



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4702

Introduced 2/6/2024, by Rep. Abdelnasser Rashid

SYNOPSIS AS INTRODUCED:

415 ILCS 170/5
415 ILCS 170/35
415 ILCS 170/45 new

Amends the PFAS Reduction Act. Provides that, on or before December 31, 2025, the owner or operator of each community water system, community wastewater system, and nontransient, noncommunity water system shall conduct monitoring for perfluoroalkyl and polyfluoroalkyl substances (PFAS), using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling, and shall conduct additional monitoring for the presence of PFAS contaminants under specified circumstances. Provides that, if monitoring results confirm the presence of any PFAS contaminants, individually or in combination in excess of 20 nanograms per liter, then the Illinois Environmental Protection Agency shall direct the owner or operator of the community water system, community wastewater system, or nontransient, noncommunity water system to issue a notice to all users of the system to inform them of the detected PFAS concentration and potential risk to public health until the level is below 20 nanograms per liter. Sets forth civil penalties for violation of the provisions. Grants rulemaking powers to the Illinois Pollution Control Board. Defines terms.

LRB103 36223 LNS 66316 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 PFAS Reduction Act is amended by changing
5 Sections 5 and 35 and by adding Section 45 as follows:

6 (415 ILCS 170/5)

7 Sec. 5. Definitions. In this Act:

8 "Agency" means the Illinois Environmental Protection
9 Agency.

10 "Board" means the Illinois Pollution Control Board.

11 "Class B firefighting foam" means foam designed to
12 extinguish flammable liquid fires or prevent the ignition of
13 flammable liquids.

14 "Community wastewater system" means a single system of
15 wastewater collection, treatment, and disposal owned and
16 operated by a sanitary district, metropolitan sewage district,
17 water and sewer authority, county or municipality, or public
18 utility.

19 "Community water system" means a public water system that
20 serves at least 15 service connections used by year-round
21 residents or regularly serves at least 25 year-round
22 residents.

23 "Fire department" means the duly authorized fire

1 protection organization of a unit of local government, a
2 Regional Fire Protection Agency, a fire protection district,
3 or a volunteer fire department.

4 "Local government" means a unit of local government or
5 other special purpose district that provides firefighting
6 services.

7 "Manufacturer" means a person that manufactures Class B
8 firefighting foam and any agents of that person, including an
9 importer, distributor, authorized servicer, factory branch, or
10 distributor branch.

11 "Nontransient, noncommunity water system" means a public
12 water system that is not a community water system and that
13 regularly serves at least 25 of the same persons over 6 months
14 per year.

15 "Perfluoroalkyl substance or polyfluoroalkyl substance" or
16 "PFAS" means a class of fluorinated organic chemicals
17 containing at least one fully fluorinated carbon atom.

18 "Person" means any individual, partnership, association,
19 public or private corporation, limited liability company, or
20 any other type of legal or commercial entity, including, but
21 not limited to, members, managers, partners, directors, or
22 officers.

23 "Public water system" means a system for the provision to
24 the public of piped water for human consumption, if the system
25 has at least 15 service connections or regularly serves an
26 average of at least 25 individuals daily at least 60 days per

1 year."Public water system" includes any collection, treatment,
2 storage, and distribution facilities under control of the
3 operator of the system and used primarily in connection with
4 that system and any collection or pretreatment storage
5 facilities not under the operator's control that are used
6 primarily in connection with the system.

7 "Testing" means calibration testing, conformance testing,
8 and fixed system testing.

9 (Source: P.A. 102-290, eff. 8-6-21.)

10 (415 ILCS 170/35)

11 Sec. 35. Civil penalties. A manufacturer who violates this
12 Act or an owner or operator of a community water system,
13 community wastewater system, or nontransient, noncommunity
14 water system who violates this Act is subject to a civil
15 penalty not to exceed \$5,000 for the first violation and a
16 civil penalty not to exceed \$10,000 for each subsequent
17 violation. Civil penalties collected under this Section must
18 be deposited into the Environmental Protection Trust Fund to
19 be used in accordance with the provisions of the Environmental
20 Protection Trust Fund Act.

21 (Source: P.A. 102-290, eff. 8-6-21.)

22 (415 ILCS 170/45 new)

23 Sec. 45. PFAS monitoring at water systems.

24 (a) On or before December 31, 2025, the owner or operator

1 of each community water system, community wastewater system,
2 or nontransient, noncommunity water system shall conduct
3 monitoring for the level of PFAS detectable using standard
4 laboratory methods established by the United States
5 Environmental Protection Agency in effect at the time of
6 sampling. Monitoring under this subsection must be conducted
7 for all PFAS contaminants, including, but not limited to, PFAS
8 included in the list of analytes in the standard laboratory
9 methods established by the United States Environmental
10 Protection Agency in effect at the time of sampling.

11 (b) After completion of initial monitoring under
12 subsection (a), the owner or operator of each community water
13 system, community wastewater system, or nontransient,
14 noncommunity water system shall conduct continued monitoring
15 for the presence of PFAS contaminants in drinking water
16 supplied by the water system as follows:

17 (1) If initial monitoring under subsection (a) detects
18 the presence of any PFAS contaminants individually or in
19 combination at or above 20 nanograms per liter, the owner
20 or operator of the community water system, community
21 wastewater system, or nontransient, noncommunity water
22 system shall conduct continued quarterly monitoring until
23 the presence of the PFAS contaminants is below 20
24 nanograms per liter.

25 (2) If initial monitoring under subsection (a) detects
26 the presence of any PFAS contaminants at or above each

1 analyte's lowest concentration minimum reporting level as
2 specified in the standard laboratory methods established
3 by the United States Environmental Protection Agency in
4 effect at the time of sampling and the level is below 20
5 nanograms per liter, either individually or in combination
6 with other detected PFAS contaminants, the owner or
7 operator of the community water system, community
8 wastewater system, or nontransient, noncommunity water
9 system shall conduct continued monitoring annually.

10 (c) The monitoring results collected under this Section
11 must be reported to the Agency and made publicly available.

12 (d) If monitoring results under subsection (a) or (b)
13 confirm the presence of any PFAS contaminants individually or
14 in combination in excess of 20 nanograms per liter, the Agency
15 shall direct the community water system, community wastewater
16 system, or nontransient, noncommunity water system to issue a
17 notice to all users of the system to inform them of the
18 detected PFAS concentration and potential risk to public
19 health until the level is below 20 nanograms per liter.

20 (e) An owner or operator of a community water system,
21 community wastewater system, or nontransient, noncommunity
22 water system that violates this Section is subject to the
23 civil penalties set forth in Section 35.

24 (f) The Agency shall propose and the Board shall adopt any
25 rules needed to implement, administer, or enforce this
26 Section.