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Illinois General Assembly

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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

ENTERPRISE ZONES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to "Enterprise Zone and High Impact Business Programs" (14 Ill Adm Code 520; 36 Ill Reg 12181), effective 10/26/12, to revise the timetable for renewing High Impact Service Machinery and Equipment Sales Tax Exemptions. Qualified businesses would be eligible to renew their tax exemptions for an unlimited number of additional 5 year terms once the initial 10 year exemption expires (currently businesses are eligible for a single ten year renewal, or 20 years total). Businesses that have already reached the 20 year mark would be eligible to apply for renewals under this section (which would be applied retroactively to the date their renewed exemption expired). This rulemaking also updates the required accounting standards to the 2011 American Institute of CPAs (AICPA) standards (currently 2001). Small businesses eligible for this tax exemption may be affected by this rulemaking.

Questions/requests for copies: Jolene Clarke, Rules Administrator, DCEO, 500 East Monroe, Springfield IL 62701, 217/

557-1820, Fax: 217/524-3701 or email: jolene.clarke@illinois.gov.

GATEWAYS TO OPPORTUNITY

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Child Care" (89 Ill Adm Code 50; 35 Ill Reg 17560), effective 10/29/12, implementing PA 96-864 which created the Gateways to Opportunity Program (the Illinois professional development system). This rulemaking provides the framework for awarding Gateways to Opportunity credentials in 5 categories: early care and education; directors; infant/toddler; school-age/youth development; and family services. The rulemaking also details the 2 credential application processes (direct route application and entitled route program) and lists required documentation for each. The rulemaking also breaks credentials down into 4 components (general education; education and training specific to each credential; work and practical experience specific to each credential; and professional contributions specific to a credential). All credentials are reviewed every 5 years. The rulemaking also sets professional knowledge standards for adults working with children,

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DISEASE REPORTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Control of Communicable Diseases Code" (77 Ill Adm Code 690; 36 Ill Reg 15918) that establish a new Subpart for reporting Multi-Drug Resistant Organism (MDRO) information to a MDRO Registry. Beginning 9/1/13, health care facilities (hospitals, hospital-affiliated clinical laboratories, independent or free-standing laboratories, long-term care facilities and long-term acute care hospitals) are required to report when an individual entering the facility has been diagnosed with an MDRO infection, specifically Enterobacteriaceae family infections. (Enterobacteriaceae family infections include, but are not limited to, infections caused by the following bacteria: Citrobacter, Enterobacter, Escherichia coli (E. coli), Klebsiella, Proteus, Salmonella, Serratia, Shigella and Yersinia pestis.) The rulemaking details what information is to be reported, the medium the health care facility may use to report the information (electronic reporting or manual reporting via DPH's website), and how DPH will use information presented via the MDRO Registry. Entities required to report this infor-

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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

youth, and families that address content areas, competency levels, and alignment with other professional standards. Since 1st Notice a new Section has been added with information on the Gateways to Opportunity registry for program participants. Those affected by this rulemaking include small businesses and non-profits that provide child care, youth or family services.

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

NEW TEACHER MENTORING

The STATE BOARD OF EDUCATION adopted amendments to its rules titled "New Teacher Induction and Mentoring" (23 Ill. Adm. Code 65; 36 Ill. Reg. 9607), effective 10/25/12, to up-

date the Part to include development of program standards and a program continuum (Appendices A and B) for use in improvement, support and evaluation of the program. SBE notes that recipients of teacher mentoring grants must incorporate these standards in their programs to provide consistency among programs statewide. The rulemaking clarifies that the Part's requirements will apply to competitively funded programs and statewide programs if sufficient funds become available. Each funded program must serve at least 10 beginning teachers and the face-to-face teacher and mentor contact requirement is reduced from 60 to 30 hours (which can be increased depending upon the teacher's needs and goals). Continued funding is contingent upon the program's continuous improvement based on the induction program con-

tinuum. The rulemaking also removes the funding priority for hard to staff schools, since compliance with the program standards will be the program's focus, and aligns proposal evaluation criteria with the program standards and best practices of similar programs. Since 1st Notice, the minimum number of teachers in each funded program has been reduced from 20 to 10; the proposed requirement of 40 hours of face-to-face teacher-mentor contact was reduced to 30 hours; and electronic media was included among interactions fulfilling teacher-mentor contact requirements. Charter schools and public university laboratory schools could be impacted by this rulemaking.

Questions/requests for copies: Vicki Phillips, SBE, 100 N. First St., E-310, Springfield IL 62777, 217/782-2948.

Proposed Regulations

mation may be impacted by this rulemaking.

PRIVATE SEWAGE SYSTEMS

Also, DPH proposed amendments to "Private Sewage Disposal Code" (77 Ill Adm Code 905; 36 Ill Reg 15940) that update the Code to reflect current standards for design and performance of private sewage disposal systems. DPH incorporates National Sanitation Foundation (NSF) standards for water filtration and lists approved NSF systems and components. The rulemaking also updates and clarifies standards for influent, water softeners, pipe sizing, electrical devices, alarms, surface discharging private sewage disposal systems and disinfection devices. The rulemaking also provides portable toilet regulations, including use, design, cleaning and transporting of the units and licensing of businesses and certifying of individuals who conduct those functions. The rulemaking is too detailed to describe in its entirety. For more information

contact the agency representative below. Those affected by this rulemaking include private sewage/septic system installers and service providers.

Questions/requests for copies/comments concerning the 2 DPH rulemakings above through 12/24/12: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

REAL ESTATE APPRAISERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Real Estate Appraiser Licensing" (68 Ill Adm Code 1455, 36 Ill Reg 15525), in accordance with PA 96-1000 and PA 97-602, the Appraisal Management Company Registration Act. DFPR adds criteria for reinstating State Certified Real Estate Appraiser Licenses, State Certified Residential Real Estate Appraiser Licenses, and Associate Real

Estate Trainee Appraiser Licenses that include submitting an application, proof of continuing education (CE) completion, and a fee. Other criteria apply to licensees who have received a deferral in license renewal due to active military service. When an appraiser is issued an Illinois temporary practice permit, a copy of the master agreement between the appraiser and client must be submitted to the Division and the appraiser must list temporary permit information beneath his or her signature on the certification page and anywhere else he or she signs. New requirements apply to non-residential novice appraisers who submit applications after 12/31/07. Requirements that apply to qualified education credit completed outside of Illinois, credit for non-degree course work for Certified Residential License and Certified General Credential certification, and foreign degrees are also listed. A provision allowing CE to be earned any time during the pre-renewal period is removed. Waiver valuation will not be counted towards

Proposed Regulations

experience credit for persons who apply for a State Certified Residential Appraiser license. The types of experience credit allowed are clarified and must have been earned after 1/30/89. Guidelines are set for applicants who request DFPR to reconsider experience credits that have been approved or denied. Licensees must keep all records pertaining to an appraisal for the longer of 5 years or 2 years after the final disposition of a judicial proceeding. Other issues addressed in this rulemaking include: reductions in application and renewal fees for permits, licenses, and CE courses (many of these fees have been reduced by \$50 to \$500); application fees for national appraisal standards courses; unprofessional conduct; record-keeping, reporting, and notification requirements; requirements for CE course providers; and elimination of processing and late fees for monthly reporting. Real estate appraisers, their employers, and persons who provide appraiser training are affected.

Questions/requests for copies/comments on the DFPR rulemaking through 12/24/12: Craig Cellini, DFPR, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

AIR POLLUTION

The POLLUTION CONTROL BOARD

proposed an amendment to "Definitions and General Provisions" (35 Ill Adm Code 211; 36 Ill Reg 15575) 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.

SAFE DRINKING WATER

PCB also proposed amendments to rules titled "Primary Drinking Water Standards" (35 Ill Adm Code 611; 36 Ill Reg 15999) 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 contaminants to be monitored and addressing the requirements for such monitoring. Analytical methods to monitor for 28 chemical con-

taminants 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/comments on the above 2 rulemakings until 12/24/12: John T. Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions, at the same address: Part 211 (Please reference docket R-13-1), Part 611 (Please reference docket R13-2) - Michael J. McCambridge, 312/814-6924, e-mail: mccambm@ipcb.state.il.us. A public hearing on the Part 211 amendment will take place Thursday, December 20, at 10 a.m. by videoconference at two locations: 1) PCB hearing room 11-512, James R. Thompson Center, 100 W. Randolph, Chicago; 2) PCB hearing room, Sangamo Building, 1021 N. Grand Avenue East, Springfield.

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 JCAR's December 11, 2012 meeting.

STATE BOARD OF EDUCATION

"Certification" (23 Ill Adm Code 25) proposed 8/31/12 (36 Ill Reg 13480)

"Agricultural Education Program" (23 Ill Adm Code 75) proposed 8/31/12 (36 Ill Reg 13496)

"Calculation of Excess Cost under Section 18-3 of the School Code" (23 Ill Adm Code 140) proposed 8/31/12 (36 Ill Reg 13501)

STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill Adm Code 1600) proposed 8/31/12 (36 Ill Reg 13568)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Payday Loan Reform Act" (38 Ill Adm Code 210) proposed 3/9/12 (36 Ill Reg 3605)

DEPARTMENT OF INSURANCE

"Medical Malpractice Data Base" (50 Ill Adm Code 928) proposed 7/6/12 (36 Ill Reg 9692)

DEPT. OF NATURAL RESOURCES

"Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030) proposed 8/31/12 (36 Ill Reg 13514)