of the patient's family, where legally responsible, to pay for part of the care of the patient and hardships resulting, and the availability of other sources of assistance for which the patient may become eligible. The Department of Public Health may determine that the State Renal Disease Program should only partially assist in the payment of

DEPARTMENT OF PUBLIC HEALTH

ILLINOIS REGISTER

NOTICE OF ADOPTED AMENDMENTS

C) hospital and medical care insurance information,

- D) employment and other income information,
- E) necessary and unavoidable expenditures, and
- F) family medical costs including costs related to the patient.

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24. The word "clear" was deleted from Section 712.400(a)(1)(c).
Appendix A.
25. The language "(need additional information to qualify for contract)" was deleted in Section (c)(1) of Appendix A.
26. The word "but" was replaced with "or" and "no" with "only a" in Appendix A, Section (c)(2)(B)(ii).
27. The word "no" was replaced with "only a", and "but" with "or" and "only" was added in Appendix A, Section (c)(2)(C)(ii).
28. The language "(see Section 712.1000(b)(4))" was added in Section 712.400(b)(4).
29. In Sections (d)(6)(A)(ii) and (iii) of Appendix A, the comma after "referrals" was deleted, "and" was added and "etc." was deleted.
30. Commas were inserted in Section 712.1000 after "provider" and "i.e."
31. The language "the shopping" was added after "do" in Appendix A, Section (c)(3)(C)(v).
32. A closing parenthesis was added in Section 712.400(a)(1).
33. The word "and" was deleted from Section 712.400(b)(2)(H) and added to Section 712.400(b)(2)(I).
34. Throughout this Part, all references to this Department were changed to "DORS".
35. In Section 712.300(i)(1)(A) a space was deleted in the statutory citation to read: 2000d.
36. In Section 712.1000 the term "RFP" was defined in the 5th line.
37. "Sections" in Section 712.1000(a)(5) was changed to the singular.
38. The first letter of the word "Appendix" was capitalized in line 9 of Appendix A.
39. Headings were added to subsections.

NOTICE OF ADOPTED AMENDMENTS

11. In Section 712.400(a)(2)(F) the language "In such an emergency, the client or DORS shall contact the Contractor by phone or in person" was added in Section 712.400(a)(2)(F).
12. "Should" was changed to "shall" in Section 712.400(c).
13. The language "(the application and its attachments)" was added in Section 712.1000.
14. In Section 712.1000 "at this time" was deleted.
15. "Only applicants who have received the minimum number of points pursuant to Appendix A of this Part will be considered for contract negotiations" was added to Section 712.1000(a)(2).
16. "Qualifications are evaluated as specified in Appendix A of this Part" was deleted from Section 712.1000(a)(2).
17. "Timely" was deleted and replaced with "within 48 hours" in Section 712.1000(a)(2).
18. The language "(i.e., any education and experience relative to an individual's position)" was added to Section 712.1000(a)(4).
19. The language "with regular supervisory follow-ups and conferences with clients and homemakers" was deleted and replaced with "with regular supervisory follow-ups (e.g., on-site visit or written correspondence as needed) and conferences with clients as per Appendix A, Section (c)(3)(B)(vii) and conferences with homemakers per Appendix A, Section (c)(3)(B)(iv)" in Section 712.1000(a)(5).
20. "Can" was deleted from Section 712.1000(b)(3).
21. "e.g." was deleted and replaced with "i.e." in Section 712.1000(b)(4).
22. "(regular and on-going)" was added to Section 712.1000(b)(6).
23. The word "clearly" was deleted in Section 712.400(a).
Appendix A(c)(1)(A).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

40. Indentations were corrected throughout this Part.

When these amendments were originally published as proposed in 13 Ill. Reg. 10377, June 17, 1988, Section 712.300(b)(1) was inadvertently omitted. The omission has been corrected and Section 712.300(b)(1) appears in the adopted amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): The amendment to Section 712.100(a) updates the Illinois Revised Statute reference.

The amendment to Section 712.200(a) references DORS' rules on rates which more accurately reflect the rates being paid.

The amendments to Section 712.300 are being adopted to implement contract language changes. A correction has been made in subsection (e)(4)(H), changing the word "maximum" to "minimum". Compliance with "equal employment opportunity laws and regulations" has been added as subsection (i).

The amendments to Section 712.400 reflect the changes noted in Section 712.300 regarding semi-annual home visits and monthly service reports and for clarification, i.e., the function of homemaker.

Section 712.1000 and Appendix A have been added at the recommendation of the Joint Committee on Administrative Rules regarding the selection of homemaker agencies.

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

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 712
HOMEMAKER CONTRACTS

Section	
712.100	Contract Language
712.200	Payment for Services
712.300	Compliance Requirements for Participation in Homemaker Service Program
712.400	Essential Components of Homemaker Services
712.1000	Homemaker Provider Standards
APPENDIX A	Ratings Guide

AUTHORITY: Implementing and authorized by Sections 3(g) and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(g) and (k)).

SOURCE: Adopted at 8 Ill. Reg. 23698, effective November 28, 1984; amended at 13 Ill. Reg. 10643, effective June 15, 1989.

Section 712.100 Contract Language

- a) Standardized language contained within the Homemaker contract between the Department of Rehabilitation Services (DORS) and Homemaker service providers (hereafter referred to as Contractors) is developed and implemented in conformance with the State Comptroller's Administrative Rules "Contract Content" (74 Ill. Adm. Code 290) and the "Illinois Purchasing Act" (Ill. Rev. Stat. 1987, ch. 127, par. 132-1 et seq.).
- b) In addition to the standardized language contained within the Homemaker contract, the Department DORS requires that Homemaker service providers comply with the following stipulations:

1) Liability

DORS assumes no liability for actions of the Contractor under the Contract. The Contractor agrees to hold DORS harmless against any and all liability, loss, damage, cost or expenses arising

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 13 Ill. Reg. 10643

effective June 15, 1989)

Section 712.200 Payment for Services

DORS will pay the Contractors in accordance with a rates as determined per 89 Ill. Adm. Code 356 "Rate Setting" 545.100(a)(1) for homemaker services authorized by DORS and rendered to persons who have been determined by DORS to be eligible as per 89 Ill. Adm. Code 685 "Non-financial Eligibility Criteria" for the Home Services Program and in need of Homemaker services (89 Ill. Adm. Code 700.300(c)). The contract in no way requires DORS to purchase any given number of hours. The Contractor's obligation to render services and DORS' to pay for services rendered to any client is subject to the issuance of individual monthly authorizations by DORS for individual clients, pursuant to 89 Ill. Adm. Code 520.30 "Authorizations."

By the 15th working day of each month, the contractor shall submit to the local DORS office a completed C-13 Invoice/Voucher for authorized services rendered to each individual client in the preceding month. All bills must be accompanied by a services report as specified in Section 712.300(e)(2)(D) for each client. Payment shall not be made on bills not accompanied by these reports. Payment shall be by State Warrant which must be approved by the Comptroller's office.

Services are provided directly to the eligible client in his/her home, or when accompanying the client out of his/her home for the purpose of escorting the client to medical appointments or other personal business necessary to maintain the client in the home. Service will be authorized and paid in increments of not less than a quarter hour, with the amount and duration of need to be determined by DORS pursuant to 89 Ill. Adm. Code 700.100(a) "Service Plan Development."

The authorization is all-inclusive and no further payment shall be made for agency staff time spent in case conferences, travel time or other expenses

a)

b)

c)

d)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

from wrongful or negligent acts of the Contractor, which DORS may sustain, incur or be required to pay as a result of Contractor's performance under the contract.

2) Monitoring, Evaluation and Audit
A) The Contractor agrees to maintain such records as required by Section 712.300(e) of this Part. The Contractor shall retain for five (5) years all records essential for audit verification.

B) The Contractor agrees to assist DORS in its functions of monitoring and evaluating performances under the contract. Access will be provided by the contractor to those DORS employees or other persons including Federal officials and independent auditors who are authorized by the Director of DORS, for the purpose of reviewing all records, financial and programmatic, relating to the contract.

C) Monitoring shall include, but not be limited to, programmatic, fiscal and auditing review, and review for compliance with the non-discrimination requirements of the contract.

3) Availability of Funds

Obligations of the State will cease at the end of the fiscal year without penalty of further payment being required in any fiscal year the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

4) Confidentiality

The Contractor agrees that any information obtained concerning DORS' clients shall remain confidential as governed by the Department's rule "Confidentiality of Information" (89 Ill. Adm. Code 505).

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NOTICE OF ADOPTED AMENDMENTS

requirements for attendance at work conferences. There shall also be written job descriptions identifying required qualifications and duties for each job title.

Reporting shall reflect information needed by the Contractor to plan, budget, administer, interpret and evaluate the program, as follows:

- 1) Records shall be maintained of all referrals and requests for service and disposition of same.
- 2) Client records shall include at least:
 - A) Dates and times service was provided and name of Contractor employee providing service;
 - B) Dates and times of supervisor-homemaker weekly conferences; Dates of monthly supervisor field visits;
 - C) A written report prepared by the Contractor reflecting the monthly semi-annual supervisor visit to at least one client per homemaker; and submitted monthly to the Department for each office receiving services; and
 - D) A monthly services report submitted to DORS. The report must include the following:

- i) a summary of services provided during the preceding month,
- ii) actual or anticipated changes in the client's status or condition (e.g., current or scheduled hospitalization or other absences from the home),
- iii) problems related to the existing service plan,

(e)

Records and Reports

NOTICE OF ADOPTED AMENDMENTS

iv) recommended changes to the service plan;

BE) Two-way receipts of all money transactions between homemaker and client; and

F) Records of staffings (participants at the meeting, matters discussed and any recommendations made) as set forth in Section 712.400(c).

3) Administrative records shall include:

- A) Cumulative service statistics as pertaining to the Contract;
- B) Attendance records for all homemaker staff;
- C) Schedules for homemakers; and
- D) Billing and payment records.

4) Personnel records shall include:

- A) Documentation of each individual's qualifications for the position held;
- B) Wage rate and effective date;
- C) Daily attendance records;
- D) Probationary evaluations completed within the first six (6) months of initial employment, including ability to perform specific tasks and activities;
- E) Annual evaluations including each employee's ability to perform specific tasks and activities;
- F) Record of orientation and on-going training programs, including the name(s) of instructor(s), hours of training, dates of training;
- G) Record of sick leave and/or vacation earned and dates used; and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

H) Documentation of automobile liability insurance of at least \$15,000 bodily injury per person with a ~~maximum~~ minimum limit of at least \$30,000 per occurrence, and at least \$10,000 property damage insurance, as established, in Chapter 95 1/2, paragraph 7-302 of the 1985 Illinois Revised Statutes, if staff transports clients in their private automobiles.

5) The above specified records shall be kept for at least five (5) years or until all State and Federal audits are completed. Authorized representatives of the Department of Rehabilitation Services DORS and the Department of Health and Human Services shall have access to all records of the Contractor, the parent company, subsidiary agency and other interlocking company(s) as they relate to this contract. (See 89 Ill. Adm. Code Section 712.100 (b) (2).)

gf) Staff Requirements and Qualifications

At a minimum, the Contractor shall have the following staff who are qualified as designated:

1) Executive Director or Administrator

A) There shall be a designated individual who has responsibility for administration of the homemaker service program. This position requires a Bachelor's degree in a health or human services or related field (including, but not limited to, social or health science, or public administration), or be a health professional (i.e., registered nurse, home health care administrator, medical clinic administrator or any other health services administrator) or have one year of equivalent experience in a social service or health agency for each year of education being replaced, including at least one year of experience in a program serving people with disabilities. In those instances where the agency has more

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

than one (1) local unit providing service, there shall be a designated individual in each local unit.

B) The existing Executive Director or Administrator must meet the above requirement or demonstrate continual progress towards meeting the educational requirements of subsection (A) above by current registration and evidence of successful completion of course work in an accredited junior college, college or university for at least two (2) semesters (or three quarters) of each academic year. (Successful completion means achievement of a grade of C or higher in undergraduate course work and a grade of B or higher in graduate course work.)

2) A) Supervisor

A) The homemaker supervisor(s) shall be required to have knowledge and skill equivalent to completion of four (4) years of college, with courses in social science, home economics or nursing plus one (1) year of related experience. If the supervisor has a high school diploma or general education diploma, plus health service experience including at least two years supervisory experience, those qualifications are also acceptable. They shall further have working knowledge of homemaking, home management techniques and methods, social casework principles, effects of physical and mental illness on individuals and families, and inter-personal relationships.

B) There shall be at least one (1) full-time supervisor for every ~~ten (10)~~ twenty (20) full-time homemakers, or for every ~~fifteen (15)~~ part-time homemakers or equivalent full-time homemakers, where a full-time homemaker is one who works thirty-five (35) or more hours per week and an equivalent full-time homemaker is any number of part-time homemakers whose work

NOTICE OF ADOPTED AMENDMENTS

hours per week total thirty-five (35). However, if any duties of the Executive Director or Administrator, (89 Ill. Adm. Code Section 712.400 (b) (1)), are delegated to a supervisor, the number of persons supervised is to be decreased proportionally to allow time for the supervisor to carry out these additional responsibilities.

3) Homemaker - Homemakers shall have: passed physical examination as determined by a physician and negative tuberculosis test prior to assignment on the job and an annual negative tuberculosis test thereafter; knowledge and skill equivalent to completion of four (4) years of high school; experience as a homemaker, either in own home or employment; knowledge of nursing care, first aid and personal and environmental hygiene; knowledge of all areas of budgeting, housekeeping, nutrition, food preparation and clothing care.

Homemaker(s) and supervisor(s) shall have at least the following training:
1) Orientation which shall include philosophy and purpose of homemaker service; function of homemaker service - preventive, protective, rehabilitative.
2) A minimum of twelve (12) hours of in-service training annually directed towards increasing the homemaker's knowledge and strengthening their skills. Detailed records, supporting program training content and attendance at the training sessions, shall be maintained.

4h) Self-Evaluation
1) The Contractor shall have procedures for an annual self-evaluation of its service, including both program and case evaluation procedures.

NOTICE OF ADOPTED AMENDMENTS

2) The program evaluation shall consist of assessment of quality of service with specific recommendations to its governing authority for improving the service. Case evaluation procedures shall provide for assessment of the effectiveness of the service in individual case situations as viewed by both the client and the contractor.

1) Equal Employment Compliance
The Contractor must comply with the following Federal and state equal employment opportunity laws and regulations:

A) Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d).

B) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

C) Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).

2) The Contractor must provide DORS with a letter assuring compliance with the standards set forth in this subsection.

3) A copy of the Contractor's Affirmative Action Plan must be submitted to DORS.

(Source: Amended at 13 Ill. Reg. 10643

Section 712.400 Essential Components of Homemaker Services

a) Service Description and Components

1) The Contractor shall provide professionally directed home management and personal care services by trained and professionally supervised homemakers to carry out a service plan (89 Ill. Adm. Code 700 "Service Plan Development") for each client for the purpose of maintaining, strengthening and safeguarding the functioning of such clients in their own homes when no responsible who direct and provide planned services in the homes of

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NOTICE OF ADOPTED AMENDMENTS

D) Performing routine housekeeping, such as making and changing of beds, dusting, washing dishes, vacuuming and keeping the kitchen and bathroom clean;

E) Instructing clients in budgeting; assists in preparation of shopping lists, encourages good buying practices, and makes the necessary purchases of food and other basic items where the client cannot do the shopping;

F) Planning and prepares meals and special diets where necessary, attempting to conform to family dietary habits, and keeping in mind proper nutrition and the family's food allowance encourages the family to correct inadequate or poor dietary practices;

G) Giving non-medical personal care as needed - assistance with dressing, washing and bathing, care of teeth or dentures; demonstrates and instructs family members in good hygienic practices; may provide physical therapy under the supervision of medical personnel; may, at the doctor's request, assist with self-administered medication;

H) Accompanying client to doctor's office and other places as necessary to conduct personal business; may be required by the contractor to use own car to provide transportation as necessary;

I) Preparing a written report of each case served. Keeps daily records of activities, observations, progress toward goals and direct hours of service; and

J) Attending in-service training classes and staff conferences.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

E) Acting as a liaison between the homemaker, DORS Department, and any other agencies, arranging conferences with DORS Department and/or other agencies as necessary regarding client problems and progress, and arranging the most effective use of homemaker service, considering the overall plan for the family or individual;

F) Developing of appropriate skills and attitudes on the part of the homemaker to enable the homemaker to best serve clients;

G) Giving encouragement, support and recognition needed for the homemaker whose position involves responsibility, and often emotional strain;

H) Making home visits at least monthly semi-annual home visits to at least one client per homemaker to ensure that the services received by the client are satisfactory to the client and that the living conditions of the client are not preparing a written progress report for each home visit, and ease at least once each month, including a report of the monthly visits

J) Preparing written service reports for each case monthly (Section 712.300(e)(2)(D)).

3) Homemaker - Duties and responsibilities include:

A) Helping to establish household routines;

B) Helping plan and prepare nutritious meals and special diets when necessary; teaches

proper food storage;

C) Teaching proper clothing care;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

c) Staffings

The Contractor shall participate in staffings with other agencies and professionals who are involved in the treatment plan for individual clients. Conferences will be held, as requested, with Department DORS staff for the purpose of jointly reviewing movement toward established goals and setting new goals for each case receiving service. Records of such staffings should shall be maintained.

(Source: Amended at 13 Ill. Reg. 10643, effective June 15, 1989)

Section 712.1000 Homemaker Provider Standards

Before DORS will establish a contract with a new homemaker agency, DORS will request of the agency, and evaluate, its qualifications. The information required and the standards on which they are evaluated are specified in Appendix A of this Part. The submission of a Request For Proposal (RFP) does not commit DORS to pay costs incurred in the preparation of this request. If DORS does not receive a reply (the application and its attachments) from applicants within 30 working days of the date of the transmittal letter, the agency will not be considered for a contract. DORS will inform, in writing, applicants within 60 working days of the receipt of an RFP whether they are being considered for contract negotiations. Only applicants who have received the minimum number of points pursuant to Appendix A of this Part will be considered for contract negotiations. If an applicant is selected as a homemaker provider, notification will be sent in an award letter and the effective date for the new contract will be at a minimum of 21 working days from the date of the letter. Contracts will be awarded to the agency with the highest score in a specific geographic area providing there is an established need for HSP Services (i.e., there is no current homemaker agency in the area, the agency provides additional hours not covered by existing homemaker contracts, and current providers are not meeting the requirements of the contract). Information required for this evaluation are:

a) Service Delivery

- 1) a scope of home services, as described in Section 712.400(b)(3), currently provided,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) responses to referrals within 48 hours and written billing procedures,
- 3) back up systems and procedures to handle unexpected worker absences and procedures to respond to client or Home Services Program counselor complaints concerning services,
- 4) comprehensive job descriptions (i.e., any education and experience relative to an individual's position), as set forth in Section 712.400(b), for the Executive Director (or Administrator), Supervisor(s), and Homemaker(s),
- 5) a ratio of one full-time supervisor for every 20 full-time or equivalent full-time homemakers, as set forth in Section 712.300(f)(2)(B), with regular supervisory follow-ups (e.g., on-site visit or written correspondence as needed) and conferences with clients as per Appendix A, Section (c)(3)(B)(viii) and conferences with homemakers per Appendix A, Section (c)(3)(B)(iv),
- 6) documented in-service training, including a minimum of 12 hours of training in the philosophy and functions of homemaker service, as set forth in Section 712.300(g),
- 7) a system of reports and records, including client records, monthly service reports, administrative records, and personnel records, as set forth in Section 712.300(e),
- 8) hours of service available to the client.

b) Current Performance

- 1) the number of years the agency has provided homemaker service by geographic area over the past five years,
- 2) a list of agencies (excluding state agencies) with which the homemaker agency has contracts,

- C) (c)(4)(B)-8 points
- D) (c)(5)-10 points
- E) (c)(6)-5 points

2) Section 111 - Performance Information (See Subsection (d) of this Appendix)

A) (d)(3)(A)-5 points

B) (d)(3)(B)-2 points

C) (d)(5)-2 points

c) Service Delivery

1) Type of Home Services (Requires at least 8 points). Responses B & C fail to meet minimum requirements for contract.

A) Agency identifies type of services and scope of services distinguishing between each type if more than one.

B) Agency identifies type of services only, no description or distinction between each type if more than one.

C) Agency identifies type and scope of services but no distinction between types of service. (0 pts)

2) Referral, Billing and Back-up Procedures

A) Regular referrals

1) Regular referrals scheduled for first appointment within 1-3 days following initial call from the client or referral sources. (4 pts)

3) Letters of recommendations, including 5 letters of reference from individuals or organizations by the agency and one letter from DORS regional staff indicating the agency wishes to apply, certifications or approvals by standard setting agencies, (i.e., National Homecare Council, and the Illinois Council of Home Health Services).

5) the presence of a self-evaluation process for both program evaluation and case evaluation, (see Section 712.300(h)).

6) the establishment of a local presence through a local office and contacts with DORS local office and community groups and active (regular and on-going) recruitment selection of homemakers through local resources.

(Source: Added at 13 Ill. Reg. 10643 effective June 15, 1989)

Section 712.APPENDIX A Ratings Guide

a) Agencies qualifying for a homemaker contract must have a minimum of 46 points for specific items as indicated below. Failure to achieve the score designated for these items will disqualify the agency from receiving a homemaker contract. Contracts will be awarded to the agency with the highest score in a specific geographic area providing there is an established need as identified by HSP field staff and contingent on availability of funds. Rating guidelines contained within this Appendix are excerpted from Sections II and III. Section I of HSP's Homemaker Request for Qualifications is an application with identifying information only and is not part of the scoring.

b) A minimum of 46 points is required for a Contract, to be broken down as follows:
1) Section II - Service Delivery (See Subsection (c) of this Appendix)
A) (c)(1)-8 points
B) (c)(3)-6 points

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NOTICE OF ADOPTED AMENDMENTS

B) Supervisor

i) accept cases, select homemakers to be assigned

ii) evaluate quality, quantity, direction of service needed for each client served by homemakers

iii) prepare homemaker schedule, adhere to, notify clients of changes

iv) plan, prepare weekly conferences with each homemaker. Conferences include discussion of homemaker activities, observations of homemaker, progress toward goals, guidelines for homemaker activity, help homemaker work effectively in each assignment within plan

v) liaison between homemaker, DORS, other agencies - conferences as necessary re problems, progress, effective use of service

vi) develop appropriate skills, attitudes on part of homemaker to serve clients
vii) encourage, support, recognize homemaker semi-annual home visits to at least 1 client per homemaker

ix) prepare written reports of each Home Visit
x) written service reports for each case monthly

(2 pts)

C) Homemaker

i) help establish household routines

ii) help plan, prepare nutritious meals and special diets

iii) teach proper clothing care

NOTICE OF ADOPTED AMENDMENTS

iv) perform routine housekeeping

v) instruct clients in budgeting, preparation of shopping lists, good buying practices, necessary purchases of food, basic items if client cannot do the shopping

vi) plan, prepare meals, special diets, mindful of family dietary habits, proper nutrition and family's food allowance, encourages corrective action if poor diet

vii) personal care, assist with dressing, washing, bathing, care of teeth and dentures

viii) demonstrates, instructs good hygienic practices

ix) with a medical doctor (MD) request - assist with medications, Physical Therapy under supervision of medical personnel

x) accompany client to the MD and other places if necessary, use own car as necessary

xi) prepare written record of each case served - daily record of activities, observations, progress to goal, hours of service

xii) attend in service training classes and staff conferences

(2 pts)

Personnel/Assignment

4)

A) Applicant provides all the requested information (number of current personnel in each classification, information for each local unit, if applicable, staff assignments by type of service; local unit address, geographic coverage, and person in charge).

(3 pts)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

B) Supervisor/Homemaker Ratio (Requires at least 8 points)

i) One full-time supervisor for every 20 full-time homemakers or equivalent full-time homemakers.

. full-time homemaker works 35 or more hours/week

. equivalent full-time homemaker - any number of part time homemakers whose work hours/week total 35

(4 pts)

ii) Semi-annual in home supervisory visits, one client per homemaker.

(2 pts)

iii) Homemaker/supervisor-telephone or face-to-face conferences weekly.

(2 pts)

iv) Monitoring homemaker provider to ensure care plan followed.

(2 pts)

Total 10 pts

5) Training of Homemaker and Supervisor (Requires at least 10 points)

A) Orientation (philosophy, purpose of homemaker service, function of homemaker service - preventive, protective, rehabilitative).

(2 pts)

B) Minimum 12 hours in-service annually (increase knowledge and strengthening skills).

(6 pts)

C) Detailed records

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

i) content

ii) attendance

iii) hours

iv) date

v) qualifications of trainers

(2 pts)

6) Records/Reports (Requires at least 5 points)

A) All referrals, requests for services, disposition of referrals and requests.

(1 pt)

B) Client records

i) dates, time, providers name

ii) supervisor/homemaker weekly conferences

iii) semi annual visit report

(1 pt)

C) Monthly service report submitted to DORS

i) services provided

ii) problems related to plan

iii) changes (client status, condition)

iv) recommended changes in service plan

v) two-way receipts of all money transactions (homemaker/client)

vi) staffings

(1 pt)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) Services available M-F only (2 pts)
 - D) Services available weekends (1 pt)
 - E) Services available on legal holidays (2 pts)
 - F) Agency indicates no limits re personal care services, nor minimum units required to serve a case or limits regarding client disabilities. (1 pt)
 - d) Performance Information
 - 1) Past experience in Geographic Area
 - A) Agency established in specific area 5 years or more (5 pts)
 - B) Agency established in specific area 2-4 years or more (5 pts)
 - C) Agency established in specific area 1 year or less (months) (2 pts)
 - D) Agency is new, no services in area previously (1 pt)
 - 2) Other contracts (maximum points for this item is 5) (0 pts)
- For each contract applicant has or previously has had for purchase of homemaker service other than with State agencies.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- D) Administrative records
 - 1) cumulative service statistics (1 pt)
 - 1i) attendance of homemakers (1 pt)
 - 1ii) schedules for homemakers (1 pt)
 - 1iv) billing/payment records (1 pt)
- E) Personnel records
 - 1) individual qualifications for position (1 pt)
 - 1i) wage rate, effective date (1 pt)
 - 1ii) daily attendance (1 pt)
 - 1iv) probationary evaluations after 6 months of initial employment (1 pt)
 - 1v) annual evaluation/ability to perform tasks, activities (1 pt)
 - 1vi) record of orientation, training/name of instructors, hours, dates (1 pt)
 - 1vii) record of sick, vacation dates (1 pt)
 - 1viii) auto liability insurance \$15,000 bodily injury per person - minimum limit \$30,000/per occurrence, \$10,000 property damage insurance if transport client in private automobile (1 pt)
 - 1ix) keep records 5 years (1 pt)
- Z) Hours/Limitations
 - A) Regular service hours only 8:30 a.m.-5:00 p.m. (1 pt)
 - B) Expanded hours after 5:00 p.m. and before 8:30 a.m. (1 pt)

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1) Heading of the Part: Cigarette Tax Act

2) Code Citation: 86 Ill. Adm. Code 440

3) Section Numbers: 440.10
440.50
440.90
Adopted Action: Amendment
Amendment
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 453.3

5) Effective Date of Amendment(s): June 16, 1989

6) Does this rulemaking contain an automatic repeal date? Yes No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 16, 1989

9) Notice of Proposal Published in Illinois Register: July 1, 1988, 12 Ill. Reg. 11063 (issue date)

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the authority note, updated the statutory citation to reflect the 1987 edition of the Illinois Revised Statutes and deleted "Sections 1 et seq. of" in line 1.

2. In Section 440.10(b), spelled out the name of the Act and added the statutory citation within parentheses following the name, and also added the shortened form in parentheses after the statutory citation.

3. In Section 440.10(f), spelled out the name of the Department in full and placed the shortened form in parentheses immediately following.

4. In Section 440.90, updated the statutory citation to reflect the 1987 edition.

Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Applicant contacts job service, DORS offices, local hospitals and social agencies regarding need for homemakers, as well as advertising in local newspapers.

11) Applicant contacts area junior colleges or universities, vocational and technical schools, for potential homemakers. (2 pts)

111) Homemakers applicants' references are checked, experience evaluated and checked. (2 pts)

1V) Homemakers applicants are interviewed and evaluated by the agency Executive Director/Administrator and homemaker supervisor as part of the selection process. (1 pt)

(Source: Added at 13 Ill. Reg. 10643 effective June 15, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1. Placed Section 440.10(c) in distinguishing type and added the following at the end of Section 440.10(c): "(Ill. Rev. Stat. 1987, ch. 120, par. 453.2)."
 2. Placed the following provision in Section 440.90(b) in distinguishing type: "[e]ffective December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under the Cigarette Tax Act." Also added in Section 440.90(b), the following citation: (Ill. Rev. Stat. 1987, ch. 120, par. 453.2).
 3. Inserted in Section 440.90(e), in line 25, after the word "prescribes" the following: "(i.e. a standard bank draft which the distributor may post-date)."
 4. Added to Section 440.90(e), in line 29, after ", a bond," the following: "(in a form provided for in this Section)."
 5. Added citation after the language in distinguishing type in Section 440.90(e) which will read "(Ill. Rev. Stat. 1987, ch. 120, par. 453.3)."
 6. Changed the word "is" in the last sentence to "are" in Section 440.10(b).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The amendments change the tax rate on cigarettes so as to conform the regulations to the current law. The amendments are also required by P.A. 85-415 which allows the Department to authorize other persons to sell cigarette stamps and which allows prior continuous compliance taxpayers to be exempt from bond requirements under the Act. Time limitations on the payment of the tax have also been amended to conform the regulations to the current law. The same holds true for discounts provided to distributors.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

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

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

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

NOTICE OF ADOPTED AMENDMENT(S)

PARS. 453.1 et seq.) (the Act), imposes a tax upon any person engaged in business as a retailer of cigarettes in this State at the rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into the Service Recognition Bond, Interest and Retirement Fund until that Fund contains sufficient money to retire all bonds payable from that Fund. Thereafter, the proceeds from the 1/2 mill tax are to be paid into the Fair and Exposition Authority Reconstruction Fund.

c) Effective December 1, 1985, in addition to any other taxes imposed by the Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 4 mills per cigarette sold or otherwise disposed of in the course of such business in this State. Of this additional tax, \$9,000,000.00 of the moneys received under the Act shall be paid each month into the Common School Fund. (Section 2 of the Act)

ed) The total of these rates is 6 10 mills per cigarette; or 32¢ 20¢ on a package of 20 cigarettes.

de) The impact of these taxes is declared by the Cigarette Tax Act to be imposed upon the retailer, with the taxes being required to be prepaid or pre-collected by the distributor for the purpose of convenience and facility only, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes, as provided in the Act and in this part.

ef) It shall be the duty of each distributor to collect the tax from the retailer at or before the time of the sale, to affix the required stamps and to remit the tax collected from retailers to the Department of Revenue (Department). Any distributor who shall fail to properly collect and pay the tax imposed by the Act shall be liable for the tax.

eg) The amount of the cigarette tax imposed by the Act shall be separately stated, apart from the price of the goods, by both distributors and retailers, in all advertisements, bills and sales invoices.

gh) The taxes so imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, political subdivisions thereof or by any municipal corporation.

(Source: Amended at 13 Ill. Reg. 10678, effective June 16, 1989)

Section 440.50 Tax Stamps--When and By Whom Affixed: License or Permit Required

a) The Department, or any person authorized by the Department, will not sell tax stamps to any person to engage in the business as a distributor of cigarettes in this State without first having obtained a license or permit therefor from the Department. Application for a distributor's

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 440
CIGARETTE TAX ACT

Section 440.10 Nature and Rate of Tax

440.10 Nature and Rate of Tax

440.20 Tax--How Paid

440.30 Tax--Who Liable For

440.40 Design

440.50 Tax Stamps--When and By Whom Affixed: License or Permit Required

440.60 Tax Stamps--How Affixed

440.70 Tax Stamps--Affixed Out-of-State

440.80 Transporter Permits

440.90 Tax Stamps--Purchase of: Cost: Discount

440.100 Returns Required: When Filed

440.110 Books and Records: Examination: Preservation

440.120 Unused Stamps and Meter Units: Sale of: Notice to Department

440.130 Mutilated Stamps

440.140 Tax Meters

440.150 Tax Meter Machine Settings

440.160 Vending Machines

440.170 Sales Out of Illinois

440.180 Sales to Governmental Bodies

440.190 Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed

440.200 Claim for Replacement

440.210 Sale of Forfeited Cigarettes and Vending Machines

440.220 Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside the Continental Limits of the United States

440.230 Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.1 et seq.).

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989.

Section 440.10 Nature and Rate of Tax

a) The cigarette tax is imposed upon any person who exercises the privilege of engaging in business as a retailer of cigarettes in this State, and is at the rate of 5-1/2 mills per cigarette sold or otherwise disposed of in the course of such business in this State. The proceeds from this tax are paid into the General Revenue Fund of the State Treasury.

b) In addition, the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120,

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NOTICE OF ADOPTED AMENDMENT(S)

a penalty equal to 25% of the amount of such draft. (Section 3 of the Act) prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted above. For additional information concerning the exemption, refer to Section 3 of the Act.

(Source: Amended at 13 III. Reg. 10678, effective June 16, 1989)

NOTICE OF ADOPTED AMENDMENT(S)

e) In addition, prior to December 1, 1985, the Department will allow a tax stamps.

districtor \$5 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the districtor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within \$5 21 days thereafter. Provided that such districtor has filed with the Department, and has received the Department's approval of, a bond, payable to the Department in an amount equal to 80% of such districtor's average monthly tax liability to the Department under the Act during the preceding calendar year or \$500,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate or of deposit or bank letter of credit. The bond shall be conditioned upon the districtor's payment of the amount of any \$5 21-day draft which the Department accepts from that districtor for the delivery of stamps to that districtor under the Act. The districtor's failure to pay any such draft, when due, shall also make such districtor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. No districtor may give the Department drafts which are not due totaling at any given time an amount which exceeds 80% of the amount of the bond furnished to the Department by such districtor under this part. On and after December 1, 1985, the Department shall allow a districtor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the districtor to make payment for the stamps at the time purchasing them with a draft which shall be in such form as the Department prescribes (i.e., a standard bank draft which the districtor may post-date), and which shall be payable within 30 days thereafter: provided that such districtor has filed with the Department, and has received the Department's approval of, a bond (in a form provided for in this Section), which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 150% of such districtor's average monthly tax liability to the Department under the Act during the preceding calendar year or \$750,000.00, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such districtor's average monthly tax liability under the Act during the preceding calendar year or \$750,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the districtor's payment of the amount of any 30-day draft which the Department accepts from that districtor for the delivery of stamps to that districtor under the Act. The districtor's failure to pay any such draft, when due, shall also make such districtor automatically liable to the Department for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: 450.10 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 453.32 and 453.33
- 5) Effective Date of Amendment(s): June 16, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 16, 1989
- 9) Notice of Proposal Published in Illinois Register:
July 1, 1988, 12 Ill. Reg. 11071
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules?: No
- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
 1. In the authority note, updated the statutory citation to reflect the 1987 edition of the Illinois Revised Statutes and deleted "Sections 1 et seq. of" in line 1.
 2. In Section 450.10(b), last line, "the Cigarette Use Tax regulations" was replaced with "this Part".
 3. In Section 450.10(c), added the statutory citation to the Cigarette Tax Act in line 1 and to the Cigarette Use Tax Act in line 2. Also, specified Act which is referred to later as "the Act".

In line 3, spelled out the name of the Department in full after the shortened form "Department".

 4. In subsection (h), updated the statutory citation to reflect the 1987 edition.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

5. In subsection (j), deleted "Section of" in line 3. In addition, added after the word "Act" in line 5, the Code citation to this Part within parentheses: (86 Ill. Adm. Code 440).
- Pursuant to the request of the Joint Committee on Administrative Rules, the following change was made:
1. Inserted in Section 450.10(h), line 29, after the word "prescribes" the following: "(i.e. a standard bank draft which the distributor may post-date)."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will this amendment replace an emergency amendment currently in effect?
No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rule(s): The amendments to Section 450.10 recognize the increased tax rate and the current discounts provided to cigarette distributors. They also recognize the fact that cigarette stamps may be purchased from persons authorized by the Department. Finally, they recognize that current law exempts prior continuous compliance taxpayers from the bond requirements contained in the Cigarette Use Tax Act.
 - 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

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

NOTICE OF ADOPTED AMENDMENT(S)

such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed discounts as follows during any year commencing July 1 and ending the following June 30. Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first \$700,000.00 paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1-1/3% of the next \$700,000.00 of tax, or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1% of the next \$700,000.00 of tax, or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year, and 2/3% of 1% of the amount of any additional tax paid under the Cigarette Use Tax Act by such distributor to the Department during any such year. Effective December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

e) These discounts are to cover the distributor's cost of collecting the tax. Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount. In general, remittances to the Department should be in the form of bank cashier's check, certified check or postal money order, made payable to the Department of Revenue. However, the Department will accept the licensee's personal check in payment for tax stamps if such licensee has on file, with the Department, a binding guarantee letter from a bank guaranteeing the payment of checks drawn by the licensee on such bank in favor of the Department of Revenue in payment of Cigarette Use Tax up to a specified amount, and if the total amount of the present remittance and any other remittances from the licensee that have not cleared the bank when the present remittance is issued are within the limit of the amount guaranteed in the bank's guarantee letter. Postage stamps will not be accepted.

h) In addition, prior to December 1, 1985, the Department will allow a distributor 15 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 450

CIGARETTE USE TAX ACT

450.10	Nature and Rate of Tax
450.20	Tax Stamps--Affixed Out-of-State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.31 et seq.).

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989.

Section 450.10 Nature and Rate of Tax

a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 6 1/10 mills per cigarette so used.

b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of the Cigarettes-use-tax-Rates this Part).

c) Distributors who are not subject to the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.1 et seq.) (the Act), but who are subject to the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.31 et seq.), must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The amendments to Section 480.110 are required by P.A. 85-415 to accurately reflect requirements for filing hotel tax returns and for taking tax return filing discounts.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

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

- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
 - 2) Code Citation: 86 Ill. Adm. Code 480
 - 3) Section Numbers: 480.110
 Adopted Action: Amendment
 - 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 481b.36
 - 5) Effective Date of Amendment(s): June 16, 1989
 - 6) Does this rulemaking contain an automatic repeal date? Yes No
 - 7) Does this amendment contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: June 16, 1989
 - 9) Notice of Proposal Published in Illinois Register: July 1, 1988, 12 Ill. Reg. 11077 (issue date)
 - 10) Has JCAR issued a Statement of Objections to this Rule? No
 - 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
 - 1. In the authority note, updated the statutory citation to reflect the 1987 edition of the Illinois Revised Statutes.
 - 2. In Section 480.110 in the text, added the word "Section" in front of the Section number.
 - 3. In subsection (a)(1), added "(Department)" following the name of the Department in line 4.
 - 4. In subsection (a)(3) and subsection (b)(1), replaced "this Regulation" with "this Section".
- Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:
- 1. Inserted in Section 480.110(b)(1)(g), after the word "request", the phrase "pursuant to this Act."
 - 2. Deleted the phrase "timely filed is" in Section 480.110(b)(1)(g) and inserted in its place "are filed in accordance with this Section."

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 480
HOTEL OPERATORS' OCCUPATION TAX ACT

Section

480.101	Nature, Rate and Scope of the Tax
480.105	Definitions
480.110	Registration and Returns
480.115	Books and Records
480.120	Penalties, Interest and Procedures
480.125	Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing The Hotel Operators' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 481b.31 et seq.) and authorized by Section 39b27 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b27).

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989.

Section 480.110 Registration and Returns

a) Registration

- 1) It is unlawful for any person to engage in the business of renting, leasing or letting rooms in a hotel in this State without a Certificate of Registration from the Department of Revenue (Department).
- 2) Any person who engages in such business is required to apply to the Department for a Certificate of Registration on a form which is prescribed by the Department, and which will be furnished on request. Upon receipt of the application to register in proper form, the Department will issue a Certificate of Registration to the applicant. Such Certificate of Registration must be publicly displayed.
- 3) All the provisions of Subpart G of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) (including the provisions concerning the furnishing of bond or other security by taxpayers to the Department, among other things), to the extent to which any such provision is not inconsistent with The Hotel Operators' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 481b.31 et seq.) (the Act), and the Regulations Sections promulgated thereunder, are incorporated herein by reference and made a part of this Regulation Section.

b) Return and Payment of the Tax

- 1) Except as provided hereinafter in this Regulation Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

in this State during the preceding calendar month shall file a return with the Department, stating:

- A) The name of the operator;
 - B) his residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;
 - C) total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;
 - D) total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
 - E) total amount of other exclusions from gross rental receipts allowed by the Act;
 - F) gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;
 - G) the amount of tax due imposed, less a discount of 2.1% or \$25.00 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request pursuant to this Act, if the return and payment are filed in accordance with this Section;
 - H) the amount of penalty due, if any, and
 - I) such other reasonable information as the Department may require.
- 2) If the operator's average monthly tax liability to the Department does not exceed ~~\$100.00~~ \$200.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.
 - 3) If the operator's average monthly tax liability to the Department does not exceed ~~\$20.00~~ \$50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.
 - 4) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.
 - 5) Notwithstanding any other provision in the Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which

NOTICE OF ADOPTED AMENDMENT(S)

is not required to file an income tax return with the United States Government.

d) Special Reporting Problem. Connected With Exclusion for Permanent Residents. The Act defines a "permanent resident" as a person who occupies or has the right to occupy a room for at least 30 consecutive days. It will not always be possible for a hotel to determine whether a guest is a "permanent resident" at the end of a particular reporting period. In such cases:

1) Where a guest has occupied a room for 30 consecutive days as of the end of a reporting period, no tax is due.

2) Where a guest has a binding contract for at least 30 days, no tax need be reported or paid; except that, if the contract is terminated before the end of the first 30 days, a tax should be paid for the period up to the time when the contract is terminated.

3) Where the hotel does not know whether a guest is a "permanent resident" at the end of the period for which a return is filed (because the first 30 days are not up), a tax should be paid. If the guest later stays for 30 days, the amount of rental for the first 30 days, or portion thereof, upon which a tax has already been paid, should be deducted in item 3 on the return for the next month, and a schedule should be filed with the return explaining such deduction.

e) Gross Receipts or Gross Billing Basis of Reporting

1) At the beginning of a registration under the Hotel Operators' Occupation Tax Act, the registrant may elect to file returns on the receipts basis (reporting, for the return period, only those receipts received during such return period), or the registrant may elect to file returns on the gross billing basis (reporting, for the return period, all rentals billed during the return period whether collected during such return period or not).

2) An operator may change from the gross billing basis to the gross receipts basis of reporting in tax returns without obtaining special permission from the Department. However, once an operator has commenced to file returns on the gross receipts basis, he may not change his method of reporting to the gross billing basis without first obtaining permission from the Department to make this change.

3) On the receipts basis of reporting, since the operator does not report and pay tax on receipts until he receives them, he would never have any occasion for taking a bad debt deduction on his returns. However, where the operator who is filing returns on the gross billing basis pays tax to the Department on a billing which later turns out to be a bad debt, and which is charged off on the operator's books as a bad debt for Federal income tax purposes, the operator may take a deduction for such bad debt on his Hotel Operators' Occupation Tax return to the Department. If such operator, after taking such bad debt deduction, should later realize a recovery thereon, he shall report and pay tax on the

NOTICE OF ADOPTED AMENDMENT(S)

makes him responsible for filing returns under the Act, such operator shall file a final return under the Act with the Department not more than one month after discontinuing such business.

6) Where the same person has more than one business registered with the Department under separate registrations under the Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

7) In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business, and he shall include such value in his return. Such determination shall be subject to review and revision by the Department.

8) Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

9) The person filing the return shall, at the time of filing such return, pay to the Department the amount of tax due.

c) Annual Information Returns

1) In addition to any other return required by the Act, each operator shall annually file an information return covering the preceding calendar year (or fiscal year if the operator files his Federal income tax returns on the basis of a fiscal year). Such annual return shall be filed with the Department on a form prescribed by the Department not more than 30 days after the date set for the filing of such operator's Federal income tax return.

Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the two amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose payroll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns.

2) The foregoing requirements concerning the filing of an annual information return shall not apply to an operator who certifies on such annual information return that such operator is authorized to do business, and is actually doing business, in two or more states, provided that such certification is true.

3) The foregoing portion of this Section concerning the filing of an annual information return also shall not apply to an operator who

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Section Numbers Proposed Action Illinois Register Citation

141.400 Amendment May 26, 1989 (13 111. Reg. 7873)

141.480 Amendment May 26, 1989 (13 111. Reg. 7873)

141.520 Amendment May 26, 1989 (13 111. Reg. 7873)

141.560 Amendment May 26, 1989 (13 111. Reg. 7873)

141.800 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1000 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1200 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1240 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1280 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1320 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1480 Amendment May 26, 1989 (13 111. Reg. 7873)

141.1520 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3080 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3320 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3400 Amendment May 26, 1989 (13 111. Reg. 7873)

Section Numbers Proposed Action Illinois Register Citation

141.3520 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3560 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3800 Amendment May 26, 1989 (13 111. Reg. 7873)

141.3920 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4040 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4200 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4440 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4600 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4640 Amendment May 26, 1989 (13 111. Reg. 7873)

141.4760 Amendment May 26, 1989 (13 111. Reg. 7873)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid

Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Telephone: (217) 782-1233

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 141
DRUG MANUAL

Section

141.10	DRUG MANUAL
141.100	AGENCY NOTES
141.200	ANALGESICS/NARCOTIC ANTAGONISTS: ANTIRHEUMATIC
141.240	ANALGESICS/NARCOTIC ANTAGONISTS: GOUT
141.280	ANALGESICS/NARCOTIC ANTAGONISTS: MIGRAINE
141.320	ANALGESICS/NARCOTIC ANTAGONISTS: NARCOTIC ANTAGONIST
141.360	ANALGESICS/NARCOTIC ANTAGONISTS: NONOPIATE AGONISTS
141.400	ANALGESICS/NARCOTIC ANTAGONISTS: OPIATE AGONISTS
141.440	ANTI-ALCOHOL
141.480	ANTICONVULSANTS
141.520	ANTIDOTES
141.560	ANTIHYPERTENSIVES
141.600	ANTIMICROBIAL: AMINOGLYCOSIDES
141.640	ANTIMICROBIAL: ANTIFUNGALS
141.680	ANTIMICROBIAL: ANTITUBERCULARS
141.720	ANTIMICROBIAL: CEPHALOSPORINS
141.760	ANTIMICROBIAL: ERYTHROMYCINS
141.800	ANTIMICROBIAL: MISCELLANEOUS
141.840	ANTIMICROBIAL: NITROFURANTOINS
141.880	ANTIMICROBIAL: PENICILLINS
141.920	ANTIMICROBIAL: SULFONAMIDES
141.960	ANTIMICROBIAL: TETRACYCLINES
141.1000	ANTIMICROBIAL: VACCINES
141.1040	BLOOD: ANTIANEMIA
141.1080	BLOOD: ANTICOAGULANT
141.1120	BLOOD: HEMOSTATIC
141.1125	BLOOD: MISCELLANEOUS
141.1160	CALCIUM
141.1200	CARDIOVASCULAR: ANTIANGINAL
141.1240	CARDIOVASCULAR: ANTIARRHYTHMIC
141.1280	CARDIOVASCULAR: ANTIHYPERLIPIDEMICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK
141.1440	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1480	CONTRACEPTIVE: NONORAL
141.1500	DIAPER RASH PRODUCTS
141.1520	DIURETICS
141.1560	DOPAMINE RECEPTOR AGONISTS
141.1600	ENZYMES

DEPARTMENT OF PUBLIC AID

ILLINOIS REGISTER

NOTICE OF EMERGENCY AMENDMENTS

Section

141.3320	MISCELLANEOUS
141.3360	NEURONUSCULAR DISORDERS: MYASTHENIA GRAVIS
141.3400	ONCOLYTIC/ANTINEOPLASTIC: ALKYLATING
141.3440	ONCOLYTIC/ANTINEOPLASTIC: ANTIBIOTICS
141.3480	ONCOLYTIC/ANTINEOPLASTIC: ANTIMETABOLITES
141.3520	ONCOLYTIC/ANTINEOPLASTIC: HORMONES
141.3560	ONCOLYTIC/ANTINEOPLASTIC: MISCELLANEOUS
141.3600	OSTOMY SUPPLIES
141.3640	PARASITICIDAL: ANTHELMINTICS
141.3680	PARASITICIDAL: ANTIPROTOZOALS
141.3720	POTASSIUM
141.3760	PSYCHOTHERAPEUTIC: ANTIANXIETY
141.3800	PSYCHOTHERAPEUTIC: ANTIDEPRESSANTS
141.3840	PSYCHOTHERAPEUTIC: ANTIMANIC
141.3880	PSYCHOTHERAPEUTIC: ANTIPARKINSON
141.3920	PSYCHOTHERAPEUTIC: ANTIPSYCHOTIC
141.3960	PSYCHOTHERAPEUTIC: MISCELLANEOUS
141.4000	PSYCHOTHERAPEUTIC: SEDATIVE/HYPNOTIC
141.4040	RESPIRATORY/ALLERGIC: ANTIASTHMATIC
141.4080	RESPIRATORY/ALLERGIC: ANTIHISTAMINE
141.4120	RESPIRATORY STIMULANTS
141.4160	SKELTAL MUSCLE RELAXANTS
141.4200	SKIN/MUCOUS MEMBRANE: ANTIBIOTICS
141.4230	SKIN/MUCOUS MEMBRANE: ANTIFUNGAL/ANTI-INFLAMMATORY
141.4240	SKIN/MUCOUS MEMBRANE: ANTI-INFLAMMATORIES
141.4280	SKIN/MUCOUS MEMBRANE: ANTI-PRURITICS/ANESTHETICS
141.4320	SKIN/MUCOUS MEMBRANE: ASTRINGENTS
141.4360	SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
141.4400	SKIN/MUCOUS MEMBRANE: FUNGICIDES
141.4440	SKIN/MUCOUS MEMBRANE: KERATOCYTIC
141.4520	SKIN/MUCOUS MEMBRANE: LOCAL ANTI-INFECTIVES
141.4560	SKIN/MUCOUS MEMBRANE: MISCELLANEOUS
141.4600	SKIN/MUCOUS MEMBRANE: SCABICIDES/PEDICULOCIDES
141.4640	TESTING SUPPLIES
141.4680	UNCLASSIFIED
141.4720	URINARY ANTISPASMODICS
141.4760	VAGINAL: ANTI-INFECTIVES
141.4800	VAGINAL: MISCELLANEOUS

AUTHORITY: Implementing and authorized by Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-5 and 12-13).

SOURCE: Emergency amendment at 5 Ill. Reg. 13555, effective December 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9991, effective August 1, 1982; emergency amendment at 6

DEPARTMENT OF PUBLIC AID

ILLINOIS REGISTER

NOTICE OF EMERGENCY AMENDMENTS

Section

141.1640	EYE/EAR/NOSE/THROAT: ANTIBIOTICS
141.1680	EYE/EAR/NOSE/THROAT: ANTI-INFLAMMATORY
141.1720	EYE/EAR/NOSE/THROAT: ANTIVIRALS
141.1760	EYE/EAR/NOSE/THROAT: ANTIBIOTIC/ANTI-INFLAMMATORY
141.1800	EYE/EAR/NOSE/THROAT: LOCAL ANESTHETICS
141.1840	EYE/EAR/NOSE/THROAT: LUBRICANTS
141.1880	EYE/EAR/NOSE/THROAT: MIOtics/GLAUCOMA
141.1920	EYE/EAR/NOSE/THROAT: MISCELLANEOUS
141.1960	EYE/EAR/NOSE/THROAT: MISCELLANEOUS ANTI-INFECTIVES
141.2000	EYE/EAR/NOSE/THROAT: MYDRIATICS
141.2040	EYE/EAR/NOSE/THROAT: SULFONAMIDES
141.2080	EYE/EAR/NOSE/THROAT: SULFONAMIDE/ANTI-INFLAMMATORY
EMERGENCY	
141.2120	EYE/EAR/NOSE/THROAT: TOPICAL DECONGESTANTS
141.2160	GASTROINTESTINAL: ANTACID/ADSORBENTS
141.2200	GASTROINTESTINAL: ANTIDIARRHEA
141.2240	GASTROINTESTINAL: ANTISPASMODICS
141.2280	GASTROINTESTINAL: DIGESTANTS
141.2320	GASTROINTESTINAL: EMETICS/ANTIEMETICS
141.2360	GASTROINTESTINAL: LAXATIVES
141.2400	GASTROINTESTINAL: MISCELLANEOUS
141.2440	GLUCOSE ELEVATORS
141.2480	HOMEOSTATIC/NUTRITIONAL: ACIDIFIERS
141.2520	HOMEOSTATIC/NUTRITIONAL: ALKALINIZERS
141.2560	HOMEOSTATIC/NUTRITIONAL: AMMONIA DETOXICANTS
141.2600	HOMEOSTATIC/NUTRITIONAL: INSULIN
141.2640	HOMEOSTATIC/NUTRITIONAL: IV FLUIDS
141.2680	HOMEOSTATIC/NUTRITIONAL: ORAL HYPOLYCEMICS
141.2720	HOMEOSTATIC/NUTRITIONAL: VITAMINS
141.2760	HORMONES/AGENTS AFFECTING MECHANISMS: ADRENAL
141.2800	HORMONES/AGENTS AFFECTING MECHANISMS: ANABOLIC
141.2840	HORMONES/AGENTS AFFECTING MECHANISMS: ANDROGENS
141.2880	HORMONES/AGENTS AFFECTING MECHANISMS: ANTI-THYROID
141.2920	HORMONES/AGENTS AFFECTING MECHANISMS:
141.2960	HORMONES/AGENTS AFFECTING MECHANISMS: ORAL
EMERGENCY	
141.3000	HORMONES/AGENTS AFFECTING MECHANISMS: OXYTOCICS
141.3040	HORMONES/AGENTS AFFECTING MECHANISMS: PARATHYROID
141.3080	HORMONES/AGENTS AFFECTING MECHANISMS: PITUITARY
141.3120	HORMONES/AGENTS AFFECTING MECHANISMS: THYROID
141.3160	HYDROCHOLERETICS
141.3200	IMMUNOSUPPRESSIVES
141.3240	IRRIGATION SOLUTIONS
141.3280	MEDICAL SUPPLIES

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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.2960 HORMONES/AGENTS AFFECTING MECHANISMS: ORAL CONTRACEPTIVES (Cont'd.)

Item Number Drug Name and Strength

**	04298724	NORINYL TABLET 1 PLUS 80-28 DAY - REFILL
**	00332103	NORINYL TABLET 2MG
**	04298720	NORINYL TABLET 2MG - REFILL
**	00710905	NORLESTRIN FE 1/50
**	07100905	NORLESTRIN FE 1/50 - REFILL
**	00710907	NORLESTRIN FE 2.5/50
**	07100907	NORLESTRIN FE 2.5/50 - REFILL
**	00710904	NORLESTRIN 21 1/50
**	07100904	NORLESTRIN 21 1/50 - REFILL
**	00710901	NORLESTRIN 21 2.5/50
**	07100901	NORLESTRIN 21 2.5/50 - REFILL
**	00710903	NORLESTRIN 28 1/50
**	07100903	NORLESTRIN 28 1/50 - REFILL
**	60009903	ORAL CONTRACEPTIVES - PRODUCTS NOT OTHERWISE LISTED - LIST NAME AND MFG
**	00621350	ORTHO-NOVUM 2MG TAB
**	00621760	ORTHO-NOVUM-1/35-FAB-21'S
**	00622760	ORTHO-NOVUM-1/35-FAB-21'S---REFILL
**	00621761	ORTHO-NOVUM-1/35-FAB-28'S
**	00622761	ORTHO-NOVUM-1/35-FAB-28'S---REFILL
**	00621331	ORTHO-NOVUM-1/50-FAB-21'S
**	00621332	ORTHO-NOVUM-1/50-FAB-28'S
**	00621390	ORTHO-NOVUM 1/80 TAB 21'S
**	00621391	ORTHO-NOVUM 1/80 TAB 28'S
**	01071770	ORTHO-NOVUM 10/11 TAB 21'S
**	00621770	ORTHO-NOVUM 10/11 TAB 21'S - REFILL
**	01071771	ORTHO-NOVUM 10/11 TAB 28'S
**	00621771	ORTHO-NOVUM 10/11 TAB 28'S - REFILL
**	00621370	ORTHO-NOVUM 10MG TAB
**	01071780	ORTHO-NOVUM 7/7/7 21'S
**	00621780	ORTHO-NOVUM 7/7/7 21'S - REFILL
**	01071781	ORTHO-NOVUM 7/7/7 28'S
**	00621781	ORTHO-NOVUM 7/7/7 28'S - REFILL
**	00870583	OVCON-35 TABLET (21)
**	00870578	OVCON-35 TABLET (28)
**	00870584	OVCON-50 TABLET (21)
**	00870579	OVCON-50 TABLET (28)
**	00080056	OVRAL TABLET 21'S
**	00081056	OVRAL TABLET 21'S - 3 PACK
**	00082511	OVRAL TABLET 28'S
**	00080062	OVRETTE TABLET 28'S
**	00141401	OVULEN-21 TABLET
**	00143401	OVULEN-21 TABLET - REFILL

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.2960 HORMONES/AGENTS AFFECTING MECHANISMS: ORAL CONTRACEPTIVES (Cont'd.)

Item Number Drug Name and Strength

**	00081078	LO/OVRAL TABLET-21 - 3 PACK
**	00082514	LO/OVRAL TABLET-28
**	00710913	LOESTRIN FE 1.0/20
**	07100913	LOESTRIN FE 1.0/20 - REFILL
**	00710917	LOESTRIN FE 1.5/30
**	07100917	LOESTRIN FE 1.5/30 - REFILL
**	00710915	LOESTRIN 21 1.0/20
**	0710915	LOESTRIN 21 1.0/20 - REFILL
**	00710916	LOESTRIN 21 1.5/30
**	0710916	LOESTRIN 21 1.5/30 - REFILL
**	50006810	WESTRANOL 0.05MG;
**	50006812	NORETHINDRONE 1MG TABLET 21 DAY
**	00621410	MICRONOR TABLET 0.35MG
**	00621714	MORIGON-28-FABFB
**	00621714	MORIGON-28-FABFB
**	04543521	N-B-B-FABFBFB-1/35-21
**	04544521	N-B-B-FABFBFB-1/35-28
**	00470929	NBQVA-FABFBFB-0-5/35-21
**	00470926	NBQVA-FABFBFB-0-5/35-28
**	00470930	NBQVA-FABFBFB-1/35-21
**	00470927	NBQVA-FABFBFB-1/35-28
**	00470941	NELOVA TABLET 10/11-21
**	00470944	NELOVA TABLET 10/11-28
**	00332107	NOR-0D TABLET
**	00080075	NORDETTE-21 TABLET
**	00082533	NORDETTE-28 TABLET
**	00140221	NORPHEN-4ABFBFB-1/35B-21
**	00140231	NORPHEN-4ABFBFB-1/35B-28
**	00140431	NORPHEN-4ABFBFB-1/50M-21
**	00140441	NORPHEN-4ABFBFB-1/50M-28
**	00330111	NORINYL-FABFBFB-1-PB6-35-21-BAY
**	04298727	NORINYL-FABFBFB-1-PB6-35-21-BAY---REFILL
**	00331111	NORINYL-FABFBFB-1-PB6-35-28-BAY
**	04298728	NORINYL-FABFBFB-1-PB6-35-28-BAY---REFILL
**	00332101	NORINYL-FABFBFB-1-PB6-50-21-BAY
**	04298725	NORINYL-FABFBFB-1-PB6-50-21-BAY---REFILL
**	00333101	NORINYL-FABFBFB-1-PB6-50-28-BAY
**	04298726	NORINYL-FABFBFB-1-PB6-50-28-BAY---REFILL
**	00332102	NORINYL TABLET 1 PLUS 80-21 DAY
**	04298723	NORINYL TABLET 1 PLUS 80-21 DAY - REFILL
**	00333102	NORINYL TABLET 1 PLUS 80-28 DAY

DEPARTMENT OF CONSERVATION

NOTICE OF CORRECTIONS TO NOTICE ONLY

THE HEADING OF THE PART: Pigeon Shooting Permits

CODE CITATION: 17 Ill. Adm. Code 970

THE NOTICE OF PROPOSED RULES BEING CORRECTED APPEARED AT: 13 Ill. Reg. 7518, May 19, 1989

THE INFORMATION BEING CORRECTED IS AS FOLLOWS:

The Department incorrectly answered Question No. 12 in the Notice of Proposed Rules. This information is correct as follows:

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 20, 1989

B) Types of small businesses affected: Pigeon Shoot Operators

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

Information regarding the name of the organization sponsoring the Pigeon Shoot; date the Pigeon Shoot is to be conducted; the location where the Pigeon shoot will be conducted; and the name of the property owner(s) on whose property the Pigeon Shoot will be conducted must be supplied the Department by the Pigeon Shoot Operator.

D) Types of professional skills necessary for compliance: None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

is impossible to list or even know the many different entities which exist throughout the world. The substantial equivalency of this provision is to allow the individual applicant to present to the Board any medical research which he has done which is clinical in nature. They will review any and all documentation of clinical activities which the applicant presents. The Board is comprised of medical professionals from educational and practice backgrounds who will use their medical expertise and knowledge to evaluate these clinical skills.

The Department does not feel it has violated Section 4.02 of the Act inasmuch as it has stated as precisely and clearly as practicable under the conditions the types of clinical skills necessary to comply with this Section.

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NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of the Part: The Illinois Formulary for the Drug Product Selection Program

2) Code Citation: 77 Ill. Adm. Code 790

3) The Notice of Adopted Amendments being corrected appeared at 13 Ill. Reg. 8890, dated June 9, 1989.

4) The information being corrected is as follows: A portion of required question 11 and questions 12 and 13 were inadvertently omitted from the publication. The entire portion of the notice containing the required questions is as follows:

11) Difference Between Proposal and Final Version:

At the request of the Administrative Code Division, the following changes were made.

The first sentence of Section 790.20(a) has been changed from, "Section 1 of Illinois Public Acts 80-976 and 82-235 amend the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat., 1983, Ch. 56 1/2, par. 503.14) to allow interchange of different brands or nonbrands of the same generic drug entity for a drug product prescribed by a specific trade name." to "The Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, Ch. 56 1/2, par. 503.14) allows interchange of different brands or nonbrands of the same generic drug entity for a drug product prescribed by a specific trade name."

The last sentence of the proposed Section 790.40(d)(1) has been relabeled as Subsection 790.40(e).

Also, various format revisions concerning margins have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were recommended by the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION BY FIRST OF AMERICA BANK CORPORATION TO ACQUIRE MIDWEST FINANCIAL GROUP, INC.

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1987, ch. 17, par. 2510.01(d)) notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First of America Bank Corporation, 108 East Michigan Avenue, Kalamazoo, Michigan 49007 to acquire Midwest Financial Group, Inc., 301 S.W. Adams Street, Peoria, Illinois 61631.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

William L. Conaghan or
Maria A. O'Donnell
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 12, 1989 through June 16, 1989 and have been scheduled for review by the Committee at its July 28, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
7/27/89	<u>Department of Agriculture, Agrichemical Facilities</u> (8 Ill. Adm. Code 255)	3/3/89 13 Ill. Reg. 2571	July 28, 1989
7/27/89	<u>Comptroller, Public Radio and Television Station Grants</u> (74 Ill. Adm. Code 280)	4/21/89 13 Ill. Reg. 5314	July 28, 1989
7/27/89	<u>Secretary of State, Issuance of Licenses</u> (92 Ill. Adm. Code 1030)	3/17/89 13 Ill. Reg. 3324	July 28, 1989
7/27/89	<u>Secretary of State, Issuance of Licenses</u> (92 Ill. Adm. Code 1030)	3/24/89 13 Ill. Reg. 3611	July 28, 1989
7/28/89	<u>Department of Public Health, Emergency Medical Services</u> (77 Ill. Adm. Code 535)	3/31/89 13 Ill. Reg. 4126	July 28, 1989
7/28/89	<u>Department of Public Health, Emergency Medical Services</u> (77 Ill. Adm. Code 535)	4/7/89 13 Ill. Reg. 4500	July 28, 1989
7/28/89	<u>Department of Public Health, Illinois Trauma Center Code</u> (77 Ill. Adm. Code 540)	4/7/89 13 Ill. Reg. 4616	July 28, 1989
7/31/89	<u>Department of Children and Family Services, Licensing Standards for Group Day Care Homes</u> (89 Ill. Adm. Code 408)	9/2/88 12 Ill. Reg. 13757	July 28, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
7/31/89	<u>Department of Public Aid, Aid to the Aged, Blind or Disabled</u> (89 Ill. Adm. Code 113)	4/21/89 13 Ill. Reg. 5440	July 28, 1989
7/31/89	<u>Department of Public Aid, Refugee/Entrant/Repatriate Program</u> (89 Ill. Adm. Code 115)	3/3/89 13 Ill. Reg. 2702	July 28, 1989
7/31/89	<u>Department of Public Health, Illinois Blood Bank Code</u> (77 Ill. Adm. Code 490)	3/10/89 13 Ill. Reg. 2974	July 28, 1989
7/31/89	<u>Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Gasoline and Volatile Oils</u> (41 Ill. Adm. Code 180)	2/10/89 13 Ill. Reg. 1754	July 28, 1989

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ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF 77 Ill. Adm. Code 2056 Driving Under the Influence Programs (P-22265/88; A-7274)

BANKS AND TRUST COMPANIES, COMMISSIONER OF 38 Ill. Adm. Code 320 Powers Incidental & Germane to Carrying on a General Banking Business (P-8737)

38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DEVELOPMENT BOARD 44 Ill. Adm. Code 910 Procurement Practices (P-1917; A-8403)

71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283; A-6973)

CARNIVAL-AMUSEMENT SAFETY BOARD 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-7845) (E-8025)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)

80 Ill. Adm. Code 302 Merit & Fitness (P-15813/88; A-3722)

80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296; A-8849) (P-2892) (PP-8080) (PP-8970)

80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402) (P-6853)

80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)

44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF 89 Ill. Adm. Code 334 Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)

89 Ill. Adm. Code 385 Background Checks (P-13744/88; A-5917)

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)

89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414; R-7483; A-7308)

89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)

89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)

89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)

89 Ill. Adm. Code 302 Services Delivered by the Department (P-7847) (P-13814/88; W-8115)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921) (P-17569/88; A-7324)

COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE 44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)

2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF 14 Ill. Adm. Code 630 Corridors of Opportunity Program (P-4987/88; A-4164)

56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)

47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)

14 Ill. Adm. Code 520 Enterprise Zone Program (P-4985)

14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-15249/88; A-2028)

14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)

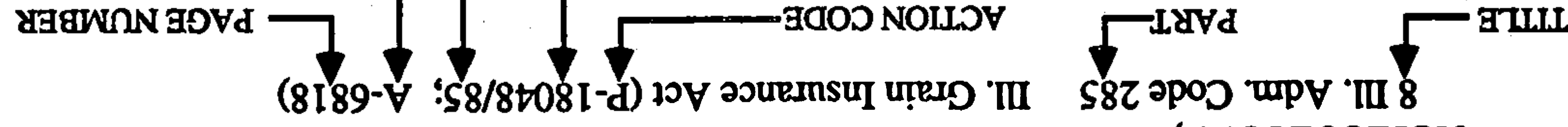
56 Ill. Adm. Code 2600 Labor-Management Program (P-14797/88; A-1758)

Small Business Impact Analysis Procedures (P-8511/88; A-8407) (P-4331) (E-4028)

JCAR - Joint Committee on Administrative Rules

ACTION CODES

- A - Adopted Rule
- AR - Adopted Repealer
- C - Notice of Corrections
- CC - Codification Changes
- E - Emergency Rule
- ER - Emergency Repealer
- M - Modification to meet JCAR objections
- O - JCAR Statement of Objections
- P - Proposed Rule
- PF - Prohibited Filing Ordered by JCAR
- PP - Peremptory or Court ordered Rules
- PR - Proposed Repealer
- R - Refusal to meet JCAR objection
- RC - Statement of Recommendation
- S - Suspension ordered by JCAR
- W - Withdrawal to meet JCAR objections



AGRICULTURE, DEPARTMENT OF

EXAMPLE:

AGING, DEPARTMENT ON 89 Ill. Adm. Code 240 Community Care Program (P-685) (P-10821/88; O-9594)

89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF 8 Ill. Adm. Code 255 Agrichemical Facilities (P-2571)

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)

8 Ill. Adm. Code 75 Animal Welfare Act (P-19164/88; A-3628)

8 Ill. Adm. Code 20 Bovine Brucellosis (P-19172/88; A-3636)

8 Ill. Adm. Code 85 Definitions (P-19178/88; W-2166)

8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598; A-10489) (P-17139/88; A-3653)

68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)

8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)

8 Ill. Adm. Code 90 Ill. Dead Animal Disposal Act (P-19201/88; A-3681)

8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-19218/88; A-3685)

8 Ill. Adm. Code 230 Ill. Seed Law (P-3511; A-10499) (E-4015)

68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)

8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2160) (P-19211/88; A-3696)

2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)

8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)

ILLINOIS REGISTER

VOL. 13, ISSUE #26

1989 CUMULATIVE INDEX

JUNE 30, 1989

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (CONT'D)

- 47 Ill. Adm. Code 1 Standard Grant Administrative Requirements (P-5002)
- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)
- 47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930) (P-4358)
- 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-4366) (P-5017)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 325 Charitable Contributions (PR-18021/88; AR-4648)
- 83 Ill. Adm. Code 215 Designation of Agent (P-18026/88; A-4650)
- 83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3; AR-8417)
- 83 Ill. Adm. Code 281 Energy Assistance (P-1647)
- 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665; O-9597)
- 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
- 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
- 83 Ill. Adm. Code 535 Least-Cost Planning for Natural Gas Utilities (P-9314/88; A-7331)
- 92 Ill. Adm. Code 1730 Imposition of Sanctions Including the Suspension or Revocation of Licenses &/or the Assessment of Civil Penalties (G.O. 3(R)) (P-9061)
- 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-9067)
- 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)
- 92 Ill. Adm. Code 1235 Practice Before the Independent Review Board (P-17045/88; A-4658)
- 92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
- 92 Ill. Adm. Code 1595 Rail Carrier Contract Rates (PR-20978/88; AR-7564) (P-20974/88; A-7566)
- 92 Ill. Adm. Code 1710 Relocation Towing (P-10)
- 83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
- 92 Ill. Adm. Code 1435 Sanctions Including Suspension or Revocation of Operating Authorities &/or the Assessment of Civil Penalties (G.O. 54(MC)) (P-9070)
- 83 Ill. Adm. Code 285 Standard Filing Requirements for Electric, Gas, Telephone, Water & Sewer Utilities in Filing for an Increase in Rates (G.O. 210) (P-5229)
- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)
- 83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-19563/88; A-7570) (P-9076)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182) (P-3517) (P-4087) (P-4394)

COMPTROLLER

- 74 Ill. Adm. Code 280 Public Radio & Television Station Grants (P-19259/88; A-4664) (P-5314)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213; A-10503)
- 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4399)
- 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878) (P-4417)
- 17 Ill. Adm. Code 730 Dove Hunting (P-2609; A-10513)
- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-3221; A-10525) (E-22244/88; O-3462) (P-8189)
- 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622; A-10567)
- 17 Ill. Adm. Code 930 Field Trials on Non-Department Owned or Managed Lands (P-3262; A-10572)
- 17 Ill. Adm. Code 870 Fish Stocking, Importation, &/or Possession of Aquatic Life (PR-3264; AR-10575)
- 17 Ill. Adm. Code 1560 Forest Fire Protection Districts Act (P-2626; A-10577)
- 17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268; A-10583)
- 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-20325/88; A-4179)

ILLINOIS REGISTER

VOL. 13, ISSUE #26

1989 CUMULATIVE INDEX

JUNE 30, 1989

CONSERVATION, DEPARTMENT OF (CONT'D)

- 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-20335/88; A-3755)
- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632; A-10589) (P-5087/88; A-12034/88; O-3468)
- 17 Ill. Adm. Code 220 North Point Marina (P-731; O-8125; RC-8128; M-9409; A-9269)
- 17 Ill. Adm. Code 230 North Point Marina Vendors (P-4430)
- 17 Ill. Adm. Code 970 Pigeon Shooting Permits (P-7518; C-10714)
- 17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-8741)
- 17 Ill. Adm. Code 110 Public Use of State Parks & Other Properties of the Department of Conservation (P-20363/88; A-3785)
- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273; A-10598)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690; A-8419)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641; A-10606)
- 17 Ill. Adm. Code 720 Taking of Wild Turkeys - Fall Archery Season, The (P-4435)
- 17 Ill. Adm. Code 715 Taking of Wild Turkeys - Fall Gun Season, The (P-7854)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-20993/88; A-5090; O-5796)
- 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow & Arrow (P-5052)
- 17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4442)
- 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail & Teal Hunting (P-4458)

CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979; A-6992)
- 20 Ill. Adm. Code 502 Safety, Maintenance & Sanitation (P-3528)
- 20 Ill. Adm. Code 501 Security (P-7181)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317; A-5926) (E-1605)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 25 Certification (P-8756)
- 23 Ill. Adm. Code 500 Educational Service Centers (P-1730)
- 23 Ill. Adm. Code 227 Gifted Education (P-4097)
- 23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766)
- 23 Ill. Adm. Code 451 Private Business & Vocational Schools (PR-9082) (P-9133)
- 23 Ill. Adm. Code 110 Program Accounting Manual (P-12625/88; A-7610)
- 23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)
- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-19266/88; O-3416; R-7815; A-7731)
- 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)
- 23 Ill. Adm. Code 254 Vocational Education (P-8777/88; A-8459)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319; A-7898)
- 2 Ill. Adm. Code 5200 Public Information, Rulemaking & Organization (A-7902)

ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 208 Constitutional Amendments & Statewide Questions of Public Policy (P-5317)
- 26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions (P-5322)
- 26 Ill. Adm. Code 207 Miscellaneous (P-5327)
- 26 Ill. Adm. Code 202 New Political Party Nominating Petitions (P-5339)

EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
- 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF	44 Ill. Adm. Code 535	Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)
	89 Ill. Adm. Code 1200	Program Content & Guidelines for Division of Services for Crippled Children (P-20613/88; A-9283)
INSURANCE, DEPARTMENT OF	50 Ill. Adm. Code 301	Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)
	50 Ill. Adm. Code 401	Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)
	50 Ill. Adm. Code 6302	Definition of Salary (P-15269/88; A-3801)
	50 Ill. Adm. Code 2502	Fees for Various Certificates Under Section 408 (PR-2234)
	50 Ill. Adm. Code 601	Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
	50 Ill. Adm. Code 919	Improper Claims Practice (P-15353/88; C-17456/88; A-1204)
	50 Ill. Adm. Code 2012	Long-Term Care Insurance (P-9181)
	50 Ill. Adm. Code 2008	Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251; A-8520) (E-586; O-3471)
	50 Ill. Adm. Code 6701	Notice of Eligibility (P-17617/88; A-5951)
	50 Ill. Adm. Code 6301	Pension & Examination Procedure (P-14502/88; A-1780)
	50 Ill. Adm. Code 754	Rules & Rate Filings (P-2057/88; A-1542)
	50 Ill. Adm. Code 201	Subordinated Indebtedness (P-2909)
	50 Ill. Adm. Code 2801	Supplus Line Business Requirements (P-3531)
	50 Ill. Adm. Code 2011	Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-13558/88; A-3804)
INVESTMENT, ILLINOIS STATE BOARD OF	80 Ill. Adm. Code 2700	State (of Ill.) Employees' Deferred Compensation Plan (P-253; A-9308) (E-629)
LABOR, DEPARTMENT OF	56 Ill. Adm. Code 350	Health & Safety (P-5839) (P-15272/88; W-6819)
LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL	80 Ill. Adm. Code 1125	Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
	80 Ill. Adm. Code 1100	General Procedures (P-1327)
	80 Ill. Adm. Code 1105	Hearing Procedures (P-1335)
	80 Ill. Adm. Code 1110	Representation Procedures (P-1355)
	80 Ill. Adm. Code 1120	Unfair Labor Practice Proceedings (P-1379)
LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL	2 Ill. Adm. Code 2500	Public Information, Rulemaking & Organization (A-22210/88; CC-2883)
LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD, ILLINOIS	20 Ill. Adm. Code 1720	Ill. Police Training Act (P-9641)
LOCAL RECORDS COMMISSION OF COOK COUNTY	44 Ill. Adm. Code 4500	Local Records Commission of Cook County (P-7860; C-10715)
LOTTERY, DEPARTMENT OF	11 Ill. Adm. Code 1770	Lottery (General) (P-10298/88; O-3419; R-8116; A-7908) (PR-10331/88; AR-7906)
MENTAL HEALTH & DEVELOPMENTAL DISABILITIES, DEPARTMENT OF	59 Ill. Adm. Code 106	Services Charges (P-18087/88; A-3821)
	59 Ill. Adm. Code 112	Treatment (P-8208)

EMPLOYMENT SECURITY, DEPARTMENT OF	56 Ill. Adm. Code 2725	Administrative Hearings & Appeals (P-5344)
	56 Ill. Adm. Code 2905	Alien Status (P-2229)
	56 Ill. Adm. Code 2720	Claims, Adjudication, Appeals & Hearings (P-5362)
	56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-743)
	56 Ill. Adm. Code 2920	Disqualifying Income & Reduced Benefits (P-17592/88; A-1773) (P-22295/88; A-5936)
	56 Ill. Adm. Code 2732	Employment (P-1945; A-8864)
	56 Ill. Adm. Code 2712	General Applications (P-15257/88; O-22482/88; R-965; A-795)
	56 Ill. Adm. Code 2960	General Provisions (P-17; A-5940)
	56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-752) (P-5375)
ENVIRONMENTAL PROTECTION AGENCY	2 Ill. Adm. Code 1826	Access to Information of the Ill. Environmental Protection Agency (CC-9497)
	35 Ill. Adm. Code 378	Effluent Disinfection Exemptions (P-12753/88; A-1190)
	35 Ill. Adm. Code 661	General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
	35 Ill. Adm. Code 283	General Procedures for Stock Testing (PR-16365/8; AR-9501)
	35 Ill. Adm. Code 183	Joint Rules of the Environmental Protection Agency & the Department of Public Health: Certification & Operation of Environmental Laboratories (P-7522)
	35 Ill. Adm. Code 260	Policy for Granting Permission to Operate During Periods of Excess Emissions (PR-16336/88; AR-9503)
	35 Ill. Adm. Code 251	Procedures for Collection of Air Pollution Site Fees (E-955) (P-19825/88; A-8867)
	2 Ill. Adm. Code 1827	Procedures for Determining and Protecting Confidential Information (CC-9509)
	35 Ill. Adm. Code 161	Procedures for Determining and Protecting Confidential Information (P-16343/88; A-9505)
	35 Ill. Adm. Code 365	Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-18030/88; RC-5798; A-7351)
	35 Ill. Adm. Code 277	Procedures for Measuring Emissions of Carbon Monoxide from Stationary Sources (PR-16346/88; AR-9513)
	35 Ill. Adm. Code 263	Procedures for Measuring Emissions of Particulate Matter from Stationary Sources (PR-16352/88; AR-9515)
	35 Ill. Adm. Code 858	Procedures for Operation of the Non-Hazardous Solid Waste Fee System (A-5945)
	35 Ill. Adm. Code 285	Self-Monitoring & Reporting by Sources of Air Pollution (PR-16365/88; AR-9517)
EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD	77 Ill. Adm. Code 2800	Transplantation Program (P-6856)
FARM DEVELOPMENT AUTHORITY, ILLINOIS	8 Ill. Adm. Code 1400	Ill. Farm Development Authority (P-5545/88; A-2440)
FINANCIAL INSTITUTIONS, DEPARTMENT OF	38 Ill. Adm. Code 190	Ill. Credit Union Act (P-14097/88; O-22489/88; R-966; A-3793) (P-4107)
FIRE MARSHAL, OFFICE OF THE STATE	41 Ill. Adm. Code 100	Fire Prevention & Safety (E-582) (P-1323)
	41 Ill. Adm. Code 180	Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875; O-5807)
	41 Ill. Adm. Code 170	Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886) (A-5669) (A-774) (A-8515) (A-8875)
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS	77 Ill. Adm. Code 2510	Data Collection (P-13694/88; A-334) (P-8198)
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	47 Ill. Adm. Code 350	Low Income Housing Tax Credit Allocation (P-15265/88; A-5947)
	47 Ill. Adm. Code 360	Mortgage Credit Certificates (P-19603/88; O-8131)

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RACING BOARD, ILLINOIS (CONT'D)

11 Ill. Adm. Code 417 Pick Six Rules (E-1899; O-5811) (P-1979)
11 Ill. Adm. Code 404 Race Track Improvement Fund (P-13936/88; A-7440)
11 Ill. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)
11 Ill. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)

RECORDS COMMISSION, STATE

44 Ill. Adm. Code 4400 State Records Commission (P-44; A-7444)

REGENTS, BOARD OF

44 Ill. Adm. Code 525 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)
44 Ill. Adm. Code 526 Procurement from Minority & Female Owned Business Enterprises (P-2746)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 510 Administrative Reviews & Hearings (PR-3020)
89 Ill. Adm. Code 870 Applicant Assistance Unit, The (P-8379)
89 Ill. Adm. Code 557 Application (P-5914)
89 Ill. Adm. Code 510 Appeals & Hearings (P-3036)
89 Ill. Adm. Code 520 Authorization (P-6911/88; A-5149)
89 Ill. Adm. Code 562 Client Financial Participation (P-4685/88; A-2866)
89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)

89 Ill. Adm. Code 825 Definition of Terms (P-13941/88; A-7958)

89 Ill. Adm. Code 843 Disability Case Development Process (P-15015/88; A-4298)

89 Ill. Adm. Code 693 Disposition of Application (P-8384)

89 Ill. Adm. Code 552 Eligibility (P-52; W-4309) (P-277; A-9576)

89 Ill. Adm. Code 765 Establishment & Administration of Special Education, The (P-13948/88; A-5154)

89 Ill. Adm. Code 525 Grants & Contracts (P-14117/88; A-9580)

89 Ill. Adm. Code 712 Homemaker Contracts (P-10377/88; A-10643)

89 Ill. Adm. Code 850 Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)

89 Ill. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)

89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria (P-15023/88; A-5158)

89 Ill. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-4152) (P-13952/88; A-8911)

89 Ill. Adm. Code 607 Other Services (P-56; A-9586) (E-225; O-3478)

89 Ill. Adm. Code 622 Post-Employment Services (P-8387)

89 Ill. Adm. Code 675 Program Description (P-13956/88; A-6768)

2 Ill. Adm. Code 1175 Public Information, Rulemaking, Department Organization (A-8604)

89 Ill. Adm. Code 700 Responsibility for Special Education (P-20431/88; A-9329)

89 Ill. Adm. Code 700 Service Plan Development (P-10409/88; A-3101)

89 Ill. Adm. Code 845 Sequential Evaluation Process for the Determination of Disability (P-4641)

89 Ill. Adm. Code 829 Sex Equity (P-5990/88; A-5755)

89 Ill. Adm. Code 567 Similar Benefits (P-281; A-9590) (P-10175)

89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568) (P-7212)

89 Ill. Adm. Code 895 Total Life Planning Program (P-3310)

89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)

89 Ill. Adm. Code 650 Vending Stand Program for the Blind (P-15520/89; A-7465)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 425 Alcoholic Liquor - - Hearings (PR-19976/88; AR-6780)
86 Ill. Adm. Code 180 Automobile Renting Occupation Tax (P-11056/88; A-9332)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 200 Alcoholism & Intoxication Treatment Programs (PR-17673/88; A-4681)

77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6564/88; A-2768) (P-8824)

77 Ill. Adm. Code 665 Child Health Examination (P-8840)

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249) (P-19327/88; A-4285)

77 Ill. Adm. Code 694 College Immunization Code (P-5491)

77 Ill. Adm. Code 535 Emergency Medical Services (P-4126) (P-4500)

77 Ill. Adm. Code 910 Field Sanitation Rules (P-8282)

77 Ill. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819) (P-6888)

77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-7875)

77 Ill. Adm. Code 710 III. Alzheimer's Disease & Related Disorders Assistance Code (P-6913)

77 Ill. Adm. Code 490 III. Blood Bank Code (P-2974)

77 Ill. Adm. Code 790 III. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856) (E-3108) (P-20411/88; A-8890; C-10717)

77 Ill. Adm. Code 890 III. Plumbing Code (P-4543)

77 Ill. Adm. Code 540 III. Trauma Center Code (P-4616)

77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-21621/88; A-6040) (P-8293)

35 Ill. Adm. Code 190 Joint Rules of the Environmental Protection Agency and the Department of Public Health; Certification & Operation of Environmental Laboratories (P-7561)

77 Ill. Adm. Code 245 Licensure of Home Health Agencies, The (P-10007)

77 Ill. Adm. Code 390 Long Term Care for Under Age 22 Facilities Code (P-21064/88; A-6301) (P-8315)

77 Ill. Adm. Code 240 Minimum Health Care Standards for Health Maintenance Organizations (P-10028)

77 Ill. Adm. Code 600 Minimum Qualifications for Public Health Personnel Employed by Full-Time Local Health Departments (P-10035)

77 Ill. Adm. Code 661 Newborn Metabolic Screening & Treatment Code (P-3599)

77 Ill. Adm. Code 698 Petusis Vaccine Pamphlet Code (P-7194)

68 Ill. Adm. Code 750 Plumbers (PR-6934)

68 Ill. Adm. Code 750 Plumbers Licensing Code (P-6949)

77 Ill. Adm. Code 650 Program Content & Guidelines for Maternal & Child Health Services (P-10060)

77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services (P-5505)

77 Ill. Adm. Code 615 Program Standards for Local Health Departments (P-10137)

77 Ill. Adm. Code 700 Renal Diseases Program for Care and Treatment Code (P-12777/88; A-10634)

77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987; W-8123)

77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830) (P-6964)

77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (PR-7265/88; AR-2517)

77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (PR-7272/88; A-2502)

77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-21893/88; A-6562) (P-8336)

77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-21333/88; A-4684) (P-13581/88; A-5134) (P-8347)

77 Ill. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)

77 Ill. Adm. Code 542 Trauma Nurse Specialist Course Code (P-4544/88; A-3086)

77 Ill. Adm. Code 1150 Certificate of Need for Health Maintenance Organizations (PR-5580)

77 Ill. Adm. Code 1100 Narrative & Planning Policies (P-5596)

77 Ill. Adm. Code 1110 Processing, Classification Policies & Review Criteria (P-5619)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)

11 Ill. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)

11 Ill. Adm. Code 437 County Fair Regs. (P-1099; O-5802; R-7484; A-7435)

11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562) (P-18105/88; A-4931)

11 Ill. Adm. Code 509 Medication Rules (P-10171)

11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)

REVENUE, DEPARTMENT OF (CONT'D)

86 Ill. Adm. Code 210	Board of Appeals (P-11060/88; A-6782)
86 Ill. Adm. Code 440	Cigarette Tax Act (P-11063/88; A-10678)
86 Ill. Adm. Code 445	Cigarette Tax Act - - Hearings (PR-19981/88; AR-6785)
86 Ill. Adm. Code 450	Cigarette Use Tax Act (P-11071/88; A-10687)
86 Ill. Adm. Code 455	Cigarette Use Tax Act - - Hearings (PR-19987/88; AR-6787)
86 Ill. Adm. Code 600	County Supplementary Retailers' Occupation Tax (P-1448; A-9336)
86 Ill. Adm. Code 600	County Supplementary Retailers' Occupation Tax Regs. (P-1448)
86 Ill. Adm. Code 610	County Supplementary Service Occupation Tax (P-1460; A-9348)
86 Ill. Adm. Code 610	County Supplementary Service Occupation Tax Regs. (P-1460)
86 Ill. Adm. Code 620	County Supplementary Use Tax (P-1468; A-9357)
86 Ill. Adm. Code 620	County Supplementary Use Tax Regs. (P-1468)
86 Ill. Adm. Code 630	County Water Commission Retailers' Occupation Tax (P-1473; A-9362)
86 Ill. Adm. Code 630	County Water Commission Retailers' Occupation Tax Regs. (P-1473)
86 Ill. Adm. Code 640	County Water Commission Service Occupation Tax (P-1485; A-9374)
86 Ill. Adm. Code 640	County Water Commission Service Occupation Tax Regs. (P-1485)
86 Ill. Adm. Code 650	County Water Commission Use Tax (P-1493; A-9383)
86 Ill. Adm. Code 650	County Water Commission Use Tax Regs. (P-1493)
86 Ill. Adm. Code 480	Hotel Operator's Occupation Tax Act (P-11077/88; A-10693)
86 Ill. Adm. Code 100	Income Tax Regs. (P-768; A-8917) (P-2383)
86 Ill. Adm. Code 200	Practice & Procedure for Hearings Before the Ill. Department of Revenue (P-19993/88; A-6789)
86 Ill. Adm. Code 110	Property Tax/Revenue Act of 1939 (P-20007/88; A-6803) (P-22373/88; A-7469)
86 Ill. Adm. Code 432	Pull Tabs & Jar Games Act (P-15027/88; A-191)
86 Ill. Adm. Code 200	Retailers' Occupation Tax Hearings (PR-20012/88; AR-6808)
86 Ill. Adm. Code 130	Retailers' Occupation Tax Regs. (P-8391)
86 Ill. Adm. Code 530	Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)
86 Ill. Adm. Code 140	Service Occupation Tax (P-11108/88; A-9388) (P-10179)
86 Ill. Adm. Code 160	Service Use Tax (P-11119/88; A-9399)
86 Ill. Adm. Code 525	Tax Increment Allocation Financing (E-5788; O-9607)
86 Ill. Adm. Code 150	Use Tax Regs. (P-7215)
86 Ill. Adm. Code 151	Vehicle Use Tax Regs. (P-1498)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR

38 Ill. Adm. Code 400	Ill. Savings & Loan Act of 1985 (P-1985; A-8927)
-----------------------	--

SCHOLARSHIP COMMISSION, STATE

23 Ill. Adm. Code 1700	General Provisions (P-18110/88; A-8626)
23 Ill. Adm. Code 1720	Guaranteed Loan Programs (P-15047/88; A-2872) (P-18114/88; RC-5805; A-8630)
23 Ill. Adm. Code 1762	Paul Douglas Teacher Scholarship Program (P-18134/88; A-8650)
23 Ill. Adm. Code 1760	State Scholar Program (P-18138/88; A-8654)

SECRETARY OF STATE

92 Ill. Adm. Code 1040	Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593) (P-17259/88; A-5162) (P-19636/88; A-7802) (P-20760/88; A-8659) (P-9490) (P-10216)
92 Ill. Adm. Code 1010	Certificates of Title, Registration of Vehicles (P-1103; A-7965) (P-16432/88; A-1598) (P-19642/88; A-5173) (P-5655)
92 Ill. Adm. Code 1003	Collection of Fees (P-20019/88; O-3454; RC-3458; R-7150; A-7048)
14 Ill. Adm. Code 177	Credit Services Organizations (P-20434/88; A-4937)
92 Ill. Adm. Code 1020	Dealers, Wreckers, Transporters & Rebuilders (P-5665)
92 Ill. Adm. Code 1000	General Rules, Definitions (P-3316) (P-17269/88; A-5185)
23 Ill. Adm. Code 3030	Ill. Library System Act, The (P-12180/88; A-1244)
92 Ill. Adm. Code 1030	Issuance of Licenses (P-2395) (P-2753) (P-3324) (P-3611) (P-17275/88; A-5192) (P-20768/88; A-7808) (P-7892)
14 Ill. Adm. Code 176	Notary Public Records (P-17770/89; A-5197)

SECRETARY OF STATE (CONT'D)

92 Ill. Adm. Code 1001	Procedures & Standards (P-7229)
92 Ill. Adm. Code 1019	Remittance Agents (P-19652/88; A-4944)

SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540	Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)
-----------------------	--

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295	Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)
20 Ill. Adm. Code 1240	Law Enforcement Agencies Data System (LEADS) (P-22127/88; A-8961)

STATE POLICE MERIT BOARD, DEPARTMENT OF

80 Ill. Adm. Code 150	Procedures of the Department of State Police Merit Board (P-16438/88; A-5201)
-----------------------	---

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 177	Carriage by Public Highway (P-20027/88; A-3957)
92 Ill. Adm. Code 10	Disadvantaged, Minority & Woman-Owned Businesses (P-19365/88; A-3962)
92 Ill. Adm. Code 545	Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111; RC-8141)
92 Ill. Adm. Code 708	Floodway Construction in Northeastern Ill. (P-1503; A-8667)
92 Ill. Adm. Code 171	General Information, Regs., & Definitions (P-20032/88; A-3984)
92 Ill. Adm. Code 172	Hazardous Materials Table & Hazardous Materials Communications (P-20040/88; A-3993)
92 Ill. Adm. Code 448	Official Testing Stations (P-1127; A-7973)
92 Ill. Adm. Code 96	Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-3384)
92 Ill. Adm. Code 518	Relocation Assistance & Payments Program (PP-7057)
92 Ill. Adm. Code 173	Shippers General Requirements for Shipments & Packagings (P-20055/88; A-3998)
92 Ill. Adm. Code 178	Shipping Container Specifications (P-20045/88; A-4004)
92 Ill. Adm. Code 452	Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881) (PR-10222)
92 Ill. Adm. Code 451	Vehicle Inspections (P-16536/88; W-2882) (P-10311)
92 Ill. Adm. Code 534	Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 9, 1989	239
March 1, 1989	2548
April 5, 1989	4310
May 9, 1989	7155
June 6, 1989	8709

Second Notices Received

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501, 4056, 4321, 4958, 5211, 5820, 6820, 7165, 7504, 7819, 8172, 8717, 9037, 9411, 9620, 10719
--

PUBLIC HEARINGS ON PROPOSED RULES

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival & Amusement Ride Inspection Law	8145
------------------------	--	------

ELECTIONS, STATE BOARD OF

26 Ill. Adm. Code 208	Constitutional Amendments & Statewide Questions of Public Policy	7151
-----------------------	--	------

PUBLIC HEARINGS ON PROPOSED RULES (CONTD.)

ELECTIONS, STATE BOARD OF (CONTD.)

26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions
26 Ill. Adm. Code 207 Miscellaneous
26 Ill. Adm. Code 202 New Political Party Nominating Petitions

7152
7153
7154
2168

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100 Fire Prevention & Safety

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 615 Standards for Existing Activities Located Within a Seback Zone or Regulated
35 Ill. Adm. Code 616 Standards for New Activities Located Within a Seback Zone or Regulated

5814
5816

PROFESSIONAL REGULATION, DEPARTMENT OF

68 Ill. Adm. Code 1400 Psychologist Registration Act

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks
77 Ill. Adm. Code 694 College Immunization Code
77 Ill. Adm. Code 694 College Immunization Code
77 Ill. Adm. Code 750 Food Service Sanitation Code
77 Ill. Adm. Code 750 Food Service Sanitation Code
77 Ill. Adm. Code 490 Ill. Blood Bank Code
77 Ill. Adm. Code 698 Pertussis Vaccine Pamphlet Code
68 Ill. Adm. Code 750 Plumbers Licensing Code
77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services
77 Ill. Adm. Code 760 Retail Food Service Sanitation Code

2545
5818
7485
7487
3199
7489
7491
7493
7495

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF
Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Bankers Truistshares, Inc., Quincy, Illinois
Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois
Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Midwest Financial Group, Inc.
Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank
Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg

4055
2169
10718
1627
968
7816
7817

EDUCATION LOAN AUTHORITY, ILLINOIS INDEPENDENT HIGHER

23 Ill. Adm. Code 1960 Bond Issue Fees
2 Ill. Adm. Code 5250 Public Information, Rulemaking & Organization

LABOR, DEPARTMENT OF
List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project
List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project

3201
3202
7818

RACING BOARD, ILLINOIS

11 Ill. Adm. Code Race Track Improvement Fund

CI - 13

PUBLIC INFORMATION (CONTD.)

REVENUE, DEPARTMENT OF

Index of Letter Rulings (Fourth Quarter of 1988) (ROT)
Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax)
Index of Letter Rulings (First Quarter of 1989) (ROT)

2170
3481
8146
8674

REGULATORY AGENCY

AGING, DEPARTMENT ON

89 Ill. Adm. Code 230 Older Americans Act Programs

3197

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 515 Advisory Councils
89 Ill. Adm. Code 540 Auxiliary Aids
89 Ill. Adm. Code 885 Centers for Independent Living
89 Ill. Adm. Code 730 Ill. Visually Handicapped Institute
89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria
89 Ill. Adm. Code 700 Service Plan Development
89 Ill. Adm. Code 650 Vending Facility Program for the Blind

7497
7498
7499
7500
7501
7502
7503

EXECUTIVE ORDERS

89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities
Executive Order Creating A Science & Technology Advisor to the Governor

2212
4960

PROCLAMATIONS

89-001 James R. Wolfe's Memorial Award Day
89-002 Chicago Opera Theater Week
89-003 American History Month
89-004 Congratulates Frank R. Adams
89-005 Vocational Education Week
89-006 Volunteer Connection Day
89-007 Cerebral Palsy Month
89-008 Four Chaplains Sunday
89-009 Homemakers Extension Association Week
89-010 Ill. Trail Appreciation Month
89-010 Ill. Trail Appreciation Month (Revised)
89-011 School Social Work Week
89-012 American Savings & Loan/100th Anniversary
89-013 Center For Children's Services Day
89-014 Child Find Month
89-015 Jaycee Week
89-016 Commissioned Corps of the United States Public Health Service Day
89-017 Ill. Salutes India Month
89-018 Junior Achievement Week
89-019 Kwanzaa Week
89-020 Land Surveyors' Month
89-021 Smiles for Little City Days
89-022 Chicago Advertising Woman of the Year Week
89-023 Dr. Martin Luther King Day

669
670
671
672
673
674
675
676
677
678
1277
679
680
681
682
683
684
971
972
973
974
975
976
977

CI - 14

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PROCLAMATIONS (CONT'D)

89-184	Enterosional Therapy Nurses Day	5223
89-185	Nurses' Week	5224
89-186	Bird Appreciation Week	5822
89-187	Stamp Collecting Week	5823
89-188	Stephen A. Forbes Biological Station Day	5824
89-189	Youth Workout Day	5825
89-190	Disabled American Veterans' Days	5826
89-191	Plant a Living Legacy, a Continuing Dedication	5827
89-192	All Presidents Day	5828
89-193	Better Hearing & Speech Month	5829
89-194	Manufactured Housing Week	5830
89-195	Asian American Heritage Month	5831
89-196	City of Hope Day	5832
89-197	Korean War Veteran Day	5833
89-198	Medical Research Days	5834
89-199	Police Memorial Day/National Police Week/National Police Memorial Day	5835
89-200	Exceptional Children's Week	5836
89-201	Foster Parent Month	5837
89-202	Martine Day	6824
89-203	Mothers' Day	6835
89-204	Senior Citizens' Center of Oak Park & River Forest Day	6836
89-205	Adopt-A-Cop Month	6837
89-206	Insurance Agents Week	6838
89-207	Nurses Week at Edward Hines, Jr. VA Hospital	6839
89-208	Take Your Hats Off to Transit Day	6840
89-209	Unclaimed Property Week	6841
89-210	Correctional Officer Week	6842
89-211	Productivity & Quality Improvement Month	6843
89-212	Week of the High Risk Child	6844
89-213	De La Salle Day	6845
89-214	Salvation Army Week	7167
89-215	American G.I. Forum Days	6846
89-216	Carol Fowler Day	6847
89-217	Estate Planning Day	6848
89-218	International Museum Day	6849
89-219	Organ & Tissue Donor Awareness Week	6850
89-220	Children's Memorial Institute of Education & Research Day	6851
89-221	James J. McCarthy Day	6852
89-222	Retired Teachers Week	6853
89-223	Student Service Corporation Vocational Education Day	6854
89-224	Buckle-Up America Week	6855
89-225	Hospital Day	6856
89-226	Ill. Bell Operator Day	6857
89-227	Ill. - USA Karate Federation Day	6858
89-228	Students Against Driving Drunk Month	6859
89-229	Heads & Collars Awareness Week	6860
89-230	Mental Health Month	6861
89-231	Victor Vasarely Week	7168
89-232	National Association of Insurance Women's Week	7169
89-233	Neurofibromatosis Awareness Week	7170
89-234	Firefighter Memorial Day	7171
89-235	Hull House Week	7172
89-236	Bartter Awareness Week	7173
89-237	Catholic Heritage Week	7174
89-238	Fishing Week	7175

PROCLAMATIONS (CONT'D)

89-130	Deputy Chief Gerald B. Creed Day	89-130
89-131	Lake & Watershed Management Month	89-131
89-132	Student Athletic Day	89-132
89-133	Cortu-Tasy Gyros, Inc. Day	89-133
89-134	Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi	89-134
89-135	Ted Liss Day	89-135
89-136	New Homes Month	89-136
89-137	Queen Isabella Day	89-137
89-138	Coin Week	89-138
89-139	Hyde Park Art Center Day	89-139
89-140	Job's Daughters Week	89-140
89-141	Medical Assistants' Week	89-141
89-142	Rural Electric Youth Day	89-142
89-143	Special Olympics Week	89-143
89-144	Ill. Historical Library Month	89-144
89-145	Victim Rights Week	89-145
89-146	Welcome Home Chuck Marshall Day	89-146
89-147	James & Sybil Stockdale Day	89-147
89-148	Design-Drafting Week	89-148
89-149	Belarusian Independence Day	89-149
89-150	Child Abuse Prevention Month	89-150
89-151	Earth Week	89-151
89-152	Grade Crossing Safety Week	89-152
89-153	Music Week	89-153
89-154	Small Business Week	89-154
89-155	Adopt-A-Cat Month	89-155
89-156	Child Support Awareness Day	89-156
89-157	Croatan Independence Day	89-157
89-158	Displaced Homemakers' Week	89-158
89-159	Food & Beverage Packaging Week	89-159
89-159	Food & Beverage Packaging Week (Revised)	89-159
89-160	Motorcycle Awareness Month	89-160
89-161	Older Americans Month	89-161
89-162	Public Service Recognition Week	89-162
89-163	Space Development Week	89-163
89-164	CMIM7 - Converting Machinery/Materials Day	89-164
89-165	Community Mental Health Services Week	89-165
89-166	Entrepreneur Achievement Week	89-166
89-167	Goodwill Industries Week	89-167
89-168	Nursing: The Heartbeat of Health Care Days In Chicago Day	89-168
89-169	Pan American Week	89-169
89-170	Credit Education Week	89-170
89-171	Dr. Jack L. Greider Day	89-171
89-172	Commemorates Warsaw Ghetto Uprising	89-172
89-173	Day of Prayer	89-173
89-174	Municipal Clerks Week	89-174
89-175	Subcontractors Month	89-175
89-176	Music in Our Schools Month	89-176
89-177	Centenarians Day	89-177
89-178	Student Council Leadership Week	89-178
89-179	Teacher Appreciation Week	89-179
89-180	The Year of Recognition for the Institute of Business Designers	89-180
89-181	Just Say No Day	89-181
89-182	Moscow-Chicago Theatre Exchange Week	89-182
89-183	Nursing Home Week	89-183

ILLINOIS REGISTER

VOL. 13, ISSUE #26

1989 CUMULATIVE INDEX

JUNE 30, 1989

PROCLAMATIONS (CONT'D)

89-239	Ill. Rivers Appreciation Month	8725
89-240	Transportation Week	8726
89-241	Water Quality Week	8727
89-242	A.H. Entertainers, Inc./50th Anniversary	8728
89-243	Congratulates Dr. Morton Goldberg	8729
89-244	Cornelia de Lange Awareness Day	8730
89-245	Gateway Day	8731
89-246	Golden Trumpets Day	8732
89-247	John H. Johnson Day	8733
89-248	Pharmaceutical Manufacturers Day	8734
89-249	React Month	8735
89-250	Israel Independence Day	9039
89-251	Lions Of Ill. Hearing Screening Day	9040
89-252	Ortho-Olympics Day	9041
89-253	Railroad Women's Day	9042
89-254	Wild Horse & Burro Week	9043
89-255	Congratulates Dorothy McConner	9044
89-256	Customer Service Week	9045
89-257	Father's Day	9046
89-258	Ill. Business Week	9047
89-258	Ill. Business Week (Revised)	9621
89-259	Odd Fellow-Rebekah Day	9048
89-260	Peer Pedersen Day	9049
89-261	Pest Control Month	9050
89-262	Safety Week	9051
89-263	U.S. Coast Guard Auxiliary Day	9052
89-264	Junior Olympics Days	9053
89-265	Criminal Justice Awareness Day	9054
89-266	Father Leo Enlow Day	9055
89-267	Ill. Marine Corps League Days	9056
89-268	Jeffrey Jackson Day	9057
89-269	U.S. Space Observance Days/Space Exploration Day	9058
89-270	Vocational Student Organization Week	9059
89-271	Sri Chinmoy Silver Jubilee Day	9413
89-272	St. Paul Federal Day	9414
89-273	Korea Unification Day	9415
89-274	Blood Donor Awareness Month	9416
89-275	Forgotten Eyes Day	9417
89-276	Talent-Linkage-Chicago Day	9418
89-277	Child Care Association Day	9419
89-278	Safe Boating Week	9420
89-279	Athletic Trainer Week	9622
89-280	Bells On Independence Day	9623
89-281	National Basketball Players Association/Little City Foundation Day	9624
89-282	National Black MBA Association Week	9625
89-283	Therapeutic Recreation Week	9626
89-284	Captive Nations Week	9627
89-285	Chicago Branch, Inc. Day	9628
89-286	Endangered Species Week	9629
89-287	Mid-America Regulatory Commissioners Days	9630
89-288	Springfield Municipal Opera Day	9631
89-289	Take Pride in America Month	9632
89-290	United States Customs Day	9633
89-291	Congratulates Grant Memorial A.M.E. Church	9634
89-292	Greek Heritage Week	9635

ILLINOIS REGISTER

VOL. 13, ISSUE #26

1989 CUMULATIVE INDEX

PROCLAMATIONS (CONT'D)

89-293	Handball Week	
89-294	Metropolitan Water Reclamation District/100th Year Of Founding	
89-295	Reverend Thomas E. Burr Appreciation Day	
89-296	Delta Sigma Theta Day	
89-297	Baltic Freedom Day	
89-298	Lighthouse Day	
89-299	Serbian-American Heritage Days	
89-300	Southern View Day	

The Sections Affected Index lists, by title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. I Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to I Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	O	= JCAR Objection
cc	= codification changes	P	= Proposed rule
n	= new Section	PF	= Prohibited Filing
r	= repeal of existing Section	PP	= Peremptory rule
rc	= recodified	R	= Refusal to Modify or Withdraw
#	= renumbered	RC	= JCAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule
		M	= Modification

TITLE 1

300.100	n	(P-8511/88; A-8407)
300.200	n	(P-8511/88; A-8407)
300.300	n	(P-8511/88; A-8407)
300.400	n	(P-8511/88; A-8407)
300.Ap. A	n	(P-8511/88; A-8407)

TITLE 2

160.101	re	(A-9497)
160.102	re	(A-9497)
160.201	re	(A-9497)
160.202	re	(A-9497)
160.203	re	(A-9497)
160.301	re	(A-9497)
160.302	re	(A-9497)
160.303	re	(A-9497)
160.304	re	(A-9497)
160.305	re	(A-9497)
160.401	re	(A-9497)
160.402	re	(A-9497)
160.403	re	(A-9497)
160.404	re	(A-9497)
160.405	re	(A-9497)
160.406	re	(A-9497)
160.407	re	(A-9497)
160.501	re	(A-9497)
160.502	re	(A-9497)
160.503	re	(A-9497)
160.Ap. A	re	(A-9497)
160.Ap. B	re	(A-9497)
161.101	re	(A-9509)
161.102	re	(A-9509)

TITLE 2 (CONT'D)

161.202	re	(A-9509)
161.203	re	(A-9509)
161.204	re	(A-9509)
161.205	re	(A-9509)
161.301	re	(A-9509)
161.302	re	(A-9509)
161.303	re	(A-9509)
161.304	re	(A-9509)
161.401	re	(A-9509)
161.402	re	(A-9509)
161.403	re	(A-9509)
161.501	re	(A-9509)
161.502	re	(A-9509)
161.503	re	(A-9509)
161.504	re	(A-9509)
161.601	re	(A-9509)
161.602	re	(A-9509)
161.603	re	(A-9509)
161.604	re	(A-9509)
161.Ap. A	re	(A-9509)
161.Ap. D	am	(A-5066)
700.Ap. D	am	(A-5066)
850.15	n	(A-1510)
850.20	am	(A-1510)
850.30	am	(A-1510)
850.110	am	(A-1510)
850.120	am	(A-1510)
850.130	am	(A-1510)
850.205	n	(A-1510)
850.210	am	(A-1510)
850.220	am	(A-1510)
850.230	am	(A-1510)
850.240	am	(A-1510)

TITLE 2 (CONT'D)

850.Tb. A	am	(A-1510)
850.Tb. B	am	(A-1510)
850.Tb. C	am	(A-1510)
850.Tb. D	am	(A-1510)
850.Tb. E	am	(A-1510)
850.Tb. G	am	(A-1510)
850.Tb. H	am	(A-1510)
1076.110	am	(A-7940)
1076.200	am	(A-7940)
1076.210	am	(A-7940)
1076.300	am	(A-7940)
1076.410	am	(A-7940)
1076.Ap. A	r	(A-7940)
1076.Ap. B	am	(A-7940)
1101.500	am	(A-8885)
1101.Tb. B	am	(A-8885)
1175.100	am	(A-8604)
1175.200	am	(A-8604)
1175.210	am	(A-8604)
1175.220	am	(A-8604)
1175.230	am	(A-8604)
1175.240	am	(A-8604)
1175.250	am	(A-8604)
1175.270	am	(A-8604)
1175.280	am	(A-8604)
1175.II. A	am	(A-8604)
1175.II. B	am	(A-8604)
.Tb. A	am	(A-8604)
.Tb. B	am	(A-8604)
.Tb. C	am	(A-8604)
.Tb. D	am	(A-8604)
.Tb. E	am	(A-8604)
1826.101	re	(A-9497)
1826.102	re	(A-9497)
1826.201	re	(A-9497)
1826.202	re	(A-9497)
1826.203	re	(A-9497)
1826.301	re	(A-9497)
1826.302	re	(A-9497)
1826.303	re	(A-9497)
1826.304	re	(A-9497)
1826.305	re	(A-9497)
1827.101	re	(A-9509)
1827.102	re	(A-9509)
1827.201	re	(A-9509)
1827.202	re	(A-9509)
1827.203	re	(A-9509)
1827.204	re	(A-9509)
1827.205	re	(A-9509)
1827.301	re	(A-9509)
1827.302	re	(A-9509)
1827.303	re	(A-9509)
1827.304	re	(A-9509)
1827.401	re	(A-9509)
1827.402	re	(A-9509)

TITLE 2 (CONT'D)

1827.501	re	(A-9509)
1827.502	re	(A-9509)
1827.503	re	(A-9509)
1827.504	re	(A-9509)
1827.601	re	(A-9509)
1827.602	re	(A-9509)
1827.603	re	(A-9509)
1827.604	re	(A-9509)
1827.Ap. A	re	(A-9509)
5025.10	r	(A-3742)
5025.110	n	(A-3747)
5025.120	n	(A-3747)
5025.130	n	(A-3747)
5025.140	n	(A-3747)
5025.150	n	(A-3747)
5025.160	n	(A-3747)
5025.170	n	(A-3747)
5025.180	n	(A-3747)
5025.210	n	(A-3747)
5025.220	r	(A-3742)
5025.230	r	(A-3742)
5025.310	n	(A-3747)
5025.320	n	(A-3747)
5025.Ap. A	r	(A-3742)
5200.10	am	(A-7902)
20.1	am	(P-19178/88; W-2166)
25.20	am	(P-19164/88; A-3628)
25.30	am	(P-19164/88; A-3628)
25.50	am	(P-19164/88; A-3628)
25.130	am	(P-19164/88; A-3628)
75.5	am	(P-19172/88; A-3636)
75.190	am	(P-19172/88; A-3636)
80.10	am	(P-19196/88; A-3676)
80.20	am	(P-19196/88; A-3676)
80.110	am	(P-19196/88; A-3676)
85.5	am	(P-19185/88; A-3642)
85.10	am	(P-19185/88; A-3642)
85.15	am	(P-19185/88; A-3642)
85.50	am	(P-19185/88; A-3642)
85.75	am	(P-19185/88; A-3642)
90.10	am	(P-19201/88; A-3681)
90.110	am	(P-19201/88; A-3681)
105.5	am	(P-20309/88; A-3715)
105.10	am	(P-20309/88; A-3715)
105.30	am	(P-20309/88; A-3715)
110.50	am	(P-19153/88; A-3617)
110.80	am	(P-19153/88; A-3617)
110.90	am	(P-19153/88; A-3617)
110.110	am	(P-19153/88; A-3617)
110.120	am	(P-19153/88; A-3617)
115.10	am	(P-19218/88; A-3685)
115.20	am	(P-19218/88; A-3685)

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TITLE 23 (CONT'D)

451.70	n	(P-9133)
451.80	n	(P-9133)
451.90	n	(P-9133)
451.100	n	(P-9133)
451.110	r	(P-9082)
451.110	n	(P-9133)
451.120	r	(P-9082)
451.120	n	(P-9133)
451.130	r	(P-9082)
451.140	r	(P-9082)
451.150	r	(P-9082)
451.155	-	(P-9082)
451.160	-	(P-9082)
451.170	-	(P-9082)
451.175	r	(P-9082)
451.180	-	(P-9082)
451.185	-	(P-9082)
451.190	-	(P-9082)
451.195	r	(P-9082)
451.200	n	(P-9133)
451.210	r	(P-9082)
451.210	n	(P-9133)
451.220	r	(P-9082)
451.230	n	(P-9133)
451.230	r	(P-9082)
451.230	n	(P-9133)
451.240	r	(P-9082)
451.240	n	(P-9133)
451.250	r	(P-9082)
451.250	n	(P-9133)
451.260	r	(P-9082)
451.260	n	(P-9133)
451.270	r	(P-9082)
451.270	n	(P-9133)
451.280	n	(P-9133)
451.290	n	(P-9133)
451.300	n	(P-9133)
451.310	r	(P-9082)
451.320	r	(P-9082)
451.330	r	(P-9082)
451.340	r	(P-9082)
451.350	r	(P-9082)
451.360	r	(P-9082)
451.370	r	(P-9082)
451.380	r	(P-9082)
451.390	r	(P-9082)
451.400	n	(P-9133)
451.410	r	(P-9082)
451.420	r	(P-9082)
451.420	n	(P-9133)
451.430	r	(P-9082)
451.430	n	(P-9133)
451.440	r	(P-9082)

TITLE 23 (CONT'D)

110.Tp. B	am	(P-12625/88; A-7610)
110.Tp. C	am	(P-12625/88; A-7610)
110.Tp. D	am	(P-12625/88; A-7610)
120.10	am	(P-19266/88; A-7731)
120.60	am	(P-19266/88; A-7731)
120.110	am	(P-19266/88; A-7731)
120.130	n	(P-19266/88; O-3416; R-7815; A-7731)
120.200	am	(P-19266/88; A-7731)
120.210	am	(P-19266/88; A-7731)
120.235	n	(P-19266/88; A-7731)
210.10	am	(P-8766)
210.100	am	(P-8766)
210.110	am	(P-8766)
210.120	am	(P-8766)
210.130	am	(P-8766)
210.140	am	(P-8766)
210.150	am	(P-8766)
210.210	am	(P-8766)
210.220	am	(P-8766)
227.10	am	(P-4097)
227.12	n	(P-4097)
227.14	n	(P-4097)
227.16	n	(P-4097)
227.18	n	(P-4097)
227.30	am	(P-4097)
227.40	am	(P-4097)
230.10	am	(P-12747/88; A-1535)
230.30	am	(P-12747/88; A-1535)
230.60	am	(P-12747/88; A-1535)
254.310	am	(A-8459)
254.340	am	(P-8777/88; A-8459)
254.370	am	(P-8777/88; A-8459)
254.390	am	(P-8777/88; A-8459)
254.610	am	(P-8777/88; A-8459)
254.620	r	(P-8777/88; A-8459)
254.2130	am	(P-8777/88; A-8459)
254.2230	am	(P-8777/88; A-8459)
254.2235	n	(P-8777/88; A-8459)
254.2245	n	(P-8777/88; A-8459)
254.2310	am	(P-8777/88; A-8459)
254.2320	am	(P-8777/88; A-8459)
254.2330	am	(P-8777/88; A-8459)
254.2340	am	(P-8777/88; A-8459)
254.2350	am	(P-8777/88; A-8459)
275.90	am	(P-12745/88; A-1532)
451.10	r	(P-9082)
451.10	n	(P-9133)
451.20	r	(P-9082)
451.20	n	(P-9133)
451.30	r	(P-9082)
451.30	n	(P-9133)
451.40	n	(P-9133)
451.50	n	(P-9133)
451.60	n	(P-9133)

TITLE 17 (CONT'D)

1070.20	n	(P-8741)
1070.30	n	(P-8741)
1070.40	n	(P-8741)
1070.50	n	(P-8741)
1070.60	n	(P-8741)
1070.70	n	(P-8741)
1070.80	n	(P-8741)
1070.80	n	(P-8741)
1560.10	n	(P-2626)
1560.20	n	(P-2626)
1560.30	n	(P-2626)
1560.40	n	(P-2626)
1560.50	n	(P-2626)
1560.60	n	(P-2626)
1560.70	n	(P-2626)
1560.80	n	(P-2626)
1560.90	n	(P-2626)
1590.110	am	(P-2622)
1590.120	am	(P-2622)
2030.20	am	(P-4417)
2030.30	am	(P-4417)
2030.40	am	(P-4417)
2030.50	am	(P-4417)
2030.60	n	(E-2878) (P-4417)
507.170	r	(P-979; A-6992)
507.180	n	(P-7181)
507.40	am	(P-3528)
1240.40	am	(P-22127/88; A-8961)
1295.10	n	(P-17064/88; A-1856)
1295.20	n	(P-17064/88; A-1856)
1295.30	n	(P-17064/88; A-1856)
1295.40	n	(P-17064/88; RC-1270; A-1856)
1295.50	n	(P-17064/88; RC-1270; A-1856)
1295.60	n	(P-17064/88; RC-1270; A-1856)
1295.70	n	(P-17064/88; RC-1270; A-1856)
1295.80	n	(P-17064/88; A-1856)
1295.80	n	(P-17064/88; A-1856)
1520.10	am	(P-1317; A-5926) (E-1605)
1520.46	n	(P-1317; A-5926) (E-1605)
1520.50	am	(P-1317; A-5926) (E-1605)
1610.70	am	(P-4774/88; A-3063)
25.90	am	(P-8756)
110.10	am	(P-12625/88; A-7610)
110.20	am	(P-12625/88; A-7610)
110.30	am	(P-12625/88; A-7610)
110.40	am	(P-12625/88; A-7610)
110.50	am	(P-12625/88; A-7610)
110.60	am	(P-12625/88; A-7610)
110.70	am	(P-12625/88; A-7610)
110.80	am	(P-12625/88; A-7610)
110.90	am	(P-12625/88; A-7610)
110.110	am	(P-12625/88; A-7610)
110.Tp. A	am	(P-12625/88; A-7610)

TITLE 17 (CONT'D)

650.50	am	(P-4442)
650.60	am	(P-4442)
670.20	am	(P-5052)
670.30	am	(P-5052)
670.40	am	(P-5052)
670.50	am	(P-5052)
670.55	am	(P-5052)
670.60	am	(P-5052)
690.30	am	(P-2641)
710.10	am	(P-20993/88; A-5090)
710.20	am	(P-20993/88; A-5090; O-5796)
710.50	am	(P-20993/88; A-5090)
715.10	n	(P-7854)
715.20	n	(P-7854)
715.30	n	(P-7854)
715.40	n	(P-7854)
720.10	am	(P-4435)
720.20	am	(P-4435)
720.40	am	(P-4435)
730.20	am	(P-2609)
730.30	am	(P-2609)
740.10	am	(P-4458)
740.20	am	(P-4458)
810.30	am	(P-1690; A-8419)
810.40	am	(P-1690; A-8419)
810.70	am	(P-1690; A-8419)
870.10	r	(P-3264)
870.10	n	(P-3213)
870.15	r	(P-3264)
870.20	r	(P-3213)
870.30	n	(P-3213)
870.30	r	(P-3264)
870.40	n	(P-3213)
870.50	n	(P-3213)
870.60	n	(P-3213)
870.70	n	(P-3213)
930.45	am	(P-3262)
960.10	n	(P-7515)
960.20	n	(P-7515)
960.30	n	(P-7515)
960.40	n	(P-7515)
960.50	n	(P-7515)
970.10	n	(P-7518)
970.20	n	(P-7518)
970.30	n	(P-7518)
970.40	n	(P-7518)
970.50	n	(P-7518)
970.60	n	(P-7518)
1010.25	am	(P-20325/88; A-4179)
1050.20	am	(P-20335/88; A-3755)
1050.25	am	(P-20335/88; A-3755)
1050.30	am	(P-20335/88; A-3755)
1050.40	am	(P-20335/88; A-3755)
1070.10	n	(P-8741)

TITLE 23 (CONT'D)

451.450 r (P-9082)
 451.460 r (P-9082)
 451.470 (P-9082)
 451.480 (P-9082)
 451.490 (P-9082)
 451.495 r (P-9082)
 451.500 n (P-9133)
 451.510 n (P-9133)
 451.520 n (P-9133)
 451.530 n (P-9133)
 451.540 n (P-9133)
 451.550 n (P-9133)
 451.555 n (P-9133)
 451.560 n (P-9133)
 451.570 n (P-9133)
 451.580 n (P-9133)
 451.590 n (P-9133)
 451.Ap. A r (P-9082)
 500.20 am (P-1730)
 500.50 am (P-1730)
 500.120 n (P-1730)
 1501.307 am (P-4087)
 1501.309 am (P-4087)
 1501.501 am (P-3517)
 1501.503 am (P-3517)
 1501.508 am (P-3517)
 1501.509 am (P-16313/88; A-1182)
 1501.517 n (P-4394)
 1700.20 am (P-18110/88; A-8626)
 1720.6 am (P-18114/88; A-8630)
 1720.10 am (P-18114/88; A-8630)
 1720.20 am (P-18114/88; A-8630)
 1720.30 am (P-18114/88; A-8630)
 1720.40 am (P-18114/88; RC-5805; A-8630)
 1720.50 am (P-18114/88; A-8630)
 1720.60 am (P-18114/88; RC-5805; A-8630)
 1720.70 am (P-18114/88; A-8630)
 1720.75 r (P-18114/88; RC-5805; A-8630)
 1720.120 am (P-18114/88; A-8630)
 1720.140 r (P-15047/88; A-2872)
 1720.Ap. B r (P-15047/88; A-2872)
 1760.30 am (P-18138/88; A-8654)
 1762.40 am (P-18134/88; A-8650)
 2310.80 am (P-1319; A-7898)
 3030.60 r (P-12180/88; A-1244)
 3030.105 am (P-12180/88; A-1244)
 3300.10 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.20 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.30 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.40 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.50 n (P-14809/88; O-3440; R-4957; A-4672)

TITLE 23 (CONT'D)

3300.60 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.70 n (P-14809/88; O-3440; R-4957; A-4672)
 3300.80 n (P-14809/88; O-3440; R-4957; A-4672)

TITLE 26

201.50 n (P-5322)
 202.60 n (P-5339)
 207.70 am (P-5327)
 207.80 am (P-5327)
 207.90 am (P-5327)
 207.110 n (P-5327)
 207.Ap. B n (P-5327)
 208.20 n (P-5317)

TITLE 29

430.10 r (P-17585/88; A-2049)
 430.10 n (P-17575/88; A-2040)
 430.15 n (P-17575/88; A-2040)
 430.20 r (P-17585/88; A-2049)
 430.20 n (P-17575/88; A-2040)
 430.30 r (P-17585/88; A-2049)
 430.30 n (P-17575/88; A-2040)
 430.40 r (P-17585/88; A-2049)
 430.40 n (P-17575/88; A-2040)
 430.50 r (P-17585/88; A-2049)
 430.50 n (P-17575/88; A-2040)
 430.60 r (P-17585/88; A-2049)
 430.60 n (P-17575/88; A-2040)
 430.70 r (P-17585/88; A-2049)
 430.70 n (P-17575/88; A-2040)
 430.80 n (P-17575/88; A-2040)

TITLE 32

332.10 n (P-5874)
 332.20 n (P-5874)
 332.30 n (P-5874)
 332.40 n (P-5874)
 332.50 n (P-5874)
 332.60 n (P-5874)
 332.70 n (P-5874)
 332.80 n (P-5874)
 332.90 n (P-5874)
 332.100 n (P-5874)
 332.110 n (P-5874)
 332.120 n (P-5874)
 332.130 n (P-5874)
 332.140 n (P-5874)
 332.150 n (P-5874)
 332.160 n (P-5874)
 332.170 n (P-5874)
 332.180 n (P-5874)
 332.190 n (P-5874)
 332.200 n (P-5874)

TITLE 32 (CONT'D)

332.210 n (P-5874)
 332.220 n (P-5874)
 332.230 n (P-5874)
 332.240 n (P-5874)
 332.250 n (P-5874)
 332.260 n (P-5874)
 332.270 n (P-5874)
 332.280 n (P-5874)
 332.290 n (P-5874)
 360.10 am (P-13858/88; A-803)
 360.20 am (P-13858/88; A-803)
 360.30 am (P-13858/88; A-803)
 360.40 am (P-13858/88; A-803)
 360.50 am (P-13858/88; A-803)
 360.60 am (P-13858/88; A-803)
 360.70 am (P-13858/88; A-803)
 360.80 am (P-13858/88; A-803)
 360.90 am (P-13858/88; A-803)
 360.100 am (P-13858/88; A-803)
 360.Ap. A am (P-13858/88; A-803)
 360.Tb. A r (P-13858/88; A-803)
 360.Tb. B am (P-13858/88; A-803)
 360.Tb. C am (P-13858/88; A-803)
 401.170 am (P-982)
 410.10 am (P-13841/88; A-342)
 410.20 am (P-13841/88; A-342)
 410.30 am (P-13841/88; A-342)
 410.40 am (P-13841/88; A-342)
 410.50 am (P-13841/88; A-342)
 410.60 am (P-13841/88; A-342)
 410.70 am (P-13841/88; A-342)
 410.80 am (P-13841/88; A-342)
 410.II. A n (P-13841/88; A-342)
 410.II. B n (P-13841/88; A-342)

TITLE 35

101.106 n (P-14822/88; O-8135)
 101.120 n (P-14822/88; O-8135)
 101.241 n (P-14822/88; O-8135)
 101.243 n (P-14822/88; O-8135)
 101.245 n (P-14822/88; O-8135)
 161.202 r (P-16343/88; A-9505)
 183.Ap. A am (P-7522)
 190.Ap. A am (P-7561)
 201.281 am (P-5154/88; O-29221/88; R-1624; A-2066)
 201.401 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.402 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.403 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.404 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.405 n (P-5154/88; O-29221/88; R-1624; A-2066)

TITLE 35 (CONT'D)

201.405 am (P-8782)
 201.406 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.407 n (P-5154/88; O-29221/88; R-1624; A-2066)
 201.408 n (P-5154/88; O-29221/88; R-1624; A-2066)
 211.101 am (P-19296/88; W-2537)
 211.102 am (P-19296/88; W-2537)
 230.110 r (P-9223)
 230.140 r (P-9223)
 230.141 r (P-9223)
 230.142 r (P-9223)
 230.150 r (P-9223)
 230.160 r (P-9223)
 230.170 r (P-9223)
 230.180 r (P-9223)
 230.190 r (P-9223)
 230.200 r (P-9223)
 230.210 r (P-9223)
 230.211 r (P-9223)
 230.212 r (P-9223)
 230.220 r (P-9223)
 230.230 r (P-9223)
 230.240 r (P-9223)
 230.241 r (P-9223)
 230.250 r (P-9223)
 230.260 r (P-9223)
 230.270 r (P-9223)
 230.280 r (P-9223)
 230.290 r (P-9223)
 230.300 r (P-9223)
 230.310 r (P-9223)
 230.320 r (P-9223)
 230.330 r (P-9223)
 230.340 r (P-9223)
 230.350 r (P-9223)
 230.360 r (P-9223)
 230.370 r (P-9223)
 230.371 r (P-9223)
 230.380 r (P-9223)
 230.390 r (P-9223)
 230.400 r (P-9223)
 230.410 r (P-9223)
 230.430 r (P-9223)
 230.440 r (P-9223)
 230.470 r (P-9223)
 230.480 r (P-9223)
 230.490 r (P-9223)
 230.500 r (P-9223)
 230.520 r (P-9223)
 230.530 r (P-9223)
 230.540 r (P-9223)
 230.550 r (P-9223)
 230.560 r (P-9223)
 230.570 r (P-9223)

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TITLE 50 (CONT'D)

601.60 n (P-11985/88; A-2051)
601.70 n (P-11985/88; A-2051)
601.80 n (P-11985/88; A-2051)
601.90 n (P-11985/88; A-2051)
601.100 n (P-11985/88; A-2051)
601.110 n (P-11985/88; A-2051)
601.120 n (P-11985/88; A-2051)
601.130 n (P-11985/88; A-2051)
601.140 n (P-11985/88; A-2051)
754.Ex. B am (P-2057/88; A-1542)
919.10 am (P-13535/88; C-17456/88; A-1204)
919.20 am (P-13535/88; C-17456/88; A-1204)
919.30 am (P-13535/88; C-17456/88; A-1204)
919.40 am (P-13535/88; C-17456/88; A-1204)
919.50 am (P-13535/88; C-17456/88; A-1204)
919.60 am (P-13535/88; C-17456/88; A-1204)
919.70 am (P-13535/88; C-17456/88; A-1204)
919.80 am (P-13535/88; C-17456/88; A-1204)
919.90 am (P-13535/88; C-17456/88; A-1204)
919.Ex. A n (P-13535/88; C-17456/88; A-1204)
2008.10 am (P-251; A-8520) (E-586; O-3471)
2008.20 am (P-251; A-8520) (E-586; O-3471)
2008.30 am (P-251; A-8520) (E-586; O-3471)
2008.40 am (P-251; A-8520) (E-586; O-3471)
2008.50 am (P-251; A-8520) (E-586; O-3471)
2008.60 am (P-251; A-8520) (E-586)
2008.70 am (P-251; A-8520) (E-586; O-3471)
2008.71 n (P-251; A-8520) (E-586)
2008.80 am (P-251; A-8520) (E-586; O-3471)
2008.81 n (P-251; A-8520) (E-586)
2008.82 n (P-251; A-8520) (E-586)
2008.90 am (P-251; A-8520) (E-586; O-3471)
2008.Ap. A am (P-251; A-8520) (E-586; O-3471)
2008.Ap. B am (P-251; A-8520) (E-586; O-3471)
2008.Ap. C am (P-251; A-8520) (E-586; O-3471)
2008.Ap. E (P-251; A-8520) (E-586; O-3471)
2008.Ap. F (P-251; A-8520) (E-586; O-3471)
2008.Ap. G (P-251; A-8520) (E-586; O-3471)
2011.10 (P-13558/88; A-3804)
2011.20 (P-13558/88; A-3804)
2011.30 (P-13558/88; A-3804)
2011.40 (P-13558/88; A-3804)
2011.50 (P-13558/88; A-3804)
2011.60 (P-13558/88; A-3804)
2011.70 (P-13558/88; A-3804)
2011.Ap. A (P-13558/88; A-3804)
2011.Ap. B (P-13558/88; A-3804)
2011.Ap. C (P-13558/88; A-3804)
2012.10 (P-9181)
2012.20 (P-9181)
2012.30 (P-9181)
2012.40 (P-9181)
2012.50 (P-9181)
2012.60 (P-9181)
2012.70 (P-9181)
2012.80 n (P-9181)

TITLE 50 (CONT'D)

2012.90 n (P-9181)
2012.100 n (P-9181)
2012.110 n (P-9181)
2012.Ex. A n (P-9181)
2012.Ex. B n (P-9181)
2012.Ex. C n (P-9181)
2502.10 r (P-2234)
2502.20 r (P-2234)
2801.50 am (P-3531)
6301.Ex. A am (P-14502/88; A-1780)
6302.40 am (P-15269/88; A-3801)
6701.10 n (P-17617/88; A-5951)
6701.20 n (P-17617/88; A-5951)
6701.30 n (P-17617/88; A-5951)
6701.Ex. A n (P-17617/88; A-5951)

TITLE 56

350.20 am (P-15272/88; W-6819) (P-5839)
350.280 am (P-15272/88; W-6819) (P-5839)
350.300 n (P-15272/88; W-6819) (P-5839)
350.310 n (P-15272/88; W-6819) (P-5839)
350.320 n (P-15272/88; W-6819) (P-5839)
350.330 n (P-15272/88; W-6819) (P-5839)
350.340 n (P-15272/88; W-6819) (P-5839)
350.350 n (P-15272/88; W-6819) (P-5839)
350.360 n (P-15272/88; W-6819) (P-5839)
350.370 n (P-15272/88; W-6819) (P-5839)
350.380 n (P-15272/88; W-6819) (P-5839)
350.400 n (P-15272/88; W-6819) (P-5839)
350.410 n (P-15272/88; W-6819) (P-5839)
350.420 n (P-15272/88; W-6819) (P-5839)
350.430 n (P-15272/88; W-6819) (P-5839)
350.440 n (P-15272/88; W-6819) (P-5839)
350.450 n (P-5839)
2090.105 am (P-17)
2600.20 am (P-3515) (E-4028) (P-4331)
2600.30 am (P-3515) (E-4028)
2610.60 am (P-5017)
2610.100 am (P-4366)
2610.130 am (P-4366)
2610.Ap. A n (P-5017)
2625.20 n (P-3513) (E-4019)
2625.30 n (P-3513) (E-4019)
2625.40 n (P-3513) (E-4019)
2625.50 n (P-3513) (E-4019)
2712.201 n (P-15257/88; O-22482/88; R-965; A-795)
2712.202 n (P-15257/88; O-22482/88; R-965; A-795)
2712.203 n (P-15257/88; O-22482/88; R-965; A-795)
2712.205 n (P-15257/88; O-22482/88; R-965; A-795)
2712.207 n (P-15257/88; O-22482/88; R-965; A-795)
2712.210 n (P-15257/88; O-22482/88; R-965; A-795)

TITLE 56 (CONT'D)

2720.1 am (P-5362)
2720.130 am (P-5362)
2720.132 n (P-5362)
2725.20 am (P-5344)
2725.100 am (P-5344)
2725.105 am (P-5344)
2725.120 am (P-5344)
2725.250 am (P-5344)
2725.270 am (P-5344)
2732.210 n (P-1945; A-8864)
2765.205 n (P-752)
2765.325 n (P-5375)
2765.328 n (P-5375)
2765.330 n (P-5375)
2765.332 n (P-5375)
2765.333 n (P-5375)
2765.334 n (P-5375)
2765.335 n (P-5375)
2770.105 am (P-743)
2905.1 am (P-2229)
2905.15 am (P-2229)
2905.25 r (P-2229)
2905.40 n (P-2229)
2920.68 n (P-22295/88; A-5936)
2960.105 am (P-17; A-5940)
6000.10 am (P-7845) (E-8025)
6000.280 am (P-7845) (E-8025)
6000.310 (P-7845) (E-8025)
6000.320 n (P-7845) (E-8025)

TITLE 59

106.15 am (P-18087/88; A-3821)
112.10 n (P-8208)
112.20 n (P-8208)
112.30 n (P-8208)

TITLE 62

220.10 am (P-23; A-5955)
220.80 am (P-23; A-5955)
220.160 am (P-756)

TITLE 68

600.10 am (P-19795/88; A-3665)
600.30 am (P-19795/88; A-3665)
600.60 am (P-19795/88; A-3665)
600.80 am (P-19795/88; A-3665)
600.90 n (P-19795/88; A-3665)
600.100 n (P-19795/88; A-3665)
600.110 n (P-19795/88; A-3665)
610.10 am (P-19205/88; A-3690)
610.20 am (P-19205/88; A-3690)
610.30 am (P-19205/88; A-3690)
610.40 am (P-19205/88; A-3690)
610.60 am (P-19205/88; A-3690)
750.1000 r (P-6934)
750.1000 n (P-6949)

TITLE 68 (CONT'D)

750.1010 r (P-6934)
750.1010 n (P-6949)
750.2000 r (P-6934)
750.2000 n (P-6949)
750.2010 r (P-6934)
750.2010 n (P-6949)
750.2020 r (P-6934)
750.2020 n (P-6949)
750.2030 r (P-6934)
750.2030 n (P-6949)
750.2040 r (P-6934)
750.2040 n (P-6949)
750.3000 r (P-6934)
750.3000 n (P-6949)
750.3010 r (P-6934)
750.3010 n (P-6949)
750.3020 r (P-6934)
750.3020 n (P-6949)
750.3030 r (P-6934)
750.3030 n (P-6949)
750.3040 r (P-6934)
750.3040 n (P-6949)
750.3050 r (P-6934)
750.3050 n (P-6949)
750.3060 r (P-6934)
750.3060 n (P-6949)
750.3070 n (P-6949)
750.4000 r (P-6934)
750.4010 r (P-6934)
750.4020 (P-6934)
750.4030 r (P-6934)
750.4040 r (P-6934)
750.4050 r (P-6934)
750.4060 (P-6934)
750.4070 r (P-6934)
750.4080 (P-6934)
750.5000 r (P-6934)
1175.425 am (E-6810) (P-7185)
1175.600 am (E-6810) (P-7185)
1220.110 am (P-5867/88; A-4191)
1220.120 am (P-5867/88; A-4191)
1220.130 am (P-5867/88; A-4191)
1220.140 am (P-5398)
1220.150 r (P-5867/88; A-4191)
1220.160 n (P-5867/88; A-4191)
1220.220 am (P-5867/88; A-4191)
1220.231 am (P-5867/88; A-4191)
1220.240 am (P-5867/88; A-4191)
1220.260 n (P-5867/88; A-4191)
1220.340 r (P-5867/88; A-4191)
1220.350 n (P-5867/88; A-4191)
1220.400 n (P-5867/88; A-4191)
1220.410 r (P-5867/88; A-4191)
1220.410 n (P-5867/88; A-4191)
1220.421 am (P-5867/88; A-4191)
1220.425 n (P-5867/88; A-4191)

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TITLE 77 (CONT'D)

790.8248	am	(P-3015) (E-3108)
790.8260	am	(P-3015) (E-3108)
790.8378	am	(P-16425/88; A-856)
790.8380	am	(P-16425/88; A-856)
790.8420	am	(P-3015) (E-3108)
790.8580	am	(P-16425/88; A-856) (P-3015)
790.8700	am	(P-16425/88; A-856) (P-3015)
790.8724	am	(P-3015) (E-3108)
790.8740	am	(P-3015) (E-3108)
790.8900	am	(P-16425/88; A-856) (P-3015)
790.8940	am	(P-16425/88; A-856) (P-3015)
790.9020	am	(P-12991/88; A-856) (P-3015)
790.9060	am	(P-12991/88; P-16425/88; A-856)
790.9084	am	(P-12991/88; A-856) (P-3015)
790.9100	am	(P-3015) (E-3108)
790.9140	am	(P-12991/88; P-16425/88; A-856) (P-3015)
790.9220	am	(P-3015) (E-3108)
790.9320	am	(P-3015) (E-3108)
790.9380	am	(P-3015) (E-3108)
790.9475	am	(P-3015) (E-3108)
790.9486	am	(P-12991/88; P-16425/88; A-856)
790.9500	am	(P-12991/88; P-16425/88; A-856)
830.10	am	(P-3325/88; A-2090)
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)
830.110	am	(P-3325/88; A-2090)
830.120	am	(P-3325/88; A-2090)
830.130	am	(P-3325/88; A-2090)
830.140	am	(P-3325/88; A-2090)
830.150	r	(P-3325/88; A-2090)
830.160	r	(P-3325/88; A-2090)
830.170	r	(P-3325/88; A-2090)
830.180	am	(P-3325/88; A-2090)
830.190	n	(P-3325/88; A-2090)
830.200	am	(P-3325/88; A-2090)
830.210	n	(P-3325/88; A-2090)
830.220	n	(P-3325/88; A-2090)
830.230	n	(P-3325/88; A-2090)
830.240	n	(P-3325/88; A-2090)
830.250	am	(P-3325/88; A-2090)
830.260	am	(P-3325/88; A-2090)
830.270	am	(P-3325/88; A-2090)
830.280	r	(P-3325/88; A-2090)
830.290	n	(P-3325/88; A-2090)
830.300	n	(P-3325/88; A-2090)
830.310	n	(P-3325/88; A-2090)

TITLE 77 (CONT'D)

790.6180	am	(P-3015) (E-3108)
790.6260	am	(P-16425/88; A-856) (P-3015)
790.6275	am	(P-12991/88; P-16425/88; A-856)
790.6280	am	(P-16425/88; A-856)
790.6284	am	(P-16425/88; A-856)
790.6370	am	(P-12991/88; A-856) (P-3015)
790.6375	n	(P-16425/88; A-856)
790.6445	am	(P-16425/88; A-856)
790.6450	am	(P-16425/88; A-856) (P-3015)
790.6452	am	(P-16425/88; A-856)
790.6454	n	(P-16425/88; A-856)
790.6456	am	(P-12991/88; P-16425/88; A-856)
790.6540	am	(P-16425/88; A-856)
790.6580	am	(P-16425/88; A-856)
790.6621	n	(P-16425/88; A-856)
790.6740	am	(P-16425/88; A-856)
790.6780	am	(P-12991/88; P-16425/88; A-856)
790.6860	am	(P-3015) (E-3108)
790.6875	am	(P-12991/88; A-856) (P-3015)
790.6885	am	(P-3015) (E-3108)
790.6895	n	(P-3015) (E-3108)
790.6946	am	(P-16425/88; A-856)
790.6960	n	(P-12991/88; P-16425/88; A-856)
790.6980	am	(P-16425/88; A-856) (P-3015)
790.7020	am	(P-16425/88; A-856)
790.7140	am	(P-16425/88; A-856)
790.7180	am	(P-16425/88; A-856)
790.7181	n	(P-16425/88; A-856)
790.7223	am	(P-3015) (E-3108)
790.7260	am	(P-16425/88; A-856)
790.7265	n	(P-16425/88; A-856)
790.7280	am	(P-16425/88; A-856) (P-3015)
790.7288	n	(P-16425/88; A-856)
790.7288	am	(P-3015) (E-3108)
790.7540	am	(P-12991/88; P-16425/88; A-856)
790.7500	am	(P-3015) (E-3108)
790.7540	am	(P-12991/88; P-16425/88; A-856)
790.7700	am	(P-16425/88; A-856) (P-3015)
790.7820	am	(P-3015) (E-3108)
790.7828	am	(P-12991/88; P-16425/88; A-856)
790.8020	am	(P-3015) (E-3108)
790.8140	am	(P-3015) (E-3108)

TITLE 77 (CONT'D)

TITLE 77 (CONT'D)

790.4540	am	(P-3015) (E-3108)
790.4580	am	(P-16425/88; A-856)
790.4620	am	(P-16425/88; A-856)
790.4660	am	(P-16425/88; A-856) (P-3015)
790.4680	am	(P-12991/88; A-856)
790.4720	am	(P-12991/88; P-16425/88; A-856)
790.4740	am	(P-12991/88; P-16425/88; A-856)
790.4820	am	(P-16425/88; A-856)
790.4960	n	(P-16425/88; A-856)
790.5060	am	(P-16425/88; A-856)
790.5140	am	(P-12991/88; P-16425/88; A-856)
790.5180	am	(P-16425/88; A-856)
790.5220	am	(P-12991/88; A-856) (P-3015)
790.5300	am	(P-16425/88; A-856)
790.5312	am	(P-12991/88; A-856) (P-3015)
790.5420	am	(P-16425/88; A-856) (P-3015)
790.5483	am	(P-12991/88; P-16425/88; A-856)
790.5520	n	(P-16425/88; A-856)
790.5530	am	(P-16425/88; A-856)
790.5540	am	(P-16425/88; A-856) (P-3015)
790.5544	am	(P-12991/88; P-16425/88; A-856)
790.5560	n	(P-16425/88; A-856)
790.5620	am	(P-12991/88; P-16425/88; A-856)
790.5640	n	(P-3015) (E-3108)
790.5660	am	(P-3015) (E-3108)
790.5780	am	(P-3015) (E-3108)
790.5792	am	(P-12991/88; P-16425/88; A-856)
790.5795	n	(P-16425/88; A-856)
790.5807	am	(P-16425/88; A-856) (P-3015)
790.5820	am	(P-12991/88; P-16425/88; A-856)
790.5830	am	(P-12991/88; P-16425/88; A-856)
790.5837	n	(P-12991/88; A-856)
790.5840	am	(P-16425/88; A-856)
790.5872	am	(P-16425/88; A-856)
790.5893	am	(P-16425/88; A-856)
790.5900	am	(P-16425/88; A-856)
790.5924	am	(P-12991/88; A-856) (P-3015)
790.5940	am	(P-12991/88; P-16425/88; A-856)
790.5980	am	(P-16425/88; A-856)
790.5992	am	(P-3015) (E-3108)
790.6140	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

TITLE 77 (CONT'D)

790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856) (P-3015)
790.2904	am	(P-16425/88; A-856) (P-3015)
790.2928	r	(P-16425/88; A-856)
790.2932	am	(P-12991/88; A-856)
790.2940	am	(P-3015) (E-3108)
790.3020	am	(P-16425/88; A-856)
790.3023	am	(P-3015) (E-3108)
790.3027	am	(P-16425/88; A-856)
790.3028	am	(P-3015) (E-3108)
790.3054	am	(P-3015) (E-3108)
790.3085	am	(P-16425/88; A-856)
790.3100	am	(P-16425/88; A-856)
790.3300	am	(P-16425/88; A-856) (P-3015)
790.3315	am	(P-3015) (E-3108)
790.3335	am	(P-16425/88; A-856)
790.3340	am	(P-12991/88; P-16425/88; A-856)
790.3420	am	(P-12991/88; A-856) (P-3015)
790.3437	am	(P-16425/88; A-856)
790.3440	n	(P-16425/88; A-856)
790.3475	n	(P-16425/88; A-856)
790.3492	am	(P-3015) (E-3108)
790.3500	am	(P-16425/88; A-856)
790.3540	am	(P-16425/88; A-856)
790.3620	am	(P-12991/88; P-16425/88; A-856)
790.3700	am	(P-3015) (E-3108)
790.3720	n	(P-16425/88; A-856)
790.3900	am	(P-16425/88; A-856)
790.3910	n	(P-12991/88; P-16425/88; A-856)
790.3940	am	(P-3015) (E-3108)
790.3945	am	(P-16425/88; A-856)
790.4012	am	(P-16425/88; A-856) (P-3015)
790.4040	am	(P-16425/88; A-856) (P-3015)
790.4060	am	(P-16425/88; A-856)
790.4100	am	(P-12991/88; P-16425/88; A-856)
790.4220	am	(P-3015) (E-3108)
790.4300	am	(P-3015) (E-3108)
790.4396	am	(P-12991/88; P-16425/88; A-856)
790.4398	am	(P-12991/88; P-16425/88; A-856)
790.4430	am	(P-16425/88; A-856)
790.4460	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

TITLE 77 (CONT'D)

830.315 r (P-3325/88; A-2090)
830.400 am (P-3325/88; A-2090)
830.410 am (P-3325/88; A-2090)
830.420 r (P-3325/88; A-2090)
830.430 am (P-3325/88; A-2090)
830.440 am (P-3325/88; A-2090)
830.450 am (P-3325/88; A-2090)
830.460 am (P-3325/88; A-2090)
830.500 am (P-3325/88; A-2090)
830.510 r (P-3325/88; A-2090)
830.520 am (P-3325/88; A-2090)
830.530 am (P-3325/88; A-2090)
830.540 am (P-3325/88; A-2090)
830.560 r (P-3325/88; A-2090)
830.570 r (P-3325/88; A-2090)
830.600 am (P-3325/88; A-2090)
830.610 r (P-3325/88; A-2090)
830.620 am (P-3325/88; A-2090)
830.630 am (P-3325/88; A-2090)
830.640 am (P-3325/88; A-2090)
830.650 am (P-3325/88; A-2090)
830.660 r (P-3325/88; A-2090)
830.670 r (P-3325/88; A-2090)
830.700 am (P-3325/88; A-2090)
830.800 n (P-3325/88; A-2090)
830.820 am (P-3325/88; A-2090)
830.830 n (P-3325/88; A-2090)
830.840 n (P-3325/88; A-2090)
830.850 n (P-3325/88; A-2090)
830.860 n (P-3325/88; A-2090)
830.870 n (P-3325/88; A-2090)
830.II.A n (P-3325/88; A-2090)
830.II.B n (P-3325/88; A-2090)
855.10 am (P-6564/88; A-2768)
855.20 am (P-6564/88; A-2768)
855.50 am (P-6564/88; A-2768)
855.55 n (P-6564/88; A-2768)
855.60 am (P-6564/88; A-2768)
855.70 am (P-6564/88; A-2768)
855.80 am (P-6564/88; A-2768)
855.130 am (P-6564/88; A-2768)
855.140 am (P-6564/88; A-2768)
855.180 am (P-6564/88; A-2768)
855.220 am (P-6564/88; A-2768) (P-8824)
855.240 am (P-6564/88; A-2768)
855.260 am (P-6564/88; A-2768) (P-8824)
855.270 am (P-6564/88; A-2768) (P-8824)
855.275 n (P-6564/88; A-2768)
855.280 am (P-6564/88; A-2768)
855.290 am (P-6564/88; A-2768) (P-8824)
855.300 am (P-6564/88; A-2768)
855.330 n (P-6564/88; A-2768)
855.340 n (P-6564/88; A-2768)
855.345 n (P-6564/88; A-2768)
855.350 n (P-6564/88; A-2768)
855.355 n (P-6564/88; A-2768)

TITLE 77 (CONT'D)

855.360 n (P-6564/88; A-2768)
855.Ap. A am (P-6564/88; A-2768)
II. B am (P-6564/88; A-2768)
855.Ap. B am (P-6564/88; A-2768)
II. A n (P-6564/88; A-2768)
II. B n (P-6564/88; A-2768)
II. C n (P-6564/88; A-2768)
II. D n (P-6564/88; A-2768)
II. E n (P-6564/88; A-2768)
II. F n (P-6564/88; A-2768)
II. G n (P-6564/88; A-2768)
855.Ap. C n (P-8824)
II. G n (P-8824)
II. H n (P-6564/88; A-2768)
II. I n (P-6564/88; A-2768)
855.Ap. C n (P-6564/88; A-2768)
II. A n (P-6564/88; A-2768)
II. B n (P-6564/88; A-2768)
II. C n (P-6564/88; A-2768)
II. D n (P-6564/88; A-2768)
II. E n (P-6564/88; A-2768)
II. F n (P-6564/88; A-2768)
890.120 am (P-4543)
890.620 am (P-4543)
890.630 am (P-4543)
890.640 am (P-4543)
890.730 am (P-4543)
890.820 am (P-4543)
890.830 am (P-4543)
890.920 am (P-4543)
890.1040 am (P-4543)
890.1070 am (P-4543)
890.1110 am (P-4543)
890.1210 am (P-4543)
890.1410 am (P-4543)
890.1460 am (P-4543)
890.1540 am (P-4543)
890.1550 am (P-4543)
890.1620 am (P-4543)
890.1640 am (P-4543)
890.1650 am (P-4543)
890.1720 am (P-4543)
890.1750 am (P-4543)
890.2000 am (P-4543)
890.2110 am (P-4543)
890.3010 n (P-4543)
890.3020 n (P-4543)
890.3030 n (P-4543)
890.3040 n (P-4543)
890.3050 n (P-4543)
890.3060 n (P-4543)
890.3070 n (P-4543)
890.3080 n (P-4543)
890.3090 n (P-4543)
890.4000 n (P-4543)
910.5 am (P-8282)

TITLE 77 (CONT'D)

910.10 am (P-8282)
910.15 am (P-8282)
910.20 am (P-8282)
910.30 am (P-8282)
910.40 am (P-8282)
910.50 am (P-8282)
910.60 am (P-8282)
910.70 am (P-8282)
910.80 am (P-8282)
1100.40 r (P-5596)
1100.220 am (P-5596)
1100.560 am (P-5596)
1100.570 am (P-5596)
1100.620 am (P-5596)
1100.630 am (P-5596)
1100.660 am (P-5596)
1110.30 am (P-5619)
1110.40 am (P-5619)
1110.50 n (P-5619)
1110.220 am (P-5619)
1110.720 am (P-5619)
1110.1320 am (P-5619)
1110.1330 am (P-5619)
1110.1730 am (P-5619)
1110.2220 am (P-5619)
1110.2230 am (P-5619)
1110.2330 am (P-5619)
1150.110 r (P-5580)
1150.210 r (P-5580)
1150.220 r (P-5580)
1150.230 r (P-5580)
1150.310 r (P-5580)
1150.320 r (P-5580)
1150.330 r (P-5580)
1150.410 r (P-5580)
1150.420 r (P-5580)
1150.430 r (P-5580)
1150.440 r (P-5580)
1150.450 r (P-5580)
2056.1 am (P-22265/88; A-7274)
2056.5 am (P-22265/88; A-7274)
2056.55 am (P-22265/88; A-7274)
2056.60 am (P-22265/88; A-7274)
2056.61 n (P-22265/88; A-7274)
2056.70 am (P-22265/88; A-7274)
2056.75 am (P-22265/88; A-7274)
2056.300 am (P-22265/88; A-7274)
2056.320 am (P-22265/88; A-7274)
2056.330 am (P-22265/88; A-7274)
2056.405 am (P-22265/88; A-7274)
2056.410 am (P-22265/88; A-7274)
2056.415 am (P-22265/88; A-7274)
2056.420 am (P-22265/88; A-7274)
2056.500 am (P-22265/88; A-7274)
2056.505 am (P-22265/88; A-7274)
2056.510 am (P-22265/88; A-7274)

TITLE 77 (CONT'D)

2056.515 am (P-22265/88; A-7274)
2056.605 am (P-22265/88; A-7274)
2056.610 am (P-22265/88; A-7274)
2056.700 am (P-22265/88; A-7274)
2056.710 am (P-22265/88; A-7274)
2056.Ap. A am (P-22265/88; A-7274)
2510.50 am (P-13694/88; A-334)
2510.55 am (P-8198)
2510.Ap. D am (P-8198)
2800.102 am (P-6856)

TITLE 80

150.10 am (P-16438/88; A-5201)
150.510 am (P-16438/88; A-5201)
150.520 am (P-16438/88; A-5201)
150.530 am (P-16438/88; A-5201)
150.565 am (P-16438/88; A-5201)
150.665 am (P-16438/88; A-5201)
150.680 am (P-16438/88; A-5201)
250.50 am (P-17569/88; A-7324)
250.70 am (P-1921)
302.190 am (P-1639)
302.200 am (P-1639)
302.625 am (P-1639)
302.800 r (P-15813/88; A-3722)
302.800 n (P-15813/88; A-3722)
302.810 r (P-15813/88; A-3722)
302.810 n (P-15813/88; A-3722)
302.820 r (P-15813/88; A-3722)
302.820 n (P-15813/88; A-3722)
302.822 r (P-15813/88; A-3722)
302.822 n (P-15813/88; A-3722)
302.824 r (P-15813/88; A-3722)
302.824 n (P-15813/88; A-3722)
302.825 r (P-15813/88; A-3722)
302.825 n (P-15813/88; A-3722)
302.830 r (P-15813/88; A-3722)
302.830 n (P-15813/88; A-3722)
302.840 r (P-15813/88; A-3722)
302.840 n (P-15813/88; A-3722)
302.841 r (P-15813/88; A-3722)
302.842 r (P-15813/88; A-3722)
302.846 r (P-15813/88; A-3722)
302.846 n (P-15813/88; A-3722)
302.850 r (P-15813/88; A-3722)
302.850 n (P-15813/88; A-3722)
302.860 r (P-15813/88; A-3722)
302.860 n (P-15813/88; A-3722)
302.863 r (P-15813/88; A-3722)
302.863 n (P-15813/88; A-3722)
310.30 am (P-1296; A-8849)
310.230 am (P-1296; A-8849)
310.230 am (P-1296; A-8849)
310.290 am (P-1296; A-8849)
310.320 am (P-1296; A-8849)
310.Ap. A am (P-20584/88; RC-1254) (PP-8080) (PP-8970)

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TITLE 80 (CONT'D)

Tb. C	am	(P-8970)	1125.10	(P-16375/88; A-1784)	2700.710	(P-253; A-9308) (E-629)	2700.710	am	(P-253; A-9308) (E-629)	2700.700
Tb. F	am	(PP-2892)	1125.20	(P-16375/88; A-1784)	2700.720	(P-253; A-9308) (E-629)	2700.720	am	(P-253; A-9308) (E-629)	2700.650
Tb. H	am	(PP-8970)	1125.30	(P-16375/88; A-1784)	2700.730	(P-253; A-9308) (E-629)	2700.730	am	(P-253; A-9308) (E-629)	2700.630
Tb. I	am	(PP-8970)	1125.50	(P-16375/88; A-1784)	2700.735	(P-253; A-9308) (E-629)	2700.735	am	(P-253; A-9308) (E-629)	2700.620
Tb. J	am	(PP-8080) (PP-8970)	1125.70	(P-16375/88; A-1784)	2700.740	(P-253; A-9308) (E-629)	2700.740	am	(P-253; A-9308) (E-629)	2700.440
Tb. O	am	(PP-8080) (PP-8970)	1125.80	(P-16375/88; O-22478/88; R-1905)	2700.750	(P-253; A-9308) (E-629)	2700.750	am	(P-253; A-9308) (E-629)	2700.200
Tb. P	am	(P-20584/88; RC-1254) (PP-8080)	1125.80	(P-16375/88; A-1784)	2700.820	(P-253; A-9308) (E-629)	2700.820	am	(P-253; A-9308) (E-629)	2650.30
Tb. R	am	(PP-8970)	1125.90	(P-16375/88; A-1784)	2700.920	(P-253; A-9308) (E-629)	2700.920	am	(P-253; A-9308) (E-629)	2650.25
Tb. W	am	(PP-8970)	1125.100	(P-16375/88; A-1784)	2700.920	(P-253; A-9308) (E-629)	2700.920	am	(P-253; A-9308) (E-629)	2650.20
Tb. X	am	(PP-8970)	1570.40	(P-14122/88; O-22492/88; R-1626)	285.130	(P-5229)	285.130	am	(P-5229)	2650.15
Tb. Y	am	(PP-8970)	1570.60	(P-14122/88; O-22492/88; R-1626)	285.150	(P-5229)	285.150	am	(P-5229)	2650.10
Tb. Z	am	(PP-8970)	1570.110	(P-14122/88; O-22492/88; R-1626)	285.110	(P-5229)	285.110	am	(P-5229)	2650.5
			1570.150	(P-14122/88; O-22492/88; R-1626)	285.170	(P-5229)	285.170	am	(P-5229)	2650.1
			1570.160	(P-14122/88; O-22492/88; R-1626)	285.210	(P-5229)	285.210	am	(P-5229)	2150.5
					281.100	(P-1647)	281.100	am	(P-1647)	2150.2
					281.30	(P-1647)	281.30	am	(P-1647)	2150.1
					215.10	(P-18026/88; A-4650)	215.10	am	(P-18026/88; A-4650)	2110.530
					215.30	(P-18026/88; A-4650)	215.30	am	(P-18026/88; A-4650)	2110.510
					281.100	(P-1647)	281.100	am	(P-1647)	2110.330
					281.310	(P-5229)	281.310	am	(P-5229)	2110.320
					285.410	(P-5229)	285.410	am	(P-5229)	2110.310
					285.1000	(P-5229)	285.1000	am	(P-5229)	2110.300
					285.1005	(P-5229)	285.1005	am	(P-5229)	2110.290
					285.1015	(P-5229)	285.1015	am	(P-5229)	2110.280
					285.2000	(P-5229)	285.2000	am	(P-5229)	2110.270
					285.2005	(P-5229)	285.2005	am	(P-5229)	2110.260
					285.2010	(P-5229)	285.2010	am	(P-5229)	2110.250
					285.2015	(P-5229)	285.2015	am	(P-5229)	2110.240
					285.2020	(P-5229)	285.2020	am	(P-5229)	2110.230
					285.2025	(P-5229)	285.2025	am	(P-5229)	2110.220
					285.2030	(P-5229)	285.2030	am	(P-5229)	2110.210
					285.2035	(P-5229)	285.2035	am	(P-5229)	2110.200
					285.2040	(P-5229)	285.2040	am	(P-5229)	2110.190
					285.2045	(P-5229)	285.2045	am	(P-5229)	2110.180
					285.2050	(P-5229)	285.2050	am	(P-5229)	2110.170
					285.2055	(P-5229)	285.2055	am	(P-5229)	2110.160
					285.2060	(P-5229)	285.2060	am	(P-5229)	2110.150
					285.2065	(P-5229)	285.2065	am	(P-5229)	2110.140
					285.2070	(P-5229)	285.2070	am	(P-5229)	2110.130
					285.2075	(P-5229)	285.2075	am	(P-5229)	2110.120
					285.2080	(P-5229)	285.2080	am	(P-5229)	2110.110
					285.2085	(P-5229)	285.2085	am	(P-5229)	2110.100
					285.2090	(P-5229)	285.2090	am	(P-5229)	2110.090
					285.2095	(P-5229)	285.2095	am	(P-5229)	2110.080
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.070
					285.2105	(P-5229)	285.2105	am	(P-5229)	2110.060
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.050
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.040
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.030
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.020
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.010
					285.2100	(P-5229)	285.2100	am	(P-5229)	2110.000

TITLE 80 (CONT'D)

TITLE 80 (CONT'D)

	am	(P-253; A-9308) (E-629)	2700.710	(P-253; A-9308) (E-629)	285.2110	(P-5229)	285.2110	am	(P-5229)	435.40
	am	(P-253; A-9308) (E-629)	2700.720	(P-253; A-9308) (E-629)	285.2115	(P-5229)	285.2115	am	(P-5229)	435.30
	am	(P-253; A-9308) (E-629)	2700.730	(P-253; A-9308) (E-629)	285.2120	(P-5229)	285.2120	am	(P-5229)	435.20
	am	(P-253; A-9308) (E-629)	2700.735	(P-253; A-9308) (E-629)	285.2125	(P-5229)	285.2125	am	(P-5229)	435.10
	am	(P-253; A-9308) (E-629)	2700.740	(P-253; A-9308) (E-629)	285.3000	(P-5229)	285.3000	am	(P-5229)	325.20
	am	(P-253; A-9308) (E-629)	2700.750	(P-253; A-9308) (E-629)	285.3005	(P-5229)	285.3005	am	(P-5229)	325.10
	am	(P-253; A-9308) (E-629)	2700.820	(P-253; A-9308) (E-629)	285.3010	(P-5229)	285.3010	am	(P-5229)	325.5
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3015	(P-5229)	285.3015	am	(P-5229)	285.5025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3020	(P-5229)	285.3020	am	(P-5229)	285.5020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3025	(P-5229)	285.3025	am	(P-5229)	285.5015
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3030	(P-5229)	285.3030	am	(P-5229)	285.5010
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3035	(P-5229)	285.3035	am	(P-5229)	285.5005
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3040	(P-5229)	285.3040	am	(P-5229)	285.5000
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3045	(P-5229)	285.3045	am	(P-5229)	285.4025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3050	(P-5229)	285.3050	am	(P-5229)	285.4020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3055	(P-5229)	285.3055	am	(P-5229)	285.4015
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3060	(P-5229)	285.3060	am	(P-5229)	285.4010
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3065	(P-5229)	285.3065	am	(P-5229)	285.4005
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3070	(P-5229)	285.3070	am	(P-5229)	285.4000
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3075	(P-5229)	285.3075	am	(P-5229)	285.4001
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3080	(P-5229)	285.3080	am	(P-5229)	285.5025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3081	(P-5229)	285.3081	am	(P-5229)	285.5020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3090	(P-5229)	285.3090	am	(P-5229)	285.5015
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3095	(P-5229)	285.3095	am	(P-5229)	285.5010
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3100	(P-5229)	285.3100	am	(P-5229)	285.5005
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3110	(P-5229)	285.3110	am	(P-5229)	285.5000
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3115	(P-5229)	285.3115	am	(P-5229)	285.4025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3120	(P-5229)	285.3120	am	(P-5229)	285.4020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3125	(P-5229)	285.3125	am	(P-5229)	285.4015
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.3130	(P-5229)	285.3130	am	(P-5229)	285.4010
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4000	(P-5229)	285.4000	am	(P-5229)	285.4005
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4001	(P-5229)	285.4001	am	(P-5229)	285.4025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4005	(P-5229)	285.4005	am	(P-5229)	285.4020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4010	(P-5229)	285.4010	am	(P-5229)	285.4015
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4015	(P-5229)	285.4015	am	(P-5229)	285.4020
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4020	(P-5229)	285.4020	am	(P-5229)	285.4025
	am	(P-253; A-9308) (E-629)	2700.920	(P-253; A-9308) (E-629)	285.4025	(P-				

ILLINOIS REGISTER

VOL. 13, THRU ISSUE #25

SECTIONS AFFECTED INDEX

THRU JUNE 23, 1989

TITLE 83 (CONT'D)

435.50 r (P-3; A-8417)
435.60 r (P-3; A-8417)
440.10 n (P-3162/88; A-296)
440.100 n (P-3162/88; A-296)
440.200 n (P-3162/88; A-296)
440.210 n (P-3162/88; A-296)
440.220 n (P-3162/88; A-296)
440.240 n (P-3162/88; A-296)
440.300 n (P-3162/88; A-296)
440.310 n (P-3162/88; A-296)
440.400 n (P-3162/88; A-296)
440.410 n (P-3162/88; A-296)
440.420 n (P-3162/88; A-296)
440.430 n (P-3162/88; A-296)
440.500 n (P-3162/88; A-296)
440.510 n (P-3162/88; A-296)
440.520 n (P-3162/88; A-296)
440.600 n (P-3162/88; A-296)
440.610 n (P-3162/88; A-296)
440.620 n (P-3162/88; A-296)
440.640 n (P-3162/88; A-296)
440.650 n (P-3162/88; A-296)
440.660 n (P-3162/88; A-296)
440.700 n (P-3162/88; A-296)
440.800 n (P-3162/88; A-296)
440.810 n (P-3162/88; A-296)
440.900 n (P-3162/88; A-296)
440.910 n (P-3162/88; A-296)
505.10 am (P-1686)
535.10 n (P-9314/88; A-7331)
535.15 n (P-9314/88; A-7331)
535.100 n (P-9314/88; A-7331)
535.110 n (P-9314/88; A-7331)
535.115 n (P-9314/88; A-7331)
535.120 n (P-9314/88; A-7331)
535.200 n (P-9314/88; A-7331)
535.205 n (P-9314/88; A-7331)
535.210 n (P-9314/88; A-7331)
535.220 n (P-9314/88; A-7331)
535.300 n (P-9314/88; A-7331)
535.305 n (P-9314/88; A-7331)
535.310 n (P-9314/88; A-7331)
535.320 n (P-9314/88; A-7331)
535.330 n (P-9314/88; A-7331)
535.340 n (P-9314/88; A-7331)
535.350 n (P-9314/88; A-7331)
535.360 n (P-9314/88; A-7331)
535.400 n (P-9314/88; A-7331)
535.410 n (P-9314/88; A-7331)
535.500 n (P-9314/88; A-7331)
535.510 n (P-9314/88; A-7331)
590.10 am (P-9067)
595.120 am (P-16309/88; A-2036)
710.10 am (P-9076)
710.100 n (P-19563/88; A-7570)
710.105 n (P-19563/88; A-7570)

TITLE 83 (CONT'D)

710.110 n (P-19563/88; A-7570)
710.115 n (P-19563/88; A-7570)
710.120 n (P-19563/88; A-7570)
710.125 n (P-19563/88; A-7570)
710.130 n (P-19563/88; A-7570)
710.135 n (P-19563/88; A-7570)
710.140 n (P-19563/88; A-7570)
710.145 n (P-19563/88; A-7570)
710.150 n (P-19563/88; A-7570)
710.155 n (P-19563/88; A-7570)
710.160 n (P-19563/88; A-7570)
710.165 n (P-19563/88; A-7570)
710.170 n (P-19563/88; A-7570)
710.175 n (P-19563/88; A-7570)
710.180 n (P-19563/88; A-7570)
710.185 n (P-19563/88; A-7570)
710.190 n (P-19563/88; A-7570)
710.200 n (P-19563/88; A-7570)
710.205 n (P-19563/88; A-7570)
710.210 n (P-19563/88; A-7570)
710.215 n (P-19563/88; A-7570)
710.220 n (P-19563/88; A-7570)
710.225 n (P-19563/88; A-7570)
710.230 n (P-19563/88; A-7570)
710.235 n (P-19563/88; A-7570)
710.240 n (P-19563/88; A-7570)
710.2000 n (P-19563/88; A-7570)

TITLE 86

100.3700 am (P-2383)
100.5706 am (P-768; A-8917)
110.105 am (P-22373/88; A-7469)
110.145 am (P-20007/88; A-6803)
110.160 am (P-22373/88; A-7469)
130.310 am (P-8391)
140.1401 am (P-1108/88; A-9388)
140.1405 am (P-1108/88; A-9388)
140.1415 am (P-1108/88; A-9388)
150.325 am (P-7215)
150.330 am (P-7215)
150.1401 am (P-7215)
150.1405 am (P-7215)
150.1415 am (P-7215)
151.101 n (P-1498)
151.105 n (P-1498)
151.110 n (P-1498)
151.115 n (P-1498)
160.150 am (P-11119/88; A-9399)
160.155 am (P-11119/88; A-9399)
160.165 am (P-11119/88; A-9399)
180.101 am (P-11056/88; A-9332)
200.101 r (P-20012/88; A-6808)
200.101 n (P-19993/88; A-6789)
200.105 r (P-20012/88; A-6808)
200.105 n (P-19993/88; A-6789)
200.110 r (P-20012/88; A-6808)

ILLINOIS REGISTER

VOL. 13, THRU ISSUE #25

SECTIONS AFFECTED INDEX

THRU JUNE 23, 1989

TITLE 86 (CONT'D)

200.110 n (P-19993/88; A-6789)
200.115 r (P-20012/88; A-6808)
200.115 n (P-19993/88; A-6789)
200.120 r (P-20012/88; A-6808)
200.120 n (P-19993/88; A-6789)
200.125 r (P-20012/88; A-6808)
200.125 n (P-19993/88; A-6789)
200.130 r (P-20012/88; A-6808)
200.130 n (P-19993/88; A-6789)
200.135 r (P-20012/88; A-6808)
200.135 n (P-19993/88; A-6789)
200.140 r (P-20012/88; A-6808)
200.140 n (P-19993/88; A-6789)
200.145 n (P-19993/88; A-6789)
200.150 n (P-19993/88; A-6789)
200.155 n (P-19993/88; A-6789)
200.160 n (P-19993/88; A-6789)
200.165 n (P-19993/88; A-6789)
200.170 n (P-19993/88; A-6789)
200.175 n (P-19993/88; A-6789)
210.135 n (P-11060/88; A-6782)
425.10 r (P-19976/88; A-6780)
425.20 r (P-19976/88; A-6780)
432.100 n (P-15027/88; A-191)
432.110 n (P-15027/88; A-191)
432.120 n (P-15027/88; A-191)
432.130 n (P-15027/88; A-191)
432.140 n (P-15027/88; A-191)
432.150 n (P-15027/88; A-191)
432.160 n (P-15027/88; A-191)
432.170 n (P-15027/88; A-191)
432.180 n (P-15027/88; A-191)
432.190 n (P-15027/88; A-191)
432.200 n (P-15027/88; A-191)
445.10 r (P-19981/88; A-6785)
445.20 r (P-19981/88; A-6785)
445.30 r (P-19981/88; A-6785)
455.10 r (P-19987/88; A-6787)
455.20 r (P-19987/88; A-6787)
455.30 r (P-19987/88; A-6787)
525.103 n (E-5788; O-9607)
530.165 am (P-11104/88; A-1589)
600.101 n (P-1448; A-9336)
600.105 n (P-1448; A-9336)
600.110 n (P-1448; A-9336)
600.115 n (P-1448; A-9336)
600.120 n (P-1448; A-9336)
600.125 n (P-1448; A-9336)
600.130 n (P-1448; A-9336)
600.135 n (P-1448; A-9336)
610.101 n (P-1460; A-9336)
610.105 n (P-1460; A-9336)
610.110 n (P-1460; A-9336)
610.115 n (P-1460; A-9336)
610.120 n (P-1460; A-9336)
610.125 n (P-1460; A-9336)

TITLE 86 (CONT'D)

610.130 n (P-1460; A-9336)
610.135 n (P-1460; A-9336)
620.101 n (P-1468; A-9357)
620.105 n (P-1468; A-9357)
620.110 n (P-1468; A-9357)
620.115 n (P-1468; A-9357)
620.120 n (P-1468; A-9357)
630.101 n (P-1473; A-9362)
630.105 n (P-1473; A-9362)
630.110 n (P-1473; A-9362)
630.115 n (P-1473; A-9362)
630.120 n (P-1473; A-9362)
630.125 n (P-1473; A-9362)
630.130 n (P-1473; A-9362)
630.135 n (P-1473; A-9362)
640.101 n (P-1485; A-9374)
640.105 n (P-1485; A-9374)
640.110 n (P-1485; A-9374)
640.115 n (P-1485; A-9374)
640.120 n (P-1485; A-9374)
640.125 n (P-1485; A-9374)
640.130 n (P-1485; A-9374)
640.135 n (P-1485; A-9374)
650.101 n (P-1493; A-9383)
650.105 n (P-1493; A-9383)
650.110 n (P-1493; A-9383)
650.115 n (P-1493; A-9383)
650.120 n (P-1493; A-9383)
1910.5 n (P-8790)
1910.10 am (P-8790)
1910.20 am (P-8790)
1910.25 n (P-8790)
1910.30 am (P-8790)
1910.40 am (P-8790)
1910.50 # (P-8790)
1910.60 am (P-8790)
1910.63 n (P-8790)
1910.65 n (P-8790)
1910.67 # (P-8790)
1910.67 am (P-8790)
1910.68 n (P-8790)
1910.69 n (P-8790)
1910.70 am (P-8790)
1910.75 n (P-8790)
1910.90 n (P-8790)
1910.95 n (P-8790)

TITLE 89

101.1 n (P-20694/88; A-3897)
102.1 n (P-20743/88; A-3940)
103.1 n (P-20757/88; A-3954)
103.20 am (P-17667/88; A-2496)
104.202 am (P-2958)
104.208 am (P-2958)
104.210 am (P-2958)
104.212 am (P-2958)

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TITLE 92 (CONT'D)

1000.10	am	(P-3316)
1000.20	am	(P-3316)
1000.41	n	(P-17269/88; A-5185)
1000.50	am	(P-3316)
1000.60	am	(P-3316)
1000.70	n	(P-3316)
1000.80	am	(P-3316)
1000.120	am	(P-3316)
1001.30	am	(P-7229)
1001.50	am	(P-7229)
1001.60	am	(P-7229)
1001.70	am	(P-7229)
1001.100	am	(P-7229)
1001.110	am	(P-7229)
1001.210	am	(P-7229)
1001.220	am	(P-7229)
1001.230	am	(P-7229)
1001.240	am	(P-7229)
1001.250	am	(P-7229)
1001.260	am	(P-7229)
1001.300	am	(P-7229)
1001.320	am	(P-7229)
1001.330	am	(P-7229)
1001.340	am	(P-7229)
1001.360	am	(P-7229)
1001.400	am	(P-7229)
1001.410	am	(P-7229)
1001.420	am	(P-7229)
1001.430	am	(P-7229)
1001.440	am	(P-7229)
1001.450	am	(P-7229)
1001.460	am	(P-7229)
1001.470	am	(P-7229)
1001.480	am	(P-7229)
1003.20	am	(P-20019/88; A-7048)
1003.30	am	(P-20019/88; A-7048)
1003.40	am	(P-20019/88; O-3454; R-7150; A-7048)
1010.20	n	(P-19642/88; A-5173)
1010.240	am	(P-1102; A-7965)
1010.430	n	(P-5655)
1010.440	n	(P-16432/88; A-1598)
1010.452	n	(P-19642/88; A-5173)
1010.455	n	(P-19642/88; A-5173)
1010.456	n	(P-19642/88; A-5173)
1019.5	n	(P-19652/88; A-4944)
1019.10	n	(P-19652/88; A-4944)
1019.20	n	(P-19652/88; A-4944)
1019.30	n	(P-19652/88; A-4944)
1019.35	n	(P-19652/88; A-4944)
1019.40	n	(P-19652/88; A-4944)
1019.45	n	(P-19652/88; A-4944)
1020.60	n	(P-5665)
1030.11	n	(P-3611)
1030.70	am	(P-20763/88; A-7808)
1030.85	am	(P-2395)

TITLE 92 (CONT'D)

1030.86	n	(P-17275/88; A-5192)
1030.88	am	(P-2753)
1030.89	am	(P-7892)
1030.94	am	(P-3324)
1030.Ap. A	n	(P-3324) (P-3611)
1040.30	am	(P-17259/88; A-5162)
1040.31	n	(P-9490)
1040.40	am	(P-17259/88; A-5162)
1040.41	n	(P-20760/88; A-8659)
1040.66	n	(P-15947/88; A-1593)
1040.70	am	(P-19636/88; A-7802)
1040.100	n	(P-20760/88; A-8659)
1040.101	n	(P-20760/88; A-8659)
1205.10	am	(P-1665; O-9597)
1206.20	am	(P-1671)
1225.45	am	(P-1676)
1235.10	n	(P-17045/88; A-4658)
1235.15	n	(P-17045/88; A-4658)
1235.20	n	(P-17045/88; A-4658)
1235.25	n	(P-17045/88; A-4658)
1235.30	n	(P-17045/88; A-4658)
1235.35	n	(P-17045/88; A-4658)
1235.40	n	(P-17045/88; A-4658)
1235.45	n	(P-17045/88; A-4658)
1235.50	n	(P-17045/88; A-4658)
1235.55	n	(P-17045/88; A-4658)
1304.10	n	(P-13381/88; A-4654)
1435.15	n	(P-9070)
1435.20	am	(P-9070)
1595.1	n	(P-20974/88; A-7566)
1595.5	n	(P-20974/88; A-7566)
1595.7	n	(P-20974/88; A-7566)
1595.8	n	(P-20974/88; A-7566)
1595.10	r	(P-20978/88; A-7564)
1595.20	r	(P-20978/88; A-7564)
1595.30	r	(P-20978/88; A-7564)
1595.40	r	(P-20978/88; A-7564)
1595.50	r	(P-20978/88; A-7564)
1595.60	r	(P-20978/88; A-7564)
1595.70	r	(P-20978/88; A-7564)
1595.80	r	(P-20978/88; A-7564)
1595.90	r	(P-20978/88; A-7564)
1595.100	r	(P-20978/88; A-7564)
1595.110	r	(P-20978/88; A-7564)
1595.120	r	(P-20978/88; A-7564)
1595.130	r	(P-20978/88; A-7564)
1595.140	r	(P-20978/88; A-7564)
1595.150	r	(P-20978/88; A-7564)
1595.160	r	(P-20978/88; A-7564)
1595.170	r	(P-20978/88; A-7564)
1710.160	am	(P-10)
1730.15	n	(P-9061)
1730.20	am	(P-9061)

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 8

230.20	am	(A-10499)
700.Ap.F	am	(A-10489)

TITLE 11

509.40	am	(P-10171)
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TITLE 17

510.10	am	(A-10583)
550.30	am	(A-10598)
570.20	am	(A-10589)
570.30	am	(A-10589)
570.40	am	(A-10589)
590.10	am	(A-10525)
590.30	am	(A-10525)
590.40	am	(A-10525)
590.50	am	(A-10525)
590.60	am	(A-10525)
590.Ex.A	am	(A-10525)
690.30	am	(A-10606)
730.20	am	(A-10513)
730.30	am	(A-10513)
870.10	r	(A-10575)
870.10	n	(A-10503)
870.15	r	(A-10575)
870.20	r	(A-10575)
870.20	n	(A-10503)
870.30	r	(A-10575)
870.30	n	(A-10503)
870.40	n	(A-10503)
870.50	n	(A-10503)
870.60	n	(A-10503)
870.70	n	(A-10503)
930.45	am	(A-10572)
1560.10	n	(A-10577)
1560.20	n	(A-10577)
1560.30	n	(A-10577)
1560.40	n	(A-10577)
1560.50	n	(A-10577)
1560.60	n	(A-10577)
1560.70	n	(A-10577)
1560.80	n	(A-10577)
1560.90	n	(A-10577)
1590.110	am	(A-10567)
1590.120	am	(A-10567)

TITLE 20

1720.70	n	(P-9641)
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TITLE 32

700.10	n	(P-9645)
700.20	n	(P-9645)
700.30	n	(P-9645)
700.40	n	(P-9645)

TITLE 32 (CONT'D)

700.50	n	(P-9645)
700.60	n	(P-9645)
700.70	n	(P-9645)

TITLE 35

304.218	n	(P-9656)
702.104	am	(P-9835)
702.110	am	(P-9835)
702.152	am	(P-9835)
702.160	am	(P-9835)
702.181	am	(P-9835)
702.182	am	(P-9835)
702.183	am	(P-9835)
702.184	am	(P-9835)
702.185	am	(P-9835)
702.186	am	(P-9835)
702.187	am	(P-9835)
703.183	am	(P-9860)
703.184	am	(P-9860)
703.209	n	(P-9860)
703.222	am	(P-9860)
703.223	am	(P-9860)
703.230	am	(P-9860)
703.247	n	(P-9860)
703.260	n	(P-9860)
703.270	n	(P-9860)
703.271	n	(P-9860)
703.272	n	(P-9860)
703.273	n	(P-9860)
703.280	n	(P-9860)
703.281	n	(P-9860)
703.282	n	(P-9860)
703.283	n	(P-9860)
703.Ap.A	n	(P-9860)
720.110	am	(P-9661)
720.111	am	(P-9661)
721.104	am	(P-9683)
721.132	am	(P-9683)
721.133	am	(P-9683)
721.Ap.G	am	(P-9683)
721.Ap.H	am	(P-9683)
722.Ap.A	am	(P-9905)
724.110	am	(P-9909)
724.113	am	(P-9909)
724.115	am	(P-9909)
724.118	am	(P-9909)
724.154	am	(P-9909)
724.173	am	(P-9909)
724.190	am	(P-9909)
724.191	am	(P-9909)
724.192	am	(P-9909)
724.197	am	(P-9909)
724.198	am	(P-9909)