

SB2122



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2122

Introduced 2/20/2009, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

415 ILCS 5/13

from Ch. 111 1/2, par. 1013

Amends the Environmental Protection Act. Provides that the Pollution Control Board must conduct a regulatory proceeding to determine the appropriate water quality and effluent standard for boron, if any. Prohibits the State from enforcing the State Boron standard, unless and until the Pollution Control Board determines, in the regulatory proceeding described above, whether Boron standards are appropriate in Illinois.

LRB096 10925 JDS 21176 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 13 as follows:

6 (415 ILCS 5/13) (from Ch. 111 1/2, par. 1013)

7 Sec. 13. Regulations.

8 (a) The Board, pursuant to procedures prescribed in Title
9 VII of this Act, may adopt regulations to promote the purposes
10 and provisions of this Title. Without limiting the generality
11 of this authority, such regulations may among other things
12 prescribe:

13 (1) Water quality standards specifying among other
14 things, the maximum short-term and long-term
15 concentrations of various contaminants in the waters, the
16 minimum permissible concentrations of dissolved oxygen and
17 other desirable matter in the waters, and the temperature
18 of such waters;

19 (2) Effluent standards specifying the maximum amounts
20 or concentrations, and the physical, chemical, thermal,
21 biological and radioactive nature of contaminants that may
22 be discharged into the waters of the State, as defined
23 herein, including, but not limited to, waters to any sewage

1 works, or into any well, or from any source within the
2 State;

3 (3) Standards for the issuance of permits for
4 construction, installation, or operation of any equipment,
5 facility, vessel, or aircraft capable of causing or
6 contributing to water pollution or designed to prevent
7 water pollution or for the construction or installation of
8 any sewer or sewage treatment facility or any new outlet
9 for contaminants into the waters of this State;

10 (4) The circumstances under which the operators of
11 sewage works are required to obtain and maintain
12 certification by the Agency under Section 13.5 and the
13 types of sewage works to which those requirements apply,
14 which may, without limitation, include wastewater
15 treatment works, pretreatment works, and sewers and
16 collection systems;

17 (5) Standards for the filling or sealing of abandoned
18 water wells and holes, and holes for disposal of drainage
19 in order to protect ground water against contamination;

20 (6) Standards and conditions regarding the sale,
21 offer, or use of any pesticide, detergent, or any other
22 article determined by the Board to constitute a water
23 pollution hazard, provided that any such regulations
24 relating to pesticides shall be adopted only in accordance
25 with the "Illinois Pesticide Act", approved August 14, 1979
26 as amended;

1 (7) Alert and abatement standards relative to
2 water-pollution episodes or emergencies which constitute
3 an acute danger to health or to the environment;

4 (8) Requirements and procedures for the inspection of
5 any equipment, facility, or vessel that may cause or
6 contribute to water pollution;

7 (9) Requirements and standards for equipment and
8 procedures for monitoring contaminant discharges at their
9 sources, the collection of samples and the collection,
10 reporting and retention of data resulting from such
11 monitoring.

12 (b) Notwithstanding other provisions of this Act and for
13 purposes of implementing an NPDES program, the Board shall
14 adopt:

15 (1) Requirements, standards, and procedures which,
16 together with other regulations adopted pursuant to this
17 Section 13, are necessary or appropriate to enable the
18 State of Illinois to implement and participate in the
19 National Pollutant Discharge Elimination System (NPDES)
20 pursuant to and under the Federal Water Pollution Control
21 Act, as now or hereafter amended. All regulations adopted
22 by the Board governing the NPDES program shall be
23 consistent with the applicable provisions of such federal
24 Act and regulations pursuant thereto, and otherwise shall
25 be consistent with all other provisions of this Act, and
26 shall exclude from the requirement to obtain any operating

1 permit otherwise required under this Title a facility for
2 which an NPDES permit has been issued under Section 39(b);
3 provided, however, that for purposes of this paragraph, a
4 UIC permit, as required under Section 12(g) and 39(d) of
5 this Act, is not an operating permit.

6 (2) Regulations for the exemption of any category or
7 categories of persons or contaminant sources from the
8 requirement to obtain any NPDES permit prescribed or from
9 any standards or conditions governing such permit when the
10 environment will be adequately protected without the
11 requirement of such permit, and such exemption is either
12 consistent with the Federal Water Pollution Control Act, as
13 now or hereafter amended, or regulations pursuant thereto,
14 or is necessary to avoid an arbitrary or unreasonable
15 hardship to such category or categories of persons or
16 sources.

17 (c) In accordance with Section 7.2, and notwithstanding any
18 other provisions of this Act, for purposes of implementing a
19 State UIC program, the Board shall adopt regulations which are
20 identical in substance to federal regulations or amendments
21 thereto promulgated by the Administrator of the United States
22 Environmental Protection Agency in accordance with Section
23 1421 of the Safe Drinking Water Act (P.L. 93-523), as amended.
24 The Board may consolidate into a single rulemaking under this
25 Section all such federal regulations adopted within a period of
26 time not to exceed 6 months. The provisions and requirements of

1 Title VII of this Act shall not apply to regulations adopted
2 under this subsection. Section 5-35 of the Illinois
3 Administrative Procedure Act relating to procedures for
4 rulemaking shall not apply to regulations adopted under this
5 subsection.

6 (d) The Board may adopt regulations relating to a State UIC
7 program that are not inconsistent with and are at least as
8 stringent as the Safe Drinking Water Act (P.L. 93-523), as
9 amended, or regulations adopted thereunder. Regulations
10 adopted pursuant to this subsection shall be adopted in
11 accordance with the provisions and requirements of Title VII of
12 this Act and the procedures for rulemaking in Section 5-35 of
13 the Illinois Administrative Procedure Act.

14 (e) The Board, pursuant to the procedures prescribed in
15 Title VII of this Act, shall conduct a regulatory proceeding to
16 determine the appropriate water quality and effluent standard
17 for Boron, if any. As the current water quality standard of one
18 milligram/liter (mg/l) was promulgated by the Board before the
19 passage of the federal Clean Water Act, and has not been the
20 subject of federal adoption or federal recommended adoption
21 since that time, the State shall not enforce the State boron
22 standard unless and until the Board determines, in the
23 regulatory proceeding prescribed herein, what, if any, boron
24 water standards may be appropriate for Illinois.

25 (Source: P.A. 93-170, eff. 7-10-03.)