

PUBLIC ACT HISTORY

Passed in the General Assembly June 28, 1980.

Approved August 25, 1980.

Effective August 25, 1980.

PUBLIC ACT 81-1411.

CANALS AND WATERWAYS IMPROVEMENTS.

LAKE MICHIGAN — CAUSEWAY, HARBOR OR MOORING FACILITIES
PERMITS.

(House Bill No. 3433. Approved August 26, 1980.)

PUBLIC ACT TEXT

AN ACT in relation to the public waters of the State.

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

ARTICLE I

Section 1. Section 18c of "An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", approved June 10, 1911, as amended, is amended to read as follows:

(Ch. 19, par. 65c)

Sec. 18c. The Department of Transportation, may also, upon the issuance of a permit under the provisions of Section 18 of this Act, enter into an agreement with any person, firm, or corporation ~~to whom such permit is issued~~, by the terms of which agreement such person, firm, or corporation, may build or place in, upon or below the bed of that portion of Chicago Harbor in Lake Michigan lying South of the Chicago River Entrance, West of the U. S. Inner Breakwater, North of East 11th Place extended and East of the Harbor Line established by the Secretary of War in Lake Michigan, May 3, 1940, *or lying North of Navy Pier, South of the Chicago Central Water Filtration Plant, East of a line running north through the inner west end of Navy Pier, and West of a line running North through the outer or east end of Navy Pier*, any causeway, harbor or mooring facilities for watercraft, and agrees to pay a rental, charges or fee to the State of Illinois for the use and occupation of any State owned lands which may be authorized to be utilized for such purposes; the rental, charge or fee shall be determined by said Department. No such agreement permitting any

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causeway, harbor or mooring facilities for watercraft in, upon or below the bed of said portion of Chicago Harbor in Lake Michigan shall be made, which by its terms, permits the use and occupation of State owned lands for a period of over 20 years, nor shall such agreement be entered into unless provision therein is made that such agreement shall be revocable at the will of said Department to permit use thereof by the State of Illinois for any public purpose.

Section 2. Article I of this amendatory Act of 1980 shall take effect upon becoming law.

ARTICLE II

Section 1. Sections 2, 3, 5 and 6 of "An Act in relation to the regulation and maintenance of the levels in Lake Michigan and to the diversion and apportionment of water from the Lake Michigan watershed", approved June 18, 1929, as amended, are amended, and Section 1.1 is added thereto, the added and amended Sections to read as follows:

(Ch. 19, new par. 119.1)

Sec. 1.1. Definitions. "Department" is the Illinois Department of Transportation.

"Domestic purposes" includes all public water supply pumpage and water supplied to commercial and industrial establishments.

"New users" refers to any regional organization, municipality, political subdivision, agency, instrumentality, organization, association, or individual that did not have an allocation of Lake Michigan water from the Department on July 1, 1980.

"Discretionary dilution for water quality purposes" is Lake Michigan water directly diverted into the Sanitary and Ship Canal for the purpose of water quality, and does not include Lake Michigan water directly diverted for other purposes such as lockage, leakage of lakefront controlling structures, or navigational make-up water.

(Ch. 19, par. 120)

Sec. 2. In the execution of the powers herein granted and the duties vested in the Department of Transportation, *the Department shall make all necessary surveys, collect all necessary data and cooperate and enter into agreements with any and all agencies of the United States, other States, municipal corporations of this and other States, regional organizations, public or private corporations, associations and individuals for the formulation of plans and construction of all projects for the regulation and maintenance of the levels of Lake Michigan and for the extraction and utilization of waters taken from Lake Michigan and other resources located in the counties of Cook, DuPage, Kane, Lake, McHenry and Will.*

(Ch. 19, par. 120.1)

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Sec. 3. The Department of ~~Transportation~~ on behalf of the State of Illinois shall devise and develop a continuing program for the apportionment of water to be diverted from Lake Michigan among regional organizations, municipalities, political subdivisions, agencies or instrumentalities for domestic ~~purposes use~~ or for direct diversion into the Sanitary and Ship Canal to maintain such canal in a reasonably satisfactory sanitary condition; provided, however, that *in developing the continuing program and in making allocations, the amount used for discretionary dilution for water quality purposes in the Sanitary and Ship Canal shall not exceed an annual average of 320 cubic feet per second and the Department shall not allocate less than 320 cubic feet per second for discretionary dilution before October 1, 2000, without conducting a hearing initiated after notification from the Illinois Environmental Protection Agency of the completion or improvement of waste water treatment facilities or change in standards that affect water quality. In addition to the other requirements of this Act, the Department shall give priority to allocations for domestic purposes in making allocations to new users of Lake Michigan water, and shall to the extent practicable make any allocations to new users of Lake Michigan water with the goal of reducing withdrawals from the Cambrian-Ordovician aquifer. The Department shall also follow these provisions in developing its continuing program. The Lake Michigan water so diverted, whether by way of pumpage for domestic purposes* ~~pumpage~~ from the lake the sewage effluent derived from which reaches The Illinois Waterway, or by way of storm runoff from the Lake Michigan watershed which is diverted into the Sanitary and Ship Canal, or by way of direct diversion from the lake into the canal, shall not exceed a ~~40~~ five year running average of 3,200 cubic feet per second and shall not exceed 3,680 cubic feet per second ~~110%~~ of the permitted amount in any annual accounting period except that in any two annual accounting periods within a 40 year period the average annual diversion may not exceed 3,840 cubic feet per second as a result of extreme hydrologic conditions. "Domestic pumpage" as used herein includes water supplied to commercial and industrial establishments and "domestic use" includes use by such establishments. The program developed by said Department shall be published with the rules and regulations covering diversion and utilization of waters taken from Lake Michigan. The program, which shall be published, shall be developed in cooperation with local governmental agencies and other interests; in the development of the program and; rules and regulations the Department is authorized to hold public hearings to gather information related thereto.

(Ch. 19, par. 120.3)

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Sec. 5. Regional organizations, municipalities, political subdivisions, agencies or instrumentalities, and any other organization, association or individual desiring to use water from Lake Michigan and subject to allocation under this Act shall make application to the Department of ~~Transportation~~ on forms provided by such agency which shall include a statement or finding relative to other sources of water or lack thereof within the area, the need for such allocation or apportionment of Lake Michigan water, the purpose or use to be made of the water so allocated, the point of diversion and the location of discharge after use, together with the route such discharge will follow to reach an identifiable; main drain or stream, and whether such water will in any manner be treated or otherwise altered or changed prior to discharge and release from control by the applicant.

The Department in determining each allocation of water under this Act shall consider the water requirements of the Northeastern Illinois Metropolitan Region (specifically the counties of Cook, DuPage, Kane, Lake, McHenry and Will); the Department shall be guided by population, business and economic projections and requirements. The Department shall require that all feasible means reasonably available to the State and its municipalities, political subdivisions, agencies and instrumentalities *shall be have been* employed to conserve and manage the water resources of the region and the use of water therein in accordance with the best modern scientific knowledge and engineering practice.

(Ch. 19, par. 120.4)

Sec. 6. Allocation of water to be diverted from the Lake Michigan watershed shall be made by the Department of ~~Transportation~~ only after notice and hearing. Conflicting claims relative to the application for allocation shall be made a matter of record at such hearing together with reconciliation by the Department. No allocation shall be in force or take effect until issuance and entry of an order by the Department. Notice of any hearing to be held by the *Department Office of Waterways* shall be by publication not less than twice in a newspaper of general circulation in the immediate as well as the remote area which may be affected by such diversion; such publications shall be no longer than one week apart and the hearing shall be held within ten days following date of last publication. In addition, actual notice shall be given to the counties of Cook, DuPage, Kane, Lake, McHenry and Will, and to the City of Chicago, and to the Metropolitan Sanitary District of Greater Chicago.

Section 2. Article II of this amendatory Act of 1980 shall become effective on the effective date of the amended Decree of the U.S. Supreme Court in Wisconsin v. Illinois Nos. 1, 2 & 3 Original Docket, 1966 Term, that authorizes the 40 year accounting

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period set forth in Section 3 of "An Act in relation to the regulation and maintenance of the levels in Lake Michigan and to the diversion and apportionment of water from the Lake Michigan watershed", approved June 18, 1929, as amended by this Amendatory Act of 1980.

Section 3. In the event that Article II of this amendatory Act of 1980 does not become effective in accordance with Section 2 thereof before January 1, 1982, Article II of this amendatory Act of 1980 is repealed on January 1, 1982.

PUBLIC ACT HISTORY

Passed in the General Assembly June 28, 1980.

Approved August 26, 1980.

Effective: Article I, August 26, 1980.

Article II, according to Sec. 2 & 3 of Article II. (Decree entered December 1, 1980 effective October 1, 1980.)

PUBLIC ACT 81-1412.

DRAM SHOPS.

ALCOHOLIC LIQUOR — PERMITS SALE ON LAND OWNED BY CHICAGO
PARK DISTRICT.

(House Bill No. 1800. Approved August 24, 1980.)

PUBLIC ACT TEXT

AN ACT to amend Section 11 of Article VI of "An Act relating to alcoholic liquors", approved January 31, 1934, as amended.

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

Section 1. Section 11 of Article VI of "An Act relating to alcoholic liquors", approved January 31, 1934, as amended, is amended to read as follows:

(Ch. 43, par. 130)

Sec. 11. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 40,000 inhabitants, or in the recreational centers of any park district if there is no municipality within the boundaries of such park district, or, in connection with the

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