



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB0460**

Introduced 2/4/2009, by Rep. Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

30 ILCS 425/4  
415 ILCS 5/4

from Ch. 127, par. 2804  
from Ch. 111 1/2, par. 1004

Amends the Build Illinois Bond Act. Provides that certain bonds that may currently be used for loans or grants to units of local government for wastewater facilities may also be used for grants to serve unincorporated areas. Amends the Environmental Protection Act. Provides that the Environmental Protection Agency is authorized to distribute grants to units of local government for financing and construction of wastewater facilities (instead of "municipal wastewater facilities") in both incorporated and unincorporated areas. Effective immediately.

LRB096 03052 HLH 13067 b

FISCAL NOTE ACT  
MAY APPLY

STATE DEBT  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning finance.

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

4 Section 5. The Build Illinois Bond Act is amended by  
5 changing Section 4 as follows:

6 (30 ILCS 425/4) (from Ch. 127, par. 2804)

7 Sec. 4. Purposes of Bonds. Bonds shall be issued for the  
8 following purposes and in the approximate amounts as set forth  
9 below:

10 (a) \$2,417,000,000 for the expenses of issuance and sale of  
11 Bonds, including bond discounts, and for planning,  
12 engineering, acquisition, construction, reconstruction,  
13 development, improvement and extension of the public  
14 infrastructure in the State of Illinois, including: the making  
15 of loans or grants to local governments for waste disposal  
16 systems, water and sewer line extensions and water distribution  
17 and purification facilities, rail or air or water port  
18 improvements, gas and electric utility extensions, publicly  
19 owned industrial and commercial sites, buildings used for  
20 public administration purposes and other public infrastructure  
21 capital improvements; the making of loans or grants to units of  
22 local government for financing and construction of wastewater  
23 facilities, including grants to serve unincorporated areas;

1 refinancing or retiring bonds issued between January 1, 1987  
2 and January 1, 1990 by home rule municipalities, debt service  
3 on which is provided from a tax imposed by home rule  
4 municipalities prior to January 1, 1990 on the sale of food and  
5 drugs pursuant to Section 8-11-1 of the Home Rule Municipal  
6 Retailers' Occupation Tax Act or Section 8-11-5 of the Home  
7 Rule Municipal Service Occupation Tax Act; the making of  
8 deposits not to exceed \$70,000,000 in the aggregate into the  
9 Water Pollution Control Revolving Fund to provide assistance in  
10 accordance with the provisions of Title IV-A of the  
11 Environmental Protection Act; the planning, engineering,  
12 acquisition, construction, reconstruction, alteration,  
13 expansion, extension and improvement of highways, bridges,  
14 structures separating highways and railroads, rest areas,  
15 interchanges, access roads to and from any State or local  
16 highway and other transportation improvement projects which  
17 are related to economic development activities; the making of  
18 loans or grants for planning, engineering, rehabilitation,  
19 improvement or construction of rail and transit facilities; the  
20 planning, engineering, acquisition, construction,  
21 reconstruction and improvement of watershed, drainage, flood  
22 control, recreation and related improvements and facilities,  
23 including expenses related to land and easement acquisition,  
24 relocation, control structures, channel work and clearing and  
25 appurtenant work; the making of grants for improvement and  
26 development of zoos and park district field houses and related

1 structures; and the making of grants for improvement and  
2 development of Navy Pier and related structures.

3 (b) \$186,000,000 for fostering economic development and  
4 increased employment and the well being of the citizens of  
5 Illinois, including: the making of grants for improvement and  
6 development of McCormick Place and related structures; the  
7 planning and construction of a microelectronics research  
8 center, including the planning, engineering, construction,  
9 improvement, renovation and acquisition of buildings,  
10 equipment and related utility support systems; the making of  
11 loans to businesses and investments in small businesses;  
12 acquiring real properties for industrial or commercial site  
13 development; acquiring, rehabilitating and reconveying  
14 industrial and commercial properties for the purpose of  
15 expanding employment and encouraging private and other public  
16 sector investment in the economy of Illinois; the payment of  
17 expenses associated with siting the Superconducting Super  
18 Collider Particle Accelerator in Illinois and with its  
19 acquisition, construction, maintenance, operation, promotion  
20 and support; the making of loans for the planning, engineering,  
21 acquisition, construction, improvement and conversion of  
22 facilities and equipment which will foster the use of Illinois  
23 coal; the payment of expenses associated with the promotion,  
24 establishment, acquisition and operation of small business  
25 incubator facilities and agribusiness research facilities,  
26 including the lease, purchase, renovation, planning,

1 engineering, construction and maintenance of buildings,  
2 utility support systems and equipment designated for such  
3 purposes and the establishment and maintenance of centralized  
4 support services within such facilities; and the making of  
5 grants or loans to units of local government for Urban  
6 Development Action Grant and Housing Partnership programs.

7 (c) \$1,052,358,100 for the development and improvement of  
8 educational, scientific, technical and vocational programs and  
9 facilities and the expansion of health and human services for  
10 all citizens of Illinois, including: the making of construction  
11 and improvement grants and loans to public libraries and  
12 library systems; the making of grants and loans for planning,  
13 engineering, acquisition and construction of a new State  
14 central library in Springfield; the planning, engineering,  
15 acquisition and construction of an animal and dairy sciences  
16 facility; the planning, engineering, acquisition and  
17 construction of a campus and all related buildings, facilities,  
18 equipment and materials for Richland Community College; the  
19 acquisition, rehabilitation and installation of equipment and  
20 materials for scientific and historical surveys; the making of  
21 grants or loans for distribution to eligible vocational  
22 education instructional programs for the upgrading of  
23 vocational education programs, school shops and laboratories,  
24 including the acquisition, rehabilitation and installation of  
25 technical equipment and materials; the making of grants or  
26 loans for distribution to eligible local educational agencies

1 for the upgrading of math and science instructional programs,  
2 including the acquisition of instructional equipment and  
3 materials; miscellaneous capital improvements for universities  
4 and community colleges including the planning, engineering,  
5 construction, reconstruction, remodeling, improvement, repair  
6 and installation of capital facilities and costs of planning,  
7 supplies, equipment, materials, services, and all other  
8 required expenses; the making of grants or loans for repair,  
9 renovation and miscellaneous capital improvements for  
10 privately operated colleges and universities and community  
11 colleges, including the planning, engineering, acquisition,  
12 construction, reconstruction, remodeling, improvement, repair  
13 and installation of capital facilities and costs of planning,  
14 supplies, equipment, materials, services, and all other  
15 required expenses; and the making of grants or loans for  
16 distribution to local governments for hospital and other health  
17 care facilities including the planning, engineering,  
18 acquisition, construction, reconstruction, remodeling,  
19 improvement, repair and installation of capital facilities and  
20 costs of planning, supplies, equipment, materials, services  
21 and all other required expenses.

22 (d) \$150,150,900 for protection, preservation, restoration  
23 and conservation of environmental and natural resources,  
24 including: the making of grants to soil and water conservation  
25 districts for the planning and implementation of conservation  
26 practices and for funding contracts with the Soil Conservation

1 Service for watershed planning; the making of grants to units  
2 of local government for the capital development and improvement  
3 of recreation areas, including planning and engineering costs,  
4 sewer projects, including planning and engineering costs and  
5 water projects, including planning and engineering costs, and  
6 for the acquisition of open space lands, including the  
7 acquisition of easements and other property interests of less  
8 than fee simple ownership; the acquisition and related costs  
9 and development and management of natural heritage lands,  
10 including natural areas and areas providing habitat for  
11 endangered species and nongame wildlife, and buffer area lands;  
12 the acquisition and related costs and development and  
13 management of habitat lands, including forest, wildlife  
14 habitat and wetlands; and the removal and disposition of  
15 hazardous substances, including the cost of project  
16 management, equipment, laboratory analysis, and contractual  
17 services necessary for preventative and corrective actions  
18 related to the preservation, restoration and conservation of  
19 the environment, including deposits not to exceed \$60,000,000  
20 in the aggregate into the Hazardous Waste Fund and the  
21 Brownfields Redevelopment Fund for improvements in accordance  
22 with the provisions of Titles V and XVII of the Environmental  
23 Protection Act.

24 (e) The amount specified in paragraph (a) above shall  
25 include an amount necessary to pay reasonable expenses of each  
26 issuance and sale of the Bonds, as specified in the related

1 Bond Sale Order (hereinafter defined).

2 (f) Any unexpended proceeds from any sale of Bonds which  
3 are held in the Build Illinois Bond Fund may be used to redeem,  
4 purchase, advance refund, or defease any Bonds outstanding.

5 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709,  
6 eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, eff. 6-28-02.)

7 Section 10. The Environmental Protection Act is amended by  
8 changing Section 4 as follows:

9 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

10 Sec. 4. Environmental Protection Agency; establishment;  
11 duties.

12 (a) There is established in the Executive Branch of the  
13 State Government an agency to be known as the Environmental  
14 Protection Agency. This Agency shall be under the supervision  
15 and direction of a Director who shall be appointed by the  
16 Governor with the advice and consent of the Senate. The term of  
17 office of the Director shall expire on the third Monday of  
18 January in odd numbered years, provided that he or she shall  
19 hold office until a successor is appointed and has qualified.  
20 The Director shall receive an annual salary as set by the  
21 Governor from time to time or as set by the Compensation Review  
22 Board, whichever is greater. If set by the Governor, the  
23 Director's annual salary may not exceed 85% of the Governor's  
24 annual salary. The Director, in accord with the Personnel Code,



1 shall employ and direct such personnel, and shall provide for  
2 such laboratory and other facilities, as may be necessary to  
3 carry out the purposes of this Act. In addition, the Director  
4 may by agreement secure such services as he or she may deem  
5 necessary from any other department, agency, or unit of the  
6 State Government, and may employ and compensate such  
7 consultants and technical assistants as may be required.

8 (b) The Agency shall have the duty to collect and  
9 disseminate such information, acquire such technical data, and  
10 conduct such experiments as may be required to carry out the  
11 purposes of this Act, including ascertainment of the quantity  
12 and nature of discharges from any contaminant source and data  
13 on those sources, and to operate and arrange for the operation  
14 of devices for the monitoring of environmental quality.

15 (c) The Agency shall have authority to conduct a program of  
16 continuing surveillance and of regular or periodic inspection  
17 of actual or potential contaminant or noise sources, of public  
18 water supplies, and of refuse disposal sites.

19 (d) In accordance with constitutional limitations, the  
20 Agency shall have authority to enter at all reasonable times  
21 upon any private or public property for the purpose of:

22 (1) Inspecting and investigating to ascertain possible  
23 violations of this Act, any rule or regulation adopted  
24 under this Act, any permit or term or condition of a  
25 permit, or any Board order; or

26 (2) In accordance with the provisions of this Act,

1 taking whatever preventive or corrective action, including  
2 but not limited to removal or remedial action, that is  
3 necessary or appropriate whenever there is a release or a  
4 substantial threat of a release of (A) a hazardous  
5 substance or pesticide or (B) petroleum from an underground  
6 storage tank.

7 (e) The Agency shall have the duty to investigate  
8 violations of this Act, any rule or regulation adopted under  
9 this Act, any permit or term or condition of a permit, or any  
10 Board order; to issue administrative citations as provided in  
11 Section 31.1 of this Act; and to take such summary enforcement  
12 action as is provided for by Section 34 of this Act.

13 (f) The Agency shall appear before the Board in any hearing  
14 upon a petition for variance, the denial of a permit, or the  
15 validity or effect of a rule or regulation of the Board, and  
16 shall have the authority to appear before the Board in any  
17 hearing under the Act.

18 (g) The Agency shall have the duty to administer, in accord  
19 with Title X of this Act, such permit and certification systems  
20 as may be established by this Act or by regulations adopted  
21 thereunder. The Agency may enter into written delegation  
22 agreements with any department, agency, or unit of State or  
23 local government under which all or portions of this duty may  
24 be delegated for public water supply storage and transport  
25 systems, sewage collection and transport systems, air  
26 pollution control sources with uncontrolled emissions of 100

1 tons per year or less and application of algicides to waters of  
2 the State. Such delegation agreements will require that the  
3 work to be performed thereunder will be in accordance with  
4 Agency criteria, subject to Agency review, and shall include  
5 such financial and program auditing by the Agency as may be  
6 required.

7 (h) The Agency shall have authority to require the  
8 submission of complete plans and specifications from any  
9 applicant for a permit required by this Act or by regulations  
10 thereunder, and to require the submission of such reports  
11 regarding actual or potential violations of this Act, any rule  
12 or regulation adopted under this Act, any permit or term or  
13 condition of a permit, or any Board order, as may be necessary  
14 for the purposes of this Act.

15 (i) The Agency shall have authority to make recommendations  
16 to the Board for the adoption of regulations under Title VII of  
17 the Act.

18 (j) The Agency shall have the duty to represent the State  
19 of Illinois in any and all matters pertaining to plans,  
20 procedures, or negotiations for interstate compacts or other  
21 governmental arrangements relating to environmental  
22 protection.

23 (k) The Agency shall have the authority to accept, receive,  
24 and administer on behalf of the State any grants, gifts, loans,  
25 indirect cost reimbursements, or other funds made available to  
26 the State from any source for purposes of this Act or for air

1 or water pollution control, public water supply, solid waste  
2 disposal, noise abatement, or other environmental protection  
3 activities, surveys, or programs. Any federal funds received by  
4 the Agency pursuant to this subsection shall be deposited in a  
5 trust fund with the State Treasurer and held and disbursed by  
6 him in accordance with Treasurer as Custodian of Funds Act,  
7 provided that such monies shall be used only for the purposes  
8 for which they are contributed and any balance remaining shall  
9 be returned to the contributor.

10 The Agency is authorized to promulgate such regulations and  
11 enter into such contracts as it may deem necessary for carrying  
12 out the provisions of this subsection.

13 (1) The Agency is hereby designated as water pollution  
14 agency for the state for all purposes of the Federal Water  
15 Pollution Control Act, as amended; as implementing agency for  
16 the State for all purposes of the Safe Drinking Water Act,  
17 Public Law 93-523, as now or hereafter amended, except Section  
18 1425 of that Act; as air pollution agency for the state for all  
19 purposes of the Clean Air Act of 1970, Public Law 91-604,  
20 approved December 31, 1970, as amended; and as solid waste  
21 agency for the state for all purposes of the Solid Waste  
22 Disposal Act, Public Law 89-272, approved October 20, 1965, and  
23 amended by the Resource Recovery Act of 1970, Public Law  
24 91-512, approved October 26, 1970, as amended, and amended by  
25 the Resource Conservation and Recovery Act of 1976, (P.L.  
26 94-580) approved October 21, 1976, as amended; as noise control

1 agency for the state for all purposes of the Noise Control Act  
2 of 1972, Public Law 92-574, approved October 27, 1972, as  
3 amended; and as implementing agency for the State for all  
4 purposes of the Comprehensive Environmental Response,  
5 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
6 amended; and otherwise as pollution control agency for the  
7 State pursuant to federal laws integrated with the foregoing  
8 laws, for financing purposes or otherwise. The Agency is hereby  
9 authorized to take all action necessary or appropriate to  
10 secure to the State the benefits of such federal Acts, provided  
11 that the Agency shall transmit to the United States without  
12 change any standards adopted by the Pollution Control Board  
13 pursuant to Section 5(c) of this Act. This subsection (l) of  
14 Section 4 shall not be construed to bar or prohibit the  
15 Environmental Protection Trust Fund Commission from accepting,  
16 receiving, and administering on behalf of the State any grants,  
17 gifts, loans or other funds for which the Commission is  
18 eligible pursuant to the Environmental Protection Trust Fund  
19 Act. The Agency is hereby designated as the State agency for  
20 all purposes of administering the requirements of Section 313  
21 of the federal Emergency Planning and Community Right-to-Know  
22 Act of 1986.

23 Any municipality, sanitary district, or other political  
24 subdivision, or any Agency of the State or interstate Agency,  
25 which makes application for loans or grants under such federal  
26 Acts shall notify the Agency of such application; the Agency

1 may participate in proceedings under such federal Acts.

2 (m) The Agency shall have authority, consistent with  
3 Section 5(c) and other provisions of this Act, and for purposes  
4 of Section 303(e) of the Federal Water Pollution Control Act,  
5 as now or hereafter amended, to engage in planning processes  
6 and activities and to develop plans in cooperation with units  
7 of local government, state agencies and officers, and other  
8 appropriate persons in connection with the jurisdiction or  
9 duties of each such unit, agency, officer or person. Public  
10 hearings shall be held on the planning process, at which any  
11 person shall be permitted to appear and be heard, pursuant to  
12 procedural regulations promulgated by the Agency.

13 (n) In accordance with the powers conferred upon the Agency  
14 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the  
15 Agency shall have authority to establish and enforce minimum  
16 standards for the operation of laboratories relating to  
17 analyses and laboratory tests for air pollution, water  
18 pollution, noise emissions, contaminant discharges onto land  
19 and sanitary, chemical, and mineral quality of water  
20 distributed by a public water supply. The Agency may enter into  
21 formal working agreements with other departments or agencies of  
22 state government under which all or portions of this authority  
23 may be delegated to the cooperating department or agency.

24 (o) The Agency shall have the authority to issue  
25 certificates of competency to persons and laboratories meeting  
26 the minimum standards established by the Agency in accordance

1 with Section 4(n) of this Act and to promulgate and enforce  
2 regulations relevant to the issuance and use of such  
3 certificates. The Agency may enter into formal working  
4 agreements with other departments or agencies of state  
5 government under which all or portions of this authority may be  
6 delegated to the cooperating department or agency.

7 (p) Except as provided in Section 17.7, the Agency shall  
8 have the duty to analyze samples as required from each public  
9 water supply to determine compliance with the contaminant  
10 levels specified by the Pollution Control Board. The maximum  
11 number of samples which the Agency shall be required to analyze  
12 for microbiological quality shall be 6 per month, but the  
13 Agency may, at its option, analyze a larger number each month  
14 for any supply. Results of sample analyses for additional  
15 required bacteriological testing, turbidity, residual chlorine  
16 and radionuclides are to be provided to the Agency in  
17 accordance with Section 19. Owners of water supplies may enter  
18 into agreements with the Agency to provide for reduced Agency  
19 participation in sample analyses.

20 (q) The Agency shall have the authority to provide notice  
21 to any person who may be liable pursuant to Section 22.2(f) of  
22 this Act for a release or a substantial threat of a release of  
23 a hazardous substance or pesticide. Such notice shall include  
24 the identified response action and an opportunity for such  
25 person to perform the response action.

26 (r) The Agency may enter into written delegation agreements

1 with any unit of local government under which it may delegate  
2 all or portions of its inspecting, investigating and  
3 enforcement functions. Such delegation agreements shall  
4 require that work performed thereunder be in accordance with  
5 Agency criteria and subject to Agency review. Notwithstanding  
6 any other provision of law to the contrary, no unit of local  
7 government shall be liable for any injury resulting from the  
8 exercise of its authority pursuant to such a delegation  
9 agreement unless the injury is proximately caused by the  
10 willful and wanton negligence of an agent or employee of the  
11 unit of local government, and any policy of insurance coverage  
12 issued to a unit of local government may provide for the denial  
13 of liability and the nonpayment of claims based upon injuries  
14 for which the unit of local government is not liable pursuant  
15 to this subsection (r).

16 (s) The Agency shall have authority to take whatever  
17 preventive or corrective action is necessary or appropriate,  
18 including but not limited to expenditure of monies appropriated  
19 from the Build Illinois Bond Fund and the Build Illinois  
20 Purposes Fund for removal or remedial action, whenever any  
21 hazardous substance or pesticide is released or there is a  
22 substantial threat of such a release into the environment. The  
23 State, the Director, and any State employee shall be  
24 indemnified for any damages or injury arising out of or  
25 resulting from any action taken under this subsection. The  
26 Director of the Agency is authorized to enter into such



1 contracts and agreements as are necessary to carry out the  
2 Agency's duties under this subsection.

3 (t) The Agency shall have authority to distribute grants,  
4 subject to appropriation by the General Assembly, to units of  
5 local government for financing and construction of ~~municipal~~  
6 wastewater facilities in both incorporated and unincorporated  
7 areas. With respect to all monies appropriated from the Build  
8 Illinois Bond Fund and the Build Illinois Purposes Fund for  
9 wastewater facility grants, the Agency shall make  
10 distributions in conformity with the rules and regulations  
11 established pursuant to the Anti-Pollution Bond Act, as now or  
12 hereafter amended.

13 (u) Pursuant to the Illinois Administrative Procedure Act,  
14 the Agency shall have the authority to adopt such rules as are  
15 necessary or appropriate for the Agency to implement Section  
16 31.1 of this Act.

17 (v) (Blank.)

18 (w) Neither the State, nor the Director, nor the Board, nor  
19 any State employee shall be liable for any damages or injury  
20 arising out of or resulting from any action taken under  
21 subsection (s).

22 (x) (1) The Agency shall have authority to distribute  
23 grants, subject to appropriation by the General Assembly,  
24 to units of local government for financing and construction  
25 of public water supply facilities. With respect to all  
26 monies appropriated from the Build Illinois Bond Fund or

1 the Build Illinois Purposes Fund for public water supply  
2 grants, such grants shall be made in accordance with rules  
3 promulgated by the Agency. Such rules shall include a  
4 requirement for a local match of 30% of the total project  
5 cost for projects funded through such grants.

6 (2) The Agency shall not terminate a grant to a unit of  
7 local government for the financing and construction of  
8 public water supply facilities unless and until the Agency  
9 adopts rules that set forth precise and complete standards,  
10 pursuant to Section 5-20 of the Illinois Administrative  
11 Procedure Act, for the termination of such grants. The  
12 Agency shall not make determinations on whether specific  
13 grant conditions are necessary to ensure the integrity of a  
14 project or on whether subagreements shall be awarded, with  
15 respect to grants for the financing and construction of  
16 public water supply facilities, unless and until the Agency  
17 adopts rules that set forth precise and complete standards,  
18 pursuant to Section 5-20 of the Illinois Administrative  
19 Procedure Act, for making such determinations. The Agency  
20 shall not issue a stop-work order in relation to such  
21 grants unless and until the Agency adopts precise and  
22 complete standards, pursuant to Section 5-20 of the  
23 Illinois Administrative Procedure Act, for determining  
24 whether to issue a stop-work order.

25 (y) The Agency shall have authority to release any person  
26 from further responsibility for preventive or corrective

1 action under this Act following successful completion of  
2 preventive or corrective action undertaken by such person upon  
3 written request by the person.

4 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.