

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

At a special meeting on July 27, 2020, the Board proposed a second-notice rule that, when it becomes effective, will replace an emergency rule extending 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)). The emergency rule took effect on April 17, 2020.

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). Accordingly, the emergency rule could not last beyond September 14, 2020, which is about seven weeks before the extended deadline of October 30, 2020, for CCCDI approval renewals. To bridge the gap, the Board opened a separate docket and, on May 21, 2020, proposed the text of the emergency rule for first notice in this general rulemaking, [Rulemaking for Cross Connection Control Device Inspectors of Public Water Supplies 35 Ill. Adm. Code 604.1520](#), docket R20-21. In turn, the Board accepted public comments on the proposed first-notice rule, which was published in the *Illinois Register* on June 5, 2020 (44 Ill. Reg. 9352). The Board also held two public hearings; one on June 18, 2020, and the other on July 13, 2020.

The Joint Committee on Administrative Rules is scheduled to consider the proposed second-notice rule at its August 11, 2020 meeting. The Board expects to adopt a final rule at its September 3, 2020 meeting. Here is a link to the Board's [second-notice opinion and order](#), which includes the proposed rule text. For more information, please contact Hearing Officer Daniel Pauley at 312-814-6931 or daniel.pauley@illinois.gov.