



Sen. William R. Haine

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09800SB2657sam001

LRB098 15828 MGM 54746 a

1 AMENDMENT TO SENATE BILL 2657

2 AMENDMENT NO. _____. Amend Senate Bill 2657 on page 1,
3 above line 4, by inserting the following:

4 "(30 ILCS 105/5.250 rep.)

5 Section 2. The State Finance Act is amended by repealing
6 Section 5.250.

7 Section 3. 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

1 issuance or renewal for special waste endorsements.

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

5 (b) Before the effective date of this amendatory Act of the
6 98th General Assembly, all ~~All~~ fees collected by the Agency
7 under this Section shall be deposited into the Hazardous Waste
8 Occupational Licensing Fund. The Agency is authorized to use
9 monies in the Hazardous Waste Occupational Licensing Fund to
10 perform its functions, powers, and duties under this Section.

11 On and after the effective date of this amendatory Act of
12 the 98th General Assembly, all fees collected by the Agency
13 under this Section shall be deposited into the Environmental
14 Protection Permit and Inspection Fund to be used in accordance
15 with the provisions of subsection (a) of Section 22.8 of the
16 Environmental Protection Act.

17 (Source: P.A. 86-1363.)"; and

18 on page 1, by replacing line 5 with "changing Sections 22.8,
19 37, and 44 as follows:

20 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

21 Sec. 22.8. Environmental Protection Permit and Inspection
22 Fund.

23 (a) There is hereby created in the State Treasury a special
24 fund to be known as the Environmental Protection Permit and

1 Inspection Fund. All fees collected by the Agency pursuant to
2 this Section, Section 9.6, 12.2, 16.1, ~~22.2 (j) (6) (E) (v) (IV)~~,
3 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act
4 or pursuant to Section 22 of the Public Water Supply Operations
5 Act or Section 1011 of the Solid Waste Site Operator
6 Certification Law, as well as ~~and~~ funds collected under
7 subsection (b.5) of Section 42 of this Act shall be deposited
8 into the Fund. In addition to any monies appropriated from the
9 General Revenue Fund, monies in the Fund shall be appropriated
10 by the General Assembly to the Agency in amounts deemed
11 necessary for manifest, permit, and inspection activities and
12 for performing its functions, powers, and duties under the
13 Solid Waste Site Operator Certification Law ~~processing~~
14 ~~requests under Section 22.2 (j) (6) (E) (v) (IV)~~.

15 The General Assembly may appropriate monies in the Fund
16 deemed necessary for Board regulatory and adjudicatory
17 proceedings.

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

26 (a-6) As soon as practicable after the effective date of

1 this amendatory Act of the 98th General Assembly, but no later
2 than December 31, 2014, the State Comptroller shall order the
3 transfer of, and the State Treasurer shall transfer, all moneys
4 in the Hazardous Waste Occupational Licensing Fund into the
5 Environmental Protection Permit and Inspection Fund to be used
6 in accordance with the terms of the Environmental Protection
7 Permit and Inspection Fund.

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

14 (1) \$35,000 (\$70,000 beginning in 2004) for a hazardous
15 waste disposal site receiving hazardous waste if the
16 hazardous waste disposal site is located off the site where
17 such waste was produced;

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

22 (3) \$7,000 (\$14,000 beginning in 2004) for a hazardous
23 waste disposal site receiving hazardous waste if the
24 hazardous waste disposal site is an underground injection
25 well;

26 (4) \$2,000 (\$4,000 beginning in 2004) for a hazardous

1 waste management facility treating hazardous waste by
2 incineration;

3 (5) \$1,000 (\$2,000 beginning in 2004) for a hazardous
4 waste management facility treating hazardous waste by a
5 method, technique or process other than incineration;

6 (6) \$1,000 (\$2,000 beginning in 2004) for a hazardous
7 waste management facility storing hazardous waste in a
8 surface impoundment or pile;

9 (7) \$250 (\$500 beginning in 2004) for a hazardous waste
10 management facility storing hazardous waste other than in a
11 surface impoundment or pile; and

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

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

20 (d) The fee imposed upon a hazardous waste disposal site
21 under this Section shall be the exclusive permit and inspection
22 fee applicable to hazardous waste disposal at such site,
23 provided that nothing in this Section shall be construed to
24 diminish or otherwise affect any fee imposed upon the owner or
25 operator of a hazardous waste disposal site by Section 22.2.

26 (e) The Agency shall establish procedures, no later than

1 December 1, 1984, relating to the collection of the hazardous
2 waste disposal site fees authorized by this Section. Such
3 procedures shall include, but not be limited to the time and
4 manner of payment of fees to the Agency, which shall be
5 quarterly, payable at the beginning of each quarter for
6 hazardous waste disposal site fees. Annual fees required under
7 paragraph (7) of subsection (b) of this Section shall accompany
8 the annual report required by Board regulations for the
9 calendar year for which the report applies.

10 (f) For purposes of this Section, a hazardous waste
11 disposal site consists of one or more of the following
12 operational units:

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

14 (2) a waste pile or surface impoundment, receiving
15 hazardous waste, in which residues which exhibit any of the
16 characteristics of hazardous waste pursuant to Board
17 regulations are reasonably expected to remain after
18 closure;

19 (3) a land treatment facility receiving hazardous
20 waste; or

21 (4) a well injecting hazardous waste.

22 (g) The Agency shall assess a fee for each manifest
23 provided by the Agency. For manifests provided on or after
24 January 1, 1989 but before July 1, 2003, the fee shall be \$1
25 per manifest. For manifests provided on or after July 1, 2003,
26 the fee shall be \$3 per manifest.

1 (Source: P.A. 98-78, eff. 7-15-13.)"; and

2 on page 3, by replacing lines 5 and 6 with the following:

3 "(415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

4 Sec. 44. Criminal acts; penalties.

5 (a) Except as otherwise provided in this Section, it shall
6 be a Class A misdemeanor to violate this Act or regulations
7 thereunder, or any permit or term or condition thereof, or
8 knowingly to submit any false information under this Act or
9 regulations adopted thereunder, or under any permit or term or
10 condition thereof. A court may, in addition to any other
11 penalty herein imposed, order a person convicted of any
12 violation of this Act to perform community service for not less
13 than 100 hours and not more than 300 hours if community service
14 is available in the jurisdiction. It shall be the duty of all
15 State and local law-enforcement officers to enforce such Act
16 and regulations, and all such officers shall have authority to
17 issue citations for such violations.

18 (b) Calculated Criminal Disposal of Hazardous Waste.

19 (1) A person commits the offense of Calculated Criminal
20 Disposal of Hazardous Waste when, without lawful
21 justification, he knowingly disposes of hazardous waste
22 while knowing that he thereby places another person in
23 danger of great bodily harm or creates an immediate or

1 long-term danger to the public health or the environment.

2 (2) Calculated Criminal Disposal of Hazardous Waste is
3 a Class 2 felony. In addition to any other penalties
4 prescribed by law, a person convicted of the offense of
5 Calculated Criminal Disposal of Hazardous Waste is subject
6 to a fine not to exceed \$500,000 for each day of such
7 offense.

8 (c) Criminal Disposal of Hazardous Waste.

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

12 (2) Criminal Disposal of Hazardous Waste is a Class 3
13 felony. In addition to any other penalties prescribed by
14 law, a person convicted of the offense of Criminal Disposal
15 of Hazardous Waste is subject to a fine not to exceed
16 \$250,000 for each day of such offense.

17 (d) Unauthorized Use of Hazardous Waste.

18 (1) A person commits the offense of Unauthorized Use of
19 Hazardous Waste when he, being required to have a permit,
20 registration, or license under this Act or any other law
21 regulating the treatment, transportation, or storage of
22 hazardous waste, knowingly:

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

1 (B) treats, transports, or stores any hazardous
2 waste in violation of the terms and conditions of such
3 permit or license;

4 (C) transports any hazardous waste to a facility
5 which does not have a permit or license required under
6 this Act; or

7 (D) transports by vehicle any hazardous waste
8 without having in each vehicle credentials issued to
9 the transporter by the transporter's base state
10 pursuant to procedures established under the Uniform
11 Program.

12 (2) A person who is convicted of a violation of
13 subparagraph (A), (B), or (C) of paragraph (1) of this
14 subsection is guilty of a Class 4 felony. A person who is
15 convicted of a violation of subparagraph (D) of paragraph
16 (1) of this subsection is guilty of a Class A misdemeanor.
17 In addition to any other penalties prescribed by law, a
18 person convicted of violating subparagraph (A), (B), or (C)
19 of paragraph (1) of this subsection is subject to a fine
20 not to exceed \$100,000 for each day of such violation, and
21 a person who is convicted of violating subparagraph (D) of
22 paragraph (1) of this subsection is subject to a fine not
23 to exceed \$1,000.

24 (e) Unlawful Delivery of Hazardous Waste.

25 (1) Except as authorized by this Act or the federal

1 Resource Conservation and Recovery Act, and the
2 regulations promulgated thereunder, it is unlawful for any
3 person to knowingly deliver hazardous waste.

4 (2) Unlawful Delivery of Hazardous Waste is a Class 3
5 felony. In addition to any other penalties prescribed by
6 law, a person convicted of the offense of Unlawful Delivery
7 of Hazardous Waste is subject to a fine not to exceed
8 \$250,000 for each such violation.

9 (3) For purposes of this Section, "deliver" or
10 "delivery" means the actual, constructive, or attempted
11 transfer of possession of hazardous waste, with or without
12 consideration, whether or not there is an agency
13 relationship.

14 (f) Reckless Disposal of Hazardous Waste.

15 (1) A person commits Reckless Disposal of Hazardous
16 Waste if he disposes of hazardous waste, and his acts which
17 cause the hazardous waste to be disposed of, whether or not
18 those acts are undertaken pursuant to or under color of any
19 permit or license, are performed with a conscious disregard
20 of a substantial and unjustifiable risk that such disposing
21 of hazardous waste is a gross deviation from the standard
22 of care which a reasonable person would exercise in the
23 situation.

24 (2) Reckless Disposal of Hazardous Waste is a Class 4
25 felony. In addition to any other penalties prescribed by

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

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

5 (1) A person commits the offense of Concealment of
6 Criminal Disposal of Hazardous Waste when he conceals,
7 without lawful justification, the disposal of hazardous
8 waste with the knowledge that such hazardous waste has been
9 disposed of in violation of this Act.

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

16 (h) Violations; False Statements.

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

23 (2) Any person who knowingly makes a false material
24 statement or representation in any label, manifest,

1 record, report, permit or license, or other document filed,
2 maintained, or used for the purpose of compliance with this
3 Act in connection with the generation, disposal,
4 treatment, storage, or transportation of hazardous waste
5 commits a Class 4 felony. A second or any subsequent
6 offense after conviction hereunder is a Class 3 felony.

7 (3) Any person who knowingly destroys, alters, or
8 conceals any record required to be made by this Act in
9 connection with the disposal, treatment, storage, or
10 transportation of hazardous waste commits a Class 4 felony.
11 A second or any subsequent offense after a conviction
12 hereunder is a Class 3 felony.

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

20 (4.5) Any person who knowingly makes a false material
21 statement or representation in any label, manifest,
22 record, report, permit or license, or other document filed,
23 maintained, or used for the purpose of compliance with
24 Title XVI of this Act commits a Class 4 felony. Any second
25 or subsequent offense after conviction hereunder is a Class
26 3 felony.

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

8 (6) A person who knowingly and falsely certifies under
9 Section 22.48 that an industrial process waste or pollution
10 control waste is not special waste commits a Class 4 felony
11 for a first offense and commits a Class 3 felony for a
12 second or subsequent offense.

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

17 (8) Any person who knowingly makes a false, fictitious,
18 or fraudulent material statement, orally or in writing, to
19 the Agency, or to a unit of local government to which the
20 Agency has delegated authority under subsection (r) of
21 Section 4 of this Act, related to or required by this Act,
22 a regulation adopted under this Act, any federal law or
23 regulation for which the Agency has responsibility, or any
24 permit, term, or condition thereof, commits a Class 4
25 felony, and each such statement or writing shall be
26 considered a separate Class 4 felony. A person who, after

1 being convicted under this paragraph (8), violates this
2 paragraph (8) a second or subsequent time, commits a Class
3 3 felony.

4 (i) Verification.

5 (1) Each application for a permit or license to dispose
6 of, transport, treat, store, or generate hazardous waste
7 under this Act shall contain an affirmation that the facts
8 are true and are made under penalty of perjury as defined
9 in Section 32-2 of the Criminal Code of 2012. It is perjury
10 for a person to sign any such application for a permit or
11 license which contains a false material statement, which he
12 does not believe to be true.

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

19 (j) Violations of Other Provisions.

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

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

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

23 (C) any term or condition of any Underground
24 Injection Control (UIC) permit;

1 (D) any filing requirement, regulation, or order
2 relating to the State Underground Injection Control
3 (UIC) program;

4 (E) any provision of any regulation, standard, or
5 filing requirement under subsection (b) of Section 13
6 of this Act;

7 (F) any provision of any regulation, standard, or
8 filing requirement under subsection (b) of Section 39
9 of this Act;

10 (G) any National Pollutant Discharge Elimination
11 System (NPDES) permit issued under this Act or any term
12 or condition of such permit;

13 (H) subsection (h) of Section 12 of this Act;

14 (I) subsection 6 of Section 39.5 of this Act;

15 (J) any provision of any regulation, standard or
16 filing requirement under Section 39.5 of this Act;

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

20 (L) the standard for waste disposal for
21 manufacturing, fabricating, demolition, renovation,
22 and spraying operations in Section 61.150 of Title 40
23 of the Code of Federal Regulations.

24 (2) A person convicted of a violation of subdivision
25 (1) of this subsection commits a Class 4 felony, and in
26 addition to any other penalty prescribed by law is subject

1 to a fine not to exceed \$25,000 for each day of such
2 violation.

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

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

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

8 (C) any provision of any regulation, standard, or
9 filing requirement under subsection (b) of Section 13
10 of this Act;

11 (D) any provision of any regulation, standard, or
12 filing requirement under subsection (b) of Section 39
13 of this Act;

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

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

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

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

20 (A) make any false statement, representation, or
21 certification in an application form, or form
22 pertaining to, a National Pollutant Discharge
23 Elimination System (NPDES) permit;

24 (B) render inaccurate any monitoring device or
25 record required by the Agency or Board in connection
26 with any such permit or with any discharge which is

1 subject to the provisions of subsection (f) of Section
2 12 of this Act;

3 (C) make any false statement, representation, or
4 certification in any form, notice, or report
5 pertaining to a CAAPP permit under Section 39.5 of this
6 Act;

7 (D) render inaccurate any monitoring device or
8 record required by the Agency or Board in connection
9 with any CAAPP permit or with any emission which is
10 subject to the provisions of Section 39.5 of this Act;
11 or

12 (E) violate subsection 6 of Section 39.5 of this
13 Act or any CAAPP permit, or term or condition thereof,
14 or any fee or filing requirement.

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

19 (k) Criminal operation of a hazardous waste or PCB
20 incinerator.

21 (1) A person commits the offense of criminal operation
22 of a hazardous waste or PCB incinerator when, in the course
23 of operating a hazardous waste or PCB incinerator, he
24 knowingly and without justification operates the
25 incinerator (i) without an Agency permit, or in knowing

1 violation of the terms of an Agency permit, and (ii) as a
2 result of such violation, knowingly places any person in
3 danger of great bodily harm or knowingly creates an
4 immediate or long term material danger to the public health
5 or the environment.

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

11 Any person who commits the offense of criminal
12 operation of a hazardous waste or PCB incinerator for a
13 second or subsequent time commits a Class 3 felony and, in
14 addition to any other penalties prescribed by law, shall be
15 subject to a fine not to exceed \$250,000 for each day of
16 the offense.

17 (3) For the purpose of this subsection (k), the term
18 "hazardous waste or PCB incinerator" means a pollution
19 control facility at which either hazardous waste or PCBs,
20 or both, are incinerated. "PCBs" means any substance or
21 mixture of substances that contains one or more
22 polychlorinated biphenyls in detectable amounts.

23 (1) It shall be the duty of all State and local law
24 enforcement officers to enforce this Act and the regulations
25 adopted hereunder, and all such officers shall have authority

1 to issue citations for such violations.

2 (m) Any action brought under this Section shall be brought
3 by the State's Attorney of the county in which the violation
4 occurred, or by the Attorney General, and shall be conducted in
5 accordance with the applicable provisions of the Code of
6 Criminal Procedure of 1963.

7 (n) For an offense described in this Section, the period
8 for commencing prosecution prescribed by the statute of
9 limitations shall not begin to run until the offense is
10 discovered by or reported to a State or local agency having the
11 authority to investigate violations of this Act.

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

19 (p) Criminal Disposal of Waste.

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

22 (A) if required to have a permit under subsection

1 (d) of Section 21 of this Act, knowingly conducts a
2 waste-storage, waste-treatment, or waste-disposal
3 operation in a quantity that exceeds 250 cubic feet of
4 waste without a permit; or

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

7 (2) (A) A person who is convicted of a violation of
8 subparagraph (A) of paragraph (1) of this subsection is
9 guilty of a Class 4 felony for a first offense and, in
10 addition to any other penalties provided by law, is subject
11 to a fine not to exceed \$25,000 for each day of violation.
12 A person who is convicted of a violation of subparagraph
13 (A) of paragraph (1) of this subsection is guilty of a
14 Class 3 felony for a second or subsequent offense and, in
15 addition to any other penalties provided by law, is subject
16 to a fine not to exceed \$50,000 for each day of violation.

17 (B) A person who is convicted of a violation of
18 subparagraph (B) of paragraph (1) of this subsection is
19 guilty of a Class A misdemeanor. However, a person who
20 is convicted of a violation of subparagraph (B) of
21 paragraph (1) of this subsection for the open dumping
22 of waste in a quantity that exceeds 250 cubic feet or
23 that exceeds 50 waste tires is guilty of a Class 4
24 felony and, in addition to any other penalties provided
25 by law, is subject to a fine not to exceed \$25,000 for
26 each day of violation.

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

2 (1) A person commits the offense of Criminal Damage to
3 a Public Water Supply when, without lawful justification,
4 he knowingly alters, damages, or otherwise tampers with the
5 equipment or property of a public water supply, or
6 knowingly introduces a contaminant into the distribution
7 system of a public water supply so as to cause, threaten,
8 or allow the distribution of water from any public water
9 supply of such quality or quantity as to be injurious to
10 human health or the environment.

11 (2) Criminal Damage to a Public Water Supply is a Class
12 4 felony. In addition to any other penalties prescribed by
13 law, a person convicted of the offense of Criminal Damage
14 to a Public Water Supply is subject to a fine not to exceed
15 \$250,000 for each day of such offense.

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

17 (1) A person commits the offense of Aggravated Criminal
18 Damage to a Public Water Supply when, without lawful
19 justification, he commits Criminal Damage to a Public Water
20 Supply while knowing that he thereby places another person
21 in danger of serious illness or great bodily harm, or
22 creates an immediate or long-term danger to public health
23 or the environment.

24 (2) Aggravated Criminal Damage to a Public Water Supply

1 is a Class 2 felony. In addition to any other penalties
2 prescribed by law, a person convicted of the offense of
3 Aggravated Criminal Damage to a Public Water Supply is
4 subject to a fine not to exceed \$500,000 for each day of
5 such offense.

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

9 (415 ILCS 5/57.17 rep.)

10 Section 8. The Environmental Protection Act is amended by
11 repealing Section 57.17.

12 Section 10. The Public Water Supply Operations Act is
13 amended by changing Sections 1 and 13 and by adding Section 5.1
14 as follows:

15 (415 ILCS 45/1) (from Ch. 111 1/2, par. 501)

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

21 Except for exempt community water supplies as specified in
22 Section 9.1 of this Act, all portions of a community water
23 supply system shall be under the direct supervision of a

1 properly certified community water supply operator.

2 (2) The following class requirements apply:

3 (a) Each Class A community water supply ~~which includes~~
4 ~~coagulation, lime softening, or sedimentation as a part of~~
5 ~~its primary treatment~~ shall have in its employ at least one
6 natural person certified as competent as a Class A
7 community water supply operator. ~~This includes all surface~~
8 ~~water community water supplies.~~

9 (b) Each Class B community water supply ~~which includes~~
10 ~~filtration, aeration and filtration, or ion exchange~~
11 ~~equipment as a part of its primary treatment~~ shall have in
12 its employ at least one natural person certified as
13 competent as a Class B or Class A community water supply
14 operator.

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

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

24 (2.5) The Agency may adopt rules that classify or
25 reclassify community water supplies as Class A, Class B, Class
26 C, or Class D community water supplies. A community water

1 supply that cannot be clearly classified under Section 5.1 or
2 Agency rules shall ~~grouped according to this Section will~~ be
3 considered individually and designated, in writing, by the
4 Agency, as a Class A, Class B, Class C, or Class D community
5 water supply ~~within one of the above groups by the Agency.~~
6 Classifications made under this subsection (2.5) shall ~~This~~
7 ~~determination will~~ be based on the nature of the community
8 water supply and on the education and experience necessary to
9 operate it.

10 (3) A community water supply may satisfy the requirements
11 of this Section by contracting the services of a properly
12 qualified certified operator of the required class or higher,
13 ~~as specified in subsection (2).~~ A written agreement to this
14 effect must be on file with the Agency certifying that such an
15 agreement exists, and delegating responsibility and authority
16 to the contracted party. This written agreement shall be signed
17 by both the certified operator to be contracted and the
18 responsible community water supply owner or official custodian
19 and must be approved in writing by the Agency.

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

22 (415 ILCS 45/5.1 new)

23 Sec. 5.1. Class definitions. Except as otherwise provided
24 by Agency rules adopted pursuant to subsection (2.5) of Section
25 1 of this Act:

1 "Class A community water supply" means (i) any surface
2 water community water supply and (ii) any community water
3 supply that includes coagulation, lime softening, ultraviolet
4 disinfection, membrane filtration, or sedimentation as a part
5 of its primary treatment.

6 "Class B community water supply" means any community water
7 supply that includes filtration (other than membrane
8 filtration), aeration and filtration (other than membrane
9 filtration), or ion exchange equipment as a part of its primary
10 treatment.

11 "Class C community water supply" means any community water
12 supply that uses chemical feeding as its only form of
13 treatment.

14 "Class D community water supply" means any community water
15 supply that has only pumpage, storage, or distribution
16 facilities.

17 (415 ILCS 45/13) (from Ch. 111 1/2, par. 513)

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

20 (a) A "Class A" Water Supply Operator Certificate shall be
21 issued to those persons who, in accordance with ~~the provisions~~
22 ~~of Sections 1 through 23 of~~ this Act, demonstrate the necessary
23 skills, knowledge, ability, and judgment that are necessary to
24 operate a Class A community water supply in a manner that will
25 provide safe, potable water for human consumption, as well as

1 the skills, knowledge, ability, and judgment necessary to
2 operate Class B, Class C, and Class D community water supplies
3 ~~of the chemical, biological, and physical sciences essential to~~
4 ~~the practical mechanics of coagulation, lime softening, and~~
5 ~~sedimentation, and distribution~~ in a manner that ~~which~~ will
6 provide safe, potable water for human consumption. ~~This~~
7 ~~includes all surface water community water supplies. The~~
8 ~~operators will also demonstrate the necessary skills,~~
9 ~~knowledge, ability, and judgment of the treatment processes~~
10 ~~outlined in Sections 13 (b), 13 (c), and 13 (d) of this Act.~~

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

26 (c) A "Class C" Water Supply Operator Certificate shall be

1 issued to those persons who, in accordance with ~~the provisions~~
2 ~~of Sections 1 through 23 of~~ this Act, demonstrate the ~~necessary~~
3 skills, knowledge, ability, and judgment that are necessary to
4 operate a Class C community water supply in a manner that will
5 provide safe, potable water for human consumption, as well as
6 the skills, knowledge, ability, and judgment 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 chemical feeding and disinfection and~~
10 ~~distribution~~ in a manner that ~~which~~ will provide safe, potable
11 water for human consumption. ~~The operators will also~~
12 ~~demonstrate the necessary skills, knowledge, ability, and~~
13 ~~judgment of the treatment processes outlined in Section 13 (d)~~
14 ~~of this Act.~~

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

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

1 Section 30. The Illinois Lake Management Program Act is
2 amended by repealing Section 10.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law, except that Section 2 takes effect on January 1,
5 2015.".