

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 Sections 13 and 19.3 and adding Section 13.5 as  
6 follows:

7 (415 ILCS 5/13) (from Ch. 111 1/2, par. 1013)

8 Sec. 13. Regulations.

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

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

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

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

1 installation of any sewer or sewage treatment facility or  
2 any new outlet for contaminants into the waters of this  
3 State;

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

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

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

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

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

33 (9) Requirements and standards for equipment and  
34 procedures for monitoring contaminant discharges at their

1 sources, the collection of samples and the collection,  
2 reporting and retention of data resulting from such  
3 monitoring.

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

7 (1) Requirements, standards, and procedures which,  
8 together with other regulations adopted pursuant to this  
9 Section 13, are necessary or appropriate to enable the  
10 State of Illinois to implement and participate in the  
11 National Pollutant Discharge Elimination System (NPDES)  
12 pursuant to and under the Federal Water Pollution Control  
13 Act, as now or hereafter amended. All regulations  
14 adopted by the Board governing the NPDES program shall be  
15 consistent with the applicable provisions of such federal  
16 Act and regulations pursuant thereto, and otherwise shall  
17 be consistent with all other provisions of this Act, and  
18 shall exclude from the requirement to obtain any  
19 operating permit otherwise required under this Title a  
20 facility for which an NPDES permit has been issued under  
21 Section 39(b); provided, however, that for purposes of  
22 this paragraph, a UIC permit, as required under Section  
23 12(g) and 39(d) of this Act, is not an operating permit.

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

1 (c) In accordance with Section 7.2, and notwithstanding  
 2 any other provisions of this Act, for purposes of  
 3 implementing a State UIC program, the Board shall adopt  
 4 regulations which are identical in substance to federal  
 5 regulations or amendments thereto promulgated by the  
 6 Administrator of the United States Environmental Protection  
 7 Agency in accordance with Section 1421 of the Safe Drinking  
 8 Water Act (P.L. 93-523), as amended. The Board may  
 9 consolidate into a single rulemaking under this Section all  
 10 such federal regulations adopted within a period of time not  
 11 to exceed 6 months. The provisions and requirements of Title  
 12 VII of this Act shall not apply to regulations adopted under  
 13 this subsection. Section 5-35 of the Illinois Administrative  
 14 Procedure Act relating to procedures for rulemaking shall not  
 15 apply to regulations adopted under this subsection.

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

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

25 (415 ILCS 5/13.5 new)

26 Sec. 13.5. Sewage works; operator certification.

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

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

1 individuals whose qualifications have been approved by the  
2 Agency.

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

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

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

22 (415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)  
23 Sec. 19.3. Water Revolving Fund.

24 (a) There is hereby created within the State Treasury a  
25 Water Revolving Fund, consisting of 3 interest-bearing  
26 special programs to be known as the Water Pollution Control  
27 Loan Program, the Public Water Supply Loan Program, and the  
28 Loan Support Program, which shall be used and administered by  
29 the Agency.

30 (b) The Water Pollution Control Loan Program shall be  
31 used and administered by the Agency to provide assistance for  
32 the following purposes:

33 (1) to accept and retain funds from grant awards,

1 appropriations, transfers, and payments of interest and  
2 principal;

3 (2) to make direct loans at or below market  
4 interest rates to any eligible local government unit to  
5 finance the construction of wastewater treatments works;

6 (3) to make direct loans at or below market  
7 interest rates to any eligible local government unit to  
8 buy or refinance debt obligations for treatment works  
9 incurred after March 7, 1985;

10 (3.5) to make direct loans at or below market  
11 interest rates for the implementation of a management  
12 program established under Section 319 of the Federal  
13 Water Pollution Control Act, as amended;

14 (4) to guarantee or purchase insurance for local  
15 obligations where such action would improve credit market  
16 access or reduce interest rates;

17 (5) as a source of revenue or security for the  
18 payment of principal and interest on revenue or general  
19 obligation bonds issued by the State or any political  
20 subdivision or instrumentality thereof, if the proceeds  
21 of such bonds will be deposited in the Fund;

22 (6) to finance the reasonable costs incurred by the  
23 Agency in the administration of the Fund; and

24 (7) to transfer funds to the Public Water Supply  
25 Loan Program {blank}.

26 (c) The Loan Support Program shall be used and  
27 administered by the Agency for the following purposes:

28 (1) to accept and retain funds from grant awards  
29 and appropriations;

30 (2) to finance the reasonable costs incurred by the  
31 Agency in the administration of the Fund, including  
32 activities under Title III of this Act, including the  
33 administration of the State construction grant program;

34 (3) to transfer funds to the Water Pollution

1 Control Loan Program and the Public Water Supply Loan  
2 Program;

3 (4) to accept and retain a portion of the loan  
4 repayments;

5 (5) to finance the development of the low interest  
6 loan program for public water supply projects;

7 (6) to finance the reasonable costs incurred by the  
8 Agency to provide technical assistance for public water  
9 supplies; and

10 (7) to finance the reasonable costs incurred by the  
11 Agency for public water system supervision programs, to  
12 administer or provide for technical assistance through  
13 source water protection programs, to develop and  
14 implement a capacity development strategy, to delineate  
15 and assess source water protection areas, and for an  
16 operator certification program in accordance with Section  
17 1452 of the federal Safe Drinking Water Act.

18 (d) The Public Water Supply Loan Program shall be used  
19 and administered by the Agency to provide assistance to local  
20 government units and privately owned community water supplies  
21 for public water supplies for the following public purposes:

22 (1) to accept and retain funds from grant awards,  
23 appropriations, transfers, and payments of interest and  
24 principal;

25 (2) to make direct loans at or below market  
26 interest rates to any eligible local government unit or  
27 to any eligible privately owned community water supply to  
28 finance the construction of water supplies;

29 (3) to buy or refinance the debt obligation of a  
30 local government unit for costs incurred on or after July  
31 17, 1997;

32 (4) to guarantee local obligations where such  
33 action would improve credit market access or reduce  
34 interest rates;

1           (5) as a source of revenue or security for the  
2           payment of principal and interest on revenue or general  
3           obligation bonds issued by the State or any political  
4           subdivision or instrumentality thereof, if the proceeds  
5           of such bonds will be deposited into the Fund; and

6           (6) to transfer funds to the Water Pollution  
7           Control Loan Program {blank}.

8           (e) The Agency is designated as the administering agency  
9           of the Fund. The Agency shall submit to the Regional  
10          Administrator of the United States Environmental Protection  
11          Agency an intended use plan which outlines the proposed use  
12          of funds available to the State. The Agency shall take all  
13          actions necessary to secure to the State the benefits of the  
14          federal Water Pollution Control Act and the federal Safe  
15          Drinking Water Act, as now or hereafter amended.

16          (f) The Agency shall have the power to enter into  
17          intergovernmental agreements with the federal government or  
18          the State, or any instrumentality thereof, for purposes of  
19          capitalizing the Water Revolving Fund. Moneys on deposit in  
20          the Water Revolving Fund may be used for the creation of  
21          reserve funds or pledged funds that secure the obligations of  
22          repayment of loans made pursuant to this Section. For the  
23          purpose of obtaining capital for deposit into the Water  
24          Revolving Fund, the Agency may also enter into agreements  
25          with financial institutions and other persons for the purpose  
26          of selling loans and developing a secondary market for such  
27          loans. The Agency shall have the power to create and  
28          establish such reserve funds and accounts as may be necessary  
29          or desirable to accomplish its purposes under this subsection  
30          and to allocate its available moneys into such funds and  
31          accounts. Investment earnings on moneys held in the Water  
32          Revolving Fund, including any reserve fund or pledged fund,  
33          shall be deposited into the Water Revolving Fund.

34          (Source: P.A. 91-36, eff. 6-15-99; 91-52, eff. 6-30-99;



1 91-501, eff. 8-13-99; 92-16, 6-28-01.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.