

1 AN ACT in relation to community water supplies.

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

4 Section 5. The Department of Nuclear Safety Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Section 40 as follows:

7 (20 ILCS 2005/2005-40) (was 20 ILCS 2005/71 in part)  
8 Sec. 2005-40. Powers vested in Environmental Protection  
9 Agency.

10 (a) The Department shall exercise, administer, and  
11 enforce all rights, powers, and duties vested in the  
12 Environmental Protection Agency by paragraphs a, b, c, d, e,  
13 f, g, h, i, j, k, l, m, n, o, p, q, and r of Section 4 and by  
14 Sections 30 through 45 of the Environmental Protection Act,  
15 to the extent that these powers relate to standards of the  
16 Pollution Control Board adopted under Section 2005-45. The  
17 transfer of rights, powers, and duties specified in this  
18 Section is limited to the programs ~~program~~ transferred by  
19 Public Act 81-1516 and this amendatory Act of 2001 and shall  
20 not be deemed to abolish or diminish the exercise of those  
21 same rights, powers, and duties by the Environmental  
22 Protection Agency with respect to programs retained by the  
23 Environmental Protection Agency.

24 (b) Notwithstanding provisions in Sections 4 and 17.7 of  
25 the Environmental Protection Act, the Environmental  
26 Protection Agency is not required to perform analytical  
27 services for community water supplies to determine compliance  
28 with contaminant levels for radionuclides as specified in  
29 State or federal drinking water regulations.

30 (c)(1) Community water supply operators may request the  
31 Department of Nuclear Safety to perform analytical services

1 to determine compliance with contaminant levels for  
 2 radionuclides as specified in State or federal drinking water  
 3 regulations. The Department of Nuclear Safety must adopt  
 4 rules establishing reasonable fees reflecting the direct and  
 5 indirect cost of testing community water supply samples. The  
 6 rules may require a community water supply operator to commit  
 7 to participation in the Department's testing program.  
 8 Neither the Department nor the Environmental Protection  
 9 Agency is required to perform analytical services to  
 10 determine contaminant levels for radionuclides from any  
 11 community water supply operator that does not participate in  
 12 the Department's testing program.

13 (2) Community water supply operators that choose not to  
 14 participate in the Department's testing program or do not pay  
 15 the fees established by the Department shall have the duty to  
 16 analyze all drinking water samples as required by State or  
 17 federal safe drinking water regulations to determine  
 18 radionuclide contaminant levels.

19 (d) Fees received by the Department under this Section  
 20 must be deposited in the Radiation Protection Fund.

21 (Source: P.A. 90-14, eff. 7-1-97; 90-209, eff. 7-25-97;  
 22 91-239, eff. 1-1-00.)

23 Section 90. The State Mandates Act is amended by adding  
 24 Section 8.25 as follows:

25 (30 ILCS 805/8.25 new)  
 26 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
 27 and 8 of this Act, no reimbursement by the State is required  
 28 for the implementation of any mandate created by this  
 29 amendatory Act of the 92nd General Assembly.

30 Section 99. Effective date. This Act takes effect upon  
 31 becoming law.