

AN ACT concerning regulation.

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

Section 5. The Water Well and Pump Installation Contractor's License Act is amended by changing Sections 2, 6 and 13 as follows:

(225 ILCS 345/2) (from Ch. 111, par. 7103)

(Section scheduled to be repealed on January 1, 2012)

Sec. 2. As used in this Act, unless the context otherwise requires:

(1) "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products, or monitoring wells;

(2) "Ground water" means water of under-ground aquifers, streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating

or otherwise;

(3) "Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

(4) "Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

(5) "Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, including repair to any existing installation;

(6) "Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others;

(7) "Water Well and Pump Installation Contractor" means any person engaged in both businesses described in subsections 4, 5, and 6 above;

(8) "Department" means the Department of Public Health of this State;

(9) "Director" means the Director of the Department of Public Health;

(10) "Board" means the Water Well and Pump Installation Contractors Licensing Board created by Section 6 of this Act;

(11) "Person" includes any natural person, partnership, association, trust and public or private corporation;

(12) "Monitoring well" means a water well intended for the purpose of determining groundwater quality or quantity;

(13) "Closed loop well" means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole and the grouting of the bore hole and does not include the piping and appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice;

(14) "Closed loop well contractor" means any person who installs closed loop wells for another person. "Closed loop well contractor" does not include the employee of a closed loop contractor.

(Source: P.A. 86-843.)

(225 ILCS 345/6) (from Ch. 111, par. 7107)

(Section scheduled to be repealed on January 1, 2012)

Sec. 6. Water Well and Pump Installation Contractors Licensing Board; Closed Loop Well Contractors Certification Board.

(a) There is created in the Department the Water Well and

Pump Installation Contractors Licensing Board which shall exercise its duties provided in this Act under the supervision of the Department. The Water Well and Pump Installation Contractors Licensing Board shall consist of 6 members, designated from time to time by the Director. Two members shall be licensed water well contractors, 2 ~~two~~ members shall be licensed water well pump installation contractors, and 2 ~~two~~ members shall be licensed water well and pump installation contractors. In making the appointments to the Water Well and Pump Installation Contractors Licensing Board, the Director shall consider the recommendation of the Illinois Association of Groundwater Professionals or its successor organization.

The members of the Water Well and Pump Installation Contractors Licensing Board shall be reimbursed for necessary traveling expenses in accordance with travel regulations prescribed by the Department of Finance.

The Water Well and Pump Installation Contractors Licensing Board shall advise and aid the Director in:

- (1) ~~(a)~~ preparing subject matter for continuing education sessions and examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department promulgated pursuant to the Illinois Pump Installation

Code Law and the Illinois Water Well Construction Code Law;

(2) ~~(b)~~ promulgating rules to govern the number of hours of continuing education required for a continuing education session, examinations, hearings for suspension or revocation of or refusal to issue or renew a license, clarifying the law as it relates to water well and pump installation contracting;

(3) ~~(c)~~ holding examinations of applicants for license at least once a year prior to November 1st in each year;

(4) ~~(d)~~ holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;

(5) ~~(e)~~ submitting recommendations to the Director from time to time for the efficient administration of this Act;

(6) ~~(f)~~ grading all tests and examinations for licenses and promptly reporting the results to the Director; ~~and~~

(7) ~~(g)~~ performing such other duties from time to time prescribed by the Director; and -

(8) consulting and agreeing with the Closed Loop Well Contractors Certification Board regarding:

(i) the registering and certification of closed loop well contractors; and

(ii) the installation of closed loop wells.

For purposes of this item (8), the term "closed loop well" shall be limited to the construction, installation,

repair, and abandonment of the bore hole and the grouting of the bore hole.

(b) There is created in the Department the Closed Loop Well Contractors Certification Board, which shall exercise its duties provided in this Act under the supervision of the Department. The Closed Loop Well Contractors Certification Board shall consist of 6 members, designated from time to time by the Director. A temporary board shall be appointed by the Department for the sole purpose of assisting with the process of initial certification and registration of closed loop well contractors and shall remain in place until 2 years after the effective date of this amendatory Act of the 97th General Assembly. On the dissolution of the temporary board, the 6 members must be closed loop well contractors who are registered and certified under this Act. In making appointments to the Closed Loop Well Contractors Certification Board, the Director shall consider the recommendations of organizations that are representative of the closed loop well industry in Illinois. Recommendations shall include consideration of statewide geographical representation.

The Closed Loop Well Contractors Certification Board shall advise and aid the Director in:

(1) preparing subject matter for continuing education sessions relating to closed loop wells and preparing examinations to test the knowledge and skills of applicants for certification relating to the construction,

installation, repair, and abandonment of closed loop wells and the rules of the Department adopted under this Act for closed loop wells;

(2) adopting rules relating to (i) closed loop wells, (ii) continuing education requirements, (iii) examinations, (iv) hearings for suspension or revocation of or refusal to issue or renew a certification, and (v) the construction, installation, repair, and abandonment of closed loop wells;

(3) holding examinations of applicants for certification at least once a year prior to November 1st in each year;

(4) holding hearings for the revocation or suspension of, or refusal to issue, renew, or reinstate, certifications;

(5) submitting recommendations to the Director from time to time for the efficient administration of this Act;

(6) grading all tests and examinations for certifications, and promptly reporting the results to the Director;

(7) performing such other duties as may be from time to time prescribed by the Director; and

(8) conferring with the Water Well and Pump Installation Contractors Licensing Board regarding the construction, installation, repair, and abandonment of closed loop wells.

(Source: P.A. 90-692, eff. 1-1-99.)

(225 ILCS 345/13) (from Ch. 111, par. 7114)

(Section scheduled to be repealed on January 1, 2012)

Sec. 13. The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well pump installation contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well and pump installation contractor is \$80.

The fee to be paid by an applicant for the annual renewal of a license as a water well contractor or water well pump installation contractor is \$25.

The fee to be paid by an applicant for the annual renewal of a license as a water well and pump installation contractor is \$35.

The fee to be paid by an applicant for the reinstatement of a water well contractor license or a water well pump installation contractor license which has lapsed less than 3 years is \$10, plus all lapsed renewal fees.

The fee to be paid by an applicant for restoration of a water well contractor's license or water well pump installation contractor's license which has lapsed more than three years is

\$150.

The fee to be paid by an applicant for the reinstatement of a water well and pump installation contractor license which has lapsed less than 3 years is \$15, plus all lapsed renewal fees.

The fee to be paid by an applicant for the restoration of a license as a water well and pump installation contractor which has lapsed more than 3 years is \$175.

There shall be no reduction in such fees because a license when issued may be valid for less time than a full license year.

(Source: P.A. 77-1626.)

Section 10. The Illinois Water Well Construction Code is amended by changing Sections 3, 5, and 6 and by adding Sections 9.1 and 9.2 as follows:

(415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Construction" means all acts necessary to obtaining ground water by any method, including without limitation the location of and the excavation for the well, but not including prospecting, surveying or other acts preparatory thereto, nor the installation of pumps and pumping equipment.

(b) "Department" means the Department of Public Health.

(c) "Director" means the Director of Public Health.

(d) "Modification" means any change, replacement or other alteration of any water well which shall be contrary to the rules and regulations regarding the construction of a well.

(e) "Water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products or for observation or any other purpose in connection with the development or operation of a gas storage project.

(f) "Public water system", "community water system", "non-community water system", "semi-private water system" and "private water system" have the meanings ascribed to them in the Illinois Groundwater Protection Act.

(g) "Potential route", "potential primary source" and "potential secondary source" have the meanings ascribed to them in the Environmental Protection Act.

(h) "Closed loop well" means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole and the grouting of the bore hole and does not include the piping and

appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

(i) "Monitoring well" means a water well intended for the purpose of determining groundwater quality or quantity.

(j) "Closed loop well contractor" means any person who installs closed loop wells for another person. "Closed loop well contractor" does not include the employee of a closed loop contractor.

(Source: P.A. 86-843.)

(415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

Sec. 5. Department powers and duties.

The Department has general supervision and authority over the location, construction and modification of water wells, closed loop wells and monitoring wells and for the administration of this Act. With respect thereto it shall:

(a) Adopt and publish, and from time to time amend rules and regulations as hereinafter provided;

(b) Commencing no later than January 1, 1988, issue permits for the construction or change in depth of any water well other than community public water systems and monitoring wells; ~~and~~

(b-5) Commencing no later than one year after the effective date of this amendatory Act of the 97th General Assembly, issue permits for the construction, modification, and abandonment of closed loop wells; and

(c) Exercise such other powers as are practical and reasonably necessary to carry out and enforce the provisions of this Act.

(Source: P.A. 86-843.)

(415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

Sec. 6. Rules and regulations. The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall provide criteria for the proper location and construction of any water well, closed loop well or monitoring well and shall, no later than January 1, 1988, provide for the issuance of permits for the construction and operation of water wells other than community public water systems, ~~closed loop wells~~ and monitoring wells. The Department shall by regulation require a one time fee, not to exceed \$100, for permits for construction, modification, or abandonment of water wells. The Department shall by rule require a one-time fee for permits for the construction, modification, or abandonment of closed loop wells. issued under the authority of this Act.

(Source: P.A. 86-843.)

(415 ILCS 30/9.1 new)

Sec. 9.1. Closed loop well contractor certification.

(a) Within 2 years after the effective date of this amendatory Act of the 97th General Assembly, all closed loop

well contractors, shall be certified by the Department. The Department shall issue closed loop well contractor certificates to those applicants who are qualified and have successfully passed the Department's closed loop well contractor's certification exam. Application for certification as a closed loop well contractor must be made to the Department in writing and under oath or affirmation on forms prescribed and furnished by the Department. Applications may require any information the Department deems necessary in order to carry out the provisions of this Act. The Department shall collect a fee for the closed loop well contractor's qualification exam.

(b) Any person holding a valid water well contractor's license issued under the Water Well and Pump Installation Contractor's License Act may apply and receive, without examination or fee, a closed loop well contractor's certification, provided that all other requirements of this Act are met.

(c) Any person who only installs horizontal closed loop wells using the open trench method shall be exempt from certification under this Section.

(415 ILCS 30/9.2 new)

Sec. 9.2. Closed loop well contractor registration.

(a) Beginning one year after the effective date of this amendatory Act of the 97th General Assembly, no person may engage in the occupation of a closed loop well contractor

unless he or she holds a valid certificate of registration as a closed loop well contractor issued by the Department.

(b) All closed loop well contractors doing business in this State must annually file an application for registration with the Department.

(c) One year after the effective date of this amendatory Act of the 97th General Assembly, all applications filed for registration under this Section must be accompanied by verification of the certification of the applicant by an organization approved by the Department for its appropriateness in determining the knowledge and expertise as a closed loop well contractor, and the applicant must submit proof of certification under Section 9.1 of this Act, unless specifically exempt from certification in subsection (c) of Section 9.1 of this Act.

(d) Certificates of registration issued under this Section shall expire and must be renewed on an annual basis.

(e) The Department shall collect an annual fee for registration of a closed loop well contractor.

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