



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3704

Introduced 2/5/2026, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/7a

from Ch. 42, par. 326a

Amends the Metropolitan Water Reclamation District Act. Makes changes in provisions concerning the circumstances under which the executive director of the Metropolitan Water Reclamation District shall issue cease and desist orders and may issue orders to show cause and discontinue specified discharge-related violations. Provides that the Board of Commissioners of the District may order the party responsible for violations to pay a civil penalty that is not less than \$1,500 nor more \$5,000 per violation in show cause proceedings (rather than not less than \$1,000 nor more than \$2,000 for each day of discharge). Further provides that violations occurring after the last cited violation may be included in a separate show cause proceeding or consolidated with the current show cause proceeding at the district's sole discretion. Specifies that the court may assess a civil penalty of not less than \$1,500 nor more than \$25,000 (rather than not less than \$1,000 nor more than \$10,000) for each day an offending party violates a final order of the Board of Commissioners and for each violation when the offending party's discharge represents an imminent danger to public health, welfare, safety; presents an endangerment to the environment; or threatens to interfere with the sewerage system or a water reclamation plant under the jurisdiction of the district. For show cause and Board order violations, adds that, when multiple exceedances of pollutant limits occur in a single day, the number of violations in that day shall be the number of exceedances in that day and that each regulatory multiple day average that exceeds acceptable limits also constitute a separate violation. Makes other changes.

LRB104 20622 RTM 34118 b

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Water Reclamation District Act
5 is amended by changing Section 7a as follows:

6 (70 ILCS 2605/7a) (from Ch. 42, par. 326a)

7 Sec. 7a. Discharge into sewers of a sanitary district.

8 (a) The terms used in this Section are defined as follows:

9 "Board of Commissioners" means the Board of Commissioners
10 of the sanitary district.

11 "Sewage" means water-carried human wastes or a combination
12 of water-carried wastes from residences, buildings,
13 businesses, industrial establishments, institutions, or other
14 places together with any ground, surface, storm, or other
15 water that may be present.

16 "Industrial Wastes" means all solids, liquids, or gaseous
17 wastes resulting from any commercial, industrial,
18 manufacturing, agricultural, trade, or business operation or
19 process, or from the development, recovery, or processing of
20 natural resources.

21 "Other Wastes" means decayed wood, sawdust, shavings,
22 bark, lime, refuse, ashes, garbage, offal, oil, tar,
23 chemicals, and all other substances except sewage and

1 industrial wastes.

2 "Person" means any individual, firm, association, joint
3 venture, sole proprietorship, company, partnership, estate
4 copartnership, corporation, joint stock company, trust, school
5 district, unit of local government, or private corporation
6 organized or existing under the laws of this or any other state
7 or country.

8 "Executive Director" means the executive director of the
9 sanitary district.

10 (b) It shall be unlawful for any person to discharge
11 sewage, industrial waste, or other wastes into the sewerage
12 system of a sanitary district or into any sewer connected
13 therewith, except upon the terms and conditions that the
14 sanitary district might reasonably impose by way of ordinance,
15 permit, or otherwise.

16 Any sanitary district, in addition to all other powers
17 vested in it and in the interest of public health and safety,
18 or as authorized by subsections (b) and (c) of Section 46 of
19 the Environmental Protection Act, is hereby empowered to pass
20 all ordinances, rules, or regulations necessary to implement
21 this Section, including but not limited to, the imposition of
22 charges based on factors that influence the cost of treatment,
23 including strength and volume, and including the right of
24 access during reasonable hours to the premises of a person for
25 enforcement of adopted ordinances, rules, or regulations.

26 (c) Whenever the sanitary district acting through the

1 executive director determines that sewage, industrial wastes,
2 or other wastes are being discharged into the sewerage system
3 ~~and when, in the opinion of the executive director the~~
4 ~~discharge is~~ in violation of an ordinance, permit, rules, or
5 regulations of the sanitary district ~~adopted by the Board of~~
6 ~~Commissioners under this Section governing industrial wastes~~
7 ~~or other wastes,~~ the executive director shall order the
8 offending party to cease and desist. The order shall be served
9 on the offending party by U.S. first-class mail, U.S.
10 certified mail, personally, or by email as provided in
11 subsection (m).

12 In the event the offending party fails or refuses to cease
13 ~~discontinue~~ the violation ~~discharge~~ within 90 days after
14 service of the cease and desist order and in the manner and to
15 the extent prescribed under the sanitary district's ordinance,
16 rules, or regulations, the executive director may order the
17 offending party to show cause before the Board of
18 Commissioners of the sanitary district why the violation
19 ~~discharge~~ should not be discontinued. A notice shall be served
20 directing the offending party to show cause before the Board
21 of Commissioners why an order should not be entered directing
22 the discontinuance of the violation ~~discharge~~. The notice
23 shall specify the time and place where a hearing will be held
24 and shall be served on the offending party by U.S. first-class
25 mail, U.S. certified mail, personally, or by email as provided
26 in subsection (m), at least 10 days before the hearing; and in

1 the case of a unit of local government or a corporation the
2 service shall be upon an officer or agent thereof. The notice
3 shall be accompanied by a show cause complaint. After
4 reviewing the evidence, the Board of Commissioners may issue
5 an order to the party responsible for the violation discharge,
6 directing that within a specified period of time the violation
7 discharge be discontinued. The Board of Commissioners may also
8 order the party responsible for the violation discharge to pay
9 a civil penalty in an amount ~~specified by the Board of~~
10 ~~Commissioners~~ that is not less than \$1,500 ~~\$1,000~~ nor more
11 than \$5,000 ~~\$2,000~~ per ~~day for each day of discharge of~~
12 ~~effluent in violation of this Act as provided in subsection~~
13 ~~(d).~~ For the purposes of this subsection, each day that
14 sewage, industrial wastes, or other wastes are discharged into
15 the sewerage system in violation of an ordinance, permit,
16 rules, or regulations of the sanitary district, as documented
17 in any notice of noncompliance or cease and desist order or
18 multiple orders forming the basis of the show cause complaint,
19 constitutes a separate violation. If the notice of
20 noncompliance or cease and desist order indicates multiple
21 exceedances in a single day of the pollutant limits set forth
22 in such ordinance, permit, rules, or regulations, the number
23 of violations in that day shall be the number of pollutant
24 exceedances in that day. Each regulatory multiple day average
25 that exceeds acceptable limits also constitutes a separate
26 violation. The Board of Commissioners may also order the party

1 responsible for the violation to pay court reporter costs and
2 hearing officer fees in a total amount not exceeding \$3,000.
3 Additional violations occurring after the last cited violation
4 alleged in the show cause complaint may be included in a
5 separate show cause proceeding or consolidated in the current
6 show cause proceeding at the sanitary district's sole
7 discretion.

8 (d) The Board of Commissioners shall establish procedures
9 for assessing civil penalties and issuing orders under
10 subsection (c) as follows:

11 (1) In making its orders and determinations, the Board
12 of Commissioners shall take into consideration all the
13 facts and circumstances bearing on the activities involved
14 and the assessment of civil penalties as shown by the
15 record produced at the hearing.

16 (2) The Board of Commissioners shall establish a panel
17 of independent hearing officers to conduct all hearings on
18 the assessment of civil penalties and issuance of orders
19 under subsection (c). The hearing officers shall be
20 attorneys licensed to practice law in this State.

21 (3) The Board of Commissioners shall promulgate
22 procedural rules governing the proceedings, the assessment
23 of civil penalties, and the issuance of orders.

24 (4) All hearings shall be on the record, and testimony
25 taken must be under oath and recorded stenographically.
26 Transcripts so recorded must be made available to any

1 member of the public or any party to the hearing upon
2 payment of the usual charges for transcripts. At the
3 hearing, the hearing officer may issue, in the name of the
4 Board of Commissioners, notices of hearing requesting the
5 attendance and testimony of witnesses and the production
6 of evidence relevant to any matter involved in the hearing
7 and may examine witnesses.

8 (5) The hearing officer shall conduct a full and
9 impartial hearing on the record, with an opportunity for
10 the presentation of evidence and cross-examination of the
11 witnesses. The hearing officer shall issue findings of
12 fact, conclusions of law, a recommended civil penalty, and
13 an order based solely on the record. The hearing officer
14 may also recommend, as part of the order, that the
15 discharge of industrial waste be discontinued within a
16 specified time.

17 (6) The findings of fact, conclusions of law,
18 recommended civil penalty, and order shall be transmitted
19 to the Board of Commissioners along with a complete record
20 of the hearing.

21 (7) The Board of Commissioners shall either approve or
22 disapprove the findings of fact, conclusions of law,
23 recommended civil penalty, and order. If the findings of
24 fact, conclusions of law, recommended civil penalty, or
25 order are rejected, the Board of Commissioners shall
26 remand the matter to the hearing officer for further

1 proceedings. If the order is accepted by the Board of
2 Commissioners, it shall constitute the final order of the
3 Board of Commissioners.

4 (8) (Blank).

5 (9) The civil penalty specified by the Board of
6 Commissioners shall be paid within 35 days after the party
7 on whom it is imposed receives a written copy of the order
8 of the Board of Commissioners, unless the person or
9 persons to whom the order is issued seeks judicial review.

10 (10) If the respondent seeks judicial review of the
11 order assessing civil penalties, the respondent shall,
12 within 35 days after the date of the final order, pay the
13 amount of the civil penalties into an escrow account
14 maintained by the district for that purpose or file a bond
15 guaranteeing payment of the civil penalties if the civil
16 penalties are upheld on review.

17 (11) Civil penalties not paid by the times specified
18 above shall be delinquent and subject to a lien recorded
19 against the property of the person ordered to pay the
20 penalty. The foregoing provisions for asserting liens
21 against real estate by the sanitary district shall be in
22 addition to and not in derogation of any other remedy or
23 right of recovery, in law or equity, that the sanitary
24 district may have with respect to the collection or
25 recovery of penalties and charges imposed by the sanitary
26 district. Judgment in a civil action brought by the

1 sanitary district to recover or collect the charges shall
2 not operate as a release and waiver of the lien upon the
3 real estate for the amount of the judgment. Only
4 satisfaction of the judgment or the filing of a release or
5 satisfaction of lien shall release the lien.

6 (e) The executive director may order a person to cease the
7 discharge of industrial waste upon a finding by the executive
8 director that the final order of the Board of Commissioners
9 entered after a hearing to show cause has been violated. The
10 order shall be served on the offending party by U.S.
11 first-class mail, U.S. certified mail, personally, or by email
12 as provided in subsection (m). The order of the executive
13 director shall also schedule an expedited hearing before a
14 hearing officer designated by the Board of Commissioners for
15 the purpose of determining whether the company has violated
16 the final order of the Board of Commissioners. The Board of
17 Commissioners shall adopt rules of procedure governing
18 expedited hearings. In no event shall the hearing be conducted
19 less than 7 days after service of the executive director's
20 order on the offending party.

21 At the conclusion of the expedited hearing, the hearing
22 officer shall prepare a report with his or her findings and
23 recommendations and transmit it to the Board of Commissioners.
24 If the Board of Commissioners, after reviewing the findings
25 and recommendations, and the record produced at the hearings,
26 determines that the person has violated the Board of

1 Commissioner's final order, the Board of Commissioners may
2 authorize the plugging of the sewer. The executive director
3 shall give not less than 10 days written notice of the Board of
4 Commissioner's order to the owner, officer, registered agent,
5 or individual designated by permit, as well as the owner of
6 record of the real estate and other parties known to be
7 affected, that the sewer will be plugged.

8 The foregoing provision for plugging a sewer shall be in
9 addition to and not in derogation of any other remedy, in law
10 or in equity, that the district may have to prevent violation
11 of its ordinances and orders of its Board of Commissioners.

12 (f) A violation of the final order of the Board of
13 Commissioners shall be considered a nuisance. If any person
14 discharges sewage, industrial wastes, or other wastes into any
15 waters contrary to the final order of the Board of
16 Commissioners, the sanitary district acting through the
17 executive director has the power to commence an action or
18 proceeding in the circuit court in and for the county in which
19 the sanitary district is located for the purpose of having the
20 discharge stopped either by mandamus or injunction, or to
21 remedy the violation in any manner provided for in this
22 Section.

23 The court shall specify a time, not exceeding 20 days
24 after the service of the copy of the complaint, in which the
25 party complained of must plead to the complaint, and in the
26 meantime, the party may be restrained. In case of default or

1 after pleading, the court shall immediately inquire into the
2 facts and circumstances of the case and enter an appropriate
3 judgment in respect to the matters complained of. Appeals may
4 be taken as in other civil cases.

5 (g) The sanitary district, acting through the executive
6 director, has the power to commence an action or proceeding
7 for mandamus or injunction in the circuit court ordering a
8 person to cease its discharge, when, in the opinion of the
9 executive director, the person's discharge presents an
10 imminent danger to the public health, welfare, or safety,
11 presents or may present an endangerment to the environment, or
12 threatens to interfere with the operation of the sewerage
13 system or a water reclamation plant under the jurisdiction of
14 the sanitary district. The initiation of a show cause hearing
15 is not a prerequisite to the commencement by the sanitary
16 district of an action or proceeding for mandamus or injunction
17 in the circuit court. The court shall specify a time, not
18 exceeding 20 days after the service of a copy of the petition,
19 in which the party complained of must answer the petition, and
20 in the meantime, the party may be restrained. In case of
21 default in answer or after answer, the court shall immediately
22 inquire into the facts and circumstances of the case and enter
23 an appropriate judgment order in respect to the matters
24 complained of. An appeal may be taken from the final judgment
25 in the same manner and with the same effect as appeals are
26 taken from judgment of the circuit court in other actions for

1 mandamus or injunction.

2 (h) Whenever the sanitary district commences an action
3 under subsection (f) of this Section, the court shall assess a
4 civil penalty of not less than \$1,500 ~~\$1,000~~ nor more than
5 \$25,000 ~~\$10,000~~ for each day the person violates a Board
6 order. Whenever the sanitary district commences an action
7 under subsection (g) of this Section, the court shall assess a
8 civil penalty of not less than \$1,500 ~~\$1,000~~ nor more than
9 \$25,000 per violation ~~\$10,000 for each day the person violates~~
10 ~~the ordinance. Each day's continuance of the violation is a~~
11 ~~separate offense. For purposes of subsection (f), each day~~
12 ~~that sewage, industrial wastes, or other wastes are discharged~~
13 ~~into the sewerage system in violation of a Board order~~
14 ~~constitutes a separate violation. For multiple exceedances in~~
15 ~~a single day of the pollutant limits set forth in the sanitary~~
16 ~~district's ordinance, permit, rules, or regulations, the~~
17 ~~number of violations in that day shall be the number of~~
18 ~~pollutant exceedances in that day. Each regulatory multiple~~
19 ~~day average that exceeds acceptable limits shall also~~
20 ~~constitute a separate violation. For purposes of subsection~~
21 ~~(g), in addition to the civil penalties available under~~
22 ~~subsection (c) of this Section, each day that the person's~~
23 ~~discharge presents an imminent danger to the public health,~~
24 ~~welfare, or safety, presents an endangerment to the~~
25 ~~environment, or threatens to interfere with the operation of~~
26 ~~the sewerage system or a water reclamation plant under the~~

1 jurisdiction of the sanitary district, constitutes a separate
2 violation subject to the civil penalties available under this
3 subsection.

4 The penalties provided in this Section plus interest
5 at the rate set forth in the Interest Act on unpaid penalties,
6 costs, and fees, imposed by the Board of Commissioners under
7 subsection (d), the reasonable costs to the sanitary district
8 of removal or other remedial action caused by discharges in
9 violation of this Act, reasonable attorney's fees, court
10 costs, and other expenses of litigation together with costs
11 for inspection, sampling, analysis, and administration related
12 to the enforcement action against the offending party are
13 recoverable by the sanitary district in a civil action.

14 (i) The Board of Commissioners may establish fees for late
15 filing of reports with the sanitary district required by an
16 ordinance governing discharges. The sanitary district shall
17 provide a written notice of the fee assessment, by U.S.
18 first-class mail, U.S. certified mail, personally, or by email
19 as provided in subsection (m), that states the person has 30
20 days after being served with the notice to request a
21 conference with the executive director's designee to discuss
22 or dispute the appropriateness of the assessed fee. Unless a
23 person objects to paying the fee for filing a report late by
24 timely requesting in writing a conference with a designee of
25 the executive director, that person waives his or her right to
26 a conference and the sanitary district may impose a lien

1 recorded against the property of the person for the amount of
2 the unpaid fee.

3 If a person requests a conference and the matter is not
4 resolved at the conference, the person subject to the fee may
5 request an administrative hearing before an impartial hearing
6 officer appointed under subsection (d) to determine the
7 person's liability for and the amount of the fee.

8 If the hearing officer finds that the late filing fees are
9 owed to the sanitary district, the sanitary district shall
10 notify the responsible person or persons of the hearing
11 officer's decision. If payment is not made within 30 days
12 after the notice, the sanitary district may impose a lien on
13 the property of the person or persons.

14 Any liens filed under this subsection shall apply only to
15 the property to which the late filing fees are related. A claim
16 for lien shall be filed in the office of the recorder of the
17 county in which the property is located. The filing of a claim
18 for lien by the district does not prevent the sanitary
19 district from pursuing other means for collecting late filing
20 fees. If a claim for lien is filed, the sanitary district shall
21 notify the person whose property is subject to the lien, and
22 the person may challenge the lien by filing an action in the
23 circuit court. The action shall be filed within 90 days after
24 the person receives the notice of the filing of the claim for
25 lien. The court shall hear evidence concerning the underlying
26 reasons for the lien only if an administrative hearing has not

1 been held under this subsection.

2 (j) If the provisions of any paragraph of this Section are
3 declared unconstitutional or invalid by the final decision of
4 any court of competent jurisdiction, the provisions of the
5 remaining paragraphs continue in effect.

6 (k) Nothing in this Section eliminates any of the powers
7 now granted to municipalities having a population of 500,000
8 or more as to design, preparation of plans, and construction,
9 maintenance, and operation of sewers and sewerage systems, or
10 for the control and elimination or prevention of the pollution
11 of their waters or waterways, in the Illinois Municipal Code
12 or any other Act of the State of Illinois.

13 (l) The provisions of the Administrative Review Law and
14 all amendments and rules adopted pursuant to that Law apply to
15 and govern all proceedings for the judicial review of final
16 administrative decisions of the Board of Commissioners in the
17 enforcement of any ordinance, rule, or regulation adopted
18 under this Act.

19 (m) Solely in relation to the discharge of sewage,
20 industrial wastes, or other wastes subject to one of the
21 sanitary district's ordinances, the sanitary district may
22 implement an electronic reporting system that will allow
23 notices, orders, and other documents to be sent directly by
24 email to persons or entities registered with the sanitary
25 district, and, in the discretion of the sanitary district, to
26 allow those persons or entities registered with the sanitary

1 district to view, modify, or submit documents using the
2 electronic reporting system. Wherever this Section provides
3 for service of documents by the sanitary district by U.S.
4 first-class mail, U.S. certified mail, or personal service,
5 the sanitary district may serve by email the documents upon
6 the registered persons or entities in lieu of service by U.S.
7 first-class mail, U.S. certified mail, or personal service.
8 Enrollment in the electronic reporting system in this
9 subsection is voluntary and limited to nonresidential
10 facilities or uses. Service by email under this Section is
11 only permitted on those persons or entities that voluntarily
12 enroll in the system. The sanitary district shall adopt rules,
13 as approved by ordinance, to ensure service of process by
14 email is properly effectuated upon the registered persons and
15 entities.

16 (Source: P.A. 103-334, eff. 7-28-23.)