

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

Proposed Regulations

AIR POLLUTION

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Procedures For Collection of Air Pollution Site Fees" (35 Ill Adm Code 251; 35 Ill Reg 16172) and "Annual Emissions Report" (35 Ill Adm Code 254; 35 Ill Reg 16178), effective 4/20/12, concerning site fees for facilities that emit EPA-regulated pollutants and greenhouse gas emissions. Amendments to both Parts exclude greenhouse gases from consideration as regulated pollutants when calculating facility operating permit fees. The Part 251 amendments define "greenhouse gas" as an air pollutant containing any of 6 types of gases that accumulate in the atmosphere (carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) and raise site fees for facilities that generate regulated pollutants. Fees range from \$235 (currently \$200) for facilities generating less than 25 tons of emissions annually to \$4,112 (currently \$3,500) for facilities that emit more than 191 tons. These amendments may impact small businesses and nonprofits that must file annual pollutant emission reports.

E. Matoesian, EPA, 1021 N. Grand Ave. E., Springfield IL 62794-9276, 217/782-5544, e-mail: charles.matoesian@illinois.gov.

BANKING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION (Banking Division) adopted amendments to "Bank Branches" (38 Ill Adm Code 305; 35 Ill Reg 15863), effective 5/4/12, reducing regulatory requirements. The rulemaking adds definitions of terms used in this Part. For example, an "eligible bank" is a state bank (one regulated by the DFPR rather than federal authority) that is well capitalized under federal rule or is operating in compliance with a capital plan approved by DFPR, has received a 1 or 2 rating by the Uniform Financial Institutions Rating System, and is not operating under a cease-and-desist order or memorandum of understanding from a federal or State regulatory entity. Only a bank deemed not to be an eligible bank must file a notice with DFPR in order to establish a bank branch. Also, a state bank desiring to establish a subsidiary to manage real estate matters in satisfaction of a debt previously contracted

ENERGY CONSERVATION CODE

The CAPITAL DEVELOPMENT BOARD proposed amendments to "Illinois Energy Conservation Code" (71 Ill Adm Code 600; 36 Ill Reg 6784) that update references to the International Energy Conservation Code (IECC) from the 2009 edition to reflect the most recent 2012 IECC. CDB also added definitions for use throughout the Part and an appendix covering administration and ventilation requirements for residential buildings. The added appendix will supplant various sections of the 2012 IECC by adapting economic, geographical and climate considerations more specifically to Illinois.

Questions/requests for copies/comments through 6/18/12: Lisa Mattingly, CDB, 401 S. Spring, 3rd Fl., Stratton Office Bldg., Springfield IL 62706, 217/524-6408, Fax 217/524-4208, email: lisa.mattingly@illinois.gov.

Questions/requests for copies: Charles

(cont'd next page)

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

may do so upon mailing a notice to DFPR.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

rules titled "Early Childhood Block Grant" (23 Ill Adm Code 235; 35 Ill Reg 17365), effective 4/18/12, that coordinate certain SBE grant criteria for early childhood programs with credentialing requirements of the Department of Human Services and the Department of Children and Family Services. The rulemaking was originally proposed to enable Illinois to qualify for Race to the Top-Early Learning Challenge grants. However, Illinois did not win a Race to the Top grant, so some of the measures contained in the proposed rulemaking have been removed from the adopted version or their implementation has been delayed. The adopted rulemaking updates learning and developmental standards for children ages 3 to 5 to align them with the "common core" Illinois learning standards for English language arts and mathematics. Programs that apply for grants must register certain staff in the DHS Gateways to Opportunity registry and credentialing system. They also must include, in their description of need, a list of other services being offered in the same geographic area and an estimate of the number of children being served. Applicants must set minimum criteria for assessing a

child's progress. Program standards are also updated to cover children ages birth to 5 (formerly, birth to 3). Changes since 1st Notice remove a requirement that school districts offering kindergarten begin to administer the Kindergarten Individual Development Survey (KIDS) in the 2013-14 school year (this requirement is proposed in another rulemaking, 23 Ill. Adm. Code 1; 35 Ill. Reg. 17338); remove a proposed new Section implementing a four-star tiered quality rating and improvement system for preschool education programs; remove proposed learning and developmental standards for children ages birth to 3; and move the start date for Gateways to Opportunity registration from 7/1/12 to 9/1/12. Childcare providers and other entities providing early childhood services to children and their families will be affected by this rulemaking.

Questions/requests for copies of the 2 SBE rulemakings above: Vicki Phillips (217/782-2948) for Part 30 and Cindy Zumwalt (217/524-4834) for Part 235, SBE, 100 N. First St., S-493, Springfield IL 62777-0001.

☞ SCHOOL PRINCIPALS

The STATE BOARD OF EDUCATION adopted amendments to "Programs for the Preparation of Principals in Illinois" (23 Ill Adm Code 30; 35 Ill Reg 21005), effective 4/23/12, implementing a statute and updating a reference to a national standard. Public Act 97-607 extended the deadline from 6/30/14 to 8/31/14 for SBE cessation of general administrative certificates. Further amendments update, from 2001 to 2011, a reference to national staff development standards that a principal candidate may use to prove competency in hiring, evaluating, and supervising teachers. Those impacted by this rulemaking include certain nonprofit entities approved to offer principal preparation programs.

☞ EARLY LEARNING GRANTS

SBE also adopted amendments to

Second Notice

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DCMS and DPH rulemakings and the DFPR rulemaking on 38 Ill Adm Code 398 will be considered at JCAR's May 15, 2012 meeting, while the DFPR rulemaking on 68 Ill Adm Code 1320 will be considered at the June 12, 2012, JCAR meeting.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 3/9/12 (36 Ill Reg 3312)

DEPARTMENT OF PUBLIC HEALTH

"The Illinois Water Well and Pump Installation Contractor's License" (77 Ill Adm Code 917) proposed 1/16/12 (36 Ill Reg 139)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Corporate Fiduciary Receivership Account" (38 Ill Adm Code 398) proposed 3/9/12 (36 Ill Reg 3612)

"Optometric Practice Act of 1987" (68 Ill Adm Code 1320) proposed 11/18/11 (35 Ill Reg 18993)