



Sen. Terry Link

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09700SB1682sam002

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1 AMENDMENT TO SENATE BILL 1682

2 AMENDMENT NO. _____. Amend Senate Bill 1682, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

8 (225 ILCS 345/2) (from Ch. 111, par. 7103)

9 (Section scheduled to be repealed on January 1, 2012)

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

12 (1) "Water well" and "well" mean any excavation that is
13 drilled, cored, bored, washed, driven, dug, jetted or otherwise
14 constructed when the intended use of such excavation is for the
15 location, diversion, artificial recharge, or acquisition of
16 ground water, but such term does not include an excavation made

1 for the purpose of obtaining or prospecting for oil, natural
2 gas, minerals or products of mining or quarrying or for
3 inserting media to repressure oil or natural gas bearing
4 formation or for storing petroleum, natural gas or other
5 products, or monitoring wells;

6 (2) "Ground water" means water of under-ground aquifers,
7 streams, channels, artesian basins, reservoirs, lakes and
8 other water under the surface of the ground whether percolating
9 or otherwise;

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

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

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

25 (6) "Water Well Pump Installation Contractor" means any
26 person engaged in the business of installing or repairing pumps

1 and pumping equipment owned by others;

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

5 (8) "Department" means the Department of Public Health of
6 this State;

7 (9) "Director" means the Director of the Department of
8 Public Health;

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

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

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

15 (13) "Closed loop well" means a sealed, watertight loop of
16 pipe buried outside of a building foundation intended to
17 recirculate a liquid solution through a heat exchanger but is
18 limited to the construction of the bore hole and the grouting
19 of the bore hole and does not include the piping and
20 appurtenances used in any other capacity. "Closed loop well"
21 does not include any horizontal closed loop well systems where
22 grouting is not necessary by law or standard industry practice;

23 (14) "Closed loop well contractor" means any person who
24 installs closed loop wells for another person. "Closed loop
25 well contractor" does not include the employee of a closed loop
26 contractor.

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

2 (225 ILCS 345/6) (from Ch. 111, par. 7107)

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

4 Sec. 6. Water Well and Pump Installation Contractors
5 Licensing Board; Closed Loop Well Contractors Certification
6 Board.

7 (a) There is created in the Department the Water Well and
8 Pump Installation Contractors Licensing Board which shall
9 exercise its duties provided in this Act under the supervision
10 of the Department. The Water Well and Pump Installation
11 Contractors Licensing Board shall consist of 6 members,
12 designated from time to time by the Director. Two members shall
13 be licensed water well contractors, 2 ~~two~~ members shall be
14 licensed water well pump installation contractors, and 2 ~~two~~
15 members shall be licensed water well and pump installation
16 contractors. In making the appointments to the Water Well and
17 Pump Installation Contractors Licensing Board, the Director
18 shall consider the recommendation of the Illinois Association
19 of Groundwater Professionals or its successor organization.

20 The members of the Water Well and Pump Installation
21 Contractors Licensing Board shall be reimbursed for necessary
22 traveling expenses in accordance with travel regulations
23 prescribed by the Department of Finance.

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

1 (1) ~~(a)~~ preparing subject matter for continuing
2 education sessions and examinations to test the knowledge
3 and skills of applicants for license in the construction,
4 installation and repair of water wells, well pumps, water
5 pressure storage tanks, connecting piping and related
6 appurtenances, including proper sealing of abandoned water
7 wells, and the rules and regulations of the Department
8 promulgated pursuant to the Illinois Pump Installation
9 Code Law and the Illinois Water Well Construction Code Law;

10 (2) ~~(b)~~ promulgating rules to govern the number of
11 hours of continuing education required for a continuing
12 education session, examinations, hearings for suspension
13 or revocation of or refusal to issue or renew a license,
14 clarifying the law as it relates to water well and pump
15 installation contracting;

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

18 (4) ~~(d)~~ holding hearings for the revocation or
19 suspension of, or refusal to issue, renew or reinstate
20 licenses;

21 (5) ~~(e)~~ submitting recommendations to the Director
22 from time to time for the efficient administration of this
23 Act;

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

26 (7) ~~(g)~~ performing such other duties from time to time

1 prescribed by the Director; and ~~and~~

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

4 (i) the registering and certification of closed
5 loop well contractors; and

6 (ii) the installation of closed loop wells.

7 For purposes of this item (8), the term "closed loop well"
8 shall be limited to the construction, installation,
9 repair, and abandonment of the bore hole and the grouting
10 of the bore hole.

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

1 Recommendations shall include consideration of statewide
2 geographical representation.

3 The Closed Loop Well Contractors Certification Board shall
4 advise and aid the Director in:

5 (1) preparing subject matter for continuing education
6 sessions relating to closed loop wells and preparing
7 examinations to test the knowledge and skills of applicants
8 for certification relating to the construction,
9 installation, repair, and abandonment of closed loop wells
10 and the rules of the Department adopted under this Act for
11 closed loop wells;

12 (2) adopting rules relating to (i) closed loop wells,
13 (ii) continuing education requirements, (iii)
14 examinations, (iv) hearings for suspension or revocation
15 of or refusal to issue or renew a certification, and (v)
16 the construction, installation, repair, and abandonment of
17 closed loop wells;

18 (3) holding examinations of applicants for
19 certification at least once a year prior to November 1st in
20 each year;

21 (4) holding hearings for the revocation or suspension
22 of, or refusal to issue, renew, or reinstate,
23 certifications;

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

26 (6) grading all tests and examinations for

1 certifications, and promptly reporting the results to the
2 Director;

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

5 (8) conferring with the Water Well and Pump
6 Installation Contractors Licensing Board regarding the
7 construction, installation, repair, and abandonment of
8 closed loop wells.

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

10 (225 ILCS 345/13) (from Ch. 111, par. 7114)

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

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

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

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

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

24 The fee to be paid by an applicant for the annual renewal
25 of a license as a water well and pump installation contractor

1 is \$35.

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

6 The fee to be paid by an applicant for restoration of a
7 water well contractor's license or water well pump installation
8 contractor's license which has lapsed more than three years is
9 \$150.

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

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

16 There shall be no reduction in such fees because a license
17 when issued may be valid for less time than a full license
18 year.

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

20 Section 10. The Illinois Water Well Construction Code is
21 amended by changing Sections 3, 5, and 6 and by adding Sections
22 9.1 and 9.2 as follows:

23 (415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

24 Sec. 3. Definitions. As used in this Act, unless the

1 context otherwise requires:

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

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

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

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

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

23 (f) "Public water system", "community water system",
24 "non-community water system", "semi-private water system" and
25 "private water system" have the meanings ascribed to them in
26 the Illinois Groundwater Protection Act.

1 (g) "Potential route", "potential primary source" and
2 "potential secondary source" have the meanings ascribed to them
3 in the Environmental Protection Act.

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

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

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

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

19 (415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

20 Sec. 5. Department powers and duties.

21 The Department has general supervision and authority over
22 the location, construction and modification of water wells,
23 closed loop wells and monitoring wells and for the
24 administration of this Act. With respect thereto it shall:

25 (a) Adopt and publish, and from time to time amend rules

1 and regulations as hereinafter provided;

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

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

9 (c) Exercise such other powers as are practical and
10 reasonably necessary to carry out and enforce the provisions of
11 this Act.

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

13 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

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

1 the construction, modification, or abandonment of closed loop
2 wells. ~~issued under the authority of this Act.~~

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

4 (415 ILCS 30/9.1 new)

5 Sec. 9.1. Closed loop well contractor certification.

6 (a) Within 2 years after the effective date of this
7 amendatory Act of the 97th General Assembly, all closed loop
8 contractors, shall be certified by the Department. The
9 Department shall issue closed loop well contractor
10 certificates to those applicants who are qualified and have
11 successfully passed the Department's closed loop well
12 contractor's certification exam. Application for certification
13 as a closed loop well contractor must be made to the Department
14 in writing and under oath or affirmation on forms prescribed
15 and furnished by the Department. Applications may require any
16 information the Department deems necessary in order to carry
17 out the provisions of this Act. The Department shall collect a
18 fee for the closed loop well contractor's qualification exam.

19 (b) Any person holding a valid water well contractor's
20 license issued under the Water Well and Pump Installation
21 Contractor's License Act may apply and receive, without
22 examination or fee, a closed loop well contractor's
23 certification, provided that all other requirements of this Act
24 are met.

25 (c) Any person who only installs horizontal closed loop

1 wells using the open trench method shall be exempt from
2 certification under this Section.

3 (415 ILCS 30/9.2 new)

4 Sec. 9.2. Closed loop well contractor registration.

5 (a) Beginning one year after the effective date of this
6 amendatory Act of the 97th General Assembly, no person may
7 engage in the occupation of a closed loop well contractor
8 unless he or she holds a valid certificate of registration as a
9 closed loop well contractor issued by the Department.

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

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

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

25 (e) The Department shall collect an annual fee for

1 registration of a closed loop well contractor.

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