

# HB5854



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB5854**

by Rep. Denyse Wang Stoneback

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Water Reuse Task Force Act. Contains the General Assembly's findings. Creates the Water Reuse Task Force. Requires the Environmental Protection Agency to provide administrative and other support to the Task Force. Specifies voting and nonvoting members of the Task Force. Contains provisions regarding the Task Force's duties and reporting responsibilities. Requires the Task Force to recommend specified changes to administrative rules and to provide the recommendations to relevant State agencies. Provides that the Act is repealed on June 31, 2031. Contains other provisions. Effective June 1, 2023.

LRB102 29435 CPF 41433 b

A BILL FOR

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 1. Short title. This Act may be cited as the Water  
5 Reuse Task Force Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) The Illinois Nutrient Loss Reduction Strategy  
8 details methods to improve water quality in Illinois and  
9 in areas downstream from Illinois to reduce the Gulf of  
10 Mexico's hypoxic zone.

11 (2) The Illinois Nutrient Loss Reduction Strategy sets  
12 a long-term goal of reducing nutrient loading of Illinois  
13 waters by 45% from their baseline levels by slashing  
14 nitrogen loading of those waters by 15% and phosphorus  
15 loading of those waters by 25% by no later than 2025.

16 (3) The main contributors to elevated nutrient loading  
17 of Illinois waters are agriculture, point sources, and  
18 urban stormwater.

19 (4) Impacts stemming from increased greenhouse gas  
20 emissions after the advent of the Anthropocene epoch have  
21 led to severe and unpredictable weather in Illinois and  
22 worldwide.

23 (5) These changes in climate and weather patterns have

1 and will continue to increase the risk of droughts and  
2 flooding in Illinois.

3 (6) If Illinois maintains the current status quo,  
4 weather unpredictability will likely require greater  
5 reliance on water being sourced from groundwater and Lake  
6 Michigan.

7 (7) Despite Illinois' substantial water resources,  
8 groundwater levels across Illinois have been dropping from  
9 their historic norms, especially in Cook County, DuPage  
10 County, Kane County, Kendall County, and Will County.

11 (8) Due to a partial exemption from the water  
12 withdrawal limits set forth in the Great Lakes Compact,  
13 the People of Illinois are limited to withdrawing 2.1  
14 billion gallons of water per day from Lake Michigan,  
15 without any potential for the rate of withdrawal to be  
16 increased. In 2020, Illinois withdrew 1.5 billion gallons  
17 of water from Lake Michigan per day, most of which was used  
18 by public water supplies.

19 (9) A ban on withdrawing water from any water source  
20 without justification by scientific analysis could result  
21 in a substantial cost being borne by the People of  
22 Illinois and could create an unnecessary risk to water  
23 security in the State.

24 Section 10. Definitions. In this Act:

25 "Agency" means the Environmental Protection Agency.

1 "Director" means the Director of the Agency.

2 "Task Force" means the Water Reuse Task Force created  
3 under subsection (a) of Section 15.

4 "Water reuse" means the use of treated wastewater as  
5 potable or nonpotable water, as indicated.

6 Section 15. Water Reuse Task Force; members.

7 (a) The Water Reuse Task Force is hereby created. The  
8 Agency shall provide administrative and other support to the  
9 Task Force.

10 (b) The Task Force shall be composed of voting and  
11 nonvoting members, who shall serve without compensation:

12 (1) the voting members shall be appointed as follows:

13 (A) one member representing the Agency, who shall  
14 serve as the Chair of the Task Force, appointed by the  
15 Director or the Director's designated representative;

16 (B) one member representing the Department of  
17 Natural Resources, appointed by the Director or the  
18 Director's designated representative;

19 (C) one member representing the Department of  
20 Public Health, appointed by the Director or the  
21 Director's designated representative;

22 (D) one member representing the Department of  
23 Agriculture who has expertise in irrigation and  
24 nonpoint source pollution, appointed by the Director  
25 or the Director's designated representative;

1           (E) one member representing the University of  
2 Illinois Extension, appointed by the Director of the  
3 University of Illinois Extension;

4           (F) one member representing the Metropolitan Water  
5 Reclamation District of Greater Chicago, appointed by  
6 the President of the Board of Commissioners of the  
7 Metropolitan Water Reclamation District of Greater  
8 Chicago or the President's designated representative;

9           (G) one member representing a national water reuse  
10 nongovernmental organization, appointed by the  
11 Governor;

12           (H) four members representing national  
13 nongovernmental organizations whose purpose  
14 necessitates knowledge of other states' water reuse  
15 practices and how those states' water reuse rules were  
16 adopted, one of whom shall be appointed by the Speaker  
17 of the House of Representatives, one of whom shall be  
18 appointed by the Minority Leader of the House of  
19 Representatives, one of whom shall be appointed by the  
20 President of the Senate, and one of whom shall be  
21 appointed by the Minority Leader of the Senate;

22           (I) one member representing an Illinois  
23 pipefitters' union, appointed by the Governor; and

24           (J) one member representing an Illinois plumbers'  
25 union, appointed by the Governor; and

26           (2) the nonvoting members shall be appointed as

1 follows:

2 (A) one member representing the State's largest  
3 general farm organization, appointed by the Governor;

4 (B) one member who represents an Illinois county  
5 with a population under 100,000 that participates in  
6 the State's largest general farm organization,  
7 appointed by the Governor;

8 (C) one member who represents an Illinois county  
9 with a population of at least 100,000 and at most  
10 500,000 that participates in the State's largest  
11 general farm organization, appointed by the Governor;

12 (D) one member who represents an Illinois county  
13 with a population over 500,000 that participates in  
14 the State's largest general farm organization,  
15 appointed by the Governor;

16 (E) one member representing an Illinois Soil and  
17 Water Conservation District in an Illinois county with  
18 a population under 100,000, appointed by the Governor;

19 (F) one member representing an Illinois Soil and  
20 Water Conservation District in an Illinois county with  
21 a population of at least 100,000 and at most 500,000,  
22 appointed by the Governor; and

23 (G) one member representing an Illinois Soil and  
24 Water Conservation District in an Illinois county with  
25 a population over 500,000, appointed by the Governor.

1 Section 20. Task Force duties; reporting requirements.

2 (a) The Task Force shall:

3 (1) explore the most effective means, best practices,  
4 and incentives that may be used to achieve greater water  
5 reuse in Illinois;

6 (2) collaborate, as necessary, with the following  
7 entities:

8 (A) the Department of Natural Resources' State  
9 Water Plan Task Force;

10 (B) the following working groups that participate  
11 in the implementation of the Illinois Nutrient Loss  
12 Reduction Strategy:

13 (i) the Illinois Nutrient Loss Reduction  
14 Strategy Steering Committee;

15 (ii) the Policy Working Group;

16 (iii) the Agriculture Water Quality  
17 Partnership Forum;

18 (iv) the Urban Stormwater Working Group;

19 (v) the Nutrient Monitoring Council;

20 (vi) the Performance Benchmark Committee; and

21 (vii) the Communication Subgroup; and

22 (C) similar entities in this State or other states  
23 or in the federal government; and

24 (3) develop a policy framework to:

25 (A) better meet the Illinois Nutrient Loss  
26 Reduction Strategy's objective of improving water

1 quality in Illinois and in areas downstream from  
2 Illinois to reduce the Gulf of Mexico's hypoxic zone;

3 (B) address ways that the State can meet the  
4 Illinois Nutrient Loss Reduction Strategy's long-term  
5 goal of reducing the total loading of phosphorus and  
6 nitrogen in Illinois waters by 45% and the  
7 intermediate goals of reducing the total loading of  
8 nitrogen in Illinois waters by 15% and the total  
9 loading of phosphorus in Illinois waters by 25% by  
10 2025;

11 (C) advance water reuse as a drought-proof,  
12 cost-stable alternative water source to build climate  
13 resilience for Illinois industries through a technical  
14 assistance program offering advocacy, education, and  
15 training, a sustainability certification or award  
16 program, or tax incentives, such as tax increment  
17 financing; and

18 (D) assess the impact of water reuse on the  
19 affordability of water and on water resources by  
20 reserving groundwater for use as potable water and  
21 advancing potable water reuse.

22 (b) The Task Force shall present, in a manner determined  
23 by the Task Force, its findings on the following topics to the  
24 General Assembly during each calendar year indicated:

25 (1) for calendar year 2024, the Task Force shall  
26 report its findings regarding nonpotable water reuse for



1 industrial and residential purposes;

2 (2) for calendar year 2025, the Task Force shall  
3 report its findings regarding nonpotable water reuse for  
4 irrigation purposes and potable water reuse for recharging  
5 aquifers and surface water source blending;

6 (3) for calendar year 2026, the Task Force shall  
7 report its findings regarding potable water reuse for  
8 direct human consumption; and

9 (4) for each calendar year of 2027 through 2030, the  
10 Task Force shall prepare a summary report of actions taken  
11 by the Task Force and any recommendations of the Task  
12 Force.

13 Section 25. Recommended revisions of administrative rules.

14 (a) The Task Force shall compile a report that includes:

15 (1) recommended revisions to the Illinois  
16 Administrative Code, including, but not limited to, 35  
17 Ill. Adm. Code 604.200, 35 Ill. Adm. Code 611.231, and the  
18 Plumbing Code, to remove ambiguity regarding whether  
19 wastewater can be used for water reuse;

20 (2) recommended revisions to the Illinois  
21 Administrative Code and an evaluation of water projects  
22 regarding groundwater depletion, climate resilience, and  
23 nutrient pollution reduction;

24 (3) recommended rules to be adopted by relevant State  
25 agencies to increase the following within the timeframe

1 indicated:

2 (A) nonpotable water reuse for irrigation within 3  
3 years after publication of the report;

4 (B) nonpotable water reuse for industrial purposes  
5 within 2 years after publication of the report;

6 (C) nonpotable water reuse for residential  
7 purposes within 2 years after publication of the  
8 report;

9 (D) potable water reuse for recharging aquifers  
10 within 3 years after publication of the report;

11 (E) potable water reuse for surface water source  
12 blending within 3 years after publication of the  
13 report; and

14 (F) direct potable water reuse for human  
15 consumption within 4 years after publication of the  
16 report; and

17 (4) recommended revisions to administrative rules  
18 recommended by the Task Force to clarify that any  
19 determination of a best source for water must be based on  
20 measurable qualities of water.

21 Once completed, the Task Force shall provide the report  
22 described in this subsection to the Agency, the Pollution  
23 Control Board, the Department of Public Health, and any other  
24 State agency recommended by the Task Force to revise  
25 administrative rules under paragraph (1), (2), (3), or (4).

26 (b) A State agency that receives the report under

1 subsection (a) shall review the report and may implement any  
2 recommended revisions to administrative rules.

3 Section 30. Recommended programs. Subject to  
4 appropriation, and for the purpose of showing compliance with  
5 federal laws, rules, and regulations regarding lead and copper  
6 that may become necessary, the Task Force shall compile a list  
7 of programs recommended by the Task Force, including, but not  
8 limited to, source water studies and corrosion control  
9 demonstrations relating to water reuse. The Task Force shall  
10 provide the list to any person or entity upon request.

11 Section 90. Repeal. This Act is repealed on June 31, 2031.

12 Section 99. Effective date. This Act takes effect June 1,  
13 2023.