

1 AN ACT in relation to environmental matters.

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 Section 43 as follows:

6 (415 ILCS 5/43) (from Ch. 111 1/2, par. 1043)

7 Sec. 43. (a) In circumstances of substantial danger to
8 the environment or to the public health of persons or to the
9 welfare of persons where such danger is to the livelihood of
10 those such persons, the State's Attorney or Attorney General,
11 upon request of the Agency or on his or her own motion, may
12 institute a civil action for an immediate injunction to halt
13 any discharge or other activity causing or contributing to
14 the danger or to require such other action as may be
15 necessary. The court may issue an ex parte order and shall
16 schedule a hearing on the matter not later than 3 working
17 days from the date of injunction.

18 (b) If any term or condition of an NPDES permit issued
19 under this Act for discharges from a publicly owned or
20 publicly regulated sewage works is violated, the use of the
21 sewage works by a contaminant source not using the works
22 prior to a finding that the condition was violated:

23 (i) may be prohibited by the public body owning or
24 regulating such sewage works, pursuant to State law or local
25 ordinance; or

26 (ii) may be prohibited or restricted under the
27 provisions of Title VIII of this Act; or

28 (iii) the State's Attorney of the county in which the
29 violation occurred, or the Attorney General, at the request
30 of the Agency or on his or her own motion, may proceed in a
31 court of competent jurisdiction to secure such relief.

1 (c) If an industrial user of a publicly owned or
2 publicly regulated sewage works is not in compliance with a
3 system of user charges required under State law or local
4 ordinance or regulations or as a term or condition of any
5 NPDES permit issued under this Act to the sewage works into
6 which the user is discharging contaminants, the system of
7 charges may be enforced directly against the industrial user:
8 ~~user~~--

9 (i) by the public body owning or regulating such sewage
10 works, pursuant to State law or local ordinance; or

11 (ii) under the provisions of Title VIII of this Act; or

12 (iii) the State's Attorney of the county in which the
13 violation occurred, or the Attorney General, at the request
14 of the Agency or on his own motion, may proceed in a court of
15 competent jurisdiction to secure such relief.

16 (Source: P.A. 78-862.)