



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0974

Introduced 2/10/2009, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

415 ILCS 5/19.11 new
415 ILCS 5/19.12 new
415 ILCS 5/19.13 new
415 ILCS 5/19.14 new
415 ILCS 5/19.15 new
30 ILCS 805/8.33 new

Amends the Environmental Protection Act. Provides that the cross-connection control rules administered by the Agency, under title 35 of the Illinois Administrative Code, as well as any Cross-connection Control Program ordinances, tariffs, required conditions for service, plans, or other regulatory programs established under that authority shall continue but must be amended, within 180 days after the effective date, to the extent necessary to conform with the requirements of this Act. Requires each unit of local government, including each home rule unit, in which potable water is made available to consumers through a community or non-community public water supply system to adopt an active Cross-connection Control Program consisting of certain elements. Establishes reporting and educational requirements. Requires units of local government, including home rule units, to enforce Cross-connection Control Program violations. Authorizes units of local government, including home rule units, to collect charges for certain violations. Limits the power of home rule units to implement or administer its Cross-connection Control Program in a manner inconsistent with the requirements of this Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 04450 JDS 14501 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Sections 19.11, 19.12, 19.13, 19.14, and 19.15 as
6 follows:

7 (415 ILCS 5/19.11 new)

8 Sec. 19.11. Cross-connection Control Program Law.

9 (a) This Section and Sections 19.12 through 19.15 may be
10 cited as the Cross-connection Control Program Law.

11 (b) The cross-connection control rules administered by the
12 Agency under title 35 of the Illinois Administrative Code, as
13 well as any Cross-connection Control Program ordinances,
14 tariffs, required conditions for service, plans, or other
15 regulatory programs established under that authority shall
16 continue, but must be amended, within 180 days after the
17 effective date of this amendatory Act of the 96th General
18 Assembly, to the extent necessary to conform to the
19 requirements of the Cross-connection Control Program Law.

20 (415 ILCS 5/19.12 new)

21 Sec. 19.12. Requirements of Cross-connection Control
22 Programs.

1 (a) Each unit of local government, including each home rule
2 unit, in which potable water is made available to consumers
3 through a community or non-community public water supply system
4 must adopt an active Cross-connection Control Program
5 consisting of all of the following elements:

6 (1) A cross-connection control survey of the public
7 water supply distribution system conducted at least every
8 two years by the official custodian of the public water
9 supply or its authorized delegate.

10 (A) The purpose of this survey is to compile an
11 index of how potable water is used on private premises,
12 to document, for drinking water consumers, each point
13 of discharge, and to create and update an inventory of
14 devices, assemblies, and piping arrangements that
15 prevent backflow into the public or private drinking
16 water system.

17 (B) This survey must include an actual visual
18 inspection of piping or plumbing systems during the
19 first year of the survey and at least once every 4
20 years after the initial inspection. Residential
21 surveys may be conducted using pencil and paper or
22 direct mail and may be delivered on-line or by hand.
23 Each unit of local government, including each home rule
24 unit, may determine what is required during a visual
25 inspection.

26 (2) A cross-connection control ordinance, tariff, or

1 required condition for service that includes a plumbing
2 code at least as stringent as the Illinois Plumbing Code,
3 77 Ill. Admin. Code 890.

4 (3) A record-keeping system that maintains data on
5 surveys, inspections, re-inspections, installations,
6 repairs, alterations, and tests of plumbing systems and
7 backflow devices and assemblies.

8 (b) The Cross-connection Control Program of each unit of
9 local government, including each home rule unit, in which
10 potable water is made available to consumers through a
11 community or non-community public water supply system must also
12 require:

13 (1) The complete removal of cross-connections or the
14 installation of approved cross-connection control devices,
15 assemblies, or piping arrangements, as required to control
16 backflow or back-siphonage.

17 (2) The installation of cross-connection control
18 devices and assemblies in accordance with (i) the Illinois
19 Plumbing Code, 77 Ill. Admin. Code 890, or a more stringent
20 local code, if applicable and (ii) the manufacturer's
21 instructions for preserving the manufacturer's warranty.

22 (3) The inspection of cross-connection control devices
23 on at least an annual basis by a person approved as a
24 cross-connection control device inspector (CCCDI) by the
25 Illinois Environmental Protection Agency under 35 Ill.
26 Admin. Code 653.802. This inspection shall include the

1 testing (in accordance with the manufacturer's
2 instructions) of the direction of flow within all
3 mechanical devices.

4 (4) The identification of each point where the potable
5 water system connects to any non-potable piping system,
6 appurtenance, or device.

7 (5) The provision, at least annually, by each entity
8 that makes potable water available to consumers through a
9 community or non-community public water supply system of
10 educational materials on the hazards of cross-connections
11 to all of its customers.

12 (c) The Cross-connection Control Program of each unit of
13 local government, including each home rule unit, in which
14 potable water is made available to consumers through a
15 community or non-community public water supply system must also
16 satisfy the reporting and education requirements of Section
17 19.13 of this Act and the enforcement requirements of Section
18 19.14 of this Act.

19 (415 ILCS 5/19.13 new)

20 Sec. 19.13. Reporting and education requirements.

21 (a) Each unit of local government must require each entity
22 that makes potable water available to consumers through a
23 community or non-community public water supply system located
24 wholly or in part within the unit of local government's
25 jurisdiction to provide the entity's customers with an annual

1 report concerning the entity's compliance with applicable
2 Cross-connection Control Program requirements. That report may
3 be included with the Consumer Confidence Report required under
4 title 40, Code of Federal Regulations, chapter 1, part 141,
5 subpart O.

6 (b) Each unit of local government must require each entity
7 that makes potable water available to consumers through a
8 community or non-community public water supply system located
9 wholly or in part within the unit of local government's
10 jurisdiction to educate the entity's customers about the types
11 of connections to the drinking water system that result in
12 unprotected cross-connections and the dangers of those
13 cross-connections. This public education campaign shall result
14 in:

15 (1) The development of educational resources, which
16 may include commercials, posters, advertisements,
17 billboards, public service interviews, and comics, to be
18 shared at both the State and local level.

19 (2) The distribution of those educational materials to
20 media organizations for dissemination throughout the
21 State.

22
23 (415 ILCS 5/19.14 new)

24 Sec. 19.14. Enforcement.

25 (a) Administration and enforcement of Cross-connection

1 Control Programs is the responsibility of the unit of local
2 government or other entity adopting the program. Consistent
3 enforcement of Cross-connection Control Programs is required.
4 Each unit of local government with an adopted, approved
5 Cross-connection Control Program will receive 100% of the
6 charges collected under its Cross-connection Control Program.

7 (b) The enforcement schedule for all non-residential
8 customers, with accompanying charges, includes the following:

9 (1) Survey: pencil and paper or on-site assisted;
10 on-site inspection.

11 (A) Failure to complete and return survey data
12 within 30 days will result in the mailing of a second
13 notice.

14 (B) Failure to complete and return second notice
15 survey data in 15 days will result in issuance of a
16 violation notice in the form of a letter from the unit
17 of local government's attorney, a shut-off notice from
18 the water company, or another appropriate
19 notification.

20 (C) Failure to comply with an attorney letter,
21 shut-off notice, or other appropriate notification
22 within 5 days shall result in a charge of \$100 per day
23 per backflow assembly for the length of violation plus
24 shutoff and payment of a \$50 reconnection fee when the
25 survey is complete and submitted to the governmental
26 authority or public water supply.

1 (2) Testing of backflow assemblies.

2 (a) Failure to test a backflow assembly within 30
3 days following the initial installation or the
4 one-year anniversary of the most recent annual test
5 will result in the mailing of a second notice.

6 (b) Failure to have a test performed within 15 days
7 after the mailing of the second notice will result in
8 issuance of a violation notice in the form of a letter
9 from the unit of local government's attorney, a
10 shut-off notice from the water company, or another
11 appropriate notification.

12 (c) Failure to comply with an attorney letter,
13 shut-off notice, or other appropriate notification
14 within 5 days shall result in a charge of \$100 per day
15 per backflow assembly for the length of violation plus
16 shutoff and payment of a \$50 reconnection fee when the
17 assembly test results are submitted and found to be
18 satisfactory.

19 (3) Repair and retesting of backflow assemblies
20 following repair.

21 (a) Repair and retesting of any backflow assembly
22 that fails a performance test is required within 10
23 calendar days of the initial test.

24 (b) Failure to repair and retest within 15 calendar
25 days following the initial test shall result in a
26 violation notice in the form of a letter from the unit

1 of local government's attorney, a shut-off notice from
2 the water company, or another appropriate
3 notification.

4 (c) Failure to comply with an attorney letter,
5 shut-off notice, or other appropriate notification
6 shall result in a charge of \$100 per day per backflow
7 assembly for the length of violation plus shut-off and
8 payment of a \$50 reconnection fee when the assembly
9 test results are reported and found to be satisfactory.

10 (4) The by-pass of, tampering with, or disabling of any
11 backflow device or assembly that protects a potable water
12 supply shall result in a \$1000 per day charge for the
13 length of time the damage or by-pass exists, and any civil
14 or criminal penalty otherwise available under this Act.

15 (415 ILCS 5/19.15 new)

16 Sec. 19.15. Home rule. A home rule unit may not implement
17 or administer its Cross-connection Control Program in a manner
18 inconsistent with the requirements of this Act. This Section is
19 a limitation under subsection (i) of Section 6 of Article VII
20 of the Illinois Constitution on the concurrent exercise by home
21 rule units of powers and functions exercised by the State.

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.33 as follows:

1 (30 ILCS 805/8.33 new)

2 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 96th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.