



Sen. Susan Garrett

**Filed: 3/23/2004**

09300SB2142sam003

LRB093 15808 BDD 48976 a

1 AMENDMENT TO SENATE BILL 2142

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2142, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Water Authorities Act is amended by adding  
6 Section 30 as follows:

7 (70 ILCS 3715/30 new)

8 Sec. 30. Certification program for high-capacity wells.  
9 The Authority may establish a program for certification within  
10 its jurisdiction, as provided in Section 7.5 of the Illinois  
11 Groundwater Protection Act.

12 Section 10. The Environmental Protection Act is amended by  
13 changing Section 15 as follows:

14 (415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

15 Sec. 15. Plans and specifications; demonstration of  
16 capability.

17 (a) Owners of public water supplies, their authorized  
18 representative, or legal custodians, shall submit plans and  
19 specifications to the Agency and obtain written approval before  
20 construction of any proposed public water supply  
21 installations, changes, or additions is started. Plans and  
22 specifications shall be complete and of sufficient detail to

1 show all proposed construction, changes, or additions that may  
2 affect sanitary quality, mineral quality, or adequacy of the  
3 public water supply; and, where necessary, said plans and  
4 specifications shall be accompanied by supplemental data as may  
5 be required by the Agency to permit a complete review thereof.

6 (b) All new public water supplies established after October  
7 1, 1999 shall demonstrate technical, financial, and managerial  
8 capacity as a condition for issuance of a construction or  
9 operation permit by the Agency or its designee. The  
10 demonstration shall be consistent with the technical,  
11 financial, and managerial provisions of the federal Safe  
12 Drinking Water Act (P.L. 93-523), as now or hereafter amended.  
13 The Agency is authorized to adopt rules in accordance with the  
14 Illinois Administrative Procedure Act to implement the  
15 purposes of this subsection. Such rules must take into account  
16 the need for the facility, facility size, sophistication of  
17 treatment of the water supply, and financial requirements  
18 needed for operation of the facility.

19 (c) In determining adequacy of the public water supply  
20 under this Section, the Agency must determine if the applicant  
21 has a sufficient quantity of water to provide for its  
22 extraction without adverse impact to the aquifer, environment,  
23 or existing wells dependant on the water source. The Department  
24 must provide information gathered from this determination to  
25 the Interagency Coordinating Committee on Groundwater for  
26 inclusion in its biennial report.

27 (Source: P.A. 92-651, eff. 7-11-02.)

28 Section 15. The Illinois Water Well Construction Code is  
29 amended by changing Section 6 as follows:

30 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

31 Sec. 6. Rules and regulations. The Department shall adopt  
32 and amend rules and regulations reasonably necessary to

1 effectuate the policy declared by this Act. Such rules and  
2 regulations shall provide criteria for the proper location and  
3 construction of any water well, closed loop well or monitoring  
4 well and shall, no later than January 1, 1988, provide for the  
5 issuance of permits for the construction and operation of water  
6 wells other than community public water systems, closed loop  
7 wells and monitoring wells. In addition, the Department shall  
8 adopt and amend rules and regulations reasonably necessary to  
9 effectuate the provisions of Section 7.5 of the Illinois  
10 Groundwater Protection Act. The Department shall by regulation  
11 require a one time fee, not to exceed \$100, for permits for  
12 construction issued under the authority of this Act.

13 (Source: P.A. 86-843.)

14 Section 20. The Illinois Groundwater Protection Act is  
15 amended by adding Section 7.5 as follows:

16 (415 ILCS 55/7.5 new)

17 Sec. 7.5.

18 (a) Prior to the issuance of a permit by the Department of  
19 Public Health under the Illinois Water Well Construction Code  
20 for a qualifying high-capacity well, an applicant for a well  
21 construction permit must submit documentation sufficient for  
22 the Department to determine that the applicant has a sufficient  
23 quantity of water to provide for its extraction without adverse  
24 impact to the aquifer, environment, or existing wells dependant  
25 on the water source. For purposes of this certification, credit  
26 shall be given for the use of any recycling programs that  
27 replenish the groundwater source after extraction. The  
28 Department, with the advice of the Interagency Coordinating  
29 Committee on Groundwater and of the Groundwater Advisory  
30 Council, must establish, by rule, uniform documentation and  
31 information to be provided by the applicant.

32 (b) For purposes of this Section, a qualifying

1 "high-capacity well" means a well that is designed to withdraw  
2 170 gallons per minute, 250,000 gallons per day, or 7,500,000  
3 gallons per month.

4 A qualifying "high-capacity well" does not include the  
5 following:

6 (1) any well located within the boundaries of a water  
7 authority organized under the Water Authorities Act;

8 (2) any well used exclusively for irrigation in  
9 agriculture; and

10 (3) any well used for non-irrigation agricultural  
11 purposes that is not located within 25 miles of any  
12 metropolitan area.

13 (c) In developing the program, the Department must comply  
14 with all of the following:

15 (1) The program must provide alternate requirements  
16 for drought conditions.

17 (2) The program must provide the certification  
18 decision to the applicant within 30 days after the  
19 completed submission of required documents to the  
20 Department.

21 (3) The Department must provide information gathered  
22 from this program to the Interagency Coordinating  
23 Committee on Groundwater for inclusion in its biennial  
24 report.

25 (d) The Department, by rule, may establish a fee for the  
26 review of documentation and information necessary for  
27 certification, provided that the fee is not more than necessary  
28 to cover the actual costs of this program.

29 (e) The Department must adopt rules for the implementation  
30 of the program no later than December 31, 2005.

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law."