

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 4 as follows:

6 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

7 Sec. 4. Environmental Protection Agency; establishment;
8 duties.

9 (a) There is established in the Executive Branch of the
10 State Government an agency to be known as the Environmental
11 Protection Agency. This Agency shall be under the supervision
12 and direction of a Director who shall be appointed by the
13 Governor with the advice and consent of the Senate. The term of
14 office of the Director shall expire on the third Monday of
15 January in odd numbered years, provided that he or she shall
16 hold office until a successor is appointed and has qualified.
17 For terms beginning after January 18, 2019 (the effective date
18 of Public Act 100-1179) and before January 16, 2023, the
19 Director's annual salary shall be an amount equal to 15% more
20 than the Director's annual salary as of December 31, 2018. The
21 calculation of the 2018 salary base for this adjustment shall
22 not include any cost of living adjustments, as authorized by
23 Senate Joint Resolution 192 of the 86th General Assembly, for

1 the period beginning July 1, 2009 to June 30, 2019. Beginning
2 July 1, 2019 and each July 1 thereafter, the Director shall
3 receive an increase in salary based on a cost of living
4 adjustment as authorized by Senate Joint Resolution 192 of the
5 86th General Assembly. Notwithstanding any other provision of
6 law, for terms beginning on or after January 16, 2023, the
7 Director shall receive an annual salary of \$180,000 or as set
8 by the Governor, whichever is higher. On July 1, 2023, and on
9 each July 1 thereafter, the Director shall receive an increase
10 in salary based on a cost of living adjustment as authorized by
11 Senate Joint Resolution 192 of the 86th General Assembly. The
12 Director, in accord with the Personnel Code, shall employ and
13 direct such personnel, and shall provide for such laboratory
14 and other facilities, as may be necessary to carry out the
15 purposes of this Act. In addition, the Director may by
16 agreement secure such services as he or she may deem necessary
17 from any other department, agency, or unit of the State
18 Government, and may employ and compensate such consultants and
19 technical assistants as may be required.

20 (b) The Agency shall have the duty to collect and
21 disseminate such information, acquire such technical data, and
22 conduct such experiments as may be required to carry out the
23 purposes of this Act, including ascertainment of the quantity
24 and nature of discharges from any contaminant source and data
25 on those sources, and to operate and arrange for the operation
26 of devices for the monitoring of environmental quality.

1 (c) The Agency shall have authority to conduct a program
2 of continuing surveillance and of regular or periodic
3 inspection of actual or potential contaminant or noise
4 sources, of public water supplies, and of refuse disposal
5 sites.

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

9 (1) Inspecting and investigating to ascertain possible
10 violations of this Act, any rule or regulation adopted
11 under this Act, any permit or term or condition of a
12 permit, or any Board order; or

13 (2) In accordance with the provisions of this Act,
14 taking whatever preventive or corrective action, including
15 but not limited to removal or remedial action, that is
16 necessary or appropriate whenever there is a release or a
17 substantial threat of a release of (A) a hazardous
18 substance or pesticide or (B) petroleum from an
19 underground storage tank.

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

26 (f) The Agency shall appear before the Board in any

1 hearing upon a petition for variance or time-limited water
2 quality standard, the denial of a permit, or the validity or
3 effect of a rule or regulation of the Board, and shall have the
4 authority to appear before the Board in any hearing under the
5 Act.

6 (g) The Agency shall have the duty to administer, in
7 accord with Title X of this Act, such permit and certification
8 systems as may be established by this Act or by regulations
9 adopted thereunder. The Agency may enter into written
10 delegation agreements with any department, agency, or unit of
11 State or local government under which all or portions of this
12 duty may be delegated for public water supply storage and
13 transport systems, sewage collection and transport systems,
14 air pollution control sources with uncontrolled emissions of
15 100 tons per year or less and application of algicides to
16 waters of the State. Such delegation agreements will require
17 that the work to be performed thereunder will be in accordance
18 with Agency criteria, subject to Agency review, and shall
19 include such financial and program auditing by the Agency as
20 may be required.

21 (h) The Agency shall have authority to require the
22 submission of complete plans and specifications from any
23 applicant for a permit required by this Act or by regulations
24 thereunder, and to require the submission of such reports
25 regarding actual or potential violations of this Act, any rule
26 or regulation adopted under this Act, any permit or term or

1 condition of a permit, or any Board order, as may be necessary
2 for the purposes of this Act.

3 (i) The Agency shall have authority to make
4 recommendations to the Board for the adoption of regulations
5 under Title VII of the Act.

6 (j) The Agency shall have the duty to represent the State
7 of Illinois in any and all matters pertaining to plans,
8 procedures, or negotiations for interstate compacts or other
9 governmental arrangements relating to environmental
10 protection.

11 (k) The Agency shall have the authority to accept,
12 receive, and administer on behalf of the State any grants,
13 gifts, loans, indirect cost reimbursements, or other funds
14 made available to the State from any source for purposes of
15 this Act or for air or water pollution control, public water
16 supply, solid waste disposal, noise abatement, or other
17 environmental protection activities, surveys, or programs. Any
18 federal funds received by the Agency pursuant to this
19 subsection shall be deposited in a trust fund with the State
20 Treasurer and held and disbursed by him in accordance with
21 Treasurer as Custodian of Funds Act, provided that such monies
22 shall be used only for the purposes for which they are
23 contributed and any balance remaining shall be returned to the
24 contributor.

25 The Agency is authorized to promulgate such regulations
26 and enter into such contracts as it may deem necessary for

1 carrying out the provisions of this subsection.

2 (1) The Agency is hereby designated as water pollution
3 agency for the state for all purposes of the Federal Water
4 Pollution Control Act, as amended; as implementing agency for
5 the State for all purposes of the Safe Drinking Water Act,
6 Public Law 93-523, as now or hereafter amended, except Section
7 1425 of that Act; as air pollution agency for the state for all
8 purposes of the Clean Air Act of 1970, Public Law 91-604,
9 approved December 31, 1970, as amended; and as solid waste
10 agency for the state for all purposes of the Solid Waste
11 Disposal Act, Public Law 89-272, approved October 20, 1965,
12 and amended by the Resource Recovery Act of 1970, Public Law
13 91-512, approved October 26, 1970, as amended, and amended by
14 the Resource Conservation and Recovery Act of 1976, (P.L.
15 94-580) approved October 21, 1976, as amended; as noise
16 control agency for the state for all purposes of the Noise
17 Control Act of 1972, Public Law 92-574, approved October 27,
18 1972, as amended; and as implementing agency for the State for
19 all purposes of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (P.L. 96-510), as
21 amended; and otherwise as pollution control agency for the
22 State pursuant to federal laws integrated with the foregoing
23 laws, for financing purposes or otherwise. The Agency is
24 hereby authorized to take all action necessary or appropriate
25 to secure to the State the benefits of such federal Acts,
26 provided that the Agency shall transmit to the United States

1 without change any standards adopted by the Pollution Control
2 Board pursuant to Section 5(c) of this Act. This subsection
3 (1) of Section 4 shall not be construed to bar or prohibit the
4 Environmental Protection Trust Fund Commission from accepting,
5 receiving, and administering on behalf of the State any
6 grants, gifts, loans or other funds for which the Commission
7 is eligible pursuant to the Environmental Protection Trust
8 Fund Act. The Agency is hereby designated as the State agency
9 for all purposes of administering the requirements of Section
10 313 of the federal Emergency Planning and Community
11 Right-to-Know Act of 1986.

12 Any municipality, sanitary district, or other political
13 subdivision, or any Agency of the State or interstate Agency,
14 which makes application for loans or grants under such federal
15 Acts shall notify the Agency of such application; the Agency
16 may participate in proceedings under such federal Acts.

17 (m) The Agency shall have authority, consistent with
18 Section 5(c) and other provisions of this Act, and for
19 purposes of Section 303(e) of the Federal Water Pollution
20 Control Act, as now or hereafter amended, to engage in
21 planning processes and activities and to develop plans in
22 cooperation with units of local government, state agencies and
23 officers, and other appropriate persons in connection with the
24 jurisdiction or duties of each such unit, agency, officer or
25 person. Public hearings shall be held on the planning process,
26 at which any person shall be permitted to appear and be heard,

1 pursuant to procedural regulations promulgated by the Agency.

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

14 (o) The Agency shall have the authority to issue
15 certificates of competency to persons and laboratories meeting
16 the minimum standards established by the Agency in accordance
17 with Section 4(n) of this Act and to promulgate and enforce
18 regulations relevant to the issuance and use of such
19 certificates. The Agency may enter into formal working
20 agreements with other departments or agencies of state
21 government under which all or portions of this authority may
22 be delegated to the cooperating department or agency.

23 (p) Except as provided in Section 17.7, the Agency shall
24 have the duty to analyze samples as required from each public
25 water supply to determine compliance with the contaminant
26 levels specified by the Pollution Control Board. The maximum

1 number of samples which the Agency shall be required to
2 analyze for microbiological quality shall be 6 per month, but
3 the Agency may, at its option, analyze a larger number each
4 month for any supply. Results of sample analyses for
5 additional required bacteriological testing, turbidity,
6 residual chlorine and radionuclides are to be provided to the
7 Agency in accordance with Section 19. Owners of water supplies
8 may enter into agreements with the Agency to provide for
9 reduced Agency participation in sample analyses.

10 (q) The Agency shall have the authority to provide notice
11 to any person who may be liable pursuant to Section 22.2(f) of
12 this Act for a release or a substantial threat of a release of
13 a hazardous substance or pesticide. Such notice shall include
14 the identified response action and an opportunity for such
15 person to perform the response action.

16 (r) The Agency may enter into written delegation
17 agreements with any unit of local government under which it
18 may delegate all or portions of its inspecting, investigating
19 and enforcement functions. Such delegation agreements shall
20 require that work performed thereunder be in accordance with
21 Agency criteria and subject to Agency review. Notwithstanding
22 any other provision of law to the contrary, no unit of local
23 government shall be liable for any injury resulting from the
24 exercise of its authority pursuant to such a delegation
25 agreement unless the injury is proximately caused by the
26 willful and wanton negligence of an agent or employee of the

1 unit of local government, and any policy of insurance coverage
2 issued to a unit of local government may provide for the denial
3 of liability and the nonpayment of claims based upon injuries
4 for which the unit of local government is not liable pursuant
5 to this subsection (r).

6 (s) The Agency shall have authority to take whatever
7 preventive or corrective action is necessary or appropriate,
8 including but not limited to expenditure of monies
9 appropriated from the Build Illinois Bond Fund for removal or
10 remedial action, whenever any hazardous substance or pesticide
11 is released or there is a substantial threat of such a release
12 into the environment. The State, the Director, and any State
13 employee shall be indemnified for any damages or injury
14 arising out of or resulting from any action taken under this
15 subsection. The Director of the Agency is authorized to enter
16 into such contracts and agreements as are necessary to carry
17 out the Agency's duties under this subsection.

18 (t) The Agency shall have authority to distribute grants,
19 subject to appropriation by the General Assembly, to units of
20 local government for financing and construction of wastewater
21 facilities in both incorporated and unincorporated areas. With
22 respect to all monies appropriated from the Build Illinois
23 Bond Fund for wastewater facility grants, the Agency shall
24 make distributions in conformity with the rules and
25 regulations established pursuant to the Anti-Pollution Bond
26 Act (now repealed) or the General Obligation Bond Act.

1 (u) Pursuant to the Illinois Administrative Procedure Act,
2 the Agency shall have the authority to adopt such rules as are
3 necessary or appropriate for the Agency to implement Section
4 31.1 of this Act.

5 (v) (Blank.)

6 (w) Neither the State, nor the Director, nor the Board,
7 nor any State employee shall be liable for any damages or
8 injury arising out of or resulting from any action taken under
9 subsection (s).

10 (x) (1) The Agency shall have authority to distribute
11 grants, subject to appropriation by the General Assembly, to
12 units of local government for financing and construction of
13 public water supply facilities. With respect to all monies
14 appropriated from the Build Illinois Bond Fund for public
15 water supply grants, such grants shall be made in accordance
16 with rules promulgated by the Agency. Such rules shall include
17 a requirement for a local match of 30% of the total project
18 cost for projects funded through such grants.

19 (2) The Agency shall not terminate a grant to a unit of
20 local government for the financing and construction of public
21 water supply facilities unless and until the Agency adopts
22 rules that set forth precise and complete standards, pursuant
23 to Section 5-20 of the Illinois Administrative Procedure Act,
24 for the termination of such grants. The Agency shall not make
25 determinations on whether specific grant conditions are
26 necessary to ensure the integrity of a project or on whether

1 subagreements shall be awarded, with respect to grants for the
2 financing and construction of public water supply facilities,
3 unless and until the Agency adopts rules that set forth
4 precise and complete standards, pursuant to Section 5-20 of
5 the Illinois Administrative Procedure Act, for making such
6 determinations. The Agency shall not issue a stop-work order
7 in relation to such grants unless and until the Agency adopts
8 precise and complete standards, pursuant to Section 5-20 of
9 the Illinois Administrative Procedure Act, for determining
10 whether to issue a stop-work order.

11 (y) The Agency shall have authority to release any person
12 from further responsibility for preventive or corrective
13 action under this Act following successful completion of
14 preventive or corrective action undertaken by such person upon
15 written request by the person.

16 (z) To the extent permitted by any applicable federal law
17 or regulation, for all work performed for State construction
18 projects which are funded in whole or in part by a capital
19 infrastructure bill enacted by the 96th General Assembly by
20 sums appropriated to the Environmental Protection Agency, at
21 least 50% of the total labor hours must be performed by actual
22 residents of the State of Illinois. For purposes of this
23 subsection, "actual residents of the State of Illinois" means
24 persons domiciled in the State of Illinois. The Department of
25 Labor shall promulgate rules providing for the enforcement of
26 this subsection.

1 (aa) The Agency shall ~~may~~ adopt rules requiring the
2 electronic submission of any information required to be
3 submitted to the Agency pursuant to any State or federal law or
4 regulation or any court or Board order. Any rules adopted
5 under this subsection (aa) must include, but are not limited
6 to, identification of the information to be submitted
7 electronically. The rules adopted under this subsection (aa)
8 shall take effect no later than January 1, 2030.

9 (Source: P.A. 102-1071, eff. 6-10-22; 102-1115, eff. 1-9-23;
10 103-616, eff. 7-1-24.)