

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Water Well and Pump Installation Contractor's License Code
- 2) Code Citation: 77 Ill. Adm. Code 915
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
915.5	New
915.6	New
915.10	Amend
915.20	Amend
915.25	New
915.30	Repeal
915.80	Amend
915.110	New
915.130	New
915.140	New
- 4) Statutory Authority: Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]
- 5) A Complete Description of the Subject and Issues Involved: New Sections are being added for Definitions and Referenced Materials.

Section 915.10. The amendment specifies the documentation an applicant must provide in order to verify experience in the actual construction of water wells and the installation of water well pumps. This falls in line with the requirements of other licensing programs in the Division of Environmental Health. The Water Well and Pump Installation Contractor's License Board commented that in the past some applicants did not have adequate experience to become licensed water well or pump installation contractors and that documentation must be provided by the applicant to verify such experience. A subsection is being added for the qualifications of the applicants. Subsection (c) is being deleted since a character reference is already required as part of the employers affidavits in the application.

Section 915.20. The amendment specifies that in order to pass an examination, an applicant would have to obtain a grade of not less than 70 in each part of the examination, rather than achieving an average grade of 75 for both parts of each examination. The minimum passing grade requirement of 70 would fall in line with most of the other

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licensing programs in the Division of Environmental Health. A subsection is being amended to clarify the parts of the examinations. A subsection is being added for refusal of an applicant to take an examination.

A Section is being added for the expiration, renewal, reinstatement, and restoration of licenses.

Section 915.30 is being repealed because it contains information already set forth in the Authority Note.

Section 915.80. The amendment increases the time period that requests for continuing education sessions must be submitted to the Department from 4 weeks to 60 days before any training session is presented. In the past, there was not enough time for both the Department and the Water Well Licensing Board to review and approve any request to present a continuing education session. Extending the time from 4 weeks to 60 days before the date the program begins will provide sufficient time for review and to make any required revisions. The amendment also establishes a time period of 30 days for the Department to approve a continuing education session before it is held. Safety hazards associated with the water well and pump installation industry were added as a continuing education topic. Previously, there were no topic guidelines toward planning an education session, specifically tailored to meet the separate training needs of licensed water well and pump installation contractors. A subsection was added to provide these guidelines. Language was added to clarify what information is needed in a request submitted for a continuing education session. To review a training session plan, the Department needs to know the intended audience for each topic and the procedures for verifying attendance.

Sections are being added for the revocation or suspension of a license, enforcement for the revocation or suspension of a license, Administrative Hearings, and the names and addresses of licensed water well and pump installation contractors.

There will be no economic effect on the water well and pump installation industry.

The Department anticipates adoption of the rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does the rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis: These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.
- A) Type of small businesses, small municipalities and not for profit corporations affected: Water well and pump installation contractors
- B) Reporting, bookkeeping or other procedures required for compliance: Applicants must provide written proof of experience when applying for a license as a water well or pump installation contractor. Sponsors of continuing education sessions must document attendance at all such sessions, and retain attendance records for a minimum of three years after the training session. Licensed water well and pump installation contractors must provide written proof of attendance at a continuing education session to the Department as a requirement to renew their licenses.

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- C) Types of professional skills necessary for compliance: Water well and pump installation contractor licenses.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed Amendments appears on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 915

~~THE ILLINOIS~~ WATER WELL AND PUMP INSTALLATION
CONTRACTOR'S LICENSE CODE

Section

915.5	Definitions
915.6	Referenced Materials
915.10	Applications
915.20	Examination Requirements
915.25	Expiration, Renewal, Reinstatement and Restoration of Licenses
915.30	Statutory Authority (Repealed)
915.40	Supervision
915.50	Licensed Contractor Responsibility
915.60	Renewal of Expired License
915.70	Continuing Education Requirements for Licensed Water Well Contractors and Licensed Water Well Pump Installation Contractors
915.80	Continuing Education Sessions
915.90	Record of Completion
915.100	Plumbers Licensed as Water Well Pump Installation Contractors
915.110	Revocation or Suspension of a License
915.130	Administrative Hearings
915.140	Names and Addresses of Licensed Contractors

AUTHORITY: Implementing and authorized by the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993; amended at 22 Ill. Reg. 4111, effective February 10, 1998; amended at 24 Ill. Reg. 12057, effective August 1, 2000; amended at 36 Ill. Reg. _____, effective _____.

[Section 915.5 Definitions](#)

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"Act" means the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Board" means the Water Well and Pump Installation Contractors Licensing Board created by Section 6 of the Act. (Section 2(10) of the Act)

"Department" means the Department of Public Health. (Section 2(8) of the Act)

"Drill" and "Drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes. (Section 2(3) of the Act)

"Person" includes any natural person, partnership, association, trust and public or private corporation. (Section 2(11) of the Act)

"Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products, or monitoring wells. (Section 2(1) of the Act)

"Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well. (Section 2(4) of the Act)

"Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, including repair to any existing installation. (Section 2(5) of the Act)

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"Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others. (Section 2(6) of the Act)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.6 Referenced Materials

The following materials are referenced in this Part:

a) Illinois Statutes

_____ 1) Water Well and Pump Installation Contractor's License Act [225 ILCS 245]

_____ 2) Illinois Plumbing License Law [225 ILCS 320]

b) Illinois Administrative Rules

_____ 1) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

_____ 2) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

_____ 3) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.10 Applications

- a) An application for examination for registration as a licensed water well contractor ~~or~~ water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least ~~45~~30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:

1) Named name and address of the applicant;

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- 2) Age of the applicant;
 - 3) A statement that the applicant is a citizen of the United States or has declared his or her intention to become a citizen of the United States; and
 - 4) Employment~~employment~~ records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days in a maximum of two years.
- b) A recent photograph shall be submitted with~~comprise a part of~~ the application form and be made a permanent record.
- e) ~~Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.~~
- cd) Affidavits from previous and current licensed contractor employers shall~~must~~ accompany the application, indicating the dates that~~which~~ the applicant was employed and the locations of previous jobs that the applicant performed, and verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. An applicant for a water well contractor license shall submit copies of at least 10 water well construction reports that identify the applicant as the driller. To identify himself or herself as the driller, the applicant, along with the licensed driller performing the supervision, shall sign and date each of the water well construction reports. An applicant for a water well pump installation contractor license shall submit copies of at least 10 water well pump installation reports that identify the applicant as the pump installer. To identify himself or herself as the pump installer, the applicant, along with the licensed pump installer performing supervision, shall sign and date the water well construction report or the water well pump installation report. The names and addresses of previous licensed contractor employers shall be included. These affidavits shall be submitted~~with~~~~made a part of~~ the application form and become a permanent record.
- d) Qualifications. The Department will approve an application, provided the applicant has the following qualifications:

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- 1) Is at least 18 years of age;
- 2) Is a citizen of the United States or has declared his or her intention to become a citizen of the United States;
- 3) Possesses good moral character on the basis of documentation provided by the applicant's employers' affidavits as required in subsection (c) of this Section, and that the applicant has no criminal record as described in Section 915.110(g);
- 4) Has the following experience as documented according to subsections (a) (4) and (d) of this Section:
 - A) An applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor;
 - B) An applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor;
 - C) An applicant for a water well and pump installation contractor's license shall have worked two years for a licensed water well contractor and pump installation contractor; and
- 5) Has paid the required fee in accordance with Section 13 of the Act.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.20 Examination Requirements

- a) Photograph. The applicant shall personally present a~~A~~ recent photograph of himself or herself~~the applicant must be personally presented by the applicant~~ at the time of the examination.
- b) Examination. The examination shall be written and consist of four parts prepared by the ~~Board~~licensing board. The four parts shall be the following:

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- 1) Illinois Water Well Construction Code and the Act~~general knowledge of well drilling industry;~~
 - 2) Illinois Water Well Pump Installation Code and the Act~~general knowledge of pump installation industry;~~
 - 3) Experience in the construction of water wells; and
 - 4) Experience in the installation of water well pumps.
- c) Passing Grade. Applicants desiring a water well contractor license ~~shall~~will be required to successfully pass parts 1 and 3 as described in subsection (b) ~~above~~. Applicants desiring a water well pump installation contractor license ~~shall~~will be required to successfully pass parts 2 and 4 as described in subsection (b) ~~above~~. Applicants desiring licensure for both ~~shall~~will be required to successfully pass all parts. The examination shall consist of questions with a combined grade value of 100 points in each part. ~~To~~In order to successfully pass the examination, ~~a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However,~~ the applicant ~~shall~~must obtain a grade of not less than 70 in each part of the examination.
- d) Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 13 of the Act~~Section 915.10~~.
- e) Refusal to take an examination. If an applicant neglects, fails or refuses to take an examination for a license under this Act within three years after filing his or her application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, after that time, the applicant may make a new application for examination, accompanied by the required fee.
- f) Review of Examinations. Individuals may not review the examinations once they have been taken.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.25 Expiration, Renewal, Reinstatement and Restoration of Licenses

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- a) Expiration. All licenses expire on January 31, following the date of issuance, with the exception that a license issued after October 31 and before January 31 shall expire on ~~the~~ January 31 occurring after the license has been in effect for one year.
- b) Renewal. All license renewals shall be made on forms prescribed by the Department and shall include documentation that the licensed contractor has attended at least one approved continuing education session in the preceding two years. All completed license renewal applications and fees are due December 31. Licenses renewed after December 31 will be assessed a late fee charge.
- c) Reinstatement. The Department will reinstate a license that has expired for three or fewer years upon receiving the completed renewal application and required fee.
- d) Restoration. A person whose license has been expired for more than three years may have the license restored, provided that a completed application for licensure and the required restoration fee are submitted to the Department according to Section 915.10, and that the applicant successfully passes the examination.
- e) Fees. The fee to renew, reinstate or restore a license shall be paid according to Section 13 of the Act.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.30 Statutory Authority (~~Repealed~~)

~~This Part is promulgated under authority of Section 8 of the Water Well and Pump Installation Contractor's License Act, (Ill. Rev. Stat. 1977, ch. 111, pars. 7101 et seq.).~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 915.80 Continuing Education Sessions

- a) Approval of ~~Continuing Education Sessions~~~~continuing education sessions~~. Each entity that has established or proposes to present a continuing education session under the Act shall request Department approval by submitting its continuing

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education program to the Department. ~~Requests~~~~These requests~~ shall be submitted to the Department no later than ~~60 days~~~~4 weeks~~ before the date the program begins. ~~Continuing education sessions shall not be presented until at least 30 days after Department approval.~~ A list of approved continuing education sessions ~~will~~~~shall~~ be available from the Department. The Department ~~will~~~~shall~~ approve ~~those~~ sessions that address ~~at least one~~~~all~~ of the following topics:

- 1) Water well construction and pump installation in general;:-
- 2) Grouting;:-
- 3) Water sample collection and sampling;:-
- 4) Contamination of water supplies and grouting;:-
- 5) Safety hazards associated with the water well construction and pump installation industry; or
- 6) Other relevant information necessary for the continued improvement of knowledge of a water well and pump installation contractor.

b) Minimum Classroom Hours for Continuing Education Sessions. For a continuing education session to be approved as fulfilling the requirement of continuing education for a licensed water well contractor, the session shall have a minimum of four classroom contact hours of water well topics. For a continuing education session to be approved as fulfilling the requirement of continuing education for a licensed water well pump installation contractor, the session shall have a minimum of four classroom contact hours of water well pump topics.

c) Requests for Approval. When requesting approval, the entities shall submit the following information to the Department:

- 1) Title of session;:-
- 2) Type of audience (water well contractors or water well pump installation contractors);:-
- 3) Location of session;:-

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- 4) Names and qualifications of instructors or presenters;
- 5) Brief description of each topic, ~~and~~ amount of time for each topic, and type of licensed contractor each topic is intended to educate; and-
- 6) Total classroom contact hours excluding breaks (a classroom contact hour is 60 minutes).

d) Attendance. The entity shall provide, upon request, the methodology used to verify attendance. Attendance records shall be retained for three years after the continuing education session.

ee) Notification.
 Each entity approved to conduct sessions shall be responsible for notifying all licensed contractors of continuing education sessions~~seminar~~ dates and locations.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.110 Revocation or Suspension of a License

The Department may refuse to renew, may suspend or may revoke a license on any one or more of the following grounds:



- a) Material misstatement in the application for license;
- b) Failure to have or retain the qualifications required by Section 9 of the Act;
- c) Violation of the Act or this Part; or disregard or violation of any law of the State of Illinois or of any Illinois administrative rule relating to water drilling or the installation of water pumps and equipment;
- d) Willfully aiding or abetting another in the violation of the Act or this Part;
- e) Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;

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- f) Allowing the use of a license by someone other than the person in whose name it was issued;
- g) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty; conviction in this or another State of a felony; and
- h) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor, based upon documentation. (Section 15 of the Act)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.130 Administrative Hearings

All administrative hearings shall be conducted in accordance with the Department's Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.140 Names and Addresses of Licensed Contractors

The Department will maintain the names and business addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors on the Department's website, in accordance with Section 7(f) of the Act.

(Source: Added at 36 Ill. Reg. _____, effective _____)