**Section 750.105 Definitions**

Terms not defined in this section have the meaning given by the Act and Board regulations unless otherwise defined by CERCLA.

 "ACT" means the Environmental Protection Act. (Ill. Rev. Stat. 1983 ch. 111½, par. 1022.)

 "BOARD" means the Illinois Pollution Control Board.

 "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.).

 "Claim" means a demand in writing for a sum certain.

 "Claimant" means any person who presents a claim for compensation under Section 22.2 of the Act.

 "Director" means the Director of the Illinois Environmental Protection Agency.

 "Drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act of 1974, as amended (42 U.S.C. 300 et seq.), or as drinking water by one or more individuals.

 "Environment" means any surface water, ground water, drinking supply, land surface and subsurface strata, or ambient air within the State or under the jurisdiction of the State.

 "Facility" means:

 Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or

 Any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

 "Federally permitted release" means:

 Discharges in compliance with a permit under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.);

 Discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) and subject to a condition of such permit;

 Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), which are caused by events occurring within the scope of relevant operating or treatment systems;

 Discharges in compliance with a legally enforceable permit under Section 404 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.);

 Releases in compliance with a legally enforceable final permit issued pursuant to Section 3005 (a) through (d) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases;

 Any release in compliance with a legally enforceable permit issued under Section 102 or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1445 et seq.);

 Any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of EPA) pursuant to part C of the Safe Drinking Water Act, as amended (42 U.S.C. 300 et seq.);

 Any emission into the air subject to a permit or control regulation under Section 111, Section 112, Title 1 Part C or Title 1 Part D of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) or State implementation plans submitted in accordance with Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) (and not disapproved by the Administrator of EPA), including any schedule or waiver granted, promulgated, or approved under these sections;

 Any injection of fluids or other materials authorized under applicable State law:

 For the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water;

 For the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas; or

 Which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected.

 The introduction of any pollutant into a publicly-owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of Section 307 (b) or (c) of the Clean Water Act, as amended (33 U.S.C. 466 et seq.) and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under Section 402 of such Act; and

 Any release of source, special nuclear, or by-product material, as those terms are defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), in compliance with a legally enforceable license, permit, regulation, or order issue pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

 "Fund" means the Hazardous Waste Fund established by Section 22.2 of the Act.

 "Groundwater" means water in a saturated zone or stratum beneath the surface of land or water.

 "Hazardous substance" means:

 Any substance designated pursuant to Section 311(b) (2)(A) of the Clean Water Act, as amended (33 U.S.C. 466 et seq.);

 Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA, as amended (42 U.S.C. 9601 et seq.);

 Any hazardous waste;

 Any toxic pollutant listed under Section 307(a) of the Clean Water Act, as amended (33 U.S.C. 466 et seq.);

 Any hazardous air pollutant listed under Section 112 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and

 Any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act, as amended (15 U.S.C. 2601 et seq.). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under this definition and the term does not include natural gas, natural gas liquids, liquified natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

 "IDL" means the Illinois Department of Labor.

 "IDNS" means the Illinois Department of Nuclear Safety.

 "IEPA" means the Illinois Environmental Protection Agency.

 "IESDA" means the Illinois Emergency Services and Disaster Agency.

 "Inland zone" means the environment inland of the coastal zone.

 "Local Government" means a "unit of local government" as defined in Article VII of the Constitution of the State of Illinois, that is, counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

 "Natural Resources" means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of fishery conservation zones established by the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.), the State of Illinois, or any State or local government or any foreign government.

 "Offshore facility" means any facility which is subject to the jurisdiction of the State and is located in, on or under water, other than a vessel or a public vessel.

 "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) located in, on, or under any land or non-navigable waters within the State.

 "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, U.S. Government, state, municipality, commission, political subdivision of a state, or any interstate body.

 "Plan" means the Illinois Hazardous Substances Pollution Contingency Plan.

 "Pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingesting through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformation, in such organisms or their offsprings. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Section 101 (14)(A) through (F) of CERCLA, as amended (42 U.S.C. 9601 et seq.), nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and synthetic gas).

 "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

 Any release which results in exposure to person solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

 Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

 Release of source, by-product or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and

 The normal application of fertilizer. For the purposes of this Plan, release also means substantial threat of a release.

 "Remove" or "Removal" means the clean-up or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking or such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, which may otherwise result from such release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance which may be provided under the Illinois Emergency Services and Disaster Agency Act of 1975, as amended (Ill. Rev. Stat. 1983, ch. 127, pars. 1101 et seq.) or any other law.

 "Remedy" or "Remedial Action" means those actions consistent with permanent remedy taken instead of, or in addition to, removal action in the event of a release or threatened released of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, clean-up of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation or reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage treatment, destruction, or secure disposition off-site of hazardous substances or may otherwise be necessary to protect the public health or welfare. The term does not include off-site transport of hazardous substances, or the storage, treatment, destruction, or secure disposition off-site of such hazardous substances or contaminated materials unless the Governor and the Director determine that such actions:

 Are more cost-effective than other remedial actions;

 Will create new capacity to manage hazardous substances in addition to those located at the affected facility; or

 Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials.

 "Respond" or "Response" means remove, removal, remedy, or remedial action.

 "State" means the State of Illinois.

 "State Permitted Releases" means releases permitted under the Act or Board regulations or pursuant to a legally enforceable State permit.

 "United States" means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas and any other territory or possession over which the U.S. has jurisdiction.

 "Volunteer" means any individual accepted to perform services by a State agency which has authority to accept volunteer services. A volunteer is subject to the provisions of the authorizing statute, and of this Plan.