

1 AN ACT concerning environmental protection.

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

4 Section 5. The Interagency Wetland Policy Act of 1989 is
5 amended by changing Section 1-6 as follows:

6 (20 ILCS 830/1-6) (from Ch. 96 1/2, par. 9701-6)

7 Sec. 1-6. Definitions. As used in this Act:

8 (a) "Wetland" means land that has a predominance of
9 hydric soils (soils which are usually wet and where there is
10 little or no free oxygen) and that is inundated or saturated
11 by surface or groundwater at a frequency and duration
12 sufficient to support, and that under normal circumstances
13 does support, a prevalence of hydrophytic vegetation (plants
14 typically found in wet habitats) typically adapted for life
15 in saturated soil conditions, and includes land having
16 isolated, non-navigable, intrastate waters that serve as a
17 habitat for migratory birds or endangered species. Areas
18 which are restored or created as the result of mitigation or
19 planned construction projects and which function as a wetland
20 are included within this definition even when all three
21 wetland parameters are not present.

22 (b) "Adverse wetland impacts" means any land management
23 and construction or related project activity which directly
24 or indirectly reduces the size of a wetland or impairs a
25 wetland's functional value, as described in subsection (c) of
26 Section 1-2 of this Act, or the hydraulic and hydrologic
27 characteristics of a wetland.

28 (c) "Director" means the Director of Natural Resources.

29 (d) "Department" with reference to this Act means the
30 Department of Natural Resources.

31 (e) "Committee" means the Interagency Wetlands Committee

1 created by this Act.

2 (f) "Mitigation" includes avoiding, minimizing or
3 compensating for adverse wetland impacts. This includes:

4 (1) Avoiding the impact altogether by not taking a
5 certain action or parts of an action;

6 (2) Minimizing the impact by limiting the magnitude
7 of the action; and

8 (3) Compensating for the impact by replacing or
9 providing substitute wetland resources or environments.

10 (g) "Agency Action Plan" means a plan developed by an
11 individual agency to implement this Act.

12 (h) "Wetland Compensation Plan" means a plan developed
13 for each individual construction project that details how the
14 responsible agency will compensate for actions which will
15 result in adverse wetland impacts.

16 (i) "Conservation Organization" means an organization,
17 legally established under Illinois Law, for the purpose of
18 managing and protecting natural resources.

19 (j) "Necessary" means in a manner consistent with the
20 intent of this Act.

21 (Source: P.A. 89-445, eff. 2-7-96.)

22 Section 10. The Environmental Protection Act is amended
23 by adding Section 13.5 as follows:

24 (415 ILCS 5/13.5 new)

25 Sec. 13.5. Water quality certification for wetlands.

26 (a) No person may discharge dredged or fill material
27 into a wetland, as defined in Section 1-6 of the Interagency
28 Wetland Policy Act of 1989, unless the discharge is
29 authorized by a water quality certification issued by the
30 Agency. No person may violate any condition imposed by the
31 Agency in a water quality certification. The Agency may not
32 issue a water quality certification unless it determines that

1 the discharge will comply with all applicable water quality
2 standards. The water quality certification requirement under
3 this subsection is in addition to and does not supersede any
4 other requirement under any law, rule, or ordinance governing
5 the discharge of dredged or fill material into a wetland.

6 (b) The certification requirement under subsection (a)
7 does not apply to any discharge that is the result of any of
8 the following activities:

9 (1) normal farming activities;

10 (2) maintenance, emergency repair, or
11 reconstruction of damaged parts of structures that are in
12 use in the waters of the State;

13 (3) construction or maintenance of farm ponds,
14 stock ponds, or irrigation ditches; or

15 (4) maintenance of drainage ditches.

16 (c) In lieu of issuing individual water quality
17 certifications, the Agency may issue a general water quality
18 certification, which is effective for a period not to exceed
19 5 years, for types of discharges that the Agency determines
20 are similar in nature or for the purpose of simplifying the
21 certification process if the discharges meet all of the
22 following standards:

23 (1) The discharges will cause only minimal adverse
24 environmental effects, as determined by the Agency, if
25 they are performed separately.

26 (2) The cumulative adverse effect on the
27 environment by the discharges will be minimal, as
28 determined by the Agency.

29 (d) If the Agency determines that any of the discharges
30 under a general water quality certification fail to meet any
31 of the standards in subsection (c) of this Section, the
32 Agency shall modify the certification so that the discharges
33 meet all of the standards. If the Agency cannot modify the
34 certification so that all of the standards will be met or if

1 the Agency determines that the discharges subject to the
2 general certification are more appropriately certified by
3 using individual water quality certification, the Agency,
4 after giving notice and an opportunity for a hearing, shall
5 revoke the general water quality certification.