



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5401

by Rep. Ann Williams

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Repeals a provision establishing the Hazardous Waste Occupational Licensing Fund. Amends the Solid Waste Site Operator Certification Law. Provides that all fees collected by the Illinois Environmental Protection Agency for the Hazardous Waste Occupational Licensing Fund shall be deposited into the Environmental Protection Permit and Inspection Fund to be used in accordance with the terms of the Environmental Protection Permit and Inspection Fund. Amends the Environmental Protection Act. Provides that the State Comptroller shall order the transfer of, and the State Treasurer shall transfer, all moneys in the Hazardous Waste Occupational Licensing Fund into the Environmental Protection Permit and Inspection Fund to be used in accordance with the terms of the Environmental Protection Permit and Inspection Fund. Makes a change to the filing requirements for a person seeking a variance. Moves a provision concerning the falsification of documents to a different Section concerning other criminal acts and penalties. Amends the Public Water Supply Operations Act. Defines "Class A community water supply", "Class B community water supply", "Class C community water supply", and "Class D community water supply". Provides that the Illinois Environmental Protection Agency may adopt rules that classify or reclassify community water supplies as Class A, Class B, Class C, or Class D community water supplies. Provides that a community water supply that cannot be clearly classified under a specified provision or Agency rules shall be considered individually and designated, in writing, by the Agency, as a Class A, Class B, Class C, or Class D community water supply. Makes a change to qualifications for receiving Water Supply Operator Certificates. Amends the Illinois Lake Management Program Act. Repeals a provision that established the Task Force on the Conservation and Quality of the Great Lakes. Effective immediately, except that the change to the State Finance Act repealing a provision concerning the Hazardous Waste Occupational Licensing Fund takes effect on January 1, 2015.

LRB098 18537 MGM 53675 b

1 AN ACT concerning safety.

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

4 (30 ILCS 105/5.250 rep.)

5 Section 5. The State Finance Act is amended by repealing  
6 Section 5.250.

7 Section 10. The Solid Waste Site Operator Certification Law  
8 is amended by changing Section 1011 as follows:

9 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

10 Sec. 1011. Fees.

11 (a) Fees for the issuance or renewal of a Solid Waste Site  
12 Operator Certificate shall be as follows:

13 (1) (A) \$400 for issuance or renewal for Class A Solid  
14 Waste Site Operators; (B) \$200 for issuance or renewal for  
15 Class B Solid Waste Site Operators; and (C) \$100 for  
16 issuance or renewal for special waste endorsements.

17 (2) If the fee for renewal is not paid within the grace  
18 period the above fees for renewal shall each be increased  
19 by \$50.

20 (b) Before the effective date of this amendatory Act of the  
21 98th General Assembly, all ~~All~~ fees collected by the Agency  
22 under this Section shall be deposited into the Hazardous Waste

1 Occupational Licensing Fund. The Agency is authorized to use  
2 monies in the Hazardous Waste Occupational Licensing Fund to  
3 perform its functions, powers, and duties under this Section.

4 On and after the effective date of this amendatory Act of  
5 the 98th General Assembly, all fees collected by the Agency  
6 under this Section shall be deposited into the Environmental  
7 Protection Permit and Inspection Fund to be used in accordance  
8 with the terms of the Environmental Protection Permit and  
9 Inspection Fund.

10 (Source: P.A. 86-1363.)

11 Section 15. The Environmental Protection Act is amended by  
12 changing Sections 22.8, 37, and 44 as follows:

13 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

14 Sec. 22.8. Environmental Protection Permit and Inspection  
15 Fund.

16 (a) There is hereby created in the State Treasury a special  
17 fund to be known as the Environmental Protection Permit and  
18 Inspection Fund. All fees collected by the Agency pursuant to  
19 this Section, Section 9.6, 12.2, 16.1, ~~22.2 (j) (6) (E) (v) (IV),~~  
20 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act  
21 or pursuant to Section 22 of the Public Water Supply Operations  
22 Act or Section 1011 of the Solid Waste Site Operator  
23 Certification Law, as well as ~~and~~ funds collected under  
24 subsection (b.5) of Section 42 of this Act shall be deposited

1 into the Fund. In addition to any monies appropriated from the  
2 General Revenue Fund, monies in the Fund shall be appropriated  
3 by the General Assembly to the Agency in amounts deemed  
4 necessary for manifest, permit, and inspection activities and  
5 for performing its functions, powers, and duties under the  
6 Solid Waste Site Operator Certification Law ~~processing~~  
7 ~~requests under Section 22.2 (j) (6) (E) (v) (IV).~~

8 The General Assembly may appropriate monies in the Fund  
9 deemed necessary for Board regulatory and adjudicatory  
10 proceedings.

11 (a-5) As soon as practicable after the effective date of  
12 this amendatory Act of the 98th General Assembly, but no later  
13 than January 1, 2014, the State Comptroller shall direct and  
14 the State Treasurer shall transfer all monies in the Industrial  
15 Hygiene Regulatory and Enforcement Fund to the Environmental  
16 Protection Permit and Inspection Fund to be used in accordance  
17 with the terms of the Environmental Protection Permit and  
18 Inspection Fund.

19 (a-6) As soon as practicable after the effective date of  
20 this amendatory Act of the 98th General Assembly, but no later  
21 than December 31, 2014, the State Comptroller shall order the  
22 transfer of, and the State Treasurer shall transfer, all moneys  
23 in the Hazardous Waste Occupational Licensing Fund into the  
24 Environmental Protection Permit and Inspection Fund to be used  
25 in accordance with the terms of the Environmental Protection  
26 Permit and Inspection Fund.

1 (b) The Agency shall collect from the owner or operator of  
2 any of the following types of hazardous waste disposal sites or  
3 management facilities which require a RCRA permit under  
4 subsection (f) of Section 21 of this Act, or a UIC permit under  
5 subsection (g) of Section 12 of this Act, an annual fee in the  
6 amount of:

7 (1) \$35,000 (\$70,000 beginning in 2004) for a hazardous  
8 waste disposal site receiving hazardous waste if the  
9 hazardous waste disposal site is located off the site where  
10 such waste was produced;

11 (2) \$9,000 (\$18,000 beginning in 2004) for a hazardous  
12 waste disposal site receiving hazardous waste if the  
13 hazardous waste disposal site is located on the site where  
14 such waste was produced;

15 (3) \$7,000 (\$14,000 beginning in 2004) for a hazardous  
16 waste disposal site receiving hazardous waste if the  
17 hazardous waste disposal site is an underground injection  
18 well;

19 (4) \$2,000 (\$4,000 beginning in 2004) for a hazardous  
20 waste management facility treating hazardous waste by  
21 incineration;

22 (5) \$1,000 (\$2,000 beginning in 2004) for a hazardous  
23 waste management facility treating hazardous waste by a  
24 method, technique or process other than incineration;

25 (6) \$1,000 (\$2,000 beginning in 2004) for a hazardous  
26 waste management facility storing hazardous waste in a

1 surface impoundment or pile;

2 (7) \$250 (\$500 beginning in 2004) for a hazardous waste  
3 management facility storing hazardous waste other than in a  
4 surface impoundment or pile; and

5 (8) Beginning in 2004, \$500 for a large quantity  
6 hazardous waste generator required to submit an annual or  
7 biennial report for hazardous waste generation.

8 (c) Where two or more operational units are located within  
9 a single hazardous waste disposal site, the Agency shall  
10 collect from the owner or operator of such site an annual fee  
11 equal to the highest fee imposed by subsection (b) of this  
12 Section upon any single operational unit within the site.

13 (d) The fee imposed upon a hazardous waste disposal site  
14 under this Section shall be the exclusive permit and inspection  
15 fee applicable to hazardous waste disposal at such site,  
16 provided that nothing in this Section shall be construed to  
17 diminish or otherwise affect any fee imposed upon the owner or  
18 operator of a hazardous waste disposal site by Section 22.2.

19 (e) The Agency shall establish procedures, no later than  
20 December 1, 1984, relating to the collection of the hazardous  
21 waste disposal site fees authorized by this Section. Such  
22 procedures shall include, but not be limited to the time and  
23 manner of payment of fees to the Agency, which shall be  
24 quarterly, payable at the beginning of each quarter for  
25 hazardous waste disposal site fees. Annual fees required under  
26 paragraph (7) of subsection (b) of this Section shall accompany

1 the annual report required by Board regulations for the  
2 calendar year for which the report applies.

3 (f) For purposes of this Section, a hazardous waste  
4 disposal site consists of one or more of the following  
5 operational units:

6 (1) a landfill receiving hazardous waste for disposal;

7 (2) a waste pile or surface impoundment, receiving  
8 hazardous waste, in which residues which exhibit any of the  
9 characteristics of hazardous waste pursuant to Board  
10 regulations are reasonably expected to remain after  
11 closure;

12 (3) a land treatment facility receiving hazardous  
13 waste; or

14 (4) a well injecting hazardous waste.

15 (g) The Agency shall assess a fee for each manifest  
16 provided by the Agency. For manifests provided on or after  
17 January 1, 1989 but before July 1, 2003, the fee shall be \$1  
18 per manifest. For manifests provided on or after July 1, 2003,  
19 the fee shall be \$3 per manifest.

20 (Source: P.A. 98-78, eff. 7-15-13.)

21 (415 ILCS 5/37) (from Ch. 111 1/2, par. 1037)

22 Sec. 37. Variances; procedures.

23 (a) Any person seeking a variance pursuant to subsection  
24 (a) of Section 35 shall do so by filing a petition for variance  
25 with the Board and providing a copy of the petition to the

1 Agency. Any person filing such a petition shall (i) pay a  
2 filing fee, (ii). ~~The Agency shall~~ promptly give written notice  
3 of such petition to any person in the county in which the  
4 installation or property for which variance is sought is  
5 located who has filed with the Board a written request for in  
6 ~~writing requested~~ notice of variance petitions, the State's  
7 attorney of such county, the Chairman of the County Board of  
8 such county, and to each member of the General Assembly from  
9 the legislative district in which that installation or property  
10 is located, and (iii) ~~shall~~ publish a single notice of such  
11 petition in a newspaper of general circulation in such county.  
12 The notices required by this Section shall be in a format  
13 prescribed by the Board and shall include the street address,  
14 and if there is no street address then the legal description or  
15 the location with reference to any well known landmark,  
16 highway, road, thoroughfare or intersection.

17 The Agency shall promptly investigate such petition and  
18 consider the views of persons who might be adversely affected  
19 by the grant of a variance. The Agency shall make a  
20 recommendation to the Board as to the disposition of the  
21 petition. If the Board, in its discretion, concludes that a  
22 hearing would be advisable, or if the Agency or any other  
23 person files a written objection to the grant of such variance  
24 within 21 days, together with a written request for hearing,  
25 then a hearing shall be held, under the rules prescribed in  
26 Sections 32 and 33 (a) of this Act, and the burden of proof



1 shall be on the petitioner.

2 (b) Any person seeking a provisional variance pursuant to  
3 subsection (b) of Section 35 shall make a request to the  
4 Agency. The Agency shall promptly investigate and consider the  
5 merits of the request. If the Agency fails to take final action  
6 within 30 days after receipt of the request for a provisional  
7 variance, or if the Agency denies the request, the person may  
8 initiate a proceeding with the Board under subsection (a) of  
9 Section 35.

10 If the Agency grants a provisional variance, the Agency  
11 must promptly file a copy of its written decision with the  
12 Board, and shall give prompt notice of its action to the public  
13 by issuing a press release for distribution to newspapers of  
14 general circulation in the county. The Board must maintain for  
15 public inspection copies of all provisional variances filed  
16 with it by the Agency.

17 (Source: P.A. 93-152, eff. 7-10-03.)

18 (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

19 Sec. 44. Criminal acts; penalties.

20 (a) Except as otherwise provided in this Section, it shall  
21 be a Class A misdemeanor to violate this Act or regulations  
22 thereunder, or any permit or term or condition thereof, or  
23 knowingly to submit any false information under this Act or  
24 regulations adopted thereunder, or under any permit or term or  
25 condition thereof. A court may, in addition to any other

1 penalty herein imposed, order a person convicted of any  
2 violation of this Act to perform community service for not less  
3 than 100 hours and not more than 300 hours if community service  
4 is available in the jurisdiction. It shall be the duty of all  
5 State and local law-enforcement officers to enforce such Act  
6 and regulations, and all such officers shall have authority to  
7 issue citations for such violations.

8 (b) Calculated Criminal Disposal of Hazardous Waste.

9 (1) A person commits the offense of Calculated Criminal  
10 Disposal of Hazardous Waste when, without lawful  
11 justification, he knowingly disposes of hazardous waste  
12 while knowing that he thereby places another person in  
13 danger of great bodily harm or creates an immediate or  
14 long-term danger to the public health or the environment.

15 (2) Calculated Criminal Disposal of Hazardous Waste is  
16 a Class 2 felony. In addition to any other penalties  
17 prescribed by law, a person convicted of the offense of  
18 Calculated Criminal Disposal of Hazardous Waste is subject  
19 to a fine not to exceed \$500,000 for each day of such  
20 offense.

21 (c) Criminal Disposal of Hazardous Waste.

22 (1) A person commits the offense of Criminal Disposal  
23 of Hazardous Waste when, without lawful justification, he  
24 knowingly disposes of hazardous waste.

1           (2) Criminal Disposal of Hazardous Waste is a Class 3  
2 felony. In addition to any other penalties prescribed by  
3 law, a person convicted of the offense of Criminal Disposal  
4 of Hazardous Waste is subject to a fine not to exceed  
5 \$250,000 for each day of such offense.

6           (d) Unauthorized Use of Hazardous Waste.

7           (1) A person commits the offense of Unauthorized Use of  
8 Hazardous Waste when he, being required to have a permit,  
9 registration, or license under this Act or any other law  
10 regulating the treatment, transportation, or storage of  
11 hazardous waste, knowingly:

12                   (A) treats, transports, or stores any hazardous  
13 waste without such permit, registration, or license;

14                   (B) treats, transports, or stores any hazardous  
15 waste in violation of the terms and conditions of such  
16 permit or license;

17                   (C) transports any hazardous waste to a facility  
18 which does not have a permit or license required under  
19 this Act; or

20                   (D) transports by vehicle any hazardous waste  
21 without having in each vehicle credentials issued to  
22 the transporter by the transporter's base state  
23 pursuant to procedures established under the Uniform  
24 Program.

25           (2) A person who is convicted of a violation of

1           subparagraph (A), (B), or (C) of paragraph (1) of this  
2           subsection is guilty of a Class 4 felony. A person who is  
3           convicted of a violation of subparagraph (D) of paragraph  
4           (1) of this subsection is guilty of a Class A misdemeanor.  
5           In addition to any other penalties prescribed by law, a  
6           person convicted of violating subparagraph (A), (B), or (C)  
7           of paragraph (1) of this subsection is subject to a fine  
8           not to exceed \$100,000 for each day of such violation, and  
9           a person who is convicted of violating subparagraph (D) of  
10          paragraph (1) of this subsection is subject to a fine not  
11          to exceed \$1,000.

12          (e) Unlawful Delivery of Hazardous Waste.

13           (1) Except as authorized by this Act or the federal  
14          Resource Conservation and Recovery Act, and the  
15          regulations promulgated thereunder, it is unlawful for any  
16          person to knowingly deliver hazardous waste.

17           (2) Unlawful Delivery of Hazardous Waste is a Class 3  
18          felony. In addition to any other penalties prescribed by  
19          law, a person convicted of the offense of Unlawful Delivery  
20          of Hazardous Waste is subject to a fine not to exceed  
21          \$250,000 for each such violation.

22           (3) For purposes of this Section, "deliver" or  
23          "delivery" means the actual, constructive, or attempted  
24          transfer of possession of hazardous waste, with or without  
25          consideration, whether or not there is an agency

1 relationship.

2 (f) Reckless Disposal of Hazardous Waste.

3 (1) A person commits Reckless Disposal of Hazardous  
4 Waste if he disposes of hazardous waste, and his acts which  
5 cause the hazardous waste to be disposed of, whether or not  
6 those acts are undertaken pursuant to or under color of any  
7 permit or license, are performed with a conscious disregard  
8 of a substantial and unjustifiable risk that such disposing  
9 of hazardous waste is a gross deviation from the standard  
10 of care which a reasonable person would exercise in the  
11 situation.

12 (2) Reckless Disposal of Hazardous Waste is a Class 4  
13 felony. In addition to any other penalties prescribed by  
14 law, a person convicted of the offense of Reckless Disposal  
15 of Hazardous Waste is subject to a fine not to exceed  
16 \$50,000 for each day of such offense.

17 (g) Concealment of Criminal Disposal of Hazardous Waste.

18 (1) A person commits the offense of Concealment of  
19 Criminal Disposal of Hazardous Waste when he conceals,  
20 without lawful justification, the disposal of hazardous  
21 waste with the knowledge that such hazardous waste has been  
22 disposed of in violation of this Act.

23 (2) Concealment of Criminal Disposal of a Hazardous  
24 Waste is a Class 4 felony. In addition to any other

1 penalties prescribed by law, a person convicted of the  
2 offense of Concealment of Criminal Disposal of Hazardous  
3 Waste is subject to a fine not to exceed \$50,000 for each  
4 day of such offense.

5 (h) Violations; False Statements.

6 (1) Any person who knowingly makes a false material  
7 statement in an application for a permit or license  
8 required by this Act to treat, transport, store, or dispose  
9 of hazardous waste commits the offense of perjury and shall  
10 be subject to the penalties set forth in Section 32-2 of  
11 the Criminal Code of 2012.

12 (2) Any person who knowingly makes a false material  
13 statement or representation in any label, manifest,  
14 record, report, permit or license, or other document filed,  
15 maintained, or used for the purpose of compliance with this  
16 Act in connection with the generation, disposal,  
17 treatment, storage, or transportation of hazardous waste  
18 commits a Class 4 felony. A second or any subsequent  
19 offense after conviction hereunder is a Class 3 felony.

20 (3) Any person who knowingly destroys, alters, or  
21 conceals any record required to be made by this Act in  
22 connection with the disposal, treatment, storage, or  
23 transportation of hazardous waste commits a Class 4 felony.  
24 A second or any subsequent offense after a conviction  
25 hereunder is a Class 3 felony.

1           (4) Any person who knowingly makes a false material  
2 statement or representation in any application, bill,  
3 invoice, or other document filed, maintained, or used for  
4 the purpose of receiving money from the Underground Storage  
5 Tank Fund commits a Class 4 felony. A second or any  
6 subsequent offense after conviction hereunder is a Class 3  
7 felony.

8           (4.5) Any person who knowingly makes a false material  
9 statement or representation in any label, manifest,  
10 record, report, permit or license, or other document filed,  
11 maintained, or used for the purpose of compliance with  
12 Title XVI commits a Class 4 felony. Any second or  
13 subsequent offense after conviction hereunder is a Class 3  
14 felony.

15           (5) Any person who knowingly destroys, alters, or  
16 conceals any record required to be made or maintained by  
17 this Act or required to be made or maintained by Board or  
18 Agency rules for the purpose of receiving money from the  
19 Underground Storage Tank Fund commits a Class 4 felony. A  
20 second or any subsequent offense after a conviction  
21 hereunder is a Class 3 felony.

22           (6) A person who knowingly and falsely certifies under  
23 Section 22.48 that an industrial process waste or pollution  
24 control waste is not special waste commits a Class 4 felony  
25 for a first offense and commits a Class 3 felony for a  
26 second or subsequent offense.

1           (7) In addition to any other penalties prescribed by  
2 law, a person convicted of violating this subsection (h) is  
3 subject to a fine not to exceed \$50,000 for each day of  
4 such violation.

5           (8) Any person who knowingly makes a false, fictitious,  
6 or fraudulent material statement, orally or in writing, to  
7 the Agency, or to a unit of local government to which the  
8 Agency has delegated authority under subsection (r) of  
9 Section 4 of this Act, related to or required by this Act,  
10 a regulation adopted under this Act, any federal law or  
11 regulation for which the Agency has responsibility, or any  
12 permit, term, or condition thereof, commits a Class 4  
13 felony, and each such statement or writing shall be  
14 considered a separate Class 4 felony. A person who, after  
15 being convicted under this paragraph (8), violates this  
16 paragraph (8) a second or subsequent time, commits a Class  
17 3 felony.

18           (i) Verification.

19           (1) Each application for a permit or license to dispose  
20 of, transport, treat, store, or generate hazardous waste  
21 under this Act shall contain an affirmation that the facts  
22 are true and are made under penalty of perjury as defined  
23 in Section 32-2 of the Criminal Code of 2012. It is perjury  
24 for a person to sign any such application for a permit or  
25 license which contains a false material statement, which he



1 does not believe to be true.

2 (2) Each request for money from the Underground Storage  
3 Tank Fund shall contain an affirmation that the facts are  
4 true and are made under penalty of perjury as defined in  
5 Section 32-2 of the Criminal Code of 2012. It is perjury  
6 for a person to sign any request that contains a false  
7 material statement that he does not believe to be true.

8 (j) Violations of Other Provisions.

9 (1) It is unlawful for a person knowingly to violate:

10 (A) subsection (f) of Section 12 of this Act;

11 (B) subsection (g) of Section 12 of this Act;

12 (C) any term or condition of any Underground  
13 Injection Control (UIC) permit;

14 (D) any filing requirement, regulation, or order  
15 relating to the State Underground Injection Control  
16 (UIC) program;

17 (E) any provision of any regulation, standard, or  
18 filing requirement under subsection (b) of Section 13  
19 of this Act;

20 (F) any provision of any regulation, standard, or  
21 filing requirement under subsection (b) of Section 39  
22 of this Act;

23 (G) any National Pollutant Discharge Elimination  
24 System (NPDES) permit issued under this Act or any term  
25 or condition of such permit;

1 (H) subsection (h) of Section 12 of this Act;  
2 (I) subsection 6 of Section 39.5 of this Act;  
3 (J) any provision of any regulation, standard or  
4 filing requirement under Section 39.5 of this Act;

5 (K) a provision of the Procedures for Asbestos  
6 Emission Control in subsection (c) of Section 61.145 of  
7 Title 40 of the Code of Federal Regulations; or

8 (L) the standard for waste disposal for  
9 manufacturing, fabricating, demolition, renovation,  
10 and spraying operations in Section 61.150 of Title 40  
11 of the Code of Federal Regulations.

12 (2) A person convicted of a violation of subdivision  
13 (1) of this subsection commits a Class 4 felony, and in  
14 addition to any other penalty prescribed by law is subject  
15 to a fine not to exceed \$25,000 for each day of such  
16 violation.

17 (3) A person who negligently violates the following  
18 shall be subject to a fine not to exceed \$10,000 for each  
19 day of such violation:

20 (A) subsection (f) of Section 12 of this Act;

21 (B) subsection (g) of Section 12 of this Act;

22 (C) any provision of any regulation, standard, or  
23 filing requirement under subsection (b) of Section 13  
24 of this Act;

25 (D) any provision of any regulation, standard, or  
26 filing requirement under subsection (b) of Section 39

1 of this Act;

2 (E) any National Pollutant Discharge Elimination  
3 System (NPDES) permit issued under this Act;

4 (F) subsection 6 of Section 39.5 of this Act; or

5 (G) any provision of any regulation, standard, or  
6 filing requirement under Section 39.5 of this Act.

7 (4) It is unlawful for a person knowingly to:

8 (A) make any false statement, representation, or  
9 certification in an application form, or form  
10 pertaining to, a National Pollutant Discharge  
11 Elimination System (NPDES) permit;

12 (B) render inaccurate any monitoring device or  
13 record required by the Agency or Board in connection  
14 with any such permit or with any discharge which is  
15 subject to the provisions of subsection (f) of Section  
16 12 of this Act;

17 (C) make any false statement, representation, or  
18 certification in any form, notice, or report  
19 pertaining to a CAAPP permit under Section 39.5 of this  
20 Act;

21 (D) render inaccurate any monitoring device or  
22 record required by the Agency or Board in connection  
23 with any CAAPP permit or with any emission which is  
24 subject to the provisions of Section 39.5 of this Act;  
25 or

26 (E) violate subsection 6 of Section 39.5 of this

1 Act or any CAAPP permit, or term or condition thereof,  
2 or any fee or filing requirement.

3 (5) A person convicted of a violation of paragraph (4)  
4 of this subsection commits a Class A misdemeanor, and in  
5 addition to any other penalties provided by law is subject  
6 to a fine not to exceed \$10,000 for each day of violation.

7 (k) Criminal operation of a hazardous waste or PCB  
8 incinerator.

9 (1) A person commits the offense of criminal operation  
10 of a hazardous waste or PCB incinerator when, in the course  
11 of operating a hazardous waste or PCB incinerator, he  
12 knowingly and without justification operates the  
13 incinerator (i) without an Agency permit, or in knowing  
14 violation of the terms of an Agency permit, and (ii) as a  
15 result of such violation, knowingly places any person in  
16 danger of great bodily harm or knowingly creates an  
17 immediate or long term material danger to the public health  
18 or the environment.

19 (2) Any person who commits the offense of criminal  
20 operation of a hazardous waste or PCB incinerator for the  
21 first time commits a Class 4 felony and, in addition to any  
22 other penalties prescribed by law, shall be subject to a  
23 fine not to exceed \$100,000 for each day of the offense.

24 Any person who commits the offense of criminal  
25 operation of a hazardous waste or PCB incinerator for a

1 second or subsequent time commits a Class 3 felony and, in  
2 addition to any other penalties prescribed by law, shall be  
3 subject to a fine not to exceed \$250,000 for each day of  
4 the offense.

5 (3) For the purpose of this subsection (k), the term  
6 "hazardous waste or PCB incinerator" means a pollution  
7 control facility at which either hazardous waste or PCBs,  
8 or both, are incinerated. "PCBs" means any substance or  
9 mixture of substances that contains one or more  
10 polychlorinated biphenyls in detectable amounts.

11 (l) It shall be the duty of all State and local law  
12 enforcement officers to enforce this Act and the regulations  
13 adopted hereunder, and all such officers shall have authority  
14 to issue citations for such violations.

15 (m) Any action brought under this Section shall be brought  
16 by the State's Attorney of the county in which the violation  
17 occurred, or by the Attorney General, and shall be conducted in  
18 accordance with the applicable provisions of the Code of  
19 Criminal Procedure of 1963.

20 (n) For an offense described in this Section, the period  
21 for commencing prosecution prescribed by the statute of  
22 limitations shall not begin to run until the offense is  
23 discovered by or reported to a State or local agency having the

1 authority to investigate violations of this Act.

2 (o) In addition to any other penalties provided under this  
3 Act, if a person is convicted of (or agrees to a settlement in  
4 an enforcement action over) illegal dumping of waste on the  
5 person's own property, the Attorney General, the Agency, or  
6 local prosecuting authority shall file notice of the  
7 conviction, finding, or agreement in the office of the Recorder  
8 in the county in which the landowner lives.

9 (p) Criminal Disposal of Waste.

10 (1) A person commits the offense of Criminal Disposal  
11 of Waste when he or she:

12 (A) if required to have a permit under subsection  
13 (d) of Section 21 of this Act, knowingly conducts a  
14 waste-storage, waste-treatment, or waste-disposal  
15 operation in a quantity that exceeds 250 cubic feet of  
16 waste without a permit; or

17 (B) knowingly conducts open dumping of waste in  
18 violation of subsection (a) of Section 21 of this Act.

19 (2) (A) A person who is convicted of a violation of  
20 subparagraph (A) of paragraph (1) of this subsection is  
21 guilty of a Class 4 felony for a first offense and, in  
22 addition to any other penalties provided by law, is subject  
23 to a fine not to exceed \$25,000 for each day of violation.  
24 A person who is convicted of a violation of subparagraph

1 (A) of paragraph (1) of this subsection is guilty of a  
2 Class 3 felony for a second or subsequent offense and, in  
3 addition to any other penalties provided by law, is subject  
4 to a fine not to exceed \$50,000 for each day of violation.

5 (B) A person who is convicted of a violation of  
6 subparagraph (B) of paragraph (1) of this subsection is  
7 guilty of a Class A misdemeanor. However, a person who  
8 is convicted of a violation of subparagraph (B) of  
9 paragraph (1) of this subsection for the open dumping  
10 of waste in a quantity that exceeds 250 cubic feet or  
11 that exceeds 50 waste tires is guilty of a Class 4  
12 felony and, in addition to any other penalties provided  
13 by law, is subject to a fine not to exceed \$25,000 for  
14 each day of violation.

15 (q) Criminal Damage to a Public Water Supply.

16 (1) A person commits the offense of Criminal Damage to  
17 a Public Water Supply when, without lawful justification,  
18 he knowingly alters, damages, or otherwise tampers with the  
19 equipment or property of a public water supply, or  
20 knowingly introduces a contaminant into the distribution  
21 system of a public water supply so as to cause, threaten,  
22 or allow the distribution of water from any public water  
23 supply of such quality or quantity as to be injurious to  
24 human health or the environment.

25 (2) Criminal Damage to a Public Water Supply is a Class

1           4 felony. In addition to any other penalties prescribed by  
2           law, a person convicted of the offense of Criminal Damage  
3           to a Public Water Supply is subject to a fine not to exceed  
4           \$250,000 for each day of such offense.

5           (r) Aggravated Criminal Damage to a Public Water Supply.

6           (1) A person commits the offense of Aggravated Criminal  
7           Damage to a Public Water Supply when, without lawful  
8           justification, he commits Criminal Damage to a Public Water  
9           Supply while knowing that he thereby places another person  
10          in danger of serious illness or great bodily harm, or  
11          creates an immediate or long-term danger to public health  
12          or the environment.

13          (2) Aggravated Criminal Damage to a Public Water Supply  
14          is a Class 2 felony. In addition to any other penalties  
15          prescribed by law, a person convicted of the offense of  
16          Aggravated Criminal Damage to a Public Water Supply is  
17          subject to a fine not to exceed \$500,000 for each day of  
18          such offense.

19          (Source: P.A. 96-603, eff. 8-24-09; 97-220, eff. 7-28-11;  
20          97-286, eff. 8-10-11; 97-813, eff. 7-13-12; 97-1150, eff.  
21          1-25-13.)

22          (415 ILCS 5/57.17 rep.)

23          Section 20. The Environmental Protection Act is amended by  
24          repealing Section 57.17.



1 Section 25. The Public Water Supply Operations Act is  
2 amended by changing Sections 1 and 13 and by adding Section 5.1  
3 as follows:

4 (415 ILCS 45/1) (from Ch. 111 1/2, par. 501)

5 Sec. 1. (1) In order to safeguard the health and well-being  
6 ~~well-being~~ of the populace, every community water supply in  
7 Illinois shall have on its operational staff at least one  
8 natural person certified as competent as a water supply  
9 operator under the provisions of this Act.

10 Except for exempt community water supplies as specified in  
11 Section 9.1 of this Act, all portions of a community water  
12 supply system shall be under the direct supervision of a  
13 properly certified community water supply operator.

14 (2) The following class requirements apply:

15 (a) Each Class A community water supply ~~which includes~~  
16 ~~coagulation, lime softening, or sedimentation as a part of~~  
17 ~~its primary treatment~~ shall have in its employ at least one  
18 natural person certified as competent as a Class A  
19 community water supply operator. ~~This includes all surface~~  
20 ~~water community water supplies.~~

21 (b) Each Class B community water supply ~~which includes~~  
22 ~~filtration, aeration and filtration, or ion exchange~~  
23 ~~equipment as a part of its primary treatment~~ shall have in  
24 its employ at least one natural person certified as

1 competent as a Class B or Class A community water supply  
2 operator.

3 (c) Each Class C community water supply ~~which utilizes~~  
4 ~~chemical feeding only~~ shall have in its employ at least one  
5 natural person certified as competent as a Class C, Class  
6 B, or Class A community water supply operator.

7 (d) Each Class D community water supply ~~in which the~~  
8 ~~facilities are limited to pumpage, storage, or~~  
9 ~~distribution~~ shall have in its employ at least one natural  
10 person certified as competent as a Class D, Class C, Class  
11 B, or Class A community water supply operator.

12 (2.5) The Agency may adopt rules that classify or  
13 reclassify community water supplies as Class A, Class B, Class  
14 C, or Class D community water supplies. A community water  
15 supply that cannot be clearly classified under Section 5.1 or  
16 Agency rules shall ~~grouped according to this Section will~~ be  
17 considered individually and designated, in writing, by the  
18 Agency, as a Class A, Class B, Class C, or Class D community  
19 water supply ~~within one of the above groups by the Agency.~~  
20 Classifications made under this subsection (2.5) shall ~~This~~  
21 ~~determination will~~ be based on the nature of the community  
22 water supply and on the education and experience necessary to  
23 operate it.

24 (3) A community water supply may satisfy the requirements  
25 of this Section by contracting the services of a properly  
26 qualified certified operator of the required class or higher,

1 ~~as specified in subsection (2)~~. A written agreement to this  
2 effect must be on file with the Agency certifying that such an  
3 agreement exists, and delegating responsibility and authority  
4 to the contracted party. This written agreement shall be signed  
5 by both the certified operator to be contracted and the  
6 responsible community water supply owner or official custodian  
7 and must be approved in writing by the Agency.

8 (Source: P.A. 91-84, eff. 7-9-99; 91-357, eff. 7-29-99; 92-16,  
9 eff. 6-28-01.)

10 (415 ILCS 45/5.1 new)

11 Sec. 5.1. Class definitions. Except as otherwise provided  
12 by Agency rules adopted pursuant to subsection (2.5) of Section  
13 1 of this Act:

14 "Class A community water supply" means (i) any surface  
15 water community water supply and (ii) any community water  
16 supply that includes coagulation, lime softening, ultraviolet  
17 disinfection, membrane filtration, or sedimentation as a part  
18 of its primary treatment.

19 "Class B community water supply" means any community water  
20 supply that includes filtration (other than membrane  
21 filtration), aeration and filtration (other than membrane  
22 filtration), or ion exchange equipment as a part of its primary  
23 treatment.

24 "Class C community water supply" means any community water  
25 supply that uses chemical feeding as its only form of

1 treatment.

2 "Class D community water supply" means any community water  
3 supply that has only pumpage, storage, or distribution  
4 facilities.

5 (415 ILCS 45/13) (from Ch. 111 1/2, par. 513)

6 Sec. 13. Community Water Supply Operators shall be  
7 certified in accordance with the following classifications:

8 (a) A "Class A" Water Supply Operator Certificate shall be  
9 issued to those persons who, in accordance with ~~the provisions~~  
10 ~~of Sections 1 through 23 of this Act~~, demonstrate the necessary  
11 skills, knowledge, ability, and judgment that are necessary to  
12 operate a Class A community water supply in a manner that will  
13 provide safe, potable water for human consumption, as well as  
14 the skills, knowledge, ability, and judgment necessary to  
15 operate Class B, Class C, and Class D community water supplies  
16 ~~of the chemical, biological, and physical sciences essential to~~  
17 ~~the practical mechanics of coagulation, lime softening, and~~  
18 ~~sedimentation, and distribution in a manner that which will~~  
19 provide safe, potable water for human consumption. ~~This~~  
20 ~~includes all surface water community water supplies. The~~  
21 ~~operators will also demonstrate the necessary skills,~~  
22 ~~knowledge, ability, and judgment of the treatment processes~~  
23 ~~outlined in Sections 13 (b), 13 (e), and 13 (d) of this Act.~~

24 (b) A "Class B" Water Supply Operator Certificate shall be  
25 issued to those persons who, in accordance with ~~the provisions~~

1 ~~of Section 1 through 23 of this Act, demonstrate the necessary~~  
2 ~~skills, knowledge, ability, and judgment that are necessary to~~  
3 ~~operate a Class B community water supply in a manner that will~~  
4 ~~provide safe, potable water for human consumption, as well as~~  
5 ~~the skills, knowledge, ability, and judgment necessary to~~  
6 ~~operate Class C and Class D community water supplies ~~of the~~~~  
7 ~~~~chemical, biological, and physical sciences essential to the~~~~  
8 ~~~~practical mechanics of filtration, aeration and filtration,~~~~  
9 ~~~~and ion exchange systems, and distribution~~ in a manner that~~  
10 ~~~~which~~ will provide safe, potable water for human consumption.~~  
11 ~~The operators will also demonstrate the necessary skills,~~  
12 ~~knowledge, ability, and judgment of the treatment processes~~  
13 ~~outlined in Sections 13 (c) and 13 (d) of this Act.~~

14 (c) A "Class C" Water Supply Operator Certificate shall be  
15 issued to those persons who, in accordance with ~~the provisions~~  
16 ~~of Sections 1 through 23 of this Act, demonstrate the necessary~~  
17 ~~skills, knowledge, ability, and judgment that are necessary to~~  
18 ~~operate a Class C community water supply in a manner that will~~  
19 ~~provide safe, potable water for human consumption, as well as~~  
20 ~~the skills, knowledge, ability, and judgment necessary to~~  
21 ~~operate a Class D community water supply ~~of the chemical,~~~~  
22 ~~~~biological, and physical sciences essential to the practical~~~~  
23 ~~~~mechanics of chemical feeding and disinfection and~~~~  
24 ~~~~distribution~~ in a manner that ~~which~~ will provide safe, potable  
25 water for human consumption. ~~The operators will also~~  
26 ~~demonstrate the necessary skills, knowledge, ability, and~~~~

1 ~~judgment of the treatment processes outlined in Section 13 (d)~~  
2 ~~of this Act.~~

3 (d) A "Class D" Water Supply Operator Certificate shall be  
4 issued to those persons who, in accordance with ~~the provisions~~  
5 ~~of Sections 1 through 23 of~~ this Act, demonstrate the necessary  
6 skills, knowledge, ability, and judgment that are necessary to  
7 operate a Class D community water supply ~~of the chemical,~~  
8 ~~biological, and physical sciences essential to the practical~~  
9 ~~mechanics of pumpage, storage, and distribution~~ in a manner  
10 that ~~which~~ will provide safe, potable water for human  
11 consumption.

12 (Source: P.A. 91-84, eff. 7-9-99.)

13 (525 ILCS 25/10 rep.)

14 Section 30. The Illinois Lake Management Program Act is  
15 amended by repealing Section 10.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law, except that Section 5 takes effect on January 1,  
18 2015.

1	INDEX	
2	Statutes amended in order of appearance	
3	30 ILCS 105/5.250 rep.	
4	225 ILCS 230/1011	from Ch. 111, par. 7861
5	415 ILCS 5/22.8	from Ch. 111 1/2, par. 1022.8
6	415 ILCS 5/37	from Ch. 111 1/2, par. 1037
7	415 ILCS 5/44	from Ch. 111 1/2, par. 1044
8	415 ILCS 5/57.17 rep.	
9	415 ILCS 45/1	from Ch. 111 1/2, par. 501
10	415 ILCS 45/5.1 new	
11	415 ILCS 45/13	from Ch. 111 1/2, par. 513
12	525 ILCS 25/10 rep.	