

1 (4.5) "Non-transient, non-community water system"
2 means a non-community water system that regularly serves
3 the same 25 or more persons at least 6 months per year.

4 (5) "Private water system" means any supply which
5 provides water for drinking, culinary, and sanitary
6 purposes and serves an owner-occupied single family
7 dwelling.

8 (6) "Public water system" means a system for the
9 provision to the public of water for human consumption
10 through pipes or other constructed conveyances, if the
11 system has at least 15 service connections or regularly
12 serves an average of at least 25 individuals daily at
13 least 60 days per year. A public water system is either
14 a community water system (CWS) or a non-community water
15 system (non-CWS). The term "public water system" includes
16 any collection, treatment, storage or distribution
17 facilities under control of the operator of such system
18 and used primarily in connection with such system and any
19 collection or pretreatment storage facilities not under
20 such control which are used primarily in connection with
21 such system.

22 (7) "Semi-private water system" means a water
23 supply which is not a public water system, yet which
24 serves a segment of the public other than an
25 owner-occupied single family dwelling.

26 (8) "Supplier of water" means any person who owns
27 or operates a water system.

28 (b) No non-community water system may be constructed,
29 altered, or extended until plans, specifications, and other
30 information relative to such system are submitted to and
31 reviewed by the Department for conformance with the rules
32 promulgated under this Section, and until a permit for such
33 activity is issued by the Department. As part of the permit
34 application, all new non-transient, non-community water

1 systems must demonstrate technical, financial, and managerial
2 capacity consistent with the federal Safe Drinking Water Act.

3 (c) All private and semi-private water systems shall be
4 constructed in accordance with the rules promulgated by the
5 Department under this Section.

6 (d) The Department shall promulgate rules for the
7 construction and operation of all non-community and
8 semi-private water systems. Such rules shall include but
9 need not be limited to: the establishment of maximum
10 contaminant levels no more stringent than federally
11 established standards where such standards exist; the
12 maintenance of records; the establishment of requirements for
13 the submission and frequency of submission of water samples
14 by suppliers of water to determine the water quality; and the
15 capacity demonstration requirements to ensure compliance with
16 technical, financial, and managerial capacity provisions of
17 the federal Safe Drinking Water Act.

18 (e) Borings, water monitoring wells, and wells subject
19 to this Act shall, at a minimum, be abandoned and plugged in
20 accordance with the requirements of Sections 16 and 19 of the
21 Illinois Oil and Gas Act, and such rules as are promulgated
22 thereunder. Nothing herein shall preclude the Department
23 from adopting plugging and abandonment requirements which are
24 more stringent than the rules of the Department of Natural
25 Resources where necessary to protect the public health.

26 (f) The Department shall inspect all non-community water
27 systems for the purpose of determining compliance with the
28 provisions of this Section and the regulations promulgated
29 hereunder.

30 (g) The Department may inspect semi-private and private
31 water systems for the purpose of determining compliance with
32 the provisions of this Section and the regulations
33 promulgated hereunder.

34 (h) The supplier of water shall be given written notice

1 of all violations of this Section or the rules promulgated
2 hereunder and all such violations shall be corrected in a
3 manner and time specified by the Department.

4 (i) The Department may conduct inspections to
5 investigate the construction or water quality of
6 non-community or semi-private water systems, or the
7 construction of private water systems. Upon request of the
8 owner or user, the Department may also conduct investigations
9 of the water quality of private water systems.

10 (j) The supplier of water for a private, semi-private,
11 or non-community water system shall allow the Department and
12 its authorized agents access to such premises at all
13 reasonable times for the purpose of inspection.

14 (k) The Department may designate full-time county or
15 multiple-county health departments as its agents to
16 facilitate the implementation of this Section.

17 (l) The Department shall promulgate and publish rules
18 necessary for the enforcement of this Section.

19 (m) Whenever a non-community or semi-private water
20 system fails to comply with an applicable maximum contaminant
21 level at the point of use, the supplier of water shall give
22 public notification by the conspicuous posting of notice of
23 such failure as long as the failure continues. The notice
24 shall be written in a manner reasonably designed to fully
25 inform users of the system that a drinking water regulation
26 has been violated, and shall disclose all material facts. All
27 non-transient, non-community water systems must demonstrate
28 technical, financial, and managerial capacity consistent with
29 the federal Safe Drinking Water Act.

30 (n) The provisions of the Illinois Administrative
31 Procedure Act, are hereby expressly adopted and shall apply
32 to all administrative rules and procedures of the Department
33 of Public Health under this Section, except that in case of
34 conflict between the Illinois Administrative Procedure Act

1 and this Section the provisions of this Section shall
2 control; and except that Section 5-35 of the Illinois
3 Administrative Procedure Act relating to procedures for
4 rulemaking shall not apply to the adoption of any rule
5 required by federal law in connection with which the
6 Department is precluded by law from exercising any
7 discretion.

8 (o) All final administrative decisions of the Department
9 issued pursuant to this Section shall be subject to judicial
10 review pursuant to the provisions of the Administrative
11 Review Law and the rules adopted pursuant thereto. The term
12 "administrative decision" is defined as in Section 3-101 of
13 the Code of Civil Procedure.

14 (p) The Director, after notice and opportunity for
15 hearing to the applicant, may deny, suspend, or revoke a
16 permit in any case in which he or she finds that there has
17 been a substantial failure to comply with the provisions of
18 this Section or the standards, rules and regulations
19 established by virtue thereof.

20 Such notice shall be effected by certified mail or by
21 personal service setting forth the particular reasons for the
22 proposed action and fixing a date, not less than 15 days from
23 the date of such mailing or service, at which time the
24 applicant shall be given an opportunity to request hearing.

25 The hearing shall be conducted by the Director or by an
26 individual designated in writing by the Director as Hearing
27 Officer to conduct the hearing. On the basis of any such
28 hearing, or upon default of the applicant, the Director shall
29 make a determination specifying his or her findings and
30 conclusions. A copy of such determination shall be sent by
31 certified mail or served personally upon the applicant.

32 (q) The procedure governing hearings authorized by this
33 Section shall be in accordance with rules promulgated by the
34 Department. A full and complete record shall be kept of all

1 proceedings, including the notice of hearing, complaint and
2 all other documents in the nature of pleadings, written
3 motions filed in the proceedings, and the report and orders
4 of the Director and Hearing Officer. All testimony shall be
5 reported but need not be transcribed unless review of the
6 decision is sought pursuant to the Administrative Review Law.
7 Copies of the transcript may be obtained by any interested
8 party on payment of the cost of preparing such copies. The
9 Director or Hearing Officer shall, upon his or her own motion
10 or on the written request of any party to the proceeding,
11 issue subpoenas requiring the attendance and the giving of
12 testimony by witnesses, and subpoenas duces tecum requiring
13 the production of books, papers, records or memoranda. All
14 subpoenas and subpoenas duces tecum issued under the terms of
15 this Section may be served by any person of legal age. The
16 fees of witnesses for attendance and travel shall be the same
17 as the fees of witnesses before the circuit courts of this
18 State, such fees to be paid when the witness is excused from
19 further attendance. When the witness is subpoenaed at the
20 instance of the Director or Hearing Officer, such fees shall
21 be paid in the same manner as other expenses of the
22 Department, and when the witness is subpoenaed at the
23 instance of any other party to any such proceeding, the
24 Department may require that the cost of service of the
25 subpoena or subpoena duces tecum and the fee of the witness
26 be borne by the party at whose instance the witness is
27 summoned. In such case, the Department, in its discretion,
28 may require a deposit to cover the cost of such service and
29 witness fees. A subpoena or subpoena duces tecum so issued
30 shall be served in the same manner as a subpoena issued by a
31 circuit court.

32 (r) Any circuit court of this State, upon the
33 application of the Director or upon the application of any
34 other party to the proceeding, may, in its discretion, compel

1 the attendance of witnesses, the production of books, papers,
2 records or memoranda and the giving of testimony before the
3 Director or Hearing Officer conducting an investigation or
4 holding a hearing authorized by this Section, by an
5 attachment for contempt or otherwise, in the same manner as
6 production of evidence may be compelled before the court.

7 (s) The Director or Hearing Officer, or any party in an
8 investigation or hearing before the Department, may cause the
9 depositions of witnesses within the State to be taken in the
10 manner prescribed by law for like depositions in civil
11 actions in courts of this State, and to that end compel the
12 attendance of witnesses and the production of books, papers,
13 records, or memoranda.

14 (t) Any person who violates this Section or any rule or
15 regulation adopted by the Department, or who violates any
16 determination or order of the Department under this Section,
17 shall be guilty of a Class A misdemeanor and shall be fined a
18 sum not less than \$100. Each day's violation constitutes a
19 separate offense. The State's Attorney of the county in
20 which the violation occurs, or the Attorney General of the
21 State of Illinois, may bring such actions in the name of the
22 People of the State of Illinois; or may in addition to other
23 remedies provided in this Section, bring action for an
24 injunction to restrain such violation, or to enjoin the
25 operation of any establishment.

26 (u) The State of Illinois, and all of its agencies,
27 institutions, offices and subdivisions shall comply with all
28 requirements, prohibitions and other provisions of this
29 Section and regulations adopted thereunder.

30 (v) No agency of the State shall authorize, permit or
31 license the construction or operation of any potential route,
32 potential primary source, or potential secondary source, as
33 those terms are defined in the Environmental Protection Act,
34 in violation of any provision of this Section or the

1 regulations adopted hereunder.

2 (w) This Section shall not apply to any water supply
3 which is connected to a community water supply which is
4 regulated under the Environmental Protection Act, except as
5 provided in Section 9.1.

6 (Source: P.A. 92-369, eff. 8-15-01.)

7 (415 ILCS 55/9.1 new)

8 Sec. 9.1. Notification of actual or potential
9 contamination.

10 (a) Whenever the Agency identifies any volatile organic
11 compound in excess of the Board's Groundwater Quality
12 Standards or the Safe Drinking Water Act maximum contaminant
13 level while performing its obligations under Section 7 of
14 this Act, Section 13.1 of the Environmental Protection Act,
15 or the federal Safe Drinking Water Act, the Agency shall
16 notify the Department, unless notification has already been
17 provided, and the unit of local government affected.

18 (b) Within 60 days of receipt of notice provided for in
19 subsection (a) of this Section, the Department, or the
20 Department in coordination with the delegated county health
21 department, shall provide notice to the public identifying
22 the contaminants of concern. The notice shall be provided by
23 means of electronic or print media and must be designed to
24 inform the owner of any private water system, semi-private
25 water system, or non-community public water system within an
26 area potentially affected by the identified contamination of
27 the need for the system owner to test the system for possible
28 contamination. The notice shall appear in the media for 3
29 consecutive weeks.

30 (c) A unit of local government shall take any action
31 that it deems appropriate, such as informing any homeowner
32 who potentially could be adversely affected, within a
33 reasonable time after notification by the Agency under

1 subsection (a) of this Section.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.".