



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5386

Introduced 1/31/2022, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

615 ILCS 5/26a

from Ch. 19, par. 74

615 ILCS 60/Act rep.

Amends the Rivers, Lakes and Streams Act. Provides that any person who violates the Act shall be liable for a civil penalty not to exceed \$10,000 (instead of \$5,000) for a violation not resulting in the potential for loss of life or not associated with dam or floodway construction reasonably valued over \$250,000 that continues past a Department of Natural Resources-ordered remediation deadline. Provides that any person who violates the Act shall be liable for a civil penalty of up to 10 times the applicable permit application review fee, but not to exceed \$50,000, plus an additional civil penalty not to exceed \$1,000 for each day the violation continues past a Department-ordered remediation deadline, for any violation resulting in the potential for loss of life or associated with dam or floodway construction reasonably valued over \$250,000. Provides that payment of such penalties does not discharge the required remediation of the violation. Provides that a penalty shall (instead of "may") be paid to the Department and deposited into the State Boating Act Fund. Repeals the Des Plaines and Illinois Rivers Act. Effective immediately.

LRB102 25738 RAM 35048 b

1 AN ACT concerning natural resources.

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

4 Section 5. The Rivers, Lakes, and Streams Act is amended
5 by changing Section 26a as follows:

6 (615 ILCS 5/26a) (from Ch. 19, par. 74)

7 Sec. 26a. The Department of Natural Resources may issue
8 orders requiring all necessary remedial actions to correct
9 violations of this Act and impose the civil penalties provided
10 in this Section. All orders entered by the Department of
11 Natural Resources shall be made only upon giving reasonable
12 notice to persons to be affected by such orders; or having any
13 interest in the subject matter of such orders and after a
14 hearing in relation thereto. Any person who violates any
15 provision of this Act; any rule or regulation adopted by the
16 Department under this Act; any permit~~,~~ term~~,~~ or condition of
17 this Act; or any order of the Department under this Act, shall
18 be liable for a civil penalty of up to 2 times the applicable
19 permit application review fee, but not to exceed \$10,000
20 ~~\$5,000~~ for a violation not resulting in the potential for loss
21 of life or not associated with dam or floodway construction
22 reasonably valued over \$250,000 that continues past a
23 Department-ordered remediation deadline. Any person who

1 violates any provision of this Act; any rule or regulation
2 adopted by the Department; any permit term or condition of
3 this Act; or any order of the Department under this Act for a
4 violation resulting in the potential for loss of life or
5 associated with dam or floodway construction reasonably valued
6 over \$250,000, shall be liable for a civil penalty of up to 10
7 times the applicable permit application review fee, but not to
8 exceed \$50,000, plus an additional civil penalty not to exceed
9 \$1,000 for each day the violation continues past a
10 Department-ordered remediation deadline. Payment of such
11 penalties does not discharge the required remediation of the
12 violation. The penalty fee shall ~~may~~, upon order of the
13 Department of Natural Resources or a court of competent
14 jurisdiction, be made payable to the Department and deposited
15 into the State Boating Act Fund for use by the Department for
16 ordinary and contingent expenses.

17 (Source: P.A. 99-73, eff. 1-1-16.)

18 (615 ILCS 60/Act rep.)

19 Section 10. The Des Plaines and Illinois Rivers Act is
20 repealed.

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