

Board Proposes First-Notice Rule Extending 2020 Period to Renew Approvals for Cross Connection Control Device Inspectors of Public Water Supplies

On May 21, 2020, for *Illinois Register* publication, the Board proposed a first-notice rule that, when it becomes effective, will replace an emergency rule that took effect on April 17, 2020. The proposed rule—35 Ill. Adm. Code 604.1520 (“COVID-19 Emergency Provisions”)—would extend the period for cross connection control device inspectors (CCCDIs) to renew their 2020 CCCDI approvals. CCCDIs play an important role in protecting public health and welfare by helping to ensure that public water supplies are protected from connections to and contamination by unsafe sources of water.

Generally, a CCCDI must renew his or her CCCDI approval each year between May 1 and June 30. *See* 35 Ill. Adm. Code 604.1510(b)(2). Seeking to extend this renewal period for 2020 because of delays caused by the COVID-19 pandemic, the Illinois Environmental Protection Agency (IEPA) filed an emergency rulemaking proposal with the Board on April 10, 2020. The Illinois Department of Public Health, due to COVID-19, had adopted emergency rules extending the deadline for plumbers’ license renewals, and CCCDIs must be licensed plumbers. Based on Governor JB Pritzker’s proclaimed state of emergency in response to COVID-19, along with related factors, including a potential shortage in approved CCCDIs, the Board found that an emergency existed. The Board therefore adopted an emergency rule changing the 2020 approval renewal period for CCCDIs to between August 31 and October 30, as proposed by IEPA. *See* Emergency Rulemaking for Cross Connection Control Device Inspectors of Public Water Supplies 35 Ill. Adm. Code 604.1520, docket R20-20 (Apr. 16, 2020) (adopting 35 Ill. Adm. Code 604.1520 (“COVID-19 Emergency Provisions” as emergency rule)).

As the Board observed when it adopted the emergency rule, however, the Illinois Administrative Procedure Act does not allow an emergency rule to last longer than 150 days. *See* 5 ILCS 100/5-45(c) (2018). Because this emergency rule became effective on April 17, 2020, it cannot last beyond September 14, 2020, which is about seven weeks before the extended deadline of October 30, 2020, for CCCDI approval renewals. To bridge this gap, the Board opened a separate docket and proposed the text of the emergency rule in a general rulemaking, Rulemaking for Cross Connection Control Device Inspectors of Public Water Supplies 35 Ill. Adm. Code 604.1520, docket R20-21 (May 21, 2020). Accordingly, the first-notice rule, as proposed on May 21, 2020, would extend the 2020 approval renewal period to between August 31 and October 30. The Board expects to adopt a final rule at its September 3, 2020 meeting.

The Board will continue accepting public comments on the proposed rule until 45 days after its publication in the *Illinois Register*. The Board will also hold two public hearings; one on June 18, 2020, and the other on July 13, 2020. The hearings will take place by videoconference between the Board’s Springfield and Chicago hearing rooms; anyone may participate in person at either location. In addition, due to COVID-19 and related Executive Orders in effect at the time of hearing notice, the Board added ways to participate in the hearings—specifically, anyone may participate remotely by WebEx computer (audio/video) or WebEx telephone (audio only).

Here are links to (1) the Board’s first-notice opinion and order, which includes the proposed rule text, and (2) the Board hearing officer’s notice of hearing, which includes details on how to

participate in the hearings. For more information, please contact Hearing Officer Daniel Pauley at 312-814-6931 or daniel.pauley@illinois.gov.