

HB3318



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3318

by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

415 ILCS 5/57.11

Amends the Environmental Protection Act. Provides that the Underground Storage Tank Fund is not subject to sweeps, administrative charges, or charge-backs when any owner or operator is awaiting payment from the Fund. Effective immediately.

LRB098 08256 JDS 38356 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing Section 57.11 as follows:

6 (415 ILCS 5/57.11)

7 Sec. 57.11. Underground Storage Tank Fund; creation.

8 (a) There is hereby created in the State Treasury a special
9 fund to be known as the Underground Storage Tank Fund. There
10 shall be deposited into the Underground Storage Tank Fund all
11 monies received by the Office of the State Fire Marshal as fees
12 for underground storage tanks under Sections 4 and 5 of the
13 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax
14 Law. All amounts held in the Underground Storage Tank Fund
15 shall be invested at interest by the State Treasurer. All
16 income earned from the investments shall be deposited into the
17 Underground Storage Tank Fund no less frequently than
18 quarterly. Moneys in the Underground Storage Tank Fund,
19 pursuant to appropriation, may be used by the Agency and the
20 Office of the State Fire Marshal for the following purposes:

21 (1) To take action authorized under Section 57.12 to
22 recover costs under Section 57.12.

23 (2) To assist in the reduction and mitigation of damage

1 caused by leaks from underground storage tanks, including
2 but not limited to, providing alternative water supplies to
3 persons whose drinking water has become contaminated as a
4 result of those leaks.

5 (3) To be used as a matching amount towards federal
6 assistance relative to the release of petroleum from
7 underground storage tanks.

8 (4) For the costs of administering activities of the
9 Agency and the Office of the State Fire Marshal relative to
10 the Underground Storage Tank Fund.

11 (5) For payment of costs of corrective action incurred
12 by and indemnification to operators of underground storage
13 tanks as provided in this Title.

14 (6) For a total of 2 demonstration projects in amounts
15 in excess of a \$10,000 deductible charge designed to assess
16 the viability of corrective action projects at sites which
17 have experienced contamination from petroleum releases.
18 Such demonstration projects shall be conducted in
19 accordance with the provision of this Title.

20 (7) Subject to appropriation, moneys in the
21 Underground Storage Tank Fund may also be used by the
22 Department of Revenue for the costs of administering its
23 activities relative to the Fund and for refunds provided
24 for in Section 13a.8 of the Motor Fuel Tax Act.

25 (b) Moneys in the Underground Storage Tank Fund may,
26 pursuant to appropriation, be used by the Office of the State

1 Fire Marshal or the Agency to take whatever emergency action is
2 necessary or appropriate to assure that the public health or
3 safety is not threatened whenever there is a release or
4 substantial threat of a release of petroleum from an
5 underground storage tank and for the costs of administering its
6 activities relative to the Underground Storage Tank Fund.

7 (c) Beginning July 1, 1993, the Governor shall certify to
8 the State Comptroller and State Treasurer the monthly amount
9 necessary to pay debt service on State obligations issued
10 pursuant to Section 6 of the General Obligation Bond Act. On
11 the last day of each month, the Comptroller shall order
12 transferred and the Treasurer shall transfer from the
13 Underground Storage Tank Fund to the General Obligation Bond
14 Retirement and Interest Fund the amount certified by the
15 Governor, plus any cumulative deficiency in those transfers for
16 prior months.

17 (d) Except as provided in subsection (c) of this Section,
18 the Underground Storage Tank Fund is not subject to sweeps,
19 administrative charges, or charge-backs, including, but not
20 limited to, those authorized under Section 8h of the State
21 Finance Act, or any other fiscal or budgetary maneuver that
22 would in any way transfer any funds from the Underground
23 Storage Tank Fund into any other fund of the State when any
24 owner or operator is awaiting payment from the Fund.

25 (e) Each fiscal year, subject to appropriation, the Agency
26 may commit up to \$10,000,000 of the moneys in the Underground

1 Storage Tank Fund to the payment of corrective action costs for
2 legacy sites that meet one or more of the following criteria as
3 a result of the underground storage tank release: (i) the
4 presence of free product, (ii) contamination within a regulated
5 recharge area, a wellhead protection area, or the setback zone
6 of a potable water supply well, (iii) contamination extending
7 beyond the boundaries of the site where the release occurred,
8 or (iv) such other criteria as may be adopted in Agency rules.

9 (1) Fund moneys committed under this subsection (e)
10 shall be held in the Fund for payment of the corrective
11 action costs for which the moneys were committed.

12 (2) The Agency may adopt rules governing the commitment
13 of Fund moneys under this subsection (e).

14 (3) This subsection (e) does not limit the use of Fund
15 moneys at legacy sites as otherwise provided under this
16 Title.

17 (4) For the purposes of this subsection (e), the term
18 "legacy site" means a site for which (i) an underground
19 storage tank release was reported prior to January 1, 2005,
20 (ii) the owner or operator has been determined eligible to
21 receive payment from the Fund for corrective action costs,
22 and (iii) the Agency did not receive any applications for
23 payment prior to January 1, 2010.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-908, eff. 6-8-10.)

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