



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4609

Introduced 2/1/2012, by Rep. Camille Y Lilly

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-25 new
20 ILCS 1405/1405-27 new
415 ILCS 5/4

from Ch. 111 1/2, par. 1004

Amends the Civil Administrative Code of Illinois to provide that certain State agencies shall designate one or more officials or employees to serve as Department Ambassador. Provides that Department Ambassadors shall serve as a liaison between the Department and the public and shall have certain duties.

LRB097 17305 HLH 62506 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by adding Section 5-25 as follows:

6 (20 ILCS 5/5-25 new)

7 Sec. 5-25. Department Ambassadors. Each Department shall
8 designate one or more officials or employees to serve as
9 Department Ambassador. Department Ambassadors shall serve as a
10 liaison between the Department and the public and shall have
11 the following duties: (i) to inform the public about services
12 available through the Department, (ii) to assist the public in
13 accessing those services, (iii) to review the Department's
14 methods of disseminating information, and (iv) to implement
15 more efficient practices of providing services and information
16 to the public where possible.

17 Section 10. The Department of Insurance Law of the Civil
18 Administrative Code of Illinois is amended by adding Section
19 1405-27 as follows:

20 (20 ILCS 1405/1405-27 new)

21 Sec. 1405-27. Department Ambassador. The Department shall

1 designate one or more officials or employees to serve as
2 Department Ambassador. Department Ambassadors shall serve as a
3 liaison between the Department and the public and shall have
4 the following duties: (i) to inform the public about services
5 available through the Department, (ii) to assist the public in
6 accessing those services, (iii) to review the Department's
7 methods of disseminating information, and (iv) to implement
8 more efficient practices of providing services and information
9 to the public where possible.

10 Section 15. The Environmental Protection Act is amended by
11 changing Section 4 as follows:

12 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

13 Sec. 4. Environmental Protection Agency; establishment;
14 duties.

15 (a) There is established in the Executive Branch of the
16 State Government an agency to be known as the Environmental
17 Protection Agency. This Agency shall be under the supervision
18 and direction of a Director who shall be appointed by the
19 Governor with the advice and consent of the Senate. The term of
20 office of the Director shall expire on the third Monday of
21 January in odd numbered years, provided that he or she shall
22 hold office until a successor is appointed and has qualified.
23 The Director shall receive an annual salary as set by the
24 Compensation Review Board. The Director, in accord with the

1 Personnel Code, shall employ and direct such personnel, and
2 shall provide for such laboratory and other facilities, as may
3 be necessary to carry out the purposes of this Act. In
4 addition, the Director may by agreement secure such services as
5 he or she may deem necessary from any other department, agency,
6 or unit of the State Government, and may employ and compensate
7 such 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 wastewater
6 facilities in both incorporated and unincorporated areas. With
7 respect to all monies appropriated from the Build Illinois Bond
8 Fund and the Build Illinois Purposes Fund for wastewater
9 facility grants, the Agency shall make distributions in
10 conformity with the rules and regulations established pursuant
11 to the Anti-Pollution Bond Act, as now or hereafter amended.

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

16 (v) (Blank.)

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

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

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

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

24 (y) The Agency shall have authority to release any person
25 from further responsibility for preventive or corrective
26 action under this Act following successful completion of

1 preventive or corrective action undertaken by such person upon
2 written request by the person.

3 (z) To the extent permitted by any applicable federal law
4 or regulation, for all work performed for State construction
5 projects which are funded in whole or in part by a capital
6 infrastructure bill enacted by the 96th General Assembly by
7 sums appropriated to the Environmental Protection Agency, at
8 least 50% of the total labor hours must be performed by actual
9 residents of the State of Illinois. For purposes of this
10 subsection, "actual residents of the State of Illinois" means
11 persons domiciled in the State of Illinois. The Department of
12 Labor shall promulgate rules providing for the enforcement of
13 this subsection.

14 The Agency shall designate one or more officials or
15 employees to serve as Agency Ambassador. Agency Ambassadors
16 shall serve as a liaison between the Agency and the public and
17 shall have the following duties: (i) to inform the public about
18 services available through the Agency, (ii) to assist the
19 public in accessing those services, (iii) to review the
20 Agency's methods of disseminating information, and (iv) to
21 implement more efficient practices of providing services and
22 information to the public where possible.

23 (Source: P.A. 96-37, eff. 7-13-09; 96-503, eff. 8-14-09;
24 96-800, eff. 10-30-09; 96-1000, eff. 7-2-10.)