



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
(630)834-0100 Fax: (630)834-0120

NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED FEBRUARY 2005 ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, FEBRUARY 10, 2005, AT ITS OFFICES LISTED BELOW. THE AGENDA FOR THE RESCHEDULED FEBRUARY 2005 REGULAR COMMITTEE MEETING IS AS FOLLOWS:

AGENDA

**ADMINISTRATION COMMITTEE
THURSDAY, FEBRUARY 10, 2005
7:00 P.M.**

**600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126**

COMMITTEE MEMBERS

L. Hartwig – Chair
D. Zeilenga
E. Chaplin
W. Murphy

- I. Roll Call
- II. Approval of Minutes of January 13, 2005
- III. Pending Legislation
 - a. House Bill 15
 - b. House Bill 62
 - c. House Bill 290
- IV. Fostering Customer Cooperation/Collaboration in Well Maintenance
- V. Structure of Revolving Loan Program (terms discussed by Finance Committee)
- VI. Other
- VII. Adjournment

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DuPAGE WATER COMMISSION
HELD ON JANUARY 13, 2005**

The meeting was called to order at 7:05 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, W. Murphy, D. Zeilenga, and L. Hartwig

Committee members absent: M. Vondra (*ex officio*)

Also in attendance: R. Martin, M. Crowley, and K. Godden

Commissioner Murphy moved to approve the Minutes of the December 9, 2004 Administration Committee meeting. Seconded by Commissioner Zeilenga.

Commissioner Zeilenga questioned whether the General Manager was directed to meet with the managers/administrators of the customer utilities to explore options to ensure the reliability and safety of the customers' back up well water supply before the January Committee meeting or whether the meeting was to occur as and when planned by the General Manager as indicated in the draft minutes. Commissioner Chaplin recollected that the direction to meet with the managers/administrators, as well as the request for follow up investigation indicated in the draft minutes, though discussed by the Committee, was withdrawn due to the IEPA's existing regulatory authority.

Commissioners Murphy and Hartwig believed the draft minutes accurately reflected the direction to meet, the timing for the meeting, and the request for follow up investigations. After the Staff Attorney confirmed that the full Board formally (by motion) directed the General Manager to discuss the matter with the managers/administrators, the General Manager reiterated his plan to discuss the matter at the next Managers Round Table that was being planned to coincide with the Board's discussion of the Five Year Capital Improvement Plan and Annual Management Budget for FY 2005/06.

Following Commissioner Zeilenga's request for more detail to be included in future minutes, the motion to approve the Minutes of the December 9, 2004 Administration Committee meeting, as presented, was unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin then distributed material that she obtained from the IEPA that seemed to contradict the supplemental information collected by the General Manager regarding Downers Grove's testing of wells. Commissioner Chaplin indicated that she was waiting for a response from the IEPA as to the currency of the information she obtained, and the General Manager indicated he would request clarification from Downers Grove.

With respect to the establishment of a methodology for prioritizing requests received from customers for participation in the proposed Revolving Loan Program,

Minutes 1/13/05 Administration Committee Meeting

Commissioner Zeilenga verified that the proposed Revolving Loan Program included a deadline for applications (January 1) and that the prioritization methodology would only come into play if the total dollar amount requested exceeded the amount of funds budgeted for the proposed Revolving Loan Program in any given year.

Commissioner Chaplin questioned the need for the proposed Revolving Loan Program when grants and/or loans were available from the State of Illinois for customer water system extensions into unincorporated areas served by individual wells. Commissioner Chaplin also suggested that, before the Board considers the proposed Revolving Loan Program, the residents in the affected areas be surveyed as to their desire to be connected to a public water supply with the potential for annexation, distributing a report entitled "Changing Course" that was prepared by the Metropolitan Planning Council and which indicated unincorporated areas should remain unincorporated. Commissioner Chaplin concluded her remarks by noting the proposed Revolving Loan Program should not be considered comparable to the Commission's Contaminated Well Water Loan Program because the latter program was developed in response to entirely different circumstances.

Commissioner Hartwig did not agree that the Commission should survey residents in the affected areas before considering the proposed Revolving Loan Program, but did suggest, and the Committee members concurred, that the Committee should limit itself to determining a methodology for prioritizing applications for participation in the proposed Revolving Loan Program without determining whether the proposed Revolving Loan Program should be implemented; the latter determination being more appropriate for discussion by the Board as a whole.

Before proceeding as suggested by Commissioner Hartwig, Commissioner Chaplin reported her understanding that Woodridge would be receiving (perhaps in April) monies from Lockformer and confirmed with Commissioner Murphy that Woodridge would repay the Commission's Contaminated Well Water Loan to the extent of the Lockformer funds received by Woodridge.

With respect to the establishment of a methodology for prioritizing requests received from customers for participation in the proposed Revolving Loan Program, Commissioner Zeilenga indicated his preference for establishing a maximum loan amount based upon a set dollar amount per household to be served to ensure loan recipients are more financially responsible with project costs. Commissioner Zeilenga also indicated the concept of a cap based upon a set dollar amount per household to be served could be combined with staff's recommendation to prioritize loan requests based upon projects that serve the most households for the least cost. Commissioner Zeilenga concluded his remarks by suggesting a third alternative: Eliminating prioritization and, instead, create a subcommittee of Commissioners that would review applications, interview applicants, and make recommendations to the full Board. The Committee concurred with Commissioner Zeilenga's third alternative.

Minutes 1/13/05 Administration Committee Meeting

Commissioner Zeilenga moved to recommend to the full Board that, as suggested by staff, applications should be required to be submitted by a date certain each year in order to be eligible for consideration; and that a subcommittee of Commissioners review all eligible applications received, interview applicants if necessary, and make recommendations to the full Board. Seconded by Commissioner Murphy and approved by a Voice Vote.

A majority voted aye, with Commissioner Chaplin voting nay. Motion carried.

Commissioner Zeilenga moved to adjourn the meeting at 7:35 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Robert Martin

From: bchaplin03@comcast.net
Sent: Thursday, January 20, 2005 7:43 AM
To: Robert Martin
Subject: FWD NEWS ARTICLE: Pollution bill back on state's table

This www.dailyherald.com news story was forwarded to you by

Liz Chaplin
bchaplin03@comcast.net
Bob:
Could you please include this in our Admin packet
for the Feb meeting?
Thank You. Liz

- - - - -
FORWARDED STORY BELOW
- - - - -

Pollution bill back on state's table
By Marni Pyke Daily Herald Staff Writer

Downers Grove student Jana Bendik and Oak Park homeowner Thomas Collis have never met but both have much in common.

Each suffers from cancer they believe was caused from living next to a polluted area.

Each faults the state for failing to notify them about the contamination. Both support a proposed law requiring the government to inform citizens about toxic sites.

"If there was a law in place years ago, myself and others would not have gotten sick," said Bendik, who attends DePaul University.

Tuesday, Illinois Lt. Gov. Pat Quinn and state Rep. John Fritchey announced details of "right to know" legislation designed to notify people living within 2,500 feet of hazardous waste and toxic contaminants.

This is the second time legislators have tried to pass the bill. The initiative came about as a result of numerous cases in towns across Illinois -- including Lisle, Downers Grove and Oak Park -- of people learning too late that their drinking water or soil was contaminated.

Quinn, Fritchey and supporters blasted the Illinois Environmental Protection Agency for tying up the bill.

"We want to put the E and the P back into IEPA," Quinn said.

They also accused the agency of letting information about pollution languish in files while the public was in the dark.

Fritchey, a Chicago Democrat, said there are hundreds of toxic sites around Illinois that the IEPA knew about and hadn't informed the public.

"We don't want a situation where a family sends their child to play in the back yard and they're sending that child to a death sentence," he said.

IEPA officials said they too, have a legislative proposal, which they'll unveil today, aimed at informing and educating people on contamination.

"It is very unfortunate that the lieutenant governor decided to go forward unilaterally knowing full well the IEPA is working with several key stakeholders on much more efficient and comprehensive legislation," agency Director Renee Cipriano said through a spokesperson.

The state's plan would allow for public notification and give the IEPA authority to force suspected polluters to cooperate with investigators and clean up their sites.

"We haven't dragged our heels; we've been working with stakeholders to have something meaningful," agency spokeswoman Anne Rowan said.

Quinn questioned the timing of the IEPA's announcement but said he hoped a good bill would emerge as a result.

"I'm happy to hear they got the good, old-fashioned environmental religion," he said. "I'm optimistic we can get the car out of neutral."

Politics aside, people like Bendik and Collis are anxious for what they see as common sense legislative change.

Collis spent his childhood in Oak Park next to Barrie Park, where a gas manufacturing plant was once located. The site is now undergoing a massive cleanup for dangerous chemicals, such as benzene which have entered the surrounding soil.

Collis recently was operated on to remove a tumor from his chest.

"It's been just terrible," he said.

Bendik, who grew up next to an industrial park where authorities say companies dumped chemicals that ended up in private wells, is frustrated the law didn't pass last year.

"It's so pathetic to me," she said. "Why should we even argue about this issue?"

Pollution: IEPA says it will
unveil its legislation today

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FORWARDED STORY ABOVE
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Bill key: 2005 IL H 290
Version: Introduced
Version date: 01/18/2005
Author: Fritchey



HB 290 INTRODUCED

94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006

Introduced 1/18/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

415 ILCS 5/25d-1 new

415 ILCS 5/25d-2 new

415 ILCS 5/25d-3 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice. Requires the Agency to provide for the notification by newspaper under certain other circumstances related to the release or threat of release of a hazardous substance. Lists the events that require the Agency to give newspaper notification. States the form and content requirements for the newspaper notification. Provides that the Agency is not liable for the accuracy, availability, or use of the information provided by the Agency under this amendatory Act unless the Agency's act or omission constitutes willful and wanton misconduct. Effective immediately. FISCAL NOTE ACT MAY APPLY

A BILL FOR

Illinois 94th General Assembly

AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by adding Section 25d-1, 25d-2, and 25d-3 as follows:

(415 ILCS 5/25d-1 new)

Sec. 25d-1. Notification to households.

(a) Except as provided in Section 25d-2, the Agency shall give notice within 60 days to all households and businesses within 2,500 feet of the area affected by any of the following circumstances:

(1) whenever the Agency first becomes aware of the release or the threat of the release of a hazardous substance for which the Agency may assess removal or remediation costs pursuant to Section 22.2 (f);

(2) whenever the Agency, in processing an application pursuant to Section 58, becomes aware of evidence of the release of a hazardous substance that may directly and foreseeably impact ground water or that may directly and foreseeably present a risk of exposure to humans;

(3) whenever the Agency considers it appropriate to employ a community relations specialist in any capacity with respect to a release or threat of release of a hazardous substance; or

(4) whenever the Agency serves notice on a responsible party under Section 31 as a result of any significant spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of the presence of any waste, special waste, potentially infectious medical waste, pollution control waste, industrial process waste, hazardous waste, hazardous substance, or contaminants, that may constitute an imminent or substantial endangerment to humans.

(b) At a minimum, notice shall be given by direct mail, whether by letter or postcard, and must contain the following information:

(1) the address and physical description of each site;

(2) a brief description of the events specified in subsection (a) of this Section, including, but not limited to:

(A) the presence and type of hazardous substance or chemicals released or threatened to be released;

(B) a brief description of the nature and health risks, or potential health risks, of the hazardous substance or a link to an Agency-controlled website, that is frequently updated and contains descriptions of the chemicals' nature and health risks; and

(C) whether there was any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous substance into or onto the land, water, or air; and

(3) the case number of the enforcement action for which notice under Section 31 has been given.

(415 ILCS 5/25d-2 new)

Sec. 25d-2. Notification by newspaper.

(a) Except for those instances of release or threat of release specified in Section 25d-1, the Agency shall provide notice by newspaper under the standards established in subsection (b) of this Section whenever any of the following events occur:

(1) whenever the Agency first becomes aware of a site undergoing remedial action, as defined by Title XVII of this Act;

(2) whenever the Agency first becomes aware of the existence of the presence of a contaminant or hazardous substance via a notification requirement under any of the following Acts or regulations: (i) pursuant to notification required by the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Sections 9603(a) and 9603(c); (ii) pursuant to actions taken under CERCLA, Section 9604(a);

(iii) any listing pursuant to the National Contingency Plan; or (iv) pursuant to any action for judicial relief undertaken pursuant to the federal Solid Waste Act, 42 U.S.C. Sections 6973 or 6972(a);

(3) whenever the Agency has confirmed, through sound scientific methods, the presence of an environmental contaminant that exceeds the applicable federal or State health and safety standards; or

(4) whenever the Agency is aware of the presence of a leaking underground storage tank.

(b) Notice of the events described in subsection (a) of this Section must be placed on a quarterly basis in a newspaper widely circulated in the areas where the condition described in subsection (a) of this Section occurs for a minimum period of 2 years. The newspaper notice must contain the following information in no less than 11-point font:

(1) a general description of the events leading up to the events described in subsection (a) of this Section:

(A) whether there was any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any of the items listed in item (B) of this paragraph (1) into or onto the land, water, or air; and

(B) the presence of any waste, special waste, potentially infectious medical waste, pollution control waste, industrial process waste, hazardous waste, hazardous substance, or contaminant;

(2) a description of the physical location of each site, including the legal description of the property and the street names bordering each site;

(3) information relating to the nature and health risks of the hazardous substances or the address of an Agency-controlled website where additional information may be gathered about the nature and health risks associated with the pollutants; and

(4) in the circumstance when notice is to be given regarding the presence of a leaking underground storage tank, it is sufficient that the newspaper notice identify the general area where each leaking underground storage tank is located and specifically provide instructions to determine the exact locations of the leaking underground storage tanks through a website or other searchable data base maintained by the Agency.

(415 ILCS 5/25d-3 new)

Sec. 25d-3. Liability. The Agency is not liable for the accuracy, availability, or use, of any information provided under Sections 25d-1 and 25d-2 unless the Agency's act or omission constitutes willful and wanton misconduct.

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

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DuPage Water Commission

MEMORANDUM

TO: Chairman and Commissioners
Treasurer Thorn
General Manager

FROM: Maureen A. Crowley *MAC*
Staff Attorney

DATE: January 19, 2005

SUBJECT: Pending Legislation
House Bill 15

Attached is a copy of House Bill 15 which was introduced by Representative Hannig on January 12, 2005. Representative Hannig is the Assistant Majority Leader and represents the 98th District which includes Montgomery County, parts of Christian, Fayette, Macoupin, Madison and Shelby counties, and the cities of Assumption, Bear Creek, Bunker Hill, Cahokia, Carlinville, Hurricane, Nilwood, Shaws Point, Staunton and Virden.

If adopted, House Bill 15 would authorize the Commission to: (i) pass ordinances and promulgate rules necessary for the management and conduct of its business and to carry out the purposes for which the Commission was formed; (ii) prescribe fines and penalties and seek restitution for violations of its ordinances; (iii) pass all ordinances to hire police officers; (iv) enter into intergovernmental police assistance agreements with counties or municipalities; and (v) enter into intergovernmental agreements with units of local government in order to carry out the purposes for which the Commission was formed.

Though some of the authorizing provisions duplicate powers and authority that the Commission already possesses, the ability to prescribe fines and penalties for ordinance violations and hire a police force would represent an expansion of those existing powers and authority. Also interesting is the proposal to enable the Commission to pass ordinances and promulgate rules for the government and protection of water production and treatment facilities, wells, lakes, and dams, among other things, (presumably) if owned by the Commission.

HB0015



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0015

Introduced 12/3/2004, by Rep. Gary Hannig

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-135-3.5 new

Amends the Illinois Municipal Code. Authorizes certain water commissions to: (i) pass ordinances and promulgate rules necessary for the protection of commission property; (ii) prescribe fines and penalties and seek restitution for violations of its ordinances; (iii) pass all ordinances to hire police officers to protect commission property; (iv) enter into intergovernmental police assistance agreements with counties or municipalities; and (v) enter into intergovernmental agreements with any unit of local government in order to carry out the purposes for which the commission was formed.

LRB094 02378 MKM 32378 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by adding
5 Section 11-135-3.5 as follows:

6 (65 ILCS 5/11-135-3.5 new)

7 Sec. 11-135-3.5. Additional powers. In addition to any
8 other powers set forth in this Division, a water commission
9 organized under this Division has the following powers:

10 (1) The power to pass all ordinances and promulgate
11 rules necessary for the proper management and conduct of
12 the business of the commission and to establish by
13 ordinance all rules necessary to carry out the purposes for
14 which the commission was formed, including the government
15 and protection of water production and treatment
16 facilities, wells, water mains, lines, works, lakes, dams,
17 recreational facilities, and other real and personal
18 property owned by the commission.

19 (2) The power to prescribe fines and penalties for the
20 violation of commission ordinances in an amount not to
21 exceed \$1,000. The commission may seek recovery of the
22 finances and penalties by bringing an action in the name of
23 the commission in the circuit court for the county in which
24 the violation occurred. In addition to seeking the recovery
25 of fines and penalties, the commission may also seek an
26 order requiring the offender to make restitution for any
27 damage resulting from the violation. All fines, penalties,
28 and restitution collected under this Section shall be paid
29 into the treasury of the commission.

30 (3) The power to pass and enforce ordinances to hire
31 police officers. The ordinance shall require all officers
32 hired by the commission to attend and successfully complete

1 a training course administered by the Illinois Law
2 Enforcement Training Standards Board. The ordinance shall
3 also specify that all officers hired by the commission
4 shall have jurisdiction only on property owned by the
5 commission, except as otherwise specified in any
6 intergovernmental police assistance agreement.
7 (4) The power to enter into intergovernmental police
8 assistance agreements with any municipality or county.
9 (5) The power to enter into intergovernmental
10 agreements with any unit of local government in order to
11 carry out the purposes for which the commission was formed.

94TH GENERAL ASSEMBLY**State of Illinois****2005 and 2006****HB0062**

Introduced 1/6/2005, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:**New Act**

Creates the Local Government Consolidation Commission Act. Creates a 15 member commission on local government consisting of 5 Senators, 5 Representatives, and 5 citizens chosen by the Governor. Directs the Commission to study the organization and function of local governments within the State and to make recommendations to reduce the number of local governments and to increase their efficiency and economy. Requires the Commission to report its findings to the General Assembly by December 31, 2006. Effective immediately.

LRB094 02572 MKM 32573 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT creating a commission to study the problems and
2 organic laws pertaining to local government.

3 WHEREAS, Many of the local governmental units in the State
4 of Illinois were established under provisions of the Illinois
5 Constitution of 1870; and

6 WHEREAS, There have been rapid changes in the population of
7 Illinois in numbers, in concentration, and in movement, as well
8 as vast economic, social, and technological changes, that
9 strain the ability of Illinois local governments adequately to
10 furnish necessary services; and

11 WHEREAS, Illinois local governments were conceived to
12 serve a rural society; in areas not experiencing the impact of
13 modern changes, they may be adequate, but in areas of great
14 change, notably the urban areas, they are not sufficiently
15 flexible, do not have adequate powers and financing, and are
16 not responsive to present-day needs in transportation, health,
17 water supply, water pollution, air pollution, recreation,
18 disposal of sewage, and disposal of refuse; and

19 WHEREAS, The inadequacies in Illinois local governments
20 have resulted in the creation of numerous functional local
21 governments all competing for financial and jurisdictional
22 support from the same area; therefore,

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

25 Section 1. Short title. This Act may be cited as the Local
26 Government Consolidation Commission Act.

27 Section 5. Commission; creation; members. There is created
28 a Commission on Local Government, to consist of 15 members, 3
29 to be members of the Senate appointed by the President of the
30 Senate, 2 to be members of the Senate appointed by the Senate
31 Minority Leader, 3 to be members of the House of
32 Representatives appointed by the Speaker of the House, 2 to be

1 members of the House of Representatives appointed by the House
2 Minority Leader, and 5 to be citizens of the State appointed by
3 the Governor. Of the members appointed by the Governor, not
4 more than 3 shall be affiliated with the same political party.

5 Section 10. Study; recommendations. The Commission shall
6 make a survey of the entire structure of local governments and
7 of their organization, powers, jurisdiction, functions. Among
8 other things, and without limiting its activities, the
9 Commission shall:

10 (1) Study all laws governing the organization, powers,
11 jurisdiction, functions of local governments.

12 (2) Study the inter-relationships of local governments to
13 each other and to federal and State governments.

14 (3) Formulate specific recommendations for legislation or
15 constitutional amendments to (i) permit effective management
16 of local affairs, (ii) encourage local policy decision making,
17 (iii) reduce the multiplicity of local governments, (iv)
18 eliminate overlapping and duplicating of unnecessary powers,
19 (v) increase efficiency and economy in local governments, and
20 (vi) allow optional forms of local governments and increase
21 their authority for cooperation among the levels of government.

22 Section 15. Meetings; officers. The members of the
23 Commission shall meet and the Commission shall be organized
24 within 90 days after the effective date of this Act, and shall
25 at that time elect a chair from among the members. The
26 Commission may adopt its own rules of procedure. The Commission
27 may employ or use the services of specialists in public
28 administration and governmental management and any other
29 trained consultants, analysts, investigators, and assistants
30 it may consider necessary, on either a full-time or a part-time
31 basis. The Commission shall fix the compensation for any paid
32 employees, which shall be paid from moneys appropriated for
33 that purpose.

1 Section 20. Compensation; expenses. The members of the
2 Commission shall serve without compensation, but their actual
3 traveling and other expenses while engaged in performance of
4 the duties of the commission shall be paid from moneys
5 appropriated for that purpose.

6 Section 25. Report. The Commission shall render its final
7 report to the General Assembly not later than December 31,
8 2006, setting out its findings and recommendations and
9 proposing those measures it considers necessary to effect
10 essential changes and improvements in the existing laws
11 relating to any or all of the matters enumerated in Section 10
12 of this Act.

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

94TH GENERAL ASSEMBLY**State of Illinois****2005 and 2006****HB0290**

Introduced 1/18/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

415 ILCS 5/25d-1 new
415 ILCS 5/25d-2 new
415 ILCS 5/25d-3 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice. Requires the Agency to provide for the notification by newspaper under certain other circumstances related to the release or threat of release of a hazardous substance. Lists the events that require the Agency to give newspaper notification. States the form and content requirements for the newspaper notification. Provides that the Agency is not liable for the accuracy, availability, or use of the information provided by the Agency under this amendatory Act unless the Agency's act or omission constitutes willful and wanton misconduct. Effective immediately.

LRB094 06430 RSP 36518 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

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 by
5 adding Section 25d-1, 25d-2, and 25d-3 as follows:

6 (415 ILCS 5/25d-1 new)

7 Sec. 25d-1. Notification to households.

8 (a) Except as provided in Section 25d-2, the Agency shall
9 give notice within 60 days to all households and businesses
10 within 2,500 feet of the area affected by any of the following
11 circumstances:

12 (1) whenever the Agency first becomes aware of the
13 release or the threat of the release of a hazardous
14 substance for which the Agency may assess removal or
15 remediation costs pursuant to Section 22.2 (f);

16 (2) whenever the Agency, in processing an application
17 pursuant to Section 58, becomes aware of evidence of the
18 release of a hazardous substance that may directly and
19 foreseeably impact ground water or that may directly and
20 foreseeably present a risk of exposure to humans;

21 (3) whenever the Agency considers it appropriate to
22 employ a community relations specialist in any capacity
23 with respect to a release or threat of release of a
24 hazardous substance; or

25 (4) whenever the Agency serves notice on a responsible
26 party under Section 31 as a result of any significant
27 spilling, leaking, pumping, pouring, emitting, emptying,
28 discharging, injecting, escaping, leaching, dumping, or
29 disposing into the environment of the presence of any
30 waste, special waste, potentially infectious medical
31 waste, pollution control waste, industrial process waste,
32 hazardous waste, hazardous substance, or contaminants,

1 that may constitute an imminent or substantial
2 endangerment to humans.

3 (b) At a minimum, notice shall be given by direct mail,
4 whether by letter or postcard, and must contain the following
5 information:

6 (1) the address and physical description of each site;

7 (2) a brief description of the events specified in
8 subsection (a) of this Section, including, but not limited
9 to:

10 (A) the presence and type of hazardous substance or
11 chemicals released or threatened to be released;

12 (B) a brief description of the nature and health
13 risks, or potential health risks, of the hazardous
14 substance or a link to an Agency-controlled website,
15 that is frequently updated and contains descriptions
16 of the chemicals' nature and health risks; and

17 (C) whether there was any spilling, leaking,
18 pumping, pouring, emitting, emptying, discharging,
19 injecting, escaping, leaching, dumping, or disposing
20 of any hazardous substance into or onto the land,
21 water, or air; and

22 (3) the case number of the enforcement action for which
23 notice under Section 31 has been given.

24 (415 ILCS 5/25d-2 new)

25 Sec. 25d-2. Notification by newspaper.

26 (a) Except for those instances of release or threat of
27 release specified in Section 25d-1, the Agency shall provide
28 notice by newspaper under the standards established in
29 subsection (b) of this Section whenever any of the following
30 events occur:

31 (1) whenever the Agency first becomes aware of a site
32 undergoing remedial action, as defined by Title XVII of
33 this Act;

34 (2) whenever the Agency first becomes aware of the
35 existence of the presence of a contaminant or hazardous

1 substance via a notification requirement under any of the
2 following Acts or regulations: (i) pursuant to
3 notification required by the federal Comprehensive
4 Environmental Response Compensation and Liability Act
5 (CERCLA), 42 U.S.C. Sections 9603(a) and 9603(c); (ii)
6 pursuant to actions taken under CERCLA, Section 9604(a);
7 (iii) any listing pursuant to the National Contingency
8 Plan; or (iv) pursuant to any action for judicial relief
9 undertaken pursuant to the federal Solid Waste Act, 42
10 U.S.C. Sections 6973 or 6972(a);

11 (3) whenever the Agency has confirmed, through sound
12 scientific methods, the presence of an environmental
13 contaminant that exceeds the applicable federal or State
14 health and safety standards; or

15 (4) whenever the Agency is aware of the presence of a
16 leaking underground storage tank.

17 (b) Notice of the events described in subsection (a) of
18 this Section must be placed on a quarterly basis in a newspaper
19 widely circulated in the areas where the condition described in
20 subsection (a) of this Section occurs for a minimum period of 2
21 years. The newspaper notice must contain the following
22 information in no less than 11-point font:

23 (1) a general description of the events leading up to
24 the events described in subsection (a) of this Section:

25 (A) whether there was any spilling, leaking,
26 pumping, pouring, emitting, emptying, discharging,
27 injecting, escaping, leaching, dumping, or disposing
28 of any of the items listed in item (B) of this
29 paragraph (1) into or onto the land, water, or air; and

30 (B) the presence of any waste, special waste,
31 potentially infectious medical waste, pollution
32 control waste, industrial process waste, hazardous
33 waste, hazardous substance, or contaminant;

34 (2) a description of the physical location of each
35 site, including the legal description of the property and
36 the street names bordering each site;

1 (3) information relating to the nature and health risks
2 of the hazardous substances or the address of an
3 Agency-controlled website where additional information may
4 be gathered about the nature and health risks associated
5 with the pollutants; and

6 (4) in the circumstance when notice is to be given
7 regarding the presence of a leaking underground storage
8 tank, it is sufficient that the newspaper notice identify
9 the general area where each leaking underground storage
10 tank is located and specifically provide instructions to
11 determine the exact locations of the leaking underground
12 storage tanks through a website or other searchable data
13 base maintained by the Agency.

14 (415 ILCS 5/25d-3 new)

15 Sec. 25d-3. Liability. The Agency is not liable for the
16 accuracy, availability, or use, of any information provided
17 under Sections 25d-1 and 25d-2 unless the Agency's act or
18 omission constitutes willful and wanton misconduct.

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



DuPage Water Commission

MEMORANDUM

TO: Administration Committee

FROM: Robert L. Martin, P.E.
General Manager

A handwritten signature in black ink, appearing to read 'R. Martin', is written over the printed name and title.

DATE: February 2, 2005

SUBJECT: Well Sampling

Attached is a letter from Mr. Riccardo Ginex, Downers Grove Village Manager, in response to my letter of January 19, 2005 (copy attached).



www.downers.us

February 1, 2005

Governor's Hometown Award

2003 WINNER

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

**FIRE DEPARTMENT
ADMINISTRATION**

6701 Main Street
Downers Grove
Illinois 60516-3426
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**
5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

Mr. Robert L. Martin, General Manager
DuPage Water Commission
600 E. Butterfield Road
Elmhurst, Illinois 60126-4642

Re: Well Sampling

Dear Mr. Martin:

I wanted to follow up on your letter regarding well sampling and VOC testing of our wells. I asked the Village's Water Manager, David Bird, to look into the issue. Mr. Bird contacted Mr. Michael Crumb from Illinois Environmental Protection Agency regarding this issue.

As you know, the Village began receiving Lake Michigan Water as of October of 1993. At this time, the municipal wells became emergency back up wells. Mr. Crumb confirmed that the Village was no longer required to take VOC samples at any of the well locations when the switch over occurred. The Village of Downers Grove was never in any violation of not taking the samples after 1993. We were not required to do so anymore due to the fact that we were receiving surface water.

It is my understanding that the Illinois Environmental Protection Agency has just sent out new sampling requirements that require all wells to be sampled. This sampling not only includes testing for VOC's and SOC's but for Radium and Nitrates. The sampling period is from January through March 31, 2005. The Village is on reduced monitoring and will have to take these samples every three years.

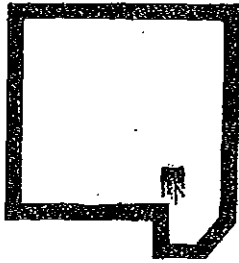
I hope I have been able to clear up any questions. If not, please let me know.

Sincerely,

VILLAGE OF DOWNERS GROVE

Riccardo F. Ginex
Village Manager

RFG:ab



DU PAGE WATER COMMISSION

600 E. BUTTERFIELD ROAD ELMHURST, IL 60126-4642
(630) 834-0100 FAX: (630) 834-0120

January 19, 2005

Mr. Riccardo Ginex
Village Manager
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515-4776

Subject: Administration Committee
Well Maintenance

Dear Mr. Ginex:

As I have previously indicated to you, the Commission promotes to its customer utilities that wells to be used for emergency purposes be maintained and tested in accordance with IEPA requirements. At the Commission's Administration Committee meeting on January 13, 2005, Commissioner Elizabeth Chaplin informed the Committee that she made a Freedom of Information request of the Illinois EPA - Bureau of Water for well water test samples from Downers Grove wells. Enclosed is a copy of the information she received which indicates the most recent test sample results were from 1993. Have the Downers Grove wells been tested for Volatile Organic Contaminants after 1993?

Very truly yours,

Robert L. Martin, P.E.
General Manager

C: Chairman Vondra and Commissioners w/o enclosures

Robert Martin

From: bchaplin03@comcast.net
Sent: Thursday, January 20, 2005 1:45 PM
To: Robert Martin
Subject: FW: Re: FW: FOIA 2004-2908 Downers Grove

Bob:

Could you also included this in the February Administration Packet.

Thank you.

Liz

----- Forwarded Message: -----
From: "Jeri Long" <Jeri.Long@epa.state.il.us>
To: <bchaplin03@comcast.net>, "Janet Christer" <Janet.Christer@epa.state.il.us>
Subject: Re: FW: FOIA 2004-2908 Downers Grove
Date: Wed, 19 Jan 2005 21:09:34 +0000

Ms. Chapin:

Beginning 07/01/04 Active Emergency wells are required to be sampled once every three years (for nitrate, nitrite, IOC, Rads, SOC, VOC). Downers Grove is scheduled to collect samples at those wells in 2005.

Jeri Long
Illinois Environmental Protection Agency
Manager, Chemical Monitoring Subunit
Drinking Water Compliance Unit
T (217) 782-1838
F (217) 557-1407
jeri.long@epa.state.il.us

>>> <bchaplin03@comcast.net> Friday, January 07, 2005 12:20:15 PM >>>
>
Janet,

Thank you for sending the information I requested. I was wondering if you had more current dates? Has the testing of these wells ceased?

Thank you again for your assistance.

Sincerely,

Liz Chaplin
630-810-9588
bchaplin03@comcast.net

> Attached is a list of the raw and/or finished well data for the
Downers
> Grove public water supply. If you have any questions, please call or
> email.
>
> >>> <bchaplin03@comcast.net> 12/29/04 11:10 AM >>>
> Dear Janet:
>
> I am providing Downers Grove Water System Number and well numbers
> for your convenience.
>

> Downers Grove System Number is IL 0430300.
>
> Well Numbers 9 (20710), 10 (20711), 12 (20713), 13 (20714) and 14
> (20715).
>
> Thank you in advance for your assistance in this matter.
>
> Sincerely,
>
> Liz Chaplin
>
>
> ----- Forwarded Message: -----
> From: bchaplin03@comcast.net
> To: bchaplin03@comcast.net
> Subject: FW: FOIA
> Date: Wed, 29 Dec 2004 17:06:22 +0000
>
>
>
> ----- Forwarded Message: -----
> From: bchaplin03@comcast.net
> To: janet.christer@epa.state.il.us
> Subject: FOIA
> Date: Wed, 29 Dec 2004 16:33:10 +0000
>
> Dear Janet,
>
> According to the IEPA website Downers Grove is shown as having
> five Active Emergency Wells.
>
> Under the Freedom of Information Act I am requesting finished and
> raw water test samples from these wells. I am NOT interested in
the
> location
> of these wells. I am only looking to inquire on the finished and
raw
> water
> quality.
>
>
> If you should have any questions, please do not hesitate to contact
> me.
>
> Sincerely,
>
> Liz Chaplin
> 630-810-9588
> bchaplin03@comcast.net