

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code
- 2) Code Citation: 77 Ill. Adm. Code 892
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
892.10	Amend
892.15	New
892.20	Amend
892.25	New
892.40	Amend
892.50	Amend
892.60	Amend
892.70	Amend
892.80	Amend
- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320].
- 5) A Complete Description of the Subjects and Issues Involved: Changes to these rules include amendments to the existing irrigation contractor annual registration fees recommended by the Plumbing Code Advisory Council in order to reflect the progressive cost increase that the Department has incurred for over a decade and the progressive cost increase that the Department will incur in the near future for the production and administration of irrigation contractor registration. Minor modifications to format are being made to increase uniformity between the Part and the required codification system established by the Secretary of State.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this 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: Bureau of Labor Statistics Consumer Price Index; CMS Job Titles and Class Specifications Report
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: Plumbing ordinances adopted by local governments must be no less restrictive in their applications than the proposed rules.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons should present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217-782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: It is anticipated that the proposed changes will have a minimum impact on lawn sprinkler contractors.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Registered Irrigation Contractor
- 14) 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.

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

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

PART 892
LAWN IRRIGATION CONTRACTOR AND LAWN SPRINKLER
SYSTEM REGISTRATION CODE

Section	
892.10	Definitions
<u>892.15</u>	<u>Referenced Materials</u>
892.20	Registration Requirements for Irrigation Contractors
<u>892.25</u>	<u>Providers of Lawn Sprinkler Design and Installation Courses</u>
892.30	Licensed Plumbers Responsible for Installation of Lawn Sprinkler System
892.40	Waiver of Licensed Plumber Requirement
892.50	Inspection, Testing, and Registration of Lawn Sprinkler Systems
892.60	Civil Penalties for Unregistered Irrigation Contractors
892.70	Fees for Irrigation Contractors
892.80	Expiration of Registration Program

AUTHORITY: Authorized by and implementing the Illinois Plumbing License Law [225 ILCS 320].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 4224, effective March 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 11964, effective July 27, 2000; amended at 38 Ill. Reg. _____, effective _____.

Section 892.10 Definitions

~~In this Part:~~

"Installation" means:

fabrication of a lawn sprinkler system using components that include piping, fittings, valves, sprinkler heads, and pumps;

replacement, repair, alteration, or maintenance of lawn sprinkler system components; or

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lawn sprinkler system site preparation, including digging, trenching and vibratory plow operation.

"Irrigation contractor" means a person, other than a licensed plumber or licensed apprentice plumber, who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of the Law ~~the Illinois Plumbing License Law~~. (Section 2 of the Law)

"Irrigation employee" means a person, other than a licensed plumber or licensed apprentice plumber, who is employed by a registered irrigation contractor or a licensed plumber, and who designs, repairs, alters, maintains, or installs lawn sprinkler systems that are subject to Section 2.5 of the Law. *"Irrigation employee" means a person, other than a licensed plumber or licensed apprentice plumber, who is employed by an irrigation contractor or a licensed plumber and who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of the Illinois Plumbing License Law.*

"Law" means the Illinois Plumbing License Law [225 ILCS 320].

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable, ~~in any county with a population of 3,000,000 or more; any county with a population of 275,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; or any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000.~~ *"Lawn sprinkler system" includes without limitation the water supply piping, valves, control systems, low voltage wiring, and sprinkler heads or other irrigation outlets, and moisture or rainfall sensing equipment, but does not include the backflow prevention device or final connection of the lawn sprinkler system to the backflow prevention device. ~~or final connection of the lawn sprinkler system to the backflow prevention device.~~* *"Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes.* (Section 2 of the Law) *"Lawn sprinkler system" does not include extension, relocation, or modification of "Lawn sprinkler system" does not include extension, relocation, or modification of up to 200 linear yards of an existing lawn sprinkler system installed at a golf course prior to January 26, 2000.* *~~installed at a golf course prior to January 26, 2000.~~* (Section 2.6 of the Law)

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 892.15 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Plumbing License Law [225 ILCS 320]
- b) Illinois Plumbing Code (77 Ill. Adm. Code 890)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 892.20 Registration Requirements for Irrigation Contractors

- a) Irrigation Contractor Registration. Subject to Section ~~2.5~~ 16.4 of the Law, each irrigation contractor doing business in Illinois shall register annually with the Department. Registration shall be submitted on forms available from the Department's website (<http://www.idph.state.il.us/envhealth/plumbing.htm>) and shall include the following information:
 - 1) The irrigation contractor's full name, date of birth, height, weight, home telephone number; business name, full address of the business, business telephone and fax numbers, name of principal, Federal Employer Identification Number (FEIN), a certificate of insurance and workers' compensation insurance, as well as an indemnification bond or letter of credit; whether the business is a sole proprietorship, partnership, or corporation; and the name of the registered agent, if the contractor is a corporation.
 - 2) The names and license numbers of all licensed plumbers that the irrigation contractor employs or with whom the irrigation contractor enters into a contract for lawn sprinkler connection and inspection services (see Section 892.40).
 - 3) A licensed plumber who is also in the business of lawn sprinkler system installation shall register annually as an irrigation contractor, if the licensed plumber employs persons other than licensed plumbers or licensed apprentice plumbers to install or provide on-site supervision for

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the installation of lawn sprinkler systems.

- b) Irrigation Employee Registration. Subject to Section ~~2.5~~ ~~46.1~~ of the Law, each irrigation contractor doing business in Illinois shall register annually with the Department all irrigation employees who install or provide on-site supervision for the installation of lawn sprinkler systems.
- 1) Registration shall be submitted on forms available from the Department's website (<http://www.idph.state.il.us/envhealth/plumbing.htm>) and shall include each irrigation employee's full name, home address, home phone, date of birth, height, and weight; and the employer's name, business name, address, telephone number, and irrigation contractor registration number.
 - 2) Upon request, the irrigation contractor shall provide to the Department additional business information, including payroll records, time sheets, and W2 forms. The Department may request this information if necessary to determine the irrigation contractor's compliance with the registration requirements of this subsection (b).
 - 3) Irrigation contractors shall provide, on forms provided by the Department on its website (<http://www.idph.state.il.us/envhealth/plumbing.htm>), the following:
 - A) Proof that at least one irrigation employee *has completed and passed an approved class in the design and installation of lawn sprinkler systems*;
 - B) The names of employees who have successfully completed an approved course on the installation of lawn sprinkler systems; and
 - C) Proof that the course taken by the employees was successfully completed and that their continuing education is also being completed. (Section 2.5(a) and (f) of the Law)
- c) Registration Expiration and Renewal. All registrations issued under this Section shall expire on February 28 of each year, except that initial registrations issued after January 15 shall expire one year after the next February 28. Registration may be renewed for a period of one year from each succeeding March 1 upon

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submission by the irrigation contractor of new contractor and employee registration forms and fee payment prior to that March 1.

- d) Reporting Changes in Registration. Irrigation contractors shall report to the Department when registered irrigation employees are no longer employed by the contractor and when new employees are hired.
- 1) The irrigation contractor shall submit a notice of cancellation of employee, accompanied by a nonrefundable ~~\$20~~ ~~\$10~~ fee, to the Department within 10 days after a registered irrigation employee is terminated. A notice of cancellation is not required for registered employees who are terminated in the period on or after January 31 and before February 28 of the same year.
 - 2) After the contractor's initial or renewal registration has been submitted to the Department, the irrigation contractor shall submit an irrigation employee registration application form to the Department before any additional employees are hired.
 - 3) When the addition of irrigation employees places the irrigation contractor in a category that requires a higher fee and additional licensed plumbers, the irrigation contractor shall submit the difference in the fee amount between the ~~two~~ 2 categories and the names and license numbers of additional licensed plumbers to the Department. Fee payment and the information required shall be submitted before additional employees are allowed to install lawn sprinkler systems.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 892.25 Providers of Lawn Sprinkler Design and Installation Courses

- a) A college, university, trade school, vocational school, or association that has established a program providing a course of instruction in lawn sprinkler design and installation may submit a letter to the Department requesting approval of its program or course of instruction. (Section 2.5(f) of the Law)
- b) The letter shall be obtained by downloading the letter from the Department's website: <http://www.idph.state.il.us/envhealth/plumbing.htm>.

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- c) The letter shall be submitted to the Illinois Department of Public Health, 525 West Jefferson Street, 3rd Floor, Springfield, Illinois 62761.
- d) The request for approval shall include information on the curriculum offered by the program and the qualifications of the organization. The course shall consist of a minimum of 2 days of classroom education and an exam and shall include a provision for continuing education. (Section 2.5(f) of the Law)
- e) The Department shall evaluate the curriculum and organization before making a determination to approve or deny a request for approval. (Section 2.5(f) of the Law)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 892.40 Waiver of Licensed Plumber Requirement

A written request for a temporary waiver shall be submitted to the Department when the number of licensed plumbers employed by the irrigation contractor or with whom the contractor has a contractual agreement for the installation or inspection of lawn sprinkler systems is below the number of licensed plumbers required in Section 892.30.

- a) The written waiver request shall specify the steps taken by the irrigation contractor to maintain the required number of licensed plumbers. A waiver will not be issued unless the irrigation contractor provides documentation of the steps taken to employ or contract with the required number of licensed plumbers. This information shall include one or more of the following items:
 - 1) Copy of advertising by the irrigation contractor soliciting the services of licensed plumbers.
 - 2) Copies of letters to unions, trade organizations or other groups that represent plumbers, requesting referral of licensed plumbers to the irrigation contractor.
 - 3) Copies of letters to plumbing contractors soliciting the services of licensed plumbers.
 - 4) Copies of responses to the irrigation contractor from the organizations and

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businesses contacted by the irrigation contractor to obtain the services of licensed plumbers.

- b) The waiver request shall be submitted within 10 days after the number of licensed plumbers goes below the number required for the irrigation contractor, as specified in Section 892.30.
- c) The Department will ~~shall~~ review the waiver request and notify the contractor if approval of the waiver request is issued.
- d) A temporary waiver will ~~shall~~ be granted for a period not to exceed three 3 consecutive months after the date the waiver is issued. A temporary waiver will not be granted to an irrigation contractor for more than a total of six months in a two-year period.
 - 1-) ~~Upon expiration of the initial temporary waiver, the irrigation contractor may apply for an extension of the waiver, which shall not exceed an additional 3 months.~~
 - 2-) ~~In no case shall a temporary waiver be granted to an irrigation contractor for more than a total of 6 months in a two-year period.~~
- e) ~~An In no case shall an irrigation contractor~~ shall ensure ~~be relieved of the responsibility for ensuring that a licensed plumber inspects shall inspect every sprinkler system installed by an irrigation contractor to ensure that the provisions of the Law Act have been met and that the system works mechanically. An In no case shall an irrigation contractor~~ shall ensure ~~be relieved of the responsibility for ensuring that a licensed plumber makes the physical connection between a sprinkler system and the backflow prevention device.~~
- f) An irrigation contractor to whom a waiver has been issued may request the services of a State plumbing inspector to inspect a lawn irrigation system after installation has been completed. A non-refundable fee of \$500 ~~\$250~~ will be charged for inspection services by a State plumbing inspector.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 892.50 Inspection, Testing, and Registration of Lawn Sprinkler Systems

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All lawn sprinkler systems installed in Illinois ~~on or after the effective date of this rulemaking~~ shall be registered with the Department on forms provided by the Department.

- a) Inspection and Testing of Lawn Sprinkler Systems. Upon completion of installation of a lawn sprinkler system, a licensed plumber representing the irrigation contractor shall inspect and test the system to ensure that the provisions of Section 2.5 of the Law have been met and that the system works mechanically. The property owner or a representative shall witness the inspection and testing. Any defects in the installation determined during the inspection and testing shall be corrected before the test is considered complete.
- b) *No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption. No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable use only. (Section 2.5(e) of the Law)*
- c) Registration of Lawn Sprinkler Systems. ~~The contractor's test certificate provided by the Department shall be submitted by the~~ irrigation contractor or licensed plumber responsible for the installation of the lawn sprinkler system shall submit the contractor's test certificate provided by the Department to the Department within 30 days after completion of the inspection and test and shall include all of the following information:
 - 1) Name of the owner of the property at which the lawn sprinkler system is located, address of the property, and date that the installation was completed.
 - 2) Information on the installation of lawn sprinklers:
 - A) Make, model, and quantity of sprinklers installed;:-
 - B) Static pressure;:-
 - C) Gallons per minute (gpm) per largest zone;:-
 - D) Water source (public water system, well, other water source, such as a pond);:-

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- E) Type of pipe used in installation (copper, PVC, polyethylene);
 - F) ~~Manufacturer~~ manufacturer; type, and size of pump used in installation; and
 - G) Type, size, serial number and inspection date ~~inspected~~ of backflow prevention device (RPZ valve) to which the lawn sprinkler system is connected.
- 3) Name, registration number, and signature of the irrigation contractor or licensed plumber responsible for the installation of the lawn sprinkler system.
 - 4) Name and license number of the licensed plumber responsible for the physical connection between the lawn sprinkler system and the backflow prevention device.
 - 5) Date that a licensed plumber inspected the lawn sprinkler system ~~was inspected by a licensed plumber~~ to ensure compliance with the Illinois Plumbing License Law [225 ILCS 320] and Illinois Plumbing Code (77 Ill. Adm. Code 890).
- d) A ~~\$25~~ \$15 nonrefundable registration fee shall be submitted with each registration of a lawn sprinkler system.
 - e) All automatically operated lawn sprinkler systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall.
 - 1) The technology must be adjustable either by the end user or the irrigation contractor. This subsection (e) does not apply to systems operating on golf courses or agricultural lands.
 - 2) The requirements of this subsection (e) apply to all landscape irrigation systems installed after January 1, 2009. (Section 2.5(g) of the Law)

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 892.60 Civil Penalties for Unregistered Irrigation Contractors

- a) A person who practices, offers to practice, or holds himself or herself out to practice as an irrigation contractor without being registered under the provisions of the Law Act shall be issued a civil penalty under the following criteria:
 - 1) First Offense
 - A) Where no violations of the Illinois Plumbing Code (~~77 Ill. Adm. Code 890~~) are found, the person:
 - i) Shall pay a civil penalty of \$1,000 ~~1000~~; and-
 - ii) May be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
 - B) Where violations of the Illinois Plumbing Code are found, the person:
 - i) Shall pay a civil penalty of \$3,000 ~~3000~~. This amount may be reduced to \$1,000 upon the condition that the unregistered person pays for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct the violations of the Illinois Plumbing Code; and- ~~The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.~~
 - ii) May be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
 - 2) Second Offense
 - A) Where no violations of the Illinois Plumbing Code are found, the person:

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- i) Shall pay a civil penalty of \$3,000; and ~~3000~~.
 - ii) May be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
- B) Where violations of the Illinois Plumbing Code are found, the person:
 - i) Shall pay a civil penalty of \$5,000. This amount may be reduced to \$3,000 ~~3000~~ upon the condition that the unregistered person pays for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct the violations of the Illinois Plumbing Code; and, ~~The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.~~
 - ii) May be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
- 3) Third and Subsequent Offenses. The person:
 - A) Shall pay a civil penalty of \$5,000; and ~~5000~~.
 - B) Shall be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
- b) A registered irrigation contractor, firm, corporation, partnership, or association, who directs, authorizes or allows a person to practice, offer to practice, attempt to practice, or hold himself or herself out to practice as an irrigation employee without being registered under the provisions of the Law Act, shall be issued a civil penalty under the following criteria:
 - 1) First Offense. The person:
 - A) Shall pay a civil penalty of \$5,000; ~~5000~~.

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- B) Shall be required to pay for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct any violations of the Illinois Plumbing Code; ~~the licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.~~
 - C) Shall have his or her plumbing license suspended; and.
 - D) May be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.
- 2) Second Offense. The person:
- A) Shall pay a civil penalty of \$5,000; ~~5000~~.
 - B) Shall be required to pay for a licensed plumber who is acceptable to the other party to the original contract or agreement to correct any violations of the Illinois Plumbing Code; ~~the licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.~~
 - C) Shall have his or her plumbing license revoked; and.
 - D) Shall be referred to the State's Attorney of the County or to the Attorney General for prosecution under Section 29 of the Law Act.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 892.70 Fees for Irrigation Contractors

The following non-refundable annual registration fees shall be submitted to the Department by each registered irrigation contractor:

Number of Employees Authorized to Install or Supervise the Installation of Lawn Sprinkler Systems	Annual Fee for Irrigation Contractor Registration
7 or <u>fewer</u> less	<u>\$400</u> \$300

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8-12	\$600
13-20	\$900
21-28	\$1,200 <u>\$1,200</u>
29 or more	\$1,500 <u>\$1,500</u>

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 892.80 Expiration of Registration Program

This Part and the registrations issued under this Part are subject to expiration January 1, 2024
~~2003~~, as provided under Section 2.5 of the Law.

(Source: Amended at 38 Ill. Reg. _____, effective _____)