

*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

### ■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 41 Ill Reg 12759), effective 2/7/18, replacing emergency amendments at 41 Ill Reg 12890 that were effective 10/1/17. The rulemaking restores the income eligibility limit for the Child Care Assistance Program to the statutory limit of 185% (formerly, 162%) of the Federal Poverty Level, updates monthly income eligibility limits for each family size to reflect the current FPL and, in accordance with Public Act 100-387, adds as a priority service group (in the event CCAP funding is limited in the future) all non-TANF families with incomes at or below 185% FPL that need child care assistance to participate in education or job training. Child care providers and families enrolled in CCAP are affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

### ■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 41 Ill Reg 3088), effective 2/6/18, requiring video gaming terminals located in licensed establishments, including licensed fraternal or veterans' establishments, to be placed in areas where alcoholic liquor is prepared or served, with separate seating provided for customers/members apart from seating at the video gaming terminals. A change since 1<sup>st</sup> Notice clarifies that the video gaming area may be separate from the bar or other source of the alcoholic liquor. Those affected by this

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## Proposed Rulemakings

### ■ UNDERGROUND TANKS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to the following 4 Parts: General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 IAC 174; 42 Ill Reg 3270), Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 IAC 175; 42 Ill Reg 3313), Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 IAC 176; 42 Ill Reg 3457), and Compliance Certification for Underground Storage Tanks (41 IAC 177; 42 Ill Reg 3508). Amendments to Part

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

# Proposed Rulemakings

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174 implement Public Act 100-299 by allowing IEPA-permitted landfills to utilize mobile fueling for off-road vehicles and equipment used in the operation of these landfill sites. The rulemaking also updates existing underground storage tank (UST) rules for storage, handling, and use of flammable or combustible liquids. The Part 175 and 176 rulemakings align UST technical requirements with federal regulations that became effective on 10/13/15, and update permit application and reporting procedures to allow for electronic document submissions. New UST system requirements include: federally acceptable proof of compatibility for USTs, piping and related systems that store or dispense fuel blends of more than 10% ethanol or 20% biodiesel; monthly walkthrough inspections by certified operators; tightness testing of spill buckets and piping containments; and inspection of overfill prevention equipment every 3 years. Other provisions prohibit use of ball float vent

## New Rules

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rulemaking include taverns, restaurants, fraternal and veterans' organizations that hold liquor licenses and video gaming licenses.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253.

valves at the time of installation or replacement and address the practice of combining formerly separate piping lines for regular and premium gasoline to create a midgrade product at the dispenser. Airport hydrant fueling systems and field constructed tanks are also made subject to these rules. Additionally, the Part 176 rulemaking extends the time interval between repeat training for operators from 2 to 4 years and allows Class A and B operators to retrain every year in lieu of being required to retrain in response to a notice of violation. Finally, the Part 177 amendments update procedures for issuing compliance certifications. Those affected by these rulemakings include businesses such as fuel stations that have USTs on their premises.

Questions/requests for copies/comments on the 4 OSFM rulemakings through 4/9/18: Tom Andryk, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-5758, fax 217/524-5487.

## UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to Universities Retirement (80 IAC 1600; 42 Ill Reg 3715) implementing changes to the Pension Code made by Public Acts 99-897 and 100-23. The definition of "earnings" subject to pension withholding and credit is expanded to include voluntary pay reductions taken in lieu of a furlough, or basic compensation on which employee pension

contributions are paid during a furlough period. Earnings that would have been paid to a SURS participant during a period of furlough or voluntary pay reduction occurring between 7/1/15 and 6/30/17 shall be counted toward the employee's pension and reported by the employer. For university employees who join the SURS system on or after 1/1/17, earnings do not include housing or vehicle allowances, social club or athletic club dues, or payments made under the Public Employee Disability Act. A new Section establishes rules for calculating full-time equivalent earnings, excess earnings and employer normal cost for SURS members whose salary exceeds the statutorily established salary of the Governor.

Questions/requests for copies/comments through 4/9/18: Albert Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861.

## ■ PHYSICAL THERAPY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Illinois Physical Therapy Act (68 IAC 1340; 42 Ill Reg 3239) implementing Public Act 100-418, which allows physical therapists to perform intramuscular manual therapy within their scope of practice provided they complete the required hours of instruction, practical training and supervised

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## Proposed Rulemakings

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patient treatment sessions. The rulemaking also makes technical changes. Physical therapists, PT assistants and their employers are affected by this rulemaking.

Questions/requests for copies/comments through 4/9/18: Craig Cellini, DFPR, 320 W. Washington St., 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

### AIR & WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments

to Air Quality Standards (35 IAC 243; 42 Ill Reg 3514; Docket R18-15) and Primary Drinking Water Standards (35 IAC 611; 42 Ill Reg 3524; Docket R18-9) implementing U.S. Environmental Protection Agency regulations for ambient air quality and drinking water adopted from 7/1/17 through 12/31/17, along with various corrections and clarifications. A public hearing on the Part 243 amendments will take place **Thursday, April 12, at 1:30 p.m.** by teleconference at the James R. Thompson Center, Room 11-512, 100 W. Randolph St., Chicago, and the

Sangamo (IEPA) Building, PCB Hearing Room, 1021 N. Grand Ave. East, Springfield.

Requests for copies/comments on the 2 PCB rulemakings: Don A. Brown, PCB, Suite 11-500, 100 W. Randolph St., Chicago IL 60601. Please reference the docket number of the corresponding rulemaking. Questions: Michael McCambridge at the same address, 312/814-6924, [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Copies of the Board's opinion and order can be found at the PCB website, <http://www.ipcb.state.il.us>.

## Second Notices

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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 March 13, 2018 meeting and will be listed in next week's *Illinois Register*. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF NATURAL RESOURCES

Outfitter Regulations (17 IAC 640; 41 Ill Reg 15011) proposed 12/15/17

### DEPT OF PUBLIC HEALTH

Long-Term Care for Under Age 22 Facilities Code (77 IAC 390; 41 Ill Reg 15022) proposed 12/15/17

Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 41 Ill Reg 14912) proposed 12/8/17

Freestanding Emergency Center Code (77 IAC 518; 41 Ill Reg 14917) proposed 12/15/17

Grade A Pasteurized Milk and Milk Products Code (77 IAC 775; 41 Ill Reg 14434) proposed 12/1/17

### STATE BOARD OF EDUCATION

Standards for Endorsements in Specific Teaching Fields (Repealer) (23 IAC 27; 41 Ill Reg 14434) proposed 12/1/17

Standards for Endorsements in Specific Teaching Fields (New Part) (23 IAC 27; 41 Ill Reg 14797) proposed 12/1/17