

1 AN ACT in relation to environmental protection.

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  
5 by changing Section 13 and adding Section 13.5 as follows:

6 (415 ILCS 5/13) (from Ch. 111 1/2, par. 1013)

7 Sec. 13. Regulations.

8 (a) The Board, pursuant to procedures prescribed in  
9 Title VII of this Act, may adopt regulations to promote the  
10 purposes and provisions of this Title. Without limiting the  
11 generality of this authority, such regulations may among  
12 other things prescribe:

13 (1) Water quality standards specifying among other  
14 things, the maximum short-term and long-term  
15 concentrations of various contaminants in the waters, the  
16 minimum permissible concentrations of dissolved oxygen  
17 and other desirable matter in the waters, and the  
18 temperature of such waters;

19 (2) Effluent standards specifying the maximum  
20 amounts or concentrations, and the physical, chemical,  
21 thermal, biological and radioactive nature of  
22 contaminants that may be discharged into the waters of  
23 the State, as defined herein, including, but not limited  
24 to, waters to any sewage works, or into any well, or from  
25 any source within the State;

26 (3) Standards for the issuance of permits for  
27 construction, installation, or operation of any  
28 equipment, facility, vessel, or aircraft capable of  
29 causing or contributing to water pollution or designed to  
30 prevent water pollution or for the construction or  
31 installation of any sewer or sewage treatment facility or

1 any new outlet for contaminants into the waters of this  
2 State;

3 (4) The circumstances under which the operators of  
4 sewage works are required to obtain and maintain  
5 certification by the Agency under Section 13.5 and the  
6 types of sewage works to which those requirements apply,  
7 which may, without limitation, include wastewater  
8 treatment works, pretreatment works, and sewers and  
9 collection systems; Standards--for--the--definition--and  
10 certification--of--the--technical-competency-of-operation  
11 personnel-for-sewage-works,--and--for--ascertaining--that  
12 such--works--shall--be--under--the-supervision-of-trained  
13 individuals-whose-qualifications-shall-have-been-approved  
14 by-the-Agency;

15 (5) Standards for the filling or sealing of  
16 abandoned water wells and holes, and holes for disposal  
17 of drainage in order to protect ground water against  
18 contamination;

19 (6) Standards and conditions regarding the sale,  
20 offer, or use of any pesticide, detergent, or any other  
21 article determined by the Board to constitute a water  
22 pollution hazard, provided that any such regulations  
23 relating to pesticides shall be adopted only in  
24 accordance with the "Illinois Pesticide Act", approved  
25 August 14, 1979 as amended;

26 (7) Alert and abatement standards relative to  
27 water-pollution episodes or emergencies which constitute  
28 an acute danger to health or to the environment;

29 (8) Requirements and procedures for the inspection  
30 of any equipment, facility, or vessel that may cause or  
31 contribute to water pollution;

32 (9) Requirements and standards for equipment and  
33 procedures for monitoring contaminant discharges at their  
34 sources, the collection of samples and the collection,

1 reporting and retention of data resulting from such  
2 monitoring.

3 (b) Notwithstanding other provisions of this Act and for  
4 purposes of implementing an NPDES program, the Board shall  
5 adopt:

6 (1) Requirements, standards, and procedures which,  
7 together with other regulations adopted pursuant to this  
8 Section 13, are necessary or appropriate to enable the  
9 State of Illinois to implement and participate in the  
10 National Pollutant Discharge Elimination System (NPDES)  
11 pursuant to and under the Federal Water Pollution Control  
12 Act, as now or hereafter amended. All regulations  
13 adopted by the Board governing the NPDES program shall be  
14 consistent with the applicable provisions of such federal  
15 Act and regulations pursuant thereto, and otherwise shall  
16 be consistent with all other provisions of this Act, and  
17 shall exclude from the requirement to obtain any  
18 operating permit otherwise required under this Title a  
19 facility for which an NPDES permit has been issued under  
20 Section 39(b); provided, however, that for purposes of  
21 this paragraph, a UIC permit, as required under Section  
22 12(g) and 39(d) of this Act, is not an operating permit.

23 (2) Regulations for the exemption of any category  
24 or categories of persons or contaminant sources from the  
25 requirement to obtain any NPDES permit prescribed or from  
26 any standards or conditions governing such permit when  
27 the environment will be adequately protected without the  
28 requirement of such permit, and such exemption is either  
29 consistent with the Federal Water Pollution Control Act,  
30 as now or hereafter amended, or regulations pursuant  
31 thereto, or is necessary to avoid an arbitrary or  
32 unreasonable hardship to such category or categories of  
33 persons or sources.

34 (c) In accordance with Section 7.2, and notwithstanding

1 any other provisions of this Act, for purposes of  
2 implementing a State UIC program, the Board shall adopt  
3 regulations which are identical in substance to federal  
4 regulations or amendments thereto promulgated by the  
5 Administrator of the United States Environmental Protection  
6 Agency in accordance with Section 1421 of the Safe Drinking  
7 Water Act (P.L. 93-523), as amended. The Board may  
8 consolidate into a single rulemaking under this Section all  
9 such federal regulations adopted within a period of time not  
10 to exceed 6 months. The provisions and requirements of Title  
11 VII of this Act shall not apply to regulations adopted under  
12 this subsection. Section 5-35 of the Illinois Administrative  
13 Procedure Act relating to procedures for rulemaking shall not  
14 apply to regulations adopted under this subsection.

15 (d) The Board may adopt regulations relating to a State  
16 UIC program that are not inconsistent with and are at least  
17 as stringent as the Safe Drinking Water Act (P.L. 93-523), as  
18 amended, or regulations adopted thereunder. Regulations  
19 adopted pursuant to this subsection shall be adopted in  
20 accordance with the provisions and requirements of Title VII  
21 of this Act and the procedures for rulemaking in Section 5-35  
22 of the Illinois Administrative Procedure Act.

23 (Source: P.A. 88-45.)

24 (415 ILCS 5/13.5 new)

25 Sec. 13.5. Sewage works; operator certification.

26 (a) For the purposes of this Section, the term "sewage  
27 works" includes, without limitation, wastewater treatment  
28 works, pretreatment works, and sewers and collection systems.

29 (b) The Agency may establish and enforce standards for  
30 the definition and certification of the technical competency  
31 of personnel who operate sewage works, and for ascertaining  
32 that sewage works are under the supervision of trained  
33 individuals whose qualifications have been approved by the

1 Agency.

2 (c) The Agency may issue certificates of competency to  
3 persons meeting the standards of technical competency  
4 established by the Agency under this Section, and may  
5 promulgate and enforce regulations pertaining to the issuance  
6 and use of those certificates.

7 (d) The Agency shall administer the certification  
8 program established under this Section. The Agency may enter  
9 into formal working agreements with other departments or  
10 agencies of State or local government under which all or  
11 portions of its authority under this Section may be delegated  
12 to the cooperating department or agency.

13 (e) This Section and the changes made to subdivision  
14 (a)(4) of Section 13 by this amendatory Act of the 93rd  
15 General Assembly do not invalidate the operator certification  
16 rules previously adopted by the Agency and codified as Part  
17 380 of Title 35, Subtitle C, Chapter II of the Illinois  
18 Administrative Code. Those rules, as amended from time to  
19 time, shall continue in effect until they are superseded or  
20 repealed.

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