

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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

STRIP MINING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Surface Mined Land Conservation and Reclamation Act (62 IAC 300; 41 Ill Reg 4416) effective 7/28/17. The amendments increase by \$5,000 the maximum amount of bond that must be filed with DNR before any surface mining or refuse disposal permit is issued. Bond amounts will now range from \$600 to \$10,000 per acre. In circumstances where an agreement between an operator and a third party requires reclamation efforts that will cost more than \$10,000/acre, DNR will require a bond amount sufficient to complete the reclamation efforts in the event of forfeiture. In no case shall the bond be less than \$600/acre or an aggregate bonding amount of \$3,000, whichever is greater.

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

FIRE SERVICE GRANTS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to Small Equipment Grant Program (41 IAC 291; 41 Ill Reg 3748) effective 8/15/17 that extend eligibility for the program to ambulance services that are non-profit or operated by a unit of local government such as a township/municipal fire department or fire protection district. Qualifying ambulance services must be volunteer organizations and stand-alone emergency medical service providers. The rulemaking also restructures the requirements and duties of the Grant Application Review Committee

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Proposed Rulemakings

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Definitions and General Provisions (35 IAC 211; 41 Ill Reg 10397; Docket R17-11) and Air Quality Standards (35 IAC 243; 41 Ill Reg 10422; Docket R17-10) implementing recent changes to USEPA air pollution regulations. The Part 211 amendment updates the list of chemical compounds that are excluded from the definition of volatile organic material or volatile organic compound. Amendments to Part 243 implement updates to the National Ambient Air Quality Standards adopted by USEPA between 7/1/16 and 6/16/17. PCB will hold public hearings (linked by videoconference) on both rulemakings **Thursday, Sept. 21, at 1:30 p.m.** in Room

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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and a new section regarding pre-screening and ranking of applicants. The point system for ranking applicants is also revised, with up to 50 points (out of 100 maximum) based on equipment need and up to 50 points based on financial need. (Currently, up to 50 points are based on financial need, up to 45 points on equipment need, and up to 5 points are awarded based on the date OSFM receives the application.) Since 1st Notice, OSFM clarified its definition of ambulance service, corrected a cross-reference, and removed a proposed Section containing a severability clause. Local governments and non-profit ambulance services are affected by this rulemaking.

Questions/requests for copies: Cindy Baum, OSFM, 1035 Stevenson Dr. Springfield IL 62703-4259, 217/785-4212

■ PUBLIC WATER SUPPLIES

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to the Part now titled Public Water Supply Capacity (35 IAC 652; 40 Ill Reg 12868) effective 7/28/17, that changed the name of the Part (formerly "Permits") and repeal all Sections that have been incorporated into the Pollution Control Board's rules for public drinking water supply permits in 35 IAC 602. The only rules remaining in this Part address public water supply capacity and supporting data. Small

municipalities with public water supplies may be affected.

Questions/requests for copies: Stephanie Flowers, IEPA, 1021 N. Grand Ave. E., P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544, stephanie.flowers@illinois.gov

GAS PIPELINES

The ILLINOIS COMMERCE COMMISSION adopted amendments to Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 40 Ill Reg 14978) effective 7/26/17 updating its incorporation by reference of federal pipeline safety standards, including a new requirement that pipeline operators submit geospatial data for inclusion in the National Pipeline Mapping System. Since 1st Notice, the effective date for incorporation of federal standards has been changed to 4/14/17 (originally, 10/1/16).

Questions/requests for copies: Brian W. Allen, ICC, 527 East Capitol Avenue, Springfield IL 62701; 217/558-2387. Please reference Docket 16-487. Copies of these rulemakings and related ICC documents can also be found in the e-Docket box at <https://icc.illinois.gov>.

ADA PROCEDURES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Americans with Disabilities Act Grievance Procedure (4 IAC 1050; 41 Ill Reg

4585) effective 7/31/17 updating its procedures for filing complaints under the federal Americans with Disabilities Act. The rulemaking sets timeframes of 15 business days for appointing a panel to review a grievance that has not been resolved by the agency's ADA coordinator; for the panel to schedule its review of the grievance, for the panel to issue its recommendation to the agency executive director; and for the executive director to approve, disapprove, or modify that recommendation.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.gov

BHE REPEALER

The BOARD OF HIGHER EDUCATION repealed the Part titled Illinois Consortium for Educational Opportunity Program (23 IAC 2400; 41 Ill Reg 4394) effective 7/25/17. This Part has been replaced by 23 IAC 1080.

Questions/requests for copies: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377. 217/557-7358. Fax: 217/782-8548. email: helland@ibhe.org.

Proposed Rulemakings

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11-512, James R. Thompson Center, 100 W. Randolph, Chicago, and in the PCB Hearing Room, Sangamo Building (IEPA headquarters), 1021 N. Grand Ave., Springfield.

Requests for copies/comments on the 2 PCB rulemakings through 9/25/17: Don A. Brown, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620.

Questions: Michael J. McCambridge, same address, 312/814-6924, michael.mccambridge@illinois.gov. Please reference the relevant docket number in comments. Copies of the Board's opinion and order are also available at www.ipcb.state.il.us.

DOR RULE WITHDRAWAL

The DEPARTMENT OF REVENUE withdrew a proposed

amendment to Retailers' Occupation Tax (86 IAC 130; 40 Ill Reg 10083) that had been published in the 7/29/16 *Illinois Register* concerning sales tax exemptions for the purchase of rolling stock moving in interstate commerce. DOR states that the passage of Senate Bill 1871 renders most of this rulemaking obsolete.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's September 12, 2017 meeting. Further public comment on these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Clinical Psychologist Licensing Act (Repealer) (68 IAC 1400; 40 Ill Reg 14490) proposed 10/28/16

Clinical Psychologist Licensing Act (New Part) (68 IAC 1400; 40 Ill Reg 14519) proposed 10/28/16

Residential Mortgage License Act of 1987 (38 IAC 1050; 41 Ill Reg 5061) proposed 5/19/17

Home Inspector License Act (68 IAC 1410; 41 Ill Reg 5845) proposed 6/2/17

Auction License Act (68 IAC 1440; 41 Ill Reg 5855) proposed 6/2/17

Real Estate Appraiser Licensing (68 IAC 1455; 41 Ill Reg 5888) proposed 6/2/17

Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 5866) proposed 6/2/17

ENVIRONMENTAL PROTECTION AGENCY

General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities (35 IAC 661; 40 Ill Reg 14404) proposed 10/28/16

Procedure for Issuing Grants From the Anti-Pollution Bond Act and the Build Illinois Act for Sewage Treatment Works (35 IAC 363; 40 Ill Reg 14386) proposed 10/28/16

General Conditions of State of Illinois Grants for Sewage Treatment Works Under the Anti-Pollution Bond Act of 1970 (35 IAC 360; 40 Ill Reg 14374) proposed 10/28/16

Licensing of Industrial Hygenists (Repealer) (35 IAC 184; 41 Ill Reg 4993) proposed 5/19/17

Water Supply Operator Certification (35 IAC 681; 41 Ill Reg 748) proposed 2/3/17

DEPT OF NATURAL RESOURCES

The Taking of Wild Turkeys-Spring Season (17 IAC 710; 41 Ill Reg 6427) proposed 6/9/17

STATE BOARD OF ELECTIONS

Procedures for Implementing the Electronic Canvass (26 IAC 219; 41 Ill Reg 6474) proposed 6/9/17