

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

DHS GENERAL ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES repealed the Part titled "General Assistance" (89 Ill Adm Code 114; 36 Ill Reg 9894), effective 2/4/13, in accordance with PA 97-689 (SMART Act). An identical emergency repealer adopted at 36 Ill Reg 10437 was effective 7/1/12. The rulemaking repealed rules for the General Assistance program of public assistance, which was abolished by the SMART Act as of 7/1/12. DHS also adopted amendments to "General Administrative Provisions" (89 Ill Adm Code 10; 36 Ill Reg 9892), "Related Program Provisions" (89 Ill Adm Code 117; 36 Ill Reg 9898), and "Collections and Recoveries" (89 Ill Adm Code 165; 36 Ill Reg 9900), all effective 2/4/13, removing references to General Assistance from each Part in accordance with the SMART Act. Identical emergency rulemakings appeared in the *Illinois Register* at 36 Ill Reg 10421 (Part 10), 36 Ill Reg 10503 (Part 117) and 36 Ill Reg 10513 (Part 165). Former clients of the General Assistance program are affected by these rulemakings.

Questions/requests for copies of the 4 proposed DHS rulemakings above: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "The Taking of Wild Turkeys – Spring Season" (17 Ill Adm Code 710; 36 Ill Reg 14585), effective 2/4/13, that conform the hunting dates to the 2013 calendar. The rulemaking opens the counties of Douglas, Ford, Kane and Lake to spring turkey hunting and requires hunters to display windshield cards at Mautino State Fish and Wildlife Area, Pyramid State Park, Pyramid State Park-East Conant Unit and Winston Tunnel State Natural Area.

Questions/requests for copies: Nick San Diego, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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Proposed Regulations

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed amendments to "Riverboat Gambling" (86 Ill Adm Code 3000; 37 Ill Reg 1837) requiring licensees and applicants to disclose any updates to criminal history. The Administrator of the Board may impose fines of \$250 for a first violation and \$500 for a second violation if this information is not disclosed. Fines for each subsequent violation will increase by \$250. Additionally, this rulemaking requires tournaments, enhanced payouts or give-aways to be tested to ensure their integrity. This rulemaking will affect riverboat gambling licensees.

Questions/requests for copies/comments through 4/1/13: Emily Mattison, IGB, 160 N. LaSalle St., Chicago IL 60601, Fax: 312/814-7253.

FIRST RESPONDERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted an amendment to "Definitions and General Provisions" (35 Ill Adm Code 211; 36 Ill Reg 15575), effective 2/4/13, that reflects an update to U.S. EPA regulations by revising the definition of volatile organic compounds to add trans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze) to the list of compounds excluded from the definition of VOC. PCB states that the basis for this exclusion is that this compound has little effect upon tropospheric ozone formation.

HAZARDOUS WASTE

PCB also adopted amendments to "Sewer Discharge Criteria" (35 Ill Adm Code 307; 36 Ill Reg 16436) and "Pre-treatment Programs" (35 Ill Adm Code 310; 36 Ill Reg 16459), both effective 2/4/13, that implement federal wastewater pretreatment and drinking water rules adopted during the 1/1/12-6/30/12 period. The rulemakings revise the testing procedures for sampling and analysis in programs established under the Clean Water Act and update incorporations by reference to the Code of Federal Regulations adopted by the federal Environmental Protection Agency (USEPA).

nants to be monitored and addressing the requirements for such monitoring. Analytical methods to monitor for 28 chemical contaminants and the monitoring for two viruses are described. UCMR 3 provides EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, permitting the assessment of the number of people potentially being exposed and the levels of that exposure. These data are one of the primary sources of occurrence and exposure information EPA uses to develop regulatory decisions for these contaminants. In addition, as part of an Expedited Methods Update, these amendments finalize language for a drinking water inorganic analysis table. Affected entities include those that own or operate a public water supply.

Requests for copies of the 4 PCB rulemakings above: Michael J. McCambridge, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6924. Copies can be downloaded online at <http://www.ipcb.state.il.us>. Please reference docket R13-1 for Part 211, R13-7 for Parts 307 and 310 and R13-2 for Part 611.

SAFE DRINKING WATER

PCB adopted amendments to rules titled "Primary Drinking Water Standards" (35 Ill Adm Code 611; 36 Ill Reg 15999), effective 2/4/13, that reflect federal Safe Drinking Water Act amendments adopted by the U.S. EPA during the 1/1/12-7/25/12 time period. The 1996 amendments to the Safe Drinking Water Act (SDWA) require that U. S. EPA establish criteria for a program to monitor unregulated contaminants and publish a list of up to 30 contaminants to be monitored every five years. These amendments meet the SDWA requirement by publishing the third Unregulated Contaminant Monitoring Regulation (UCMR 3), listing the unregulated contami-

LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300; 36 Ill Reg 11894), "Sheltered Care Facilities Code" (77 Ill Adm Code 330; 36 Ill Reg 11911), and "Illinois Veterans' Homes Code" (77 Ill Adm Code 340; 36 Ill Reg 11926), all effective 2/4/13, requiring any facility reporting an incident or accident that results in death to notify DPH's Regional Office by phone only, after the facility has contacted local law enforcement. DPH clarifies that notifying the Regional Office by phone only means that the facility representative has spoken with a DPH representative who confirms over the phone that this notification requirement has been met. The rulemakings also correct internal cross-references for consistency. Long term

care facilities are affected by this rulemaking.

Questions/requests for copies of the 3 DPH rulemakings above: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

PUBLIC UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted a new Part by emergency rulemaking titled "Utility Service of Military Personnel in Military Service" (83 Ill Adm Code 281; 37 Ill Reg 2341), effective 2/1/13 for a maximum of 150 days, that implements a provision of Public Act 97-913 that prohibits the stoppage of gas or electric service to military personnel for nonpayment of charges immediately before those persons entered service. Identical proposed amendments appear in this week's *Illinois Register* at 37 Ill Reg 1835. The rulemaking establishes what documents or proof the service member must provide to the utility to establish that the residential premises was the primary residence of the member immediately before he or she entered service; what constitutes "hardship to the consumer" as the term applies to military personnel returning from service; and the mechanics by which a utility that does not have in effect an automatic adjustment clause tariff may recover the uncollectible costs it incurs in complying with the requirements.

Questions/requests for copies/comments on the proposed rulemaking through 4/1/13: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

MEDICAID PRESCRIPTION DRUGS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to "Medical Payment" (89 Ill Adm Code 140; 37 Ill Reg 2348), effective 2/1/13 through 6/30/13 in accordance with the SMART Act (PA 97-689), affecting providers eligible to participate in the federal

New Regulations

340B Drug Pricing Program. The rule institutes a \$12 dispensing fee (paid to the pharmacist or dispensing provider for each prescription) for generic and brand name drugs purchased through the 340B Program. For the drug itself, DHFS will reimburse only the actual acquisition cost

or the Department's established 340B allowable reimbursement rate. The rule also delays the mandatory 340B enrollment date for eligible hemophilia treatment centers from 10/1/12 to 4/1/13. Hemophilia treatment centers and other healthcare providers eligible for

the 340B Program are affected by this emergency rule.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

Proposed Regulations

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 37 Ill Reg 1850) that repeal the current Section containing requirements for First Responder registration. The rulemaking combines requirements for licensing First Responders and Emergency Medical Responders into one Section covering application process, continuing education requirements, and licensure renewal procedure. DPH requires First Responders that are not associated with an EMS system to have equipment available to provide a standard of care established by the National EMS Educational Curriculum for the First Responder. This rulemaking may impact local government units, local hospitals and small businesses that employ first responders.

Questions/requests for copies/comments through 4/1/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

☞ DPH PUBLIC HEARING

DPH will hold a public hearing on proposed amendments to "Private Sewage Disposal Code" (77 Ill Adm Code 905; 36 Ill Reg 15940) on Tuesday, March 26, at 1 p.m. at the Illinois Department of Natural Resources Building, DPH Training Room, State Fairgrounds (Gate 7), Springfield. Free parking is available in Lot 21 east of the meeting site. Those wishing to comment must submit their comments in writing prior to speaking. Persons who install or maintain private septic systems and portable toilets are affected by this rulemaking, which appeared in the 11/9/12 *Illinois Register*.

Questions/comments concerning the rulemaking or the public hearing: Susan Meister at the DPH address and phone number above.

DPH RULES WITHDRAWN

DPH also has withdrawn proposed amendments to the Part titled "Asbestos Abatement for Public and Private

Schools and Commercial and Public Buildings in Illinois" (77 Ill Adm Code 855; 36 Ill Reg 16804) that appeared in the 12/7/12 *Illinois Register*. The amendments were withdrawn to allow DPH sufficient time to address comments submitted by outside parties and ensure, to the extent possible, resolution of concerns voiced by the regulated public. A new rulemaking may be proposed at a later date.

CMS RULE WITHDRAWN

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES withdrew proposed amendments to "Day Care" (89 Ill Adm Code 1300; 36 Ill Reg 14460) that appeared in the 9/28/12 *Illinois Register*. The amendments concerning procurement of child care services by State agencies and CMS were withdrawn because they were based on obsolete statutory provisions. Procurement authority now belongs to the Chief Procurement Officer for General Services (CPO-GS) and CMS states that it will work with the CPO-GS to propose new rules.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's March 12, 2013 meeting.

CENTRAL MANAGEMENT SERVICES

"State of Illinois Dependent Care Assistance Plan" (80 Ill Adm Code 2110) proposed 12/21/12 (36 Ill Reg 17640)

"State of Illinois Medical Care Assistance Plan" (80 Ill Adm Code 2120) proposed 12/21/12 (36 Ill Reg 17646)

"Commuter Savings Program" (80 Ill Adm Code 2190) proposed 12/21/12 (36 Ill Reg 17658)

"The Travel Regulation Council" (80 Ill Adm Code 3000) proposed 12/21/12 (36 Ill Reg 17663)

ENVIRONMENTAL PROTECTION AGENCY

"Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits" (35 Ill Adm Code 325) proposed 12/14/12 (36 Ill Reg 17297)

OFFICE OF THE AUDITOR GENERAL

"Purchases and Contracts" (44 Ill Adm Code 500) proposed 12/21/12 (36 Ill Reg 17694)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Munoz

Representative David Leitch

Senator Sue Rezin

Representative Don Moffitt

Senator Dale A. Righter

Representative Tim Schmitz

Senator Ira Silverstein

Representative Andre Thapedi

**Vicki Thomas
Executive Director**