

1 AN ACT concerning environmental protection.

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  
5 by changing Sections 17.7 and 17.8 as follows:

6 (415 ILCS 5/17.7) (from Ch. 111 1/2, par. 1017.7)

7 Sec. 17.7. Community water supply testing fee.

8 (a) The Agency shall collect an annual nonrefundable  
9 testing fee from each community water supply for  
10 participating in the laboratory fee program for analytical  
11 services to determine compliance with contaminant levels  
12 specified in State or federal drinking water regulations. A  
13 community water supply may commit to participation in the  
14 laboratory fee program. If the community water supply makes  
15 such a commitment, it shall commit for a period consistent  
16 with the participation requirements established by the Agency  
17 and the Community Water Supply Testing Council (Council). If  
18 a community water supply elects not to participate, it must  
19 annually notify the Agency in writing of its decision not to  
20 participate in the laboratory fee program.

21 (b) The Agency, with the concurrence of the Council,  
22 shall determine the fee for participating in the laboratory  
23 fee program for analytical services. The Agency, with the  
24 concurrence of the Council, may establish multi-year  
25 participation requirements for community water supplies and  
26 establish fees accordingly. The Agency shall base its annual  
27 fee determination upon the actual and anticipated costs for  
28 testing under State and federal drinking water regulations  
29 and the associated administrative costs of the Agency and the  
30 Council. By October 1 of each year, the Agency shall submit  
31 its fee determination and supporting documentation for the

1 forthcoming year to the Council. Before the following January  
2 1, the Council shall hold at least one regular meeting to  
3 consider the Agency's determination. If the Council concurs  
4 with the Agency's determination, it shall thereupon take  
5 effect. The Agency and the Council may establish procedures  
6 for resolution of disputes in the event the Council does not  
7 concur with the Agency's fee determination.

8 (c) Community water supplies that choose not to  
9 participate in the laboratory fee program or do not pay the  
10 fees shall have the duty to analyze all drinking water  
11 samples as required by State or federal safe drinking water  
12 regulations established after the federal Safe Drinking Water  
13 Act Amendments of 1986.

14 (d) There is hereby created in the State Treasury an  
15 interest-bearing special fund to be known as the Community  
16 Water Supply Laboratory Fund. All fees collected by the  
17 Agency under this Section shall be deposited into this Fund  
18 and shall be used for no other purpose except those  
19 established in this Section. In addition to any monies  
20 appropriated from the General Revenue Fund, monies in the  
21 Fund shall be appropriated to the Agency in amounts deemed  
22 necessary for laboratory testing of samples from community  
23 water supplies, and for the associated administrative  
24 expenses of the Agency and the Council.

25 (e) The Agency is authorized to adopt reasonable and  
26 necessary rules for the administration of this Section. The  
27 Agency shall submit the proposed rules for review by the  
28 Council before submission of the rulemaking for the First  
29 Notice under Section 5-40 of the Illinois Administrative  
30 Procedure Act.

31 (f) The Director shall establish a Community Water  
32 Supply Testing Council, consisting of 5 persons who are  
33 elected municipal officials, 5 persons representing community  
34 water supplies, one person representing the engineering

1 profession, one person representing investor-owned utilities,  
2 one person representing the Illinois Association of  
3 Environmental Laboratories, and 2 persons representing  
4 municipalities and community water supplies on a statewide  
5 basis, all appointed by the Director. Beginning in 1994, the  
6 Director shall appoint the following to the Council: (i) 2  
7 elected municipal officials, 2 community water supply  
8 representatives, and 1 investor-owned utility representative,  
9 each for a one-year term; (ii) 2 elected municipal officials  
10 and 2 community water supply representatives, each for a 2  
11 year term; and (iii) one elected municipal official, one  
12 community water supply representative, one person  
13 representing the engineering profession, and 2 persons  
14 representing municipalities and community water supplies on a  
15 statewide basis, each for a 3 year term. As soon as possible  
16 after the effective date of this amendatory Act of the 92nd  
17 General Assembly, the Director shall appoint one person  
18 representing the Illinois Association of Environmental  
19 Laboratories to a term of 3 years. Thereafter, the Director  
20 shall appoint successors in each position to 3 year terms. In  
21 case of a vacancy, the Director may appoint a successor to  
22 fill the remaining term of the vacancy. Members of the  
23 Council shall serve until a successor is appointed by the  
24 Director. The Council shall select from its members a  
25 chairperson and such other officers as it deems necessary.  
26 The Council shall hold at least 2 regular meetings each year.  
27 The Agency shall provide the Council with such supporting  
28 services as the Director and the Chairperson may designate,  
29 and members shall be reimbursed for ordinary and necessary  
30 expenses incurred in the performance of their duties. The  
31 Council shall have the following duties:

32 (1) to consider any fee determinations submitted by  
33 the Agency pursuant to subsection (b) of this Section,  
34 and to hold regular and special meetings at a time and

1 place designated by the Director or the Chairperson of  
2 the Council;

3 (2) to consider appropriate means for long-term  
4 financial support of water supply testing, and to make  
5 recommendations to the Agency regarding a preferred  
6 approach;

7 (3) to review and evaluate the financial  
8 implications of current and future federal requirements  
9 for monitoring of public water supplies;

10 (4) to review and evaluate management and financial  
11 audit reports related to the testing program, and to make  
12 recommendations regarding the Agency's efforts to  
13 implement the fee system and testing provided for by this  
14 Section;

15 (5) to require an external audit as may be deemed  
16 necessary by the Council; and

17 (6) to conduct such other activities as may be  
18 deemed appropriate by the Director.

19 (Source: P.A. 88-488.)

20 (415 ILCS 5/17.8)

21 Sec. 17.8. Environmental laboratory certification  
22 assessment fee.

23 (a) ~~Beginning-January-17-1996~~ The Agency shall collect  
24 an annual administrative assessment ~~of--~~\$350 from each  
25 laboratory requesting certification for meeting the minimum  
26 standards established under the authority of subsection (n)  
27 of Section 4. The Agency also shall collect an annual a  
28 certification assessment for each certification requested, as  
29 listed below. Until the Agency and the Environmental  
30 Laboratory Certification Committee establish administrative  
31 and certification assessment schedules in accordance with the  
32 procedures of subsections (c) and (d-5) of this Section, the  
33 following assessment schedules shall remain in effect based

1 on-the-following-schedule:

2 (1) For certification to conduct public water  
3 supply analyses:

4 (A) \$350 per year for inorganic parameters;  
5 and

6 (B) \$350 per year for organic parameters.

7 (2) For certification to conduct water pollution  
8 analyses:

9 (A) \$700 per year for inorganic parameters;  
10 and

11 (B) \$700 per year for organic parameters.

12 (3) For certification to conduct analyses of solid  
13 or liquid samples for hazardous or other waste  
14 parameters:

15 (A) \$900 per year for inorganic parameters;  
16 and

17 (B) \$900 per year for organic parameters.

18 (4) An administrative assessment of \$350 per year  
19 from each laboratory requesting certification.

20 (b) Until the Agency and the Environmental Laboratory  
21 Certification Committee establish administrative and  
22 certification assessment schedules in accordance with the  
23 procedures of subsections (c) and (d-5) of this Section, the  
24 following payment schedules shall remain in effect. The  
25 administrative assessment shall be paid at the time the  
26 laboratory submits an application a-request for certification  
27 or renewal of certification and on the anniversary date of  
28 the initial certification. The certification assessment  
29 shall be paid at the time the laboratory submits an  
30 application and on the anniversary date of the initial  
31 certification. Assessments paid under this Section may not  
32 be refunded.

33 (c) The Agency must may establish procedures relating to  
34 the certification of laboratories, analyses of samples,

1 development of alternative assessment schedules, assessment  
2 schedule dispute resolution, and collection of assessments.  
3 No assessment for the certification of environmental  
4 laboratories shall be due under this Section from any  
5 department, agency, or unit of State government. No  
6 assessments shall be due from, ~~or~~ any municipal government  
7 for certification to conduct public water supply that  
8 conducts analyses of samples from public water supplies. The  
9 Agency's cost for certification of laboratories that are  
10 exempt from the assessment shall be excluded from the  
11 calculation of the alternative assessment schedules.

12 (d) All moneys collected by the Agency under this  
13 Section shall be deposited into the Environmental Laboratory  
14 Certification Fund, a special fund hereby created in the  
15 State treasury. Subject to appropriation, the Agency shall  
16 use the moneys in the Fund to pay expenses incurred in the  
17 administration of laboratory certification duties. All  
18 interest or other income earned from the investment of the  
19 moneys in the Fund shall be deposited into the Fund.

20 (d-5) The Agency, with the concurrence with the  
21 Environmental Laboratory Certification Committee, shall  
22 determine the assessment schedules for participation in the  
23 environmental laboratory certification program. The Agency,  
24 with the concurrence of the Committee, shall base the  
25 assessment schedules upon actual and anticipated costs for  
26 certification under State and federal programs and the  
27 associated costs of the Agency and Committee. On or before  
28 August 1 of each year, the Agency shall submit its assessment  
29 schedules determination and supporting documentation for the  
30 forthcoming year to the Committee. Before the following  
31 September 30, the Committee shall hold at least one regular  
32 meeting to consider the Agency's assessment schedule  
33 determination. If the Committee concurs with the Agency's  
34 assessment schedule determination, it shall thereupon take

1 effect.

2 (e) The Director shall establish an Environmental  
3 Laboratory Certification Committee consisting of (i) one  
4 person representing accredited county or municipal public  
5 water supply laboratories, (ii) one person representing the  
6 Metropolitan Water Reclamation District of Greater Chicago,  
7 (iii) one person representing accredited sanitary district or  
8 waste water treatment plant laboratories, (iv) 3 persons  
9 representing accredited environmental commercial laboratories  
10 duly incorporated in the State of Illinois and employing 20  
11 or more people, (v) 2 persons representing accredited  
12 environmental commercial laboratories duly incorporated in  
13 the State of Illinois employing less than 20 people, and (vi)  
14 one person representing the Illinois Association of  
15 Environmental Laboratories, all appointed by the Director.  
16 If no accredited laboratories are available to fill one of  
17 the categories under item (iv) or (v) then any laboratory  
18 that has applied for accreditation may be eligible to fill  
19 that position. Beginning in 2002, the Director shall appoint  
20 3 members of the Committee for a one-year term, 3 members of  
21 the Committee for 2-year terms, and 3 members of the  
22 Committee for 3-year terms. Thereafter, all terms shall be  
23 for 3 years. In the case of a vacancy, the Director may  
24 appoint a successor to fill the remaining term of the  
25 vacancy. Members of the Committee shall serve until a  
26 successor is appointed by the Director. No member of the  
27 Committee shall serve more than 2 consecutive 3-year terms.  
28 The Committee shall select from its members a Chairperson and  
29 any other officers that it deems necessary. The Committee  
30 shall hold at least 2 regular meetings each year. The Agency  
31 shall provide the Committee with any supporting services that  
32 the Director and the Chairperson may designate. Members of  
33 the Committee shall be reimbursed for ordinary and necessary  
34 expenses incurred in the performance of their duties. The

1 Committee shall have the following duties:

2 (1) To consider any alternative assessment  
3 schedules submitted by the Agency pursuant to subsection  
4 (c) of this Section;

5 (2) To review and evaluate the financial  
6 implications of current and future State and federal  
7 requirements for certification of environmental  
8 laboratories;

9 (3) To review and evaluate management and financial  
10 audit reports relating to the certification program and  
11 to make recommendations regarding the Agency's efforts to  
12 implement alternative assessment schedules;

13 (4) To consider appropriate means for long-term  
14 financial support of the laboratory certification program  
15 and to make recommendations to the Agency regarding a  
16 preferred approach;

17 (5) To provide technical review and evaluation of  
18 the laboratory certification program;

19 (6) To hold regular and special meetings at a time  
20 and place designated by the Director or the Chairperson  
21 of the Committee; and

22 (7) To conduct any other activities as may be  
23 deemed appropriate by the Director.

24 (Source: P.A. 89-368, eff. 1-1-96.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.