

# History of P.A. 096-0026: “The Green Infrastructure for Clean Water Act”

**Feb. 2009: SB 1489 filed by Senator Iris  
Martinez**

**As introduced, the bill required IEPA to  
adopt comprehensive stormwater  
management rules by 2012, with the  
following elements:**

# History of P.A. 096-0026

## **(a) Performance standards for private and public land-disturbing activities that preserve**

- **minimum water quality standards**
- **maximum detention release rates and**
- **the pre-development groundwater recharge and infiltration rates on site.**

# History of P.A. 096-0026:

- (b) A preference for green infrastructure best management practices, strategies, and techniques to comply with the performance standards.**

## History of P.A. 096-0026:

- (c) A requirement to demonstrate, post-development, that the storm water management practices implemented comply with the performance standards, and that post-development peak discharge rates do not exceed pre-development peak discharge rates.**

# History of P.A. 096-0026 (cont)

**As introduced, the bill also required IEPA to**

- **Implement storm water permit fee program**
- **Establish statewide standard for storm water management programs, similar to Illinois “Renewable Energy Portfolio Standard”, to transition all such programs toward use of green infrastructure as the predominant strategy**

# History of P.A. 096-0026 (cont)

...and to

- **Review its rules on distributions from the Water Revolving Fund and establish new criteria prioritizing the use of green infrastructure in all projects involving storm water management and water efficiency**

# History of P.A. 096-0026 (cont)

## Interested Parties:

1. Organizations concerned about impact on operations (Aggregate Producers, Truckers, Home Builders)
2. Drainage Districts, MWRD – concerned about integration with their rules
3. IEPA – concerned about current state of knowledge of green infrastructure

# Language of the Act

**March 25, 2009: As agreed to by the parties, an amendment was filed by Senator Martinez which required a study instead of a regulation**

**Requires IEPA to “submit to the General Assembly and the Governor a report that reviews the latest available scientific ...knowledge to evaluate and document the following:**



# Language of the Act

- “(a) The nature and extent of urban storm water impacts on water quality in watersheds in Illinois;
- “(b) Potential urban storm water management performance standards to address flooding, water pollution, stream erosion, habitat quality, and the effectiveness of green infrastructure practices to achieve such standards;

# Language of the Act

**“(c) The prevalence of green infrastructure use in Illinois;**

**“(d) The costs and benefits of green versus grey infrastructure;**

# Language of the Act

**“(e) Existing and potential new urban storm water management regulatory programs and methods and feasibility of integrating a State program with existing and potential regional and local programs in Illinois;**

# Language of the Act

**“(f) Findings and recommendations for adopting an urban storm water management regulatory program in Illinois which includes performance standards and encourages the use of green infrastructure to achieve those standards; and**

# Language of the Act

**“(g) The feasibility and consequences of devoting 20% of the Water Revolving Fund to green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities on a long-term basis.”**

# Final Passage of the Act

- **April 2, 2009: SB 1489, as amended, passed Senate Floor (58-0)**
- **May 14, 2009: SB 1489 passed House Floor (114-0)**
- **June 30, 2009: SB 1489 signed by Gov. Quinn into law, becoming P.A. 096-0026**

# IEPA Study

## Green Infrastructure Portfolio Standard

- Not mentioned in Act, but is included in IEPA's work plan
- Federal Bill H.R. 4202 ("The Green Infrastructure for Clean Water Act"): contains a provision for funding and other assistance for jurisdictions that establish a green infrastructure portfolio standard.

Take it away, Marty!