



Sen. Karina Villa

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10400SB2266sam001

LRB104 10713 BDA 23113 a

1 AMENDMENT TO SENATE BILL 2266

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2266 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Section 3.145 as follows:

6 (415 ILCS 5/3.145) (was 415 ILCS 5/3.05)

7 Sec. 3.145. Community water supply; non-community water  
8 supply.

9 "Community water supply" means a public water supply which  
10 serves or is intended to serve at least 15 service connections  
11 used by residents or regularly serves at least 25 residents.

12 "Non-community water supply" means a public water supply  
13 that is not a community water supply.

14 The requirements of this Act shall not apply to  
15 non-community water supplies, except for purposes of: -

16 (1) the Agency's implementation of the Safe Drinking

1 Water Act under subsection (l) of Section 4 of this Act;

2 (2) the Board's adoption of rules under subsection (c)  
3 of Section 5 that expressly pertain to non-community water  
4 supplies or all public water supplies and the Board's  
5 adoption of amendments to those rules; and

6 (3) any provisions of this Act or rules adopted by the  
7 Board under this Act that are referenced in, or applicable  
8 to non-community water supplies under, the Illinois  
9 Groundwater Protection Act or rules adopted under the  
10 Illinois Groundwater Protection Act by the Department of  
11 Public Health.

12 (Source: P.A. 92-574, eff. 6-26-02.)

13 Section 10. The Illinois Groundwater Protection Act is  
14 amended by changing Section 9 as follows:

15 (415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)

16 Sec. 9. (a) As used in this Section, unless the context  
17 clearly requires otherwise:

18 (1) "Community water system" means a public water  
19 system which serves at least 15 service connections used  
20 by residents or regularly serves at least 25 residents for  
21 at least 60 days per year.

22 (2) "Contaminant" means any physical, chemical,  
23 biological, or radiological substance or matter in water.

24 (3) "Department" means the Illinois Department of

1 Public Health.

2 (4) "Non-community water system" means a public water  
3 system which is not a community water system, and has at  
4 least 15 service connections used by nonresidents, or  
5 regularly serves 25 or more nonresident individuals daily  
6 for at least 60 days per year.

7 (4.5) "Non-transient, non-community water system"  
8 means a non-community water system that regularly serves  
9 the same 25 or more persons at least 6 months per year.

10 (5) "Private water system" means any supply which  
11 provides water for drinking, culinary, and sanitary  
12 purposes and serves an owner-occupied single family  
13 dwelling.

14 (6) "Public water system" means a system for the  
15 provision to the public of water for human consumption  
16 through pipes or other constructed conveyances, if the  
17 system has at least 15 service connections or regularly  
18 serves an average of at least 25 individuals daily at  
19 least 60 days per year. A public water system is either a  
20 community water system (CWS) or a non-community water  
21 system (non-CWS). The term "public water system" includes  
22 any collection, treatment, storage or distribution  
23 facilities under control of the operator of such system  
24 and used primarily in connection with such system and any  
25 collection or pretreatment storage facilities not under  
26 such control which are used primarily in connection with

1 such system.

2 (7) "Semi-private water system" means a water supply  
3 which is not a public water system, yet which serves a  
4 segment of the public other than an owner-occupied single  
5 family dwelling.

6 (8) "Supplier of water" means any person who owns or  
7 operates a water system.

8 (b) No non-community water system may be constructed,  
9 altered, or extended until plans, specifications, and other  
10 information relative to such system are submitted to and  
11 reviewed by the Department for conformance with the rules  
12 promulgated under this Section, and until a permit for such  
13 activity is issued by the Department. As part of the permit  
14 application, all new non-transient, non-community water  
15 systems must demonstrate technical, financial, and managerial  
16 capacity consistent with the federal Safe Drinking Water Act.

17 (c) All private and semi-private water systems shall be  
18 constructed in accordance with the rules promulgated by the  
19 Department under this Section.

20 (d) The Department shall promulgate rules for the  
21 construction and operation of all non-community and  
22 semi-private water systems. Such rules shall include but need  
23 not be limited to: the establishment of maximum contaminant  
24 levels no more stringent than federally established standards  
25 where such standards exist; the maintenance of records; the  
26 establishment of requirements for the submission and frequency

1 of submission of water samples by suppliers of water to  
2 determine the water quality; and the capacity demonstration  
3 requirements to ensure compliance with technical, financial,  
4 and managerial capacity provisions of the federal Safe  
5 Drinking Water Act.

6 (e) Borings, water monitoring wells, and wells subject to  
7 this Act shall, at a minimum, be abandoned and plugged in  
8 accordance with the requirements of Sections 16 and 19 of the  
9 Illinois Oil and Gas Act, and such rules as are promulgated  
10 thereunder. Nothing herein shall preclude the Department from  
11 adopting plugging and abandonment requirements which are more  
12 stringent than the rules of the Department of Natural  
13 Resources where necessary to protect the public health.

14 (f) The Department shall inspect all non-community water  
15 systems for the purpose of determining compliance with the  
16 provisions of this Section and the regulations promulgated  
17 hereunder.

18 (g) The Department may inspect semi-private and private  
19 water systems for the purpose of determining compliance with  
20 the provisions of this Section and the regulations promulgated  
21 hereunder.

22 (h) The supplier of water shall be given written notice of  
23 all violations of this Section or the rules promulgated  
24 hereunder and all such violations shall be corrected in a  
25 manner and time specified by the Department.

26 (i) The Department may conduct inspections to investigate

1 the construction or water quality of non-community or  
2 semi-private water systems, or the construction of private  
3 water systems. Upon request of the owner or user, the  
4 Department may also conduct investigations of the water  
5 quality of private water systems.

6 (j) The supplier of water for a private, semi-private, or  
7 non-community water system shall allow the Department and its  
8 authorized agents access to such premises at all reasonable  
9 times for the purpose of inspection.

10 (k) The Department may designate full-time county or  
11 multiple-county health departments as its agents to facilitate  
12 the implementation of this Section.

13 (l) The Department shall promulgate and publish rules  
14 necessary for the enforcement of this Section.

15 (m) Whenever a non-community or semi-private water system  
16 fails to comply with an applicable maximum contaminant level  
17 at the point of use, the supplier of water shall give public  
18 notification by the conspicuous posting of notice of such  
19 failure as long as the failure continues. The notice shall be  
20 written in a manner reasonably designed to fully inform users  
21 of the system that a drinking water regulation has been  
22 violated, and shall disclose all material facts. All  
23 non-transient, non-community water systems must demonstrate  
24 technical, financial, and managerial capacity consistent with  
25 the federal Safe Drinking Water Act.

26 (n) The provisions of the Illinois Administrative

1 Procedure Act, are hereby expressly adopted and shall apply to  
2 all administrative rules and procedures of the Department of  
3 Public Health under this Section, except that in case of  
4 conflict between the Illinois Administrative Procedure Act and  
5 this Section the provisions of this Section shall control; and  
6 except that Section 5-35 of the Illinois Administrative  
7 Procedure Act relating to procedures for rulemaking shall not  
8 apply to the adoption of any rule required by federal law in  
9 connection with which the Department is precluded by law from  
10 exercising any discretion.

11 (o) All final administrative decisions of the Department  
12 issued pursuant to this Section shall be subject to judicial  
13 review pursuant to the provisions of the Administrative Review  
14 Law and the rules adopted pursuant thereto. The term  
15 "administrative decision" is defined as in Section 3-101 of  
16 the Code of Civil Procedure.

17 (p) The Director, after notice and opportunity for hearing  
18 to the applicant, may deny, suspend, or revoke a permit in any  
19 case in which he or she finds that there has been a substantial  
20 failure to comply with the provisions of this Section or the  
21 standards, rules and regulations established by virtue thereof  
22 and may impose an administrative penalty of \$1,000 for each  
23 violation. Each day's violation constitutes a separate  
24 offense.

25 Such notice shall be effected by certified mail or by  
26 personal service setting forth the particular reasons for the

1 proposed action and fixing a date, not less than 15 days from  
2 the date of such mailing or service, at which time the  
3 applicant shall be given an opportunity to request hearing.

4 The hearing shall be conducted by the Director or by an  
5 individual designated in writing by the Director as Hearing  
6 Officer to conduct the hearing. On the basis of any such  
7 hearing, or upon default of the applicant, the Director shall  
8 make a determination specifying his or her findings and  
9 conclusions. A copy of such determination shall be sent by  
10 certified mail or served personally upon the applicant.

11 (q) The procedure governing hearings authorized by this  
12 Section shall be in accordance with rules promulgated by the  
13 Department. A full and complete record shall be kept of all  
14 proceedings, including the notice of hearing, complaint and  
15 all other documents in the nature of pleadings, written  
16 motions filed in the proceedings, and the report and orders of  
17 the Director and Hearing Officer. All testimony shall be  
18 reported but need not be transcribed unless review of the  
19 decision is sought pursuant to the Administrative Review Law.  
20 Copies of the transcript may be obtained by any interested  
21 party on payment of the cost of preparing such copies. The  
22 Director or Hearing Officer shall, upon his or her own motion  
23 or on the written request of any party to the proceeding, issue  
24 subpoenas requiring the attendance and the giving of testimony  
25 by witnesses, and subpoenas duces tecum requiring the  
26 production of books, papers, records or memoranda. All

1 subpoenas and subpoenas duces tecum issued under the terms of  
2 this Section may be served by any person of legal age. The fees  
3 of witnesses for attendance and travel shall be the same as the  
4 fees of witnesses before the circuit courts of this State,  
5 such fees to be paid when the witness is excused from further  
6 attendance. When the witness is subpoenaed at the instance of  
7 the Director or Hearing Officer, such fees shall be paid in the  
8 same manner as other expenses of the Department, and when the  
9 witness is subpoenaed at the instance of any other party to any  
10 such proceeding, the Department may require that the cost of  
11 service of the subpoena or subpoena duces tecum and the fee of  
12 the witness be borne by the party at whose instance the witness  
13 is summoned. In such case, the Department, in its discretion,  
14 may require a deposit to cover the cost of such service and  
15 witness fees. A subpoena or subpoena duces tecum so issued  
16 shall be served in the same manner as a subpoena issued by a  
17 circuit court.

18 (r) Any circuit court of this State, upon the application  
19 of the Director or upon the application of any other party to  
20 the proceeding, may, in its discretion, compel the attendance  
21 of witnesses, the production of books, papers, records or  
22 memoranda and the giving of testimony before the Director or  
23 Hearing Officer conducting an investigation or holding a  
24 hearing authorized by this Section, by an attachment for  
25 contempt or otherwise, in the same manner as production of  
26 evidence may be compelled before the court.

1           (s) The Director or Hearing Officer, or any party in an  
2 investigation or hearing before the Department, may cause the  
3 depositions of witnesses within the State to be taken in the  
4 manner prescribed by law for like depositions in civil actions  
5 in courts of this State, and to that end compel the attendance  
6 of witnesses and the production of books, papers, records, or  
7 memoranda.

8           (t) Any person who violates this Section or any rule or  
9 regulation adopted by the Department, or who violates any  
10 determination or order of the Department under this Section,  
11 shall be guilty of a Class A misdemeanor, ~~and~~ shall be fined a  
12 sum not less than \$100, and shall be liable for a civil penalty  
13 of at least \$1,000 for each violation. Each day's violation  
14 constitutes a separate offense. The State's Attorney of the  
15 county in which the violation occurs, or the Attorney General  
16 of the State of Illinois, may bring such actions in the name of  
17 the People of the State of Illinois; or may in addition to  
18 other remedies provided in this Section, bring action for an  
19 injunction to restrain such violation, or to enjoin the  
20 operation of any establishment.

21           (u) The State of Illinois, and all of its agencies,  
22 institutions, offices and subdivisions shall comply with all  
23 requirements, prohibitions and other provisions of this  
24 Section and regulations adopted thereunder.

25           (v) No agency of the State shall authorize, permit or  
26 license the construction or operation of any potential route,

1 potential primary source, or potential secondary source, as  
2 those terms are defined in the Environmental Protection Act,  
3 in violation of any provision of this Section or the  
4 regulations adopted hereunder.

5 (w) This Section shall not apply to any water supply which  
6 is connected to a community water supply which is regulated  
7 under the Environmental Protection Act, except as provided in  
8 Section 9.1.

9 (Source: P.A. 92-369, eff. 8-15-01; 92-652, eff. 7-11-02.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."