

HB4808



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4808

Introduced 2/6/2024, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/19.4

from Ch. 111 1/2, par. 1019.4

Amends the Environmental Protection Act. Requires rules adopted by the Illinois Environmental Protection Agency for purposes of administering the Water Revolving Fund to encourage regionalization and proactive compliance. Effective immediately.

LRB103 36987 BDA 67102 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 5. The Environmental Protection Act is amended by
5 changing Section 19.4 as follows:

6 (415 ILCS 5/19.4) (from Ch. 111 1/2, par. 1019.4)

7 Sec. 19.4. Regulations; priorities.

8 (a) The Agency shall have the authority to promulgate
9 regulations for the administration of this Title, including,
10 but not limited to, rules setting forth procedures and
11 criteria concerning loan applications and the issuance of
12 loans. For loans to units of local government, the regulations
13 shall include, but need not be limited to, the following
14 elements:

15 (1) loan application requirements;

16 (2) determination of credit worthiness of the loan
17 applicant;

18 (3) special loan terms, as necessary, for securing the
19 repayment of the loan;

20 (4) assurance of payment;

21 (5) interest rates;

22 (6) loan support rates;

23 (7) impact on user charges;

- 1 (8) eligibility of proposed construction;
- 2 (9) priority of needs;
- 3 (10) special loan terms for disadvantaged communities;
- 4 (11) maximum limits on annual distributions of funds
- 5 to applicants or groups of applicants;
- 6 (12) penalties for noncompliance with loan
- 7 requirements and conditions, including stop-work orders,
- 8 termination, and recovery of loan funds; and
- 9 (13) indemnification of the State of Illinois and the
- 10 Agency by the loan recipient.

11 (b) The Agency shall have the authority to promulgate

12 regulations to set forth procedures and criteria concerning

13 loan applications for loan recipients other than units of

14 local government. In addition to all of the elements required

15 for units of local government under subsection (a), the

16 regulations shall include, but need not be limited to, the

17 following elements:

- 18 (1) types of security required for the loan;
- 19 (2) types of collateral, as necessary, that can be
- 20 pledged for the loan; and
- 21 (3) staged access to fund privately owned community
- 22 water supplies.

23 (c) Rules adopted under this Title shall also include, but

24 shall not be limited to, criteria for prioritizing the

25 issuance of loans under this Title according to applicant

26 need. Priority in making loans from the Public Water Supply

1 Loan Program must first be given to local government units and
2 privately owned community water supplies that need to make
3 capital improvements to protect human health and to achieve
4 compliance with the State and federal primary drinking water
5 standards adopted pursuant to this Act and the federal Safe
6 Drinking Water Act, as now and hereafter amended. Rules for
7 prioritizing loans from the Water Pollution Control Loan
8 Program may include, but shall not be limited to, criteria
9 designed to encourage green infrastructure, water efficiency,
10 environmentally innovative projects, and nutrient pollution
11 removal.

12 (d) The Agency shall have the authority to promulgate
13 regulations to set forth procedures and criteria concerning
14 loan applications for funds provided under the American
15 Recovery and Reinvestment Act of 2009. In addition, due to
16 time constraints in the American Recovery and Reinvestment Act
17 of 2009, the Agency shall adopt emergency rules as necessary
18 to allow the timely administration of funds provided under the
19 American Recovery and Reinvestment Act of 2009. Emergency
20 rules adopted under this subsection (d) shall be adopted in
21 accordance with Section 5-45 of the Illinois Administrative
22 Procedure Act.

23 (e) The Agency may adopt rules to create a linked deposit
24 loan program through which loans made pursuant to paragraph
25 (3.5) of subsection (b) of Section 19.3 may be made through
26 private lenders. Rules adopted under this subsection (e) shall

1 include, but shall not be limited to, provisions requiring
2 private lenders, prior to disbursing loan proceeds through the
3 linked deposit loan program, to verify that the loan
4 recipients have been approved by the Agency for financing
5 under paragraph (3.5) of subsection (b) of Section 19.3.

6 (f) Rules adopted under this Section for the
7 administration of this Title shall encourage regionalization
8 and shall encourage proactive compliance.

9 (Source: P.A. 98-782, eff. 7-23-14.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.