



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3739

Introduced 2/18/2025, by Rep. Nabeela Syed

SYNOPSIS AS INTRODUCED:

415 ILCS 5/7.7 new
415 ILCS 55/9

from Ch. 111 1/2, par. 7459

Amends the Environmental Protection Act. Specifies that the Act shall not apply to non-community water supplies, except for purposes of: (1) the Environmental Protection Agency's implementation of the Safe Drinking Water Act; (2) the Pollution Control Board's adoption of rules that expressly pertain to non-community water supplies or all public water supplies; or (3) any provisions of the Act or rules adopted by the Board under the Act that are referenced in, or applicable to, non-community water supplies under the Illinois Groundwater Protection Act and rules adopted by the Department of Public Health under that Act. Amends the Illinois Groundwater Protection Act. Authorizes the imposition of administrative and civil penalties. Effective immediately.

LRB104 10714 BDA 20793 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 7.7 as follows:

6 (415 ILCS 5/7.7 new)

7 Sec. 7.7. Applicability of Act to non-community water
8 supplies. The requirements of this Act shall not apply to
9 non-community water supplies, except for purposes of:

10 (1) the Agency's implementation of the Safe Drinking
11 Water Act under subsection (1) of Section 4 of this Act;

12 (2) the Board's adoption of rules under subsection (c)
13 of Section 5 of this Act, and amendments to those rules,
14 that expressly pertain to non-community water supplies or
15 all public water supplies;

16 (3) any provisions of this Act or rules adopted by the
17 Board under this Act that are referenced in, or applicable
18 to, non-community water supplies under the Illinois
19 Groundwater Protection Act and rules adopted by the
20 Department of Public Health under that Act.

21 Section 10. The Illinois Groundwater Protection Act is
22 amended by changing Section 9 as follows:

1 (415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)

2 Sec. 9. (a) As used in this Section, unless the context
3 clearly requires otherwise:

4 (1) "Community water system" means a public water
5 system which serves at least 15 service connections used
6 by residents or regularly serves at least 25 residents for
7 at least 60 days per year.

8 (2) "Contaminant" means any physical, chemical,
9 biological, or radiological substance or matter in water.

10 (3) "Department" means the Illinois Department of
11 Public Health.

12 (4) "Non-community water system" means a public water
13 system which is not a community water system, and has at
14 least 15 service connections used by nonresidents, or
15 regularly serves 25 or more nonresident individuals daily
16 for at least 60 days per year.

17 (4.5) "Non-transient, non-community water system"
18 means a non-community water system that regularly serves
19 the same 25 or more persons at least 6 months per year.

20 (5) "Private water system" means any supply which
21 provides water for drinking, culinary, and sanitary
22 purposes and serves an owner-occupied single family
23 dwelling.

24 (6) "Public water system" means a system for the
25 provision to the public of water for human consumption

1 through pipes or other constructed conveyances, if the
2 system has at least 15 service connections or regularly
3 serves an average of at least 25 individuals daily at
4 least 60 days per year. A public water system is either a
5 community water system (CWS) or a non-community water
6 system (non-CWS). The term "public water system" includes
7 any collection, treatment, storage or distribution
8 facilities under control of the operator of such system
9 and used primarily in connection with such system and any
10 collection or pretreatment storage facilities not under
11 such control which are used primarily in connection with
12 such system.

13 (7) "Semi-private water system" means a water supply
14 which is not a public water system, yet which serves a
15 segment of the public other than an owner-occupied single
16 family dwelling.

17 (8) "Supplier of water" means any person who owns or
18 operates a water system.

19 (b) No non-community water system may be constructed,
20 altered, or extended until plans, specifications, and other
21 information relative to such system are submitted to and
22 reviewed by the Department for conformance with the rules
23 promulgated under this Section, and until a permit for such
24 activity is issued by the Department. As part of the permit
25 application, all new non-transient, non-community water
26 systems must demonstrate technical, financial, and managerial

1 capacity consistent with the federal Safe Drinking Water Act.

2 (c) All private and semi-private water systems shall be
3 constructed in accordance with the rules promulgated by the
4 Department under this Section.

5 (d) The Department shall promulgate rules for the
6 construction and operation of all non-community and
7 semi-private water systems. Such rules shall include but need
8 not be limited to: the establishment of maximum contaminant
9 levels no more stringent than federally established standards
10 where such standards exist; the maintenance of records; the
11 establishment of requirements for the submission and frequency
12 of submission of water samples by suppliers of water to
13 determine the water quality; and the capacity demonstration
14 requirements to ensure compliance with technical, financial,
15 and managerial capacity provisions of the federal Safe
16 Drinking Water Act.

17 (e) Borings, water monitoring wells, and wells subject to
18 this Act shall, at a minimum, be abandoned and plugged in
19 accordance with the requirements of Sections 16 and 19 of the
20 Illinois Oil and Gas Act, and such rules as are promulgated
21 thereunder. Nothing herein shall preclude the Department from
22 adopting plugging and abandonment requirements which are more
23 stringent than the rules of the Department of Natural
24 Resources where necessary to protect the public health.

25 (f) The Department shall inspect all non-community water
26 systems for the purpose of determining compliance with the

1 provisions of this Section and the regulations promulgated
2 hereunder.

3 (g) The Department may inspect semi-private and private
4 water systems for the purpose of determining compliance with
5 the provisions of this Section and the regulations promulgated
6 hereunder.

7 (h) The supplier of water shall be given written notice of
8 all violations of this Section or the rules promulgated
9 hereunder and all such violations shall be corrected in a
10 manner and time specified by the Department.

11 (i) The Department may conduct inspections to investigate
12 the construction or water quality of non-community or
13 semi-private water systems, or the construction of private
14 water systems. Upon request of the owner or user, the
15 Department may also conduct investigations of the water
16 quality of private water systems.

17 (j) The supplier of water for a private, semi-private, or
18 non-community water system shall allow the Department and its
19 authorized agents access to such premises at all reasonable
20 times for the purpose of inspection.

21 (k) The Department may designate full-time county or
22 multiple-county health departments as its agents to facilitate
23 the implementation of this Section.

24 (l) The Department shall promulgate and publish rules
25 necessary for the enforcement of this Section.

26 (m) Whenever a non-community or semi-private water system

1 fails to comply with an applicable maximum contaminant level
2 at the point of use, the supplier of water shall give public
3 notification by the conspicuous posting of notice of such
4 failure as long as the failure continues. The notice shall be
5 written in a manner reasonably designed to fully inform users
6 of the system that a drinking water regulation has been
7 violated, and shall disclose all material facts. All
8 non-transient, non-community water systems must demonstrate
9 technical, financial, and managerial capacity consistent with
10 the federal Safe Drinking Water Act.

11 (n) The provisions of the Illinois Administrative
12 Procedure Act, are hereby expressly adopted and shall apply to
13 all administrative rules and procedures of the Department of
14 Public Health under this Section, except that in case of
15 conflict between the Illinois Administrative Procedure Act and
16 this Section the provisions of this Section shall control; and
17 except that Section 5-35 of the Illinois Administrative
18 Procedure Act relating to procedures for rulemaking shall not
19 apply to the adoption of any rule required by federal law in
20 connection with which the Department is precluded by law from
21 exercising any discretion.

22 (o) All final administrative decisions of the Department
23 issued pursuant to this Section shall be subject to judicial
24 review pursuant to the provisions of the Administrative Review
25 Law and the rules adopted pursuant thereto. The term
26 "administrative decision" is defined as in Section 3-101 of

1 the Code of Civil Procedure.

2 (p) The Director, after notice and opportunity for hearing
3 to the applicant, may deny, suspend, or revoke a permit in any
4 case in which he or she finds that there has been a substantial
5 failure to comply with the provisions of this Section or the
6 standards, rules and regulations established by virtue thereof
7 and may impose an administrative penalty of \$1,000 for each
8 violation. Each day's violation constitutes a separate
9 offense.

10 Such notice shall be effected by certified mail or by
11 personal service setting forth the particular reasons for the
12 proposed action and fixing a date, not less than 15 days from
13 the date of such mailing or service, at which time the
14 applicant shall be given an opportunity to request hearing.

15 The hearing shall be conducted by the Director or by an
16 individual designated in writing by the Director as Hearing
17 Officer to conduct the hearing. On the basis of any such
18 hearing, or upon default of the applicant, the Director shall
19 make a determination specifying his or her findings and
20 conclusions. A copy of such determination shall be sent by
21 certified mail or served personally upon the applicant.

22 (q) The procedure governing hearings authorized by this
23 Section shall be in accordance with rules promulgated by the
24 Department. A full and complete record shall be kept of all
25 proceedings, including the notice of hearing, complaint and
26 all other documents in the nature of pleadings, written

1 motions filed in the proceedings, and the report and orders of
2 the Director and Hearing Officer. All testimony shall be
3 reported but need not be transcribed unless review of the
4 decision is sought pursuant to the Administrative Review Law.
5 Copies of the transcript may be obtained by any interested
6 party on payment of the cost of preparing such copies. The
7 Director or Hearing Officer shall, upon his or her own motion
8 or on the written request of any party to the proceeding, issue
9 subpoenas requiring the attendance and the giving of testimony
10 by witnesses, and subpoenas duces tecum requiring the
11 production of books, papers, records or memoranda. All
12 subpoenas and subpoenas duces tecum issued under the terms of
13 this Section may be served by any person of legal age. The fees
14 of witnesses for attendance and travel shall be the same as the
15 fees of witnesses before the circuit courts of this State,
16 such fees to be paid when the witness is excused from further
17 attendance. When the witness is subpoenaed at the instance of
18 the Director or Hearing Officer, such fees shall be paid in the
19 same manner as other expenses of the Department, and when the
20 witness is subpoenaed at the instance of any other party to any
21 such proceeding, the Department may require that the cost of
22 service of the subpoena or subpoena duces tecum and the fee of
23 the witness be borne by the party at whose instance the witness
24 is summoned. In such case, the Department, in its discretion,
25 may require a deposit to cover the cost of such service and
26 witness fees. A subpoena or subpoena duces tecum so issued

1 shall be served in the same manner as a subpoena issued by a
2 circuit court.

3 (r) Any circuit court of this State, upon the application
4 of the Director or upon the application of any other party to
5 the proceeding, may, in its discretion, compel the attendance
6 of witnesses, the production of books, papers, records or
7 memoranda and the giving of testimony before the Director or
8 Hearing Officer conducting an investigation or holding a
9 hearing authorized by this Section, by an attachment for
10 contempt or otherwise, in the same manner as production of
11 evidence may be compelled before the court.

12 (s) The Director or Hearing Officer, or any party in an
13 investigation or hearing before the Department, may cause the
14 depositions of witnesses within the State to be taken in the
15 manner prescribed by law for like depositions in civil actions
16 in courts of this State, and to that end compel the attendance
17 of witnesses and the production of books, papers, records, or
18 memoranda.

19 (t) Any person who violates this Section or any rule or
20 regulation adopted by the Department, or who violates any
21 determination or order of the Department under this Section,
22 shall be guilty of a Class A misdemeanor and shall be fined a
23 sum not less than \$100 and shall be liable for a civil penalty
24 of at least \$1,000 for each violation. Each day's violation
25 constitutes a separate offense. The State's Attorney of the
26 county in which the violation occurs, or the Attorney General

1 of the State of Illinois, may bring such actions in the name of
2 the People of the State of Illinois; or may in addition to
3 other remedies provided in this Section, bring action for an
4 injunction to restrain such violation, or to enjoin the
5 operation of any establishment.

6 (u) The State of Illinois, and all of its agencies,
7 institutions, offices and subdivisions shall comply with all
8 requirements, prohibitions and other provisions of this
9 Section and regulations adopted thereunder.

10 (v) No agency of the State shall authorize, permit or
11 license the construction or operation of any potential route,
12 potential primary source, or potential secondary source, as
13 those terms are defined in the Environmental Protection Act,
14 in violation of any provision of this Section or the
15 regulations adopted hereunder.

16 (w) This Section shall not apply to any water supply which
17 is connected to a community water supply which is regulated
18 under the Environmental Protection Act, except as provided in
19 Section 9.1.

20 (Source: P.A. 92-369, eff. 8-15-01; 92-652, eff. 7-11-02.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.