

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Water Well and Pump Installation
5 Contractor's License Act is amended by changing Sections 2, 6
6 and 13 as follows:

7 (225 ILCS 345/2) (from Ch. 111, par. 7103)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 2. As used in this Act, unless the context otherwise
10 requires:

11 (1) "Water well" and "well" mean any excavation that is
12 drilled, cored, bored, washed, driven, dug, jetted or otherwise
13 constructed when the intended use of such excavation is for the
14 location, diversion, artificial recharge, or acquisition of
15 ground water, but such term does not include an excavation made
16 for the purpose of obtaining or prospecting for oil, natural
17 gas, minerals or products of mining or quarrying or for
18 inserting media to repressure oil or natural gas bearing
19 formation or for storing petroleum, natural gas or other
20 products, or monitoring wells;

21 (2) "Ground water" means water of under-ground aquifers,
22 streams, channels, artesian basins, reservoirs, lakes and
23 other water under the surface of the ground whether percolating

1 or otherwise;

2 (3) "Drill" and "drilling" mean all acts necessary to the
3 construction of a water well including the sealing of unused
4 water well holes;

5 (4) "Water Well Contractor" and "Contractor" mean any
6 person who contracts to drill, alter or repair any water well;

7 (5) "Water Well Pump Installation" means the selection of
8 and the procedure employed in the placement and preparation for
9 operation of equipment and materials utilized in withdrawing or
10 obtaining water from a well for any use, including all
11 construction involved in making entrance to the well and
12 establishing such seals and safeguards as may be necessary to
13 protect such water from contamination and all construction
14 involved in connecting such wells and pumping units or pressure
15 tanks in the water supply systems of buildings served by such
16 well, including repair to any existing installation;

17 (6) "Water Well Pump Installation Contractor" means any
18 person engaged in the business of installing or repairing pumps
19 and pumping equipment owned by others;

20 (7) "Water Well and Pump Installation Contractor" means any
21 person engaged in both businesses described in subsections 4,
22 5, and 6 above;

23 (8) "Department" means the Department of Public Health of
24 this State;

25 (9) "Director" means the Director of the Department of
26 Public Health;

1 (10) "Board" means the Water Well and Pump Installation
2 Contractors Licensing Board created by Section 6 of this Act;

3 (11) "Person" includes any natural person, partnership,
4 association, trust and public or private corporation;

5 (12) "Monitoring well" means a water well intended for the
6 purpose of determining groundwater quality or quantity; -

7 (13) "Closed loop well" means a sealed, watertight loop of
8 pipe buried outside of a building foundation intended to
9 recirculate a liquid solution through a heat exchanger but is
10 limited to the construction of the bore hole and the grouting
11 of the bore hole and does not include the piping and
12 appurtenances used in any other capacity. "Closed loop well"
13 does not include any horizontal closed loop well systems where
14 grouting is not necessary by law or standard industry practice;

15 (14) "Closed loop well contractor" means any person who
16 installs closed loop wells for another person. "Closed loop
17 well contractor" does not include the employee of a closed loop
18 contractor.

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

20 (225 ILCS 345/6) (from Ch. 111, par. 7107)

21 (Section scheduled to be repealed on January 1, 2012)

22 Sec. 6. Water Well and Pump Installation Contractors
23 Licensing Board; Closed Loop Well Contractors Certification
24 Board.

25 (a) There is created in the Department the Water Well and

1 Pump Installation Contractors Licensing Board which shall
2 exercise its duties provided in this Act under the supervision
3 of the Department. The Water Well and Pump Installation
4 Contractors Licensing Board shall consist of 6 members,
5 designated from time to time by the Director. Two members shall
6 be licensed water well contractors, 2 ~~two~~ members shall be
7 licensed water well pump installation contractors, and 2 ~~two~~
8 members shall be licensed water well and pump installation
9 contractors. In making the appointments to the Water Well and
10 Pump Installation Contractors Licensing Board, the Director
11 shall consider the recommendation of the Illinois Association
12 of Groundwater Professionals or its successor organization.

13 The members of the Water Well and Pump Installation
14 Contractors Licensing Board shall be reimbursed for necessary
15 traveling expenses in accordance with travel regulations
16 prescribed by the Department of Finance.

17 The Water Well and Pump Installation Contractors Licensing
18 Board shall advise and aid the Director in:

19 (1) ~~(a)~~ preparing subject matter for continuing
20 education sessions and examinations to test the knowledge
21 and skills of applicants for license in the construction,
22 installation and repair of water wells, well pumps, water
23 pressure storage tanks, connecting piping and related
24 appurtenances, including proper sealing of abandoned water
25 wells, and the rules and regulations of the Department
26 promulgated pursuant to the Illinois Pump Installation

1 Code Law and the Illinois Water Well Construction Code Law;

2 (2) ~~(b)~~ promulgating rules to govern the number of
3 hours of continuing education required for a continuing
4 education session, examinations, hearings for suspension
5 or revocation of or refusal to issue or renew a license,
6 clarifying the law as it relates to water well and pump
7 installation contracting;

8 (3) ~~(c)~~ holding examinations of applicants for license
9 at least once a year prior to November 1st in each year;

10 (4) ~~(d)~~ holding hearings for the revocation or
11 suspension of, or refusal to issue, renew or reinstate
12 licenses;

13 (5) ~~(e)~~ submitting recommendations to the Director
14 from time to time for the efficient administration of this
15 Act;

16 (6) ~~(f)~~ grading all tests and examinations for licenses
17 and promptly reporting the results to the Director; ~~and~~

18 (7) ~~(g)~~ performing such other duties from time to time
19 prescribed by the Director; and ~~and~~

20 (8) consulting and agreeing with the Closed Loop Well
21 Contractors Certification Board regarding:

22 (i) the registering and certification of closed
23 loop well contractors; and

24 (ii) the installation of closed loop wells.

25 For purposes of this item (8), the term "closed loop well"
26 shall be limited to the construction, installation,

1 repair, and abandonment of the bore hole and the grouting
2 of the bore hole.

3 (b) There is created in the Department the Closed Loop Well
4 Contractors Certification Board, which shall exercise its
5 duties provided in this Act under the supervision of the
6 Department. The Closed Loop Well Contractors Certification
7 Board shall consist of 6 members, designated from time to time
8 by the Director. A temporary board shall be appointed by the
9 Department for the sole purpose of assisting with the process
10 of initial certification and registration of closed loop well
11 contractors and shall remain in place until 2 years after the
12 effective date of this amendatory Act of the 97th General
13 Assembly. On the dissolution of the temporary board, the 6
14 members must be closed loop well contractors who are registered
15 and certified under this Act. In making appointments to the
16 Closed Loop Well Contractors Certification Board, the Director
17 shall consider the recommendations of organizations that are
18 representative of the closed loop well industry in Illinois.
19 Recommendations shall include consideration of statewide
20 geographical representation.

21 The Closed Loop Well Contractors Certification Board shall
22 advise and aid the Director in:

23 (1) preparing subject matter for continuing education
24 sessions relating to closed loop wells and preparing
25 examinations to test the knowledge and skills of applicants
26 for certification relating to the construction,

1 installation, repair, and abandonment of closed loop wells
2 and the rules of the Department adopted under this Act for
3 closed loop wells;

4 (2) adopting rules relating to (i) closed loop wells,
5 (ii) continuing education requirements, (iii)
6 examinations, (iv) hearings for suspension or revocation
7 of or refusal to issue or renew a certification, and (v)
8 the construction, installation, repair, and abandonment of
9 closed loop wells;

10 (3) holding examinations of applicants for
11 certification at least once a year prior to November 1st in
12 each year;

13 (4) holding hearings for the revocation or suspension
14 of, or refusal to issue, renew, or reinstate,
15 certifications;

16 (5) submitting recommendations to the Director from
17 time to time for the efficient administration of this Act;

18 (6) grading all tests and examinations for
19 certifications, and promptly reporting the results to the
20 Director;

21 (7) performing such other duties as may be from time to
22 time prescribed by the Director; and

23 (8) conferring with the Water Well and Pump
24 Installation Contractors Licensing Board regarding the
25 construction, installation, repair, and abandonment of
26 closed loop wells.

1 (Source: P.A. 90-692, eff. 1-1-99.)

2 (225 ILCS 345/13) (from Ch. 111, par. 7114)

3 (Section scheduled to be repealed on January 1, 2012)

4 Sec. 13. The fee to be paid by an applicant for an
5 examination to determine his fitness to receive a license as a
6 water well contractor is \$50.

7 The fee to be paid by an applicant for an examination to
8 determine his fitness to receive a license as a water well pump
9 installation contractor is \$50.

10 The fee to be paid by an applicant for an examination to
11 determine his fitness to receive a license as a water well and
12 pump installation contractor is \$80.

13 The fee to be paid by an applicant for the annual renewal
14 of a license as a water well contractor or water well pump
15 installation contractor is \$25.

16 The fee to be paid by an applicant for the annual renewal
17 of a license as a water well and pump installation contractor
18 is \$35.

19 The fee to be paid by an applicant for the reinstatement of
20 a water well contractor license or a water well pump
21 installation contractor license which has lapsed less than 3
22 years is \$10, plus all lapsed renewal fees.

23 The fee to be paid by an applicant for restoration of a
24 water well contractor's license or water well pump installation
25 contractor's license which has lapsed more than three years is

1 \$150.

2 The fee to be paid by an applicant for the reinstatement of
3 a water well and pump installation contractor license which has
4 lapsed less than 3 years is \$15, plus all lapsed renewal fees.

5 The fee to be paid by an applicant for the restoration of a
6 license as a water well and pump installation contractor which
7 has lapsed more than 3 years is \$175.

8 There shall be no reduction in such fees because a license
9 when issued may be valid for less time than a full license
10 year.

11 (Source: P.A. 77-1626.)

12 Section 10. The Illinois Water Well Construction Code is
13 amended by changing Sections 3, 5, and 6 and by adding Sections
14 9.1 and 9.2 as follows:

15 (415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

16 Sec. 3. Definitions. As used in this Act, unless the
17 context otherwise requires:

18 (a) "Construction" means all acts necessary to obtaining
19 ground water by any method, including without limitation the
20 location of and the excavation for the well, but not including
21 prospecting, surveying or other acts preparatory thereto, nor
22 the installation of pumps and pumping equipment.

23 (b) "Department" means the Department of Public Health.

24 (c) "Director" means the Director of Public Health.

1 (d) "Modification" means any change, replacement or other
2 alteration of any water well which shall be contrary to the
3 rules and regulations regarding the construction of a well.

4 (e) "Water well" means any excavation that is drilled,
5 cored, bored, washed, driven, dug, jetted or otherwise
6 constructed when the intended use of such excavation is for the
7 location, diversion, artificial recharge, or acquisition of
8 ground water, but such term does not include an excavation made
9 for the purpose of obtaining or prospecting for oil, natural
10 gas, minerals or products of mining or quarrying or for
11 inserting media to repressure oil or natural gas bearing
12 formation or for storing petroleum, natural gas or other
13 products or for observation or any other purpose in connection
14 with the development or operation of a gas storage project.

15 (f) "Public water system", "community water system",
16 "non-community water system", "semi-private water system" and
17 "private water system" have the meanings ascribed to them in
18 the Illinois Groundwater Protection Act.

19 (g) "Potential route", "potential primary source" and
20 "potential secondary source" have the meanings ascribed to them
21 in the Environmental Protection Act.

22 (h) "Closed loop well" means a sealed, watertight loop of
23 pipe buried outside of a building foundation intended to
24 recirculate a liquid solution through a heat exchanger but is
25 limited to the construction of the bore hole and the grouting
26 of the bore hole and does not include the piping and

1 appurtenances used in any other capacity. "Closed loop well"
2 does not include any horizontal closed loop well systems where
3 grouting is not necessary by law or standard industry practice.

4 (i) "Monitoring well" means a water well intended for the
5 purpose of determining groundwater quality or quantity.

6 (j) "Closed loop well contractor" means any person who
7 installs closed loop wells for another person. "Closed loop
8 well contractor" does not include the employee of a closed loop
9 contractor.

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

11 (415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

12 Sec. 5. Department powers and duties.

13 The Department has general supervision and authority over
14 the location, construction and modification of water wells,
15 closed loop wells and monitoring wells and for the
16 administration of this Act. With respect thereto it shall:

17 (a) Adopt and publish, and from time to time amend rules
18 and regulations as hereinafter provided;

19 (b) Commencing no later than January 1, 1988, issue permits
20 for the construction or change in depth of any water well other
21 than community public water systems and monitoring wells; ~~and~~

22 (b-5) Commencing no later than one year after the effective
23 date of this amendatory Act of the 97th General Assembly, issue
24 permits for the construction, modification, and abandonment of
25 closed loop wells; and

1 (c) Exercise such other powers as are practical and
2 reasonably necessary to carry out and enforce the provisions of
3 this Act.

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

5 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

6 Sec. 6. Rules and regulations. The Department shall adopt
7 and amend rules and regulations reasonably necessary to
8 effectuate the policy declared by this Act. Such rules and
9 regulations shall provide criteria for the proper location and
10 construction of any water well, closed loop well or monitoring
11 well and shall, no later than January 1, 1988, provide for the
12 issuance of permits for the construction and operation of water
13 wells other than community public water systems, ~~closed loop~~
14 ~~wells~~ and monitoring wells. The Department shall by regulation
15 require a one time fee, not to exceed \$100, for permits for
16 construction, modification, or abandonment of water wells. The
17 Department shall by rule require a one-time fee for permits for
18 the construction, modification, or abandonment of closed loop
19 wells. issued under the authority of this Act.

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

21 (415 ILCS 30/9.1 new)

22 Sec. 9.1. Closed loop well contractor certification.

23 (a) Within 2 years after the effective date of this
24 amendatory Act of the 97th General Assembly, all closed loop

1 well contractors, shall be certified by the Department. The
2 Department shall issue closed loop well contractor
3 certificates to those applicants who are qualified and have
4 successfully passed the Department's closed loop well
5 contractor's certification exam. Application for certification
6 as a closed loop well contractor must be made to the Department
7 in writing and under oath or affirmation on forms prescribed
8 and furnished by the Department. Applications may require any
9 information the Department deems necessary in order to carry
10 out the provisions of this Act. The Department shall collect a
11 fee for the closed loop well contractor's qualification exam.

12 (b) Any person holding a valid water well contractor's
13 license issued under the Water Well and Pump Installation
14 Contractor's License Act may apply and receive, without
15 examination or fee, a closed loop well contractor's
16 certification, provided that all other requirements of this Act
17 are met.

18 (c) Any person who only installs horizontal closed loop
19 wells using the open trench method shall be exempt from
20 certification under this Section.

21 (415 ILCS 30/9.2 new)

22 Sec. 9.2. Closed loop well contractor registration.

23 (a) Beginning one year after the effective date of this
24 amendatory Act of the 97th General Assembly, no person may
25 engage in the occupation of a closed loop well contractor

1 unless he or she holds a valid certificate of registration as a
2 closed loop well contractor issued by the Department.

3 (b) All closed loop well contractors doing business in this
4 State must annually file an application for registration with
5 the Department.

6 (c) One year after the effective date of this amendatory
7 Act of the 97th General Assembly, all applications filed for
8 registration under this Section must be accompanied by
9 verification of the certification of the applicant by an
10 organization approved by the Department for its
11 appropriateness in determining the knowledge and expertise as a
12 closed loop well contractor, and the applicant must submit
13 proof of certification under Section 9.1 of this Act, unless
14 specifically exempt from certification in subsection (c) of
15 Section 9.1 of this Act.

16 (d) Certificates of registration issued under this Section
17 shall expire and must be renewed on an annual basis.

18 (e) The Department shall collect an annual fee for
19 registration of a closed loop well contractor.

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