

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.

Emergency Rules

FOID & CONCEALED CARRY

The ILLINOIS STATE POLICE adopted emergency amendments to the Parts titled Firearm Owners Identification Card Act (20 IAC 1230; 44 Ill Reg 15819) and Firearm Concealed Carry Act Procedures (20 IAC 1231; 44 Ill Reg 15823), both effective 9/3/20 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 44 Ill Reg 14826 and 14828. The emergency and proposed rulemakings (which replace previous emergency rules that expired on 9/2/20) provide that current Firearm Owners Identification Cards (FOIDs) and Firearm Concealed Carry Licenses (FCCLs) that were or are scheduled to expire while the Gubernatorial Disaster Proclamations related to COVID-19 are in effect will remain valid throughout the duration of the proclamations and for 18 months

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

thereafter, provided that the holder has submitted a complete renewal application and the FOID or FCCL is not subject to revocation under other provisions of law.

Questions/requests for copies/comments on the 2 ISP proposed rulemakings through 11/2/20: Yvette Loizon, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

Proposed Rulemakings

■ YOUTH EMPLOYMENT

The DEPARTMENT OF LABOR proposed an amendment to the Part titled Illinois Child Labor Law (56 IAC 250; 44 Ill Reg 14830) instituting a remote application process for minors seeking employment permits. This proposed rule will, upon adoption, replace an emergency rule that was effective 5/29/20 at 44 Ill Reg 10210. The rulemaking allows persons who issue employment certificates for minors to accept applications and required documents electronically or by U.S. Mail when in-person applications are not possible due to the COVID-19 pandemic. It also allows interviews with minor applicants and their parents or guardians, which are normally conducted in person, to be conducted via telephone or video conference. Those affected by this

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ADOPTED 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.

Adopted Rules

■ WATER SUPPLIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Drinking Water Systems Code (77 IAC 900; 44 Ill Reg 4509) effective 9/1/20, implementing a new Revised Total Coliform Rule for non-community public water systems (NCPWS) that have at least 15 service connections used by non-residents or that regularly serve 25 or more non-resident individuals daily for at least 60 days per year. An NCPWS licensed as a recreational facility (e.g., campground) must complete an annual sanitary survey; non-recreational NCPWS must complete the survey every 2 years. For NCPWS that use only groundwater and serve 1,000 or fewer persons, and vending machine systems classified as NCPWS, routine monitoring for coliforms and E. coli must be performed quarterly; if the most recent sanitary survey shows no defects and the water source is protected, DPH may reduce the monitoring frequency to annually. (Other NCPWS are subject to monitoring requirements for primary drinking water systems in 35 IAC 611.) Seasonal systems must sample and test their water for coliform bacteria before opening to the public and submit verification of this test to DPH. If an E. coli or coliform treatment violation occurs, monitoring must be performed monthly during each month that water is supplied to the public for at least 1 year, unless the cause is pinpointed and corrected before water is supplied to the public. If the cause of the violation

cannot be determined, monitoring must be conducted during the most vulnerable times each month for the next 12 months. After 12 consecutive months of monitoring, DPH may allow the water system to return to quarterly monitoring if the water system is free of sanitary defects and in compliance with all applicable DPH rules. Other provisions address procedures for collecting and testing samples and reporting violations, additional monitoring following a coliform-positive sample, actions and events that trigger on-site or monitoring assessments, and corrective actions. The rulemaking also updates various definitions and incorporations by reference. Those affected by this rulemaking include businesses and non-profit organizations that operate facilities with NCPWS.

■ EMERGENCY SERVICES

DPH also adopted amendments to the Part titled Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 44 Ill Reg 5184), effective 9/1/20, implementing PA 100-1082 by adding provisions for Pre-Hospital Advanced Practice Registered Nurses (PHAPRNs) and Pre-Hospital Physician Assistants (PHPAs) and updating requirements for hospital certification as an Emergency Department Approved for Pediatrics (EDAP), Standby Emergency Department Approved for Pediatrics (SEDP), or Pediatric Critical Care Center

(PCCC). The rulemaking also updates the composition of the Illinois Emergency Medical Services for Children Advisory Board. Since 1st Notice, DPH has clarified that applicants for the pre-hospital positions who complete their coursework after 9/1/20 (originally, 4/1/20) must pass the National Registry of EMTs paramedic exam. Hospitals that provide emergency care to children and APRNs and PAs working in emergency medical services are affected.

HIV/AIDS TREATMENT

DPH adopted amendments to the Parts titled Control of Sexually Transmissible Infections Code (77 IAC 693; 44 Ill Reg 5330) and HIV/AIDS Confidentiality and Testing Code (77 IAC 697; 44 Ill Reg 5336) effective 9/1/20, implementing Executive Order 2019-8, which allows DPH to share HIV/AIDS Registry data with the Department of Healthcare and Family Services for the sole purpose of facilitating treatment of persons living with HIV. The rulemakings outline how such data is to be handled and shared to preserve confidentiality. DPH also adopted amendments to the Part titled AIDS Drug Assistance Program (77 IAC 692; 44 Ill Reg 5325) effective 9/1/20, updating income eligibility thresholds to reflect the 2020 Federal Poverty Level guidelines. (The eligibility threshold for the AIDS Drug Assistance Program is 300% of FPL based on household size.)

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Proposed Rulemakings

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rulemaking include minors seeking seasonal or after-school employment and their employers.

Questions/requests for copies/comments through 11/2/20: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

■ TAX INVESTIGATIONS

The DEPARTMENT OF REVENUE proposed an amendment to Retailers' Occupation Tax (86 IAC 130; 44 Ill Reg 14837) clarifying provisions in

the Retailers' Occupation Tax Act (ROTA) that require any information DOR collects in the course of administering ROTA to be kept confidential "except for official purposes". The rulemaking states that when DOR is engaged in a joint investigation of ROTA violations or other tax law violations with another federal, State or local law enforcement authority, the investigation is an "official purpose" under ROTA and DOR may share information with the law enforcement authority. This information shall be provided only under a written agreement with the law enforcement authority that provides for reciprocity and

limitations on access to or disclosure of the information. Persons who disclose information collected in the course of such an investigation, except in accordance with a court order or as otherwise provided by law, commit a Class B misdemeanor punishable by a fine of up to \$7,500. Local law enforcement agencies engaged in investigations of tax violations may be affected by this rulemaking.

Questions/requests for copies/comments through 11/2/20: Samuel J. Moore, DOR, 101 W. Jefferson St., Springfield IL 62702, 217/782-2844.

Adopted Rules

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■ MILK PRODUCTION

Finally, DPH adopted an amendment to Grade "A" Pasteurized Milk and Milk Products (77 IAC 775; 44 Ill Reg 4503) effective 9/1/20 updating incorporations by reference of various federal regulations and guidelines and professional standards. Milk producers are affected by this rulemaking.

Questions/requests for copies of the 6 DPH rulemakings: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted a new Part titled

Prevention of Significant Deterioration (35 IAC 204; 44 Ill Reg 4375) effective 9/4/20, establishing a State-level Prevention of Significant Deterioration (PSD) permitting program. Under this new Part, the Illinois Environmental Protection Agency (IEPA) assumes responsibility for the PSD program from the US Environmental Protection Agency. (PSD programs apply to new or modified emission sources in areas that meet or exceed USEPA's primary and secondary air quality standards.) Existing federal rules are incorporated by reference. PCB also adopted, effective 9/4/20, amendments to General Rules (35 IAC 101; 44 Ill Reg 4316), Appeals of Final Decisions of State Agencies (35 IAC 105; 44 Ill Reg 4347), Major Stationary Sources Construction and Modification (35 IAC 203; 44 Ill

Reg 4367), Definitions and General Provisions (35 IAC 211; 44 Ill Reg 4463) and Organic Material Emission Standards and Limitations (35 IAC 215; 44 Ill Reg 4487) aligning these Parts with the new Part 204.

■ HAZARDOUS WASTE

PCB also adopted amendments to the following 13 Parts: RCRA and UIC Permit Programs (35 IAC 702; 44 Ill Reg 9360), RCRA Permit Program (35 IAC 703; 44 Ill Reg 9368), Hazardous Waste Management System: General (35 IAC 720; 44 Ill Reg 9379), Identification and Listing of Hazardous Waste (35 IAC 721; 44 Ill Reg 9450), Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 44

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Adopted Rules

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Ill Reg 9570), Standards Applicable to Transporters of Hazardous Waste (35 IAC 723; 44 Ill Reg 9638), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 44 Ill Reg 9654), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 44 Ill Reg 9681), Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 44 Ill Reg 9732), Land Disposal Restrictions (35 IAC 728; 44 Ill Reg 9799), Standards for Universal Waste Management (35 IAC 733; 44 Ill Reg 9824), Solid Waste Disposal: General Provisions (35 IAC 810; 44 Ill Reg 9861) and Standards for New Solid Waste Landfills (35 IAC 811; 44 Ill Reg 9881), all effective 9/4/

20. These amendments update PCB's hazardous waste rules to incorporate recent amendments adopted by the U.S. Environmental Protection Agency concerning management of hazardous waste pharmaceuticals and aerosol cans. Those affected by these rulemakings include hospitals, healthcare facilities, and other businesses that dispose of used or expired medications.

Questions/requests for copies of the 19 PCB rulemakings: Tim Fox, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6931. For Parts 101 through 215, please reference docket R19-1. For Parts 702 through 811, please reference consolidated docket R20-3/R20-11. Copies of the Board's opinions and orders on all rulemakings can be obtained at 312/814-3620 or downloaded from the PCB website at <http://www.pcb.illinois.gov>

STATE OFFICES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to the Part titled Acquisition, Management and Disposal of Real Property (44 IAC 5000; 44 Ill Reg 8454) effective 9/1/20, updating space limitations for State offices and facilities undergoing upgrades, renovations or new construction. An appendix lists square footage guidelines for various types of office facilities, including private offices, open interior work stations with cubicles, reception areas, conference rooms, breakrooms/kitchenettes, and storage areas. Agency implementation of space standards shall be in collaboration with CMS and based on agency needs.

Questions/requests for copies: Sean Coombe, CMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-2141.

JCAR Meeting Action

At its 9/15/20 meeting, the Joint Committee on Administrative Rules took the following action:

POSTPONEMENT

JCAR postponed consideration of the Torture Inquiry and Relief Commission's internal/required rulemaking titled Organization, Public Information, Procedures and Rulemaking (2 IAC 3500; 44 Ill Reg 13427), effective 7/29/20, until the October 14 JCAR meeting.

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 October 14, 2020 JCAR meeting. 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 AGRICULTURE

Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 IAC 215; 44 Ill Reg 10292) proposed 6/19/20

DEPT OF REVENUE

State Tax Lien Registry (86 IAC 720; 44 Ill Reg 10865) proposed 6/26/20

SECRETARY OF STATE

Merit Commission (80 IAC 50; 44 Ill Reg 11746) proposed 7/17/20

Procedures and Standards (92 IAC 1001; 44 Ill Reg 11748) proposed 7/17/20

Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 11750) proposed 7/17/20

Issuance of Licenses (92 IAC 1030; 44 Ill Reg 11762) proposed 7/17/20

Rules of the Road -- Persons with Disabilities Parking Program (92 IAC 1100; 44 Ill Reg 11764) proposed 7/17/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair* **Representative Tom Demmer**

Senator John F. Curran **Representative Michael Halpin**

Senator Kimberly Lightford **Representative Frances Ann Hurley**

Senator Tony Muñoz **Representative Steven Reick**

Senator Sue Rezin **Representative André Thapedi**

Senator Paul Schimpf **Representative Keith Wheeler, *co-chair***

**Vicki Thomas
Executive Director**