

1 AN ACT in relation to the development and management of
2 the groundwater resources of the State of Illinois.

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

5 Section 1. Short title. This Act may be cited as the
6 Illinois Groundwater Quantity Management Act.

7 Section 5. Legislative findings.

8 (a) The General Assembly finds and recognizes that:

9 (1) the continuing development and use of
10 groundwater resources of the State has resulted in
11 numerous interruptions to the domestic use of
12 groundwater;

13 (2) growth in the development and use of
14 groundwater resources can cause excessive declines in
15 regional groundwater levels; and

16 (3) concerns regarding the development of
17 groundwater resources need to be addressed through the
18 development, by the State of Illinois, of a regional
19 groundwater management program based on an understanding
20 of regional groundwater needs and the limitations of
21 groundwater resources.

22 (b) The General Assembly further recognizes that:

23 (1) the State of Illinois must manage, protect, and
24 enhance the development of the groundwater of the State,
25 as a natural and public resource;

26 (2) groundwater has an essential and pervasive role
27 in the social and economic well-being of the people of
28 Illinois and is of vital importance to the general
29 health, safety, and economic welfare;

30 (3) groundwater resources of the State must be used
31 for beneficial and legitimate purposes; and

1 (4) waste and degradation of groundwater resources
2 must be prevented.

3 Section 10. Definitions. In this Act:

4 "Department" means the Department of Natural Resources.

5 "Domestic well" means a single groundwater supply that is
6 used to provide water for household drinking and culinary and
7 sanitary purposes for not more than 4 families and, if it is
8 used for any agricultural or non-household purposes, the
9 total daily usage of which does not exceed 7,500 gallons of
10 groundwater on any day.

11 "High capacity well" means a water well equipped with a
12 pump that is capable of producing more than 100,000 gallons
13 of groundwater on any day.

14 Section 15. Interference with domestic wells.

15 (a) If an investigation, using information provided by a
16 domestic user and other technical information, discloses that
17 an existing high capacity well is causing the delivery system
18 of a domestic well to fail, or is causing a significant
19 reduction in performance due to well interference with a
20 domestic well that supplies water for a domestic use,
21 compensation may be required from the high capacity well
22 owner for all or a portion of the cost of a replacement water
23 supply system or remedial measures necessitated by the well
24 interference. The compensation may be required, however,
25 only after the parties demonstrate that an effort to
26 negotiate an agreeable compensation has been made and has
27 failed.

28 (b) The provisions of subsection (a) do not apply to
29 water from a point of withdrawal located within an area
30 permitted under the federal Surface Mining Control and
31 Reclamation Act of 1977, P.L. 95-87, or the rules and
32 regulations thereunder, or any law or rule adopted by the

1 State of Illinois pursuant thereto.

2 Section 20. Interstate groundwater quantity management
3 area plan. For counties adjoining a neighboring state, the
4 Department may conduct a groundwater quantity management area
5 needs assessment in cooperation with the neighboring state's
6 water resources management agency. Following publication of
7 the needs assessment and a public hearing the Department may
8 initiate, based on interstate agreement, the development of
9 an interstate groundwater quantity management area plan. In
10 accordance with, and if recommended in, the final interstate
11 groundwater quantity management area plan, the Department may
12 enter into interstate agreements and adopt rules for the
13 joint interstate management of the shared groundwater
14 resource. Provisions of the interstate groundwater quantity
15 management area plan shall take precedence if they conflict
16 with provisions of an adopted county groundwater management
17 area plan.

18 Section 25. Domestic well upgrade fund. In counties
19 where groundwater emergency restrictions apply under the
20 Water Use Act of 1983, or where a county groundwater
21 management area plan has been adopted, the county board may
22 establish a domestic well upgrade fund. This fund shall be
23 used to pay for repair or replacement of domestic wells that
24 have failed to supply water or have experienced a significant
25 reduction in performance due to well interference. The fund
26 may be established only in counties where multiple complaints
27 concerning well interference have been filed and there is an
28 indication of regional reductions in groundwater levels due
29 to pumping from numerous high capacity wells.

30 The county shall require that the owner of each high
31 capacity well be assessed a dollar amount for payment into
32 the fund that is based on the highest estimated use or

1 highest recorded use for each high capacity well. The high
2 capacity wells so assessed shall be located in an aquifer
3 system experiencing regional reductions in groundwater
4 levels. The size of the fund and the assessment on each high
5 capacity well user shall be determined annually by the county
6 board and approved by the Department. That determination and
7 approval shall be based on information provided through the
8 complaint process established under the Water Use Act of 1983
9 or a county groundwater management area plan. The amount of
10 moneys in the fund shall not exceed the amount required to
11 upgrade affected domestic wells and to administer the
12 domestic well upgrade fund. Costs required to bring a
13 domestic well into compliance with the Illinois Water Well
14 Construction Code are not eligible for compensation.

15 When a domestic well upgrade fund is established and
16 operating in a county, it shall be the primary means of
17 resolving domestic well interference conflicts.

18 The county board shall review the need for the fund at
19 least every 5 years and shall reestablish the fund if
20 necessary based on the review. If the fund is not
21 reestablished, the moneys in the fund shall be returned to
22 the owners of the high capacity wells in the county based on
23 their proportionate contribution to the fund.

24 Section 30. County groundwater quantity management area
25 plan.

26 (a) In a county where the emergency powers of the Water
27 Use Act of 1983 apply, and in a county that has been
28 designated a groundwater resource assessment area under the
29 Water Use Act of 1983, the county board and the board of the
30 soil and water conservation district of the county may, by
31 resolution of both boards, request that the Department
32 conduct a groundwater quantity management area needs
33 assessment. This assessment shall be conducted in

1 cooperation with the Illinois State Water Survey and State
2 Geological Survey, the Illinois Environmental Protection
3 Agency, the Department of Public Health, the Department of
4 Agriculture, other interested natural resource agencies, and
5 interested groundwater users in the county. If the
6 assessment identifies the potential for increasing water use
7 conflicts and recommends a need for improved groundwater
8 management, the county board may request that the Department
9 develop a county groundwater quantity management area plan.

10 (b) The county board may adopt the groundwater quantity
11 management area plan as developed or amended by the
12 Department and shall prescribe by ordinance rules and
13 regulations specified in the adopted plan developed by the
14 Department. The plan, including rules and regulations, shall
15 be developed in cooperation with the county board and the
16 county groundwater quantity committee. The committee shall
17 be appointed by the soil and water conservation district
18 board and shall be comprised of up to 12 members, who may
19 represent self-supplied industries, public water supplies,
20 irrigators, livestock and dairy farmers, environmental
21 interests, economic development, licensed water well
22 contractors, and county or local health authorities. The
23 Department and the county board shall review the adopted plan
24 and associated rules and regulations at least every 5 years.
25 The Department or county board may recommend amendments to
26 the plan and its rules and regulations based on the review.
27 The Department shall assure that groundwater quantity
28 management area plans for adjacent counties are developed and
29 implemented in a consistent manner.

30 (c) A county groundwater quantity management area plan
31 shall consider the needs of all existing groundwater users
32 and may include, but need not be limited to, well spacing
33 requirements, well construction standards, water use
34 conservation and efficiency requirements, water use

1 reporting, provisions concerning the timing of withdrawals,
2 and provisions establishing a range of prescribed pumping
3 levels or maximum pumping rates for an aquifer or any part
4 thereof based on the capacity, variability, and
5 characteristics of the aquifer. The recommendations of a
6 county groundwater quantity area management plan may be
7 implemented through a permit program. The permit program and
8 plan recommendations may vary within a county based on the
9 variability of the aquifer and demands on the groundwater
10 resource. Permit fees may not exceed a reasonable amount
11 necessary to cover the costs of the county's implementation
12 and administration of the adopted plan.

13 (d) A county groundwater quantity management area plan
14 and the rules and regulations based on the plan shall not set
15 priorities for use other than in times of emergency as
16 defined by the plan and the plan shall encourage groundwater
17 resource development and economic growth within the
18 limitations of the groundwater resource to meet the needs of
19 all users. Rules and regulations may not deny a groundwater
20 use based solely on the type of use or the location of use.

21 (e) Upon the adoption of a county groundwater quantity
22 management area plan, the powers of the Department of
23 Agriculture and the soil and water conservation district
24 under the Water Use Act of 1983 and the powers of an
25 established water authority to require the registration,
26 inspection, restriction, or regulation of groundwater use are
27 rescinded.

28 Section 35. Violations. The Department may issue orders
29 requiring compliance with this Act or with rules adopted
30 under this Act. Any person who violates or neglects,
31 refuses, or fails to obey any lawful order made by the
32 Department, when a copy of the order has been served upon the
33 person by certified mail, may be fined not less than \$1,000

1 or more than \$2,000 per day of violation to be recovered in a
2 civil action in the name of the People of the State of
3 Illinois in any circuit court.

4 Section 40. Administrative review; exclusive remedy.
5 All final administrative decisions of the Department under
6 this Act are subject to review pursuant to the Administrative
7 Review Law. The rules adopted under this Act and the final
8 administrative decisions of the Department shall be the
9 exclusive remedy for well interference to domestic wells
10 caused by high capacity wells.

11 Section 800. The Counties Code is amended by adding
12 Section 5-15016.1 as follows:

13 (55 ILCS 5/5-15016.1 new)

14 Sec. 5-15016.1. Groundwater management. The county
15 board may provide for the control and management of
16 groundwater development in a manner that is not inconsistent
17 with the Illinois Groundwater Quantity Management Act.

18 Section 805. The Illinois Municipal Code is amended by
19 changing Section 11-125-2 as follows:

20 (65 ILCS 5/11-125-2) (from Ch. 24, par. 11-125-2)

21 Sec. 11-125-2. For the purpose of establishing or
22 supplying waterworks and to purchase, extend, improve and
23 operate waterworks, each city or village may go beyond its
24 corporate limits and acquire and hold property by purchase or
25 otherwise, and also may take and condemn all necessary
26 property therefor, in the manner provided for the taking or
27 damaging of private property for public uses, including any
28 land now used for highway purposes in or near any basin
29 proposed to be flooded by the construction, extension or

1 improvement of any lake by any city or village of this state,
2 for water supply purposes, provided the highway is capable of
3 being rerouted, raised or otherwise revised and maintained in
4 use and that the city or village requiring such
5 reconstruction shall either perform the necessary
6 reconstruction work or pay the full cost thereof to provide a
7 highway of equal value and usefulness to that existing before
8 such work is required, or provided the highway has been
9 vacated by order of the highway authorities having a
10 jurisdiction over said highway. The jurisdiction of the city
11 or village to prevent or punish any pollution ~~or~~--injury to
12 the stream or source of water, or to waterworks, extends 20
13 miles beyond its corporate limits, or so far as the
14 waterworks may extend.

15 (Source: Laws 1961, p. 576.)

16 Section 810. The Water Authorities Act is amended by
17 changing Sections 6 and 8 as follows:

18 (70 ILCS 3715/6) (from Ch. 111 2/3, par. 228)

19 Sec. 6. Such board of trustees shall have the following
20 powers:

21 1. To make inspections of wells or other withdrawal
22 facilities and to require information and data from the
23 owners or operators thereof concerning the supply, withdrawal
24 and use of water.

25 2. To require the registration with them of all wells or
26 other withdrawal facilities in accordance with such form or
27 forms as they deem advisable.

28 3. To require permits from them for all additional wells
29 or withdrawal facilities or for the deepening, extending or
30 enlarging existing wells or withdrawal facilities. Permits
31 may set requirements based on guidelines set by the
32 Department of Natural Resources for the spacing and location

1 of wells and the depth of wells and depth of pumps and
2 settings. Permits may not be denied to any user based on the
3 type of use or location of use. Permit fees may not exceed
4 \$50 per individual well or other reasonable amount necessary
5 to recover the costs of administering the permit program.

6 4. To require the plugging of abandoned wells or the
7 repair of any well or withdrawal facility to prevent loss of
8 water or contamination of supply.

9 5. To reasonably regulate the use of water and during
10 any period of actual or threatened shortage to establish
11 limits upon ~~or--priorities--as--to~~ the use of water in
12 accordance with a plan developed by the Department of Natural
13 Resources in consultation with the Board of Trustees, other
14 natural resource agencies, and interested groundwater users.
15 In developing or amending the plan, the Department issuing
16 any-such-regulation,--limitation,--or--priority,--such--board
17 shall seek to promote the common welfare by considering the
18 public interest, the average amount of present withdrawals,
19 relative benefits or importance of use, economy or efficiency
20 of use and any other reasonable differentiation. Appropriate
21 consideration shall also be given to any user, who has
22 theretofore reduced the volume of ground water previously
23 consumed by such user or who has taken care of increased
24 requirements by installing and using equipment and facilities
25 permitting the use of surface water by such user.

26 6. To supplement the existing water supply or provide
27 additional water supply by such means as may be practicable
28 or feasible. They may acquire property or property rights
29 either within or without the boundaries of the authority by
30 purchase, lease, condemnation proceedings or otherwise, and
31 they may construct, maintain and operate wells, reservoirs,
32 pumping stations, purification plants, infiltration pits,
33 recharging wells and such other facilities as may be
34 necessary to insure an adequate supply of water for the

1 present and future needs of the authority. They shall have
2 the right to sell water to municipalities or public utilities
3 operating water distribution systems either within or without
4 the authority.

5 7. To levy and collect a general tax on all of the
6 taxable property within the corporate limits of the
7 authority, the aggregate amount of which for one year,
8 exclusive of the amount levied for bonded indebtedness or
9 interest thereon, shall not exceed .08 per cent of the value
10 as equalized or assessed by the Department of Revenue. For
11 the purpose of acquiring necessary property or facilities, to
12 issue general obligation bonds bearing interest at the rate
13 of not to exceed the maximum rate authorized by the Bond
14 Authorization Act, as amended at the time of the making of
15 the contract, and payable over a period of not to exceed 20
16 years, the aggregate principal amount of which at any one
17 time outstanding shall not exceed one-half of 1% of the value
18 as equalized or assessed by the Department of Revenue of all
19 taxable property located within the corporate limits of the
20 authority and to levy and collect a further or additional
21 direct annual tax upon all the taxable property within the
22 corporate limits of such authority sufficient to meet the
23 principal and interest of such bonds as the same mature.
24 They shall also have authority to issue revenue bonds payable
25 solely out of anticipated revenues.

26 8. To consult with and receive available information
27 concerning their duties and responsibilities from the State
28 Water Survey, the State Geological Survey, the Board of
29 Natural Resources and Conservation, the Water Resources and
30 Flood Control Board and any other board or commission of the
31 State. Before constructing any facility for providing
32 additional water supply, the plans therefor shall be
33 submitted to and approved by the Environmental Protection
34 Agency or its successor and all operations of such facilities

1 shall be conducted in accordance with such rules and
2 regulations as may from time to time be prescribed by the
3 Pollution Control Board.

4 9. To have the right by appropriate action in the
5 circuit court of any county in which such authority, or any
6 part thereof, is located to restrain any violation or
7 threatened violation of any of their orders, rules,
8 regulations or ordinances.

9 10. To provide by ordinance that the violation of any
10 provision of any rule, regulation or ordinance adopted by
11 them shall constitute a misdemeanor subject to a fine by the
12 circuit court of not to exceed \$50 for each act of violation
13 and that each day's violation shall constitute a separate
14 offense.

15 With respect to instruments for the payment of money
16 issued under this Section either before, on, or after the
17 effective date of this amendatory Act of 1989, it is and
18 always has been the intention of the General Assembly (i)
19 that the Omnibus Bond Acts are and always have been
20 supplementary grants of power to issue instruments in
21 accordance with the Omnibus Bond Acts, regardless of any
22 provision of this Act that may appear to be or to have been
23 more restrictive than those Acts, (ii) that the provisions of
24 this Section are not a limitation on the supplementary
25 authority granted by the Omnibus Bond Acts, and (iii) that
26 instruments issued under this Section within the
27 supplementary authority granted by the Omnibus Bond Acts are
28 not invalid because of any provision of this Act that may
29 appear to be or to have been more restrictive than those
30 Acts.

31 (Source: P.A. 86-4.)

32 (70 ILCS 3715/8) (from Ch. 111 2/3, par. 231)

33 Sec. 8. Provisions of this Act shall not apply to water

1 used solely ~~for-agricultural-purposes,~~ ~~farm-irrigation,~~ ~~or~~
2 ~~water-used~~ for domestic purposes where not to exceed 4
3 families are supplied from the same well or other immediate
4 source.

5 (Source: Laws 1951, p. 1964.)

6 Section 815. The Water Use Act of 1983 is amended by
7 changing Sections 3, 5, and 5.1 and by adding Section 5.3 as
8 follows:

9 (525 ILCS 45/3) (from Ch. 5, par. 1603)

10 Sec. 3. Purpose. The general purpose and intent of this
11 Act is to establish a means of reviewing potential water
12 conflicts before damage to any person is incurred and to
13 establish a rule for mitigating water shortage conflicts by:

14 (a) Providing authority for County Soil and Water
15 Conservation Districts to receive notice of incoming
16 substantial users of water.

17 (b) Authorizing the Department of Agriculture to
18 restrict ~~Soil-and-Water-Conservation-Districts--to--recomm~~
19 ~~restrictions-on~~ withdrawals of groundwater in emergencies.

20 (c) Establishing a "reasonable use" rule for groundwater
21 withdrawals.

22 (d) Establishing a procedure for approving counties as
23 groundwater resource assessment areas by the Department of
24 Agriculture.

25 (e) Providing for the registration and annual reporting
26 of groundwater consumption from substantial users of water to
27 the county soil and water conservation districts in counties
28 approved under the groundwater resource assessment area
29 provisions of this Act, as a prerequisite for petitioning for
30 the formation of a groundwater quantity management area under
31 the Illinois Groundwater Quantity Management Act.

32 The requirements of Section 5 and 5.1 of this Act shall

1 not apply to the region governed by the provisions of the
 2 Level of Lake Michigan Act "~~An Act in relation to the~~
 3 ~~regulation and maintenance of the levels in Lake Michigan and~~
 4 ~~to the Diversion and apportionment of water from the Lake~~
 5 ~~Michigan watershed~~"~~, approved June 18, 1929, as amended.~~

6 (Source: P.A. 85-1330.)

7 (525 ILCS 45/5) (from Ch. 5, par. 1605)

8 Sec. 5. Water Conflict Resolution. In the event that a
 9 land occupier or person proposes to develop a new point
 10 of withdrawal, and withdrawals from the new point can
 11 reasonably be expected to occur in excess of 100,000
 12 gallons on any day, the land occupier or person
 13 shall notify the District before construction of the well
 14 begins. The District shall in turn notify other local
 15 units of government with water systems and
 16 investor-owned water utilities that ~~who~~ may be affected
 17 ~~impacted~~ by the proposed withdrawal. The District
 18 shall then request that ~~review with the assistance of~~ the
 19 Illinois State Water Survey and the State Geological
 20 Survey review the proposed point of withdrawal's effect
 21 upon other users of the water. The review shall be
 22 completed within 30 days of receipt of the notice. The
 23 findings of such reviews shall be made public.

24 (Source: P.A. 85-1330.)

25 (525 ILCS 45/5.1) (from Ch. 5, par. 1605.1)

26 Sec. 5.1. Groundwater Emergency Restrictions.

27 (a) Each District within any county in Illinois through
 28 which the Iroquois River flows, and each District within any
 29 county in Illinois with a population in excess of 100,000
 30 through which the Mackinaw River flows, and each District
 31 within any county in Illinois with a population of 183,000
 32 more than but less than 2,000,000 is designated a groundwater

1 emergency restriction area. In those Districts, the
2 Department of Agriculture is authorized to restrict
3 ~~authorized--to--recommend--to--the--Department--of--Agriculture~~
4 ~~restrictions--on~~ groundwater withdrawal as provided by this
5 Section.

6 A land occupier or person who possesses land which
7 contains a point of withdrawal that is capable of producing
8 more than 100,000 gallons of water on any day shall register
9 that point of withdrawal with the District and shall furnish
10 such reasonable data in such form as may be required by the
11 District.

12 (b) The District, with the assistance and approval of
13 the Department of Agriculture, shall issue recommended
14 guidelines for the construction of points of withdrawal and
15 the type and setting of pumps for use in those points of
16 withdrawal. Copies of the guidelines shall be made available
17 from the District upon request.

18 (c) Within 2 working days after receiving a written
19 complaint from a land occupier or a person whose point of
20 withdrawal has failed to furnish its normal supply of water,
21 the District shall inform the Illinois State Water Survey and
22 State Geological Survey of the complaint so that those
23 agencies may schedule an on-site investigation. If the
24 investigation discloses (1) that the point of withdrawal
25 fails to furnish its normal supply of water, (2) that the
26 failure is caused by a substantial lowering of the level of
27 groundwater in the area, and (3) that the point of withdrawal
28 and its equipment conform to the recommended guidelines of
29 the District issued under subsection (b), the Illinois State
30 Water Survey and State Geological Survey shall inform the
31 Department of Agriculture. The Department of Agriculture may
32 ~~District--may--recommend--to--the--Department--of--Agriculture--that~~
33 ~~the--Department~~ restrict the quantity of water that a person
34 may extract from any point of withdrawal within the

1 District's boundaries which is capable of producing more than
2 100,000 gallons on any day. The restriction shall be
3 expressed in gallons of water, may apply to one or more
4 points of withdrawal within the District, and may be
5 broadened or narrowed as appropriate. The restrictions shall
6 be lifted as soon as justified by changed conditions.

7 (d) If the investigation ~~When-a-District~~ determines that
8 restriction of the withdrawal of water at a particular point
9 within the District is necessary to preserve an adequate
10 water supply for all residents in the District, the
11 Department of Agriculture may ~~District-may-recommend-to-the~~
12 ~~Department-of-Agriculture-that-the--Department~~ restrict the
13 quantity of water that may be extracted from any point of
14 withdrawal within the District which is capable of producing
15 more than 100,000 gallons of water on any day. The
16 Department shall ~~review-the-District's-recommendation-and--if~~
17 ~~it---agrees--with--such--recommendation--shall~~ restrict the
18 withdrawal of water within the District in accordance with
19 subsection (c) and shall notify each land occupier or person
20 who possesses land which contains a registered point of
21 withdrawal affected by the restriction.

22 If the Department declines to restrict groundwater
23 withdrawal ~~disagrees-with-the-District's--recommendation,~~ it
24 shall notify the District, the land occupier or the person
25 who possesses land which contains a registered point of
26 withdrawal affected by a groundwater withdrawal restriction,
27 ~~the-recommendation~~ and the complainant, giving the reason for
28 the failure to restrict groundwater withdrawals ~~affirm--the~~
29 ~~recommendation.~~ The Department may propose an alternative to
30 a groundwater withdrawal restriction ~~alternate~~
31 ~~recommendation.~~

32 If the District, the respondent or the complainant
33 disagrees with the decision of the Department, such person
34 may request an administrative hearing to be conducted by the

1 Department in accordance with the Illinois Administrative
2 Procedure Act to show cause concerning its decision.

3 Final decisions of the Department pursuant to this
4 Section may be appealed in accordance with the Administrative
5 Review Law.

6 (e) The Department is authorized to promulgate rules and
7 regulations, including emergency rules, for the
8 implementation of this amendatory Act of 1987. The Department
9 may set the general policy for the Districts to follow in the
10 administration of this Act.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (525 ILCS 45/5.3 new)

13 Sec. 5.3. Groundwater resource assessment area. In a
14 county that is experiencing groundwater use conflicts, or has
15 the potential for groundwater use conflicts, the district
16 board and the county board may, by resolution of both
17 governing bodies, request that the Department of Agriculture
18 designate the county as a groundwater resource assessment
19 area. The establishment of a groundwater resource assessment
20 area shall require that all points of withdrawal capable of
21 producing more than 100,000 gallons of water on any day
22 register that point of withdrawal with the district and
23 annually report to the District total groundwater withdrawal
24 amounts.

25 Section 999. Effective date. This Act takes effect upon
26 becoming law.

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6	70 ILCS 3715/6	from Ch. 111 2/3, par. 228
7	70 ILCS 3715/8	from Ch. 111 2/3, par. 231
8	525 ILCS 45/3	from Ch. 5, par. 1603
9	525 ILCS 45/5	from Ch. 5, par. 1605
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