



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5518

by Rep. Bradley Stephens

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-380 new
415 ILCS 5/4

from Ch. 111 1/2, par. 1004

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois and the Environmental Protection Act. Requires the Illinois Environmental Protection Agency, with the assistance of the Department of Transportation, to conduct a study describing the environmental and human health impacts caused by runways and air traffic at Chicago O'Hare International Airport. Requires the Agency, when conducting this study, to pay particular attention to the impact of air pollution, noise pollution, the emission of gases and fluids by aircraft, and similar factors on the quality of life, health, and property values of persons who live adjacent to the flight paths used by Chicago O'Hare International Airport. Requires the Agency, with the Department's assistance, to monitor noise levels experienced in 2020 and 2021. Requires the Department to assist with the study. Requires the Agency to deliver a written report of its findings to the General Assembly by no later than October 31, 2022. Effective immediately.

LRB101 18243 CPF 67685 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 Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2705-380 as follows:

7 (20 ILCS 2705/2705-380 new)

8 Sec. 2705-380. Chicago O'Hare International Airport
9 environmental impact study. The Department shall assist the
10 Illinois Environmental Protection Agency with conducting a
11 study, as provided in subsection (bb) of Section (4) of the
12 Environmental Protection Act, describing the environmental,
13 noise, and human health impacts caused by runways, including
14 new runways, and air traffic at Chicago O'Hare International
15 Airport. In assisting with this study, the Department shall
16 assist the Illinois Environmental Protection Agency with
17 monitoring noise levels experienced in 2020 and 2021 and shall
18 pay particular attention to the impact of air pollution, noise
19 pollution, the emission of gases and fluids by aircraft, and
20 similar factors on the quality of life, health, and property
21 values of persons who live adjacent to flight paths used by
22 Chicago O'Hare International Airport.

1 Section 10. The Environmental Protection Act is amended by
2 changing Section 4 as follows:

3 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

4 Sec. 4. Environmental Protection Agency; establishment;
5 duties.

6 (a) There is established in the Executive Branch of the
7 State Government an agency to be known as the Environmental
8 Protection Agency. This Agency shall be under the supervision
9 and direction of a Director who shall be appointed by the
10 Governor with the advice and consent of the Senate. The term of
11 office of the Director shall expire on the third Monday of
12 January in odd numbered years, provided that he or she shall
13 hold office until a successor is appointed and has qualified.
14 For terms ending before December 31, 2019, the Director shall
15 receive an annual salary as set by the Compensation Review
16 Board. For terms beginning after the effective date of this
17 amendatory Act of the 100th General Assembly, the Director's
18 annual salary shall be an amount equal to 15% more than the
19 Director's annual salary as of December 31, 2018. The
20 calculation of the 2018 salary base for this adjustment shall
21 not include any cost of living adjustments, as authorized by
22 Senate Joint Resolution 192 of the 86th General Assembly, for
23 the period beginning July 1, 2009 to June 30, 2019. Beginning
24 July 1, 2019 and each July 1 thereafter, the Director shall
25 receive an increase in salary based on a cost of living

1 adjustment as authorized by Senate Joint Resolution 192 of the
2 86th General Assembly. The Director, in accord with the
3 Personnel Code, shall employ and direct such personnel, and
4 shall provide for such laboratory and other facilities, as may
5 be necessary to carry out the purposes of this Act. In
6 addition, the Director may by agreement secure such services as
7 he or she may deem necessary from any other department, agency,
8 or unit of the State Government, and may employ and compensate
9 such consultants and technical assistants as may be required.

10 (b) The Agency shall have the duty to collect and
11 disseminate such information, acquire such technical data, and
12 conduct such experiments as may be required to carry out the
13 purposes of this Act, including ascertainment of the quantity
14 and nature of discharges from any contaminant source and data
15 on those sources, and to operate and arrange for the operation
16 of devices for the monitoring of environmental quality.

17 (c) The Agency shall have authority to conduct a program of
18 continuing surveillance and of regular or periodic inspection
19 of actual or potential contaminant or noise sources, of public
20 water supplies, and of refuse disposal sites.

21 (d) In accordance with constitutional limitations, the
22 Agency shall have authority to enter at all reasonable times
23 upon any private or public property for the purpose of:

24 (1) Inspecting and investigating to ascertain possible
25 violations of this Act, any rule or regulation adopted
26 under this Act, any permit or term or condition of a

1 permit, or any Board order; or

2 (2) In accordance with the provisions of this Act,
3 taking whatever preventive or corrective action, including
4 but not limited to removal or remedial action, that is
5 necessary or appropriate whenever there is a release or a
6 substantial threat of a release of (A) a hazardous
7 substance or pesticide or (B) petroleum from an underground
8 storage tank.

9 (e) The Agency shall have the duty to investigate
10 violations of this Act, any rule or regulation adopted under
11 this Act, any permit or term or condition of a permit, or any
12 Board order; to issue administrative citations as provided in
13 Section 31.1 of this Act; and to take such summary enforcement
14 action as is provided for by Section 34 of this Act.

15 (f) The Agency shall appear before the Board in any hearing
16 upon a petition for variance or time-limited water quality
17 standard, the denial of a permit, or the validity or effect of
18 a rule or regulation of the Board, and shall have the authority
19 to appear before the Board in any hearing under the Act.

20 (g) The Agency shall have the duty to administer, in accord
21 with Title X of this Act, such permit and certification systems
22 as may be established by this Act or by regulations adopted
23 thereunder. The Agency may enter into written delegation
24 agreements with any department, agency, or unit of State or
25 local government under which all or portions of this duty may
26 be delegated for public water supply storage and transport

1 systems, sewage collection and transport systems, air
2 pollution control sources with uncontrolled emissions of 100
3 tons per year or less and application of algicides to waters of
4 the State. Such delegation agreements will require that the
5 work to be performed thereunder will be in accordance with
6 Agency criteria, subject to Agency review, and shall include
7 such financial and program auditing by the Agency as may be
8 required.

9 (h) The Agency shall have authority to require the
10 submission of complete plans and specifications from any
11 applicant for a permit required by this Act or by regulations
12 thereunder, and to require the submission of such reports
13 regarding actual or potential violations of this Act, any rule
14 or regulation adopted under this Act, any permit or term or
15 condition of a permit, or any Board order, as may be necessary
16 for the purposes of this Act.

17 (i) The Agency shall have authority to make recommendations
18 to the Board for the adoption of regulations under Title VII of
19 the Act.

20 (j) The Agency shall have the duty to represent the State
21 of Illinois in any and all matters pertaining to plans,
22 procedures, or negotiations for interstate compacts or other
23 governmental arrangements relating to environmental
24 protection.

25 (k) The Agency shall have the authority to accept, receive,
26 and administer on behalf of the State any grants, gifts, loans,

1 indirect cost reimbursements, or other funds made available to
2 the State from any source for purposes of this Act or for air
3 or water pollution control, public water supply, solid waste
4 disposal, noise abatement, or other environmental protection
5 activities, surveys, or programs. Any federal funds received by
6 the Agency pursuant to this subsection shall be deposited in a
7 trust fund with the State Treasurer and held and disbursed by
8 him in accordance with Treasurer as Custodian of Funds Act,
9 provided that such monies shall be used only for the purposes
10 for which they are contributed and any balance remaining shall
11 be returned to the contributor.

12 The Agency is authorized to promulgate such regulations and
13 enter into such contracts as it may deem necessary for carrying
14 out the provisions of this subsection.

15 (1) The Agency is hereby designated as water pollution
16 agency for the state for all purposes of the Federal Water
17 Pollution Control Act, as amended; as implementing agency for
18 the State for all purposes of the Safe Drinking Water Act,
19 Public Law 93-523, as now or hereafter amended, except Section
20 1425 of that Act; as air pollution agency for the state for all
21 purposes of the Clean Air Act of 1970, Public Law 91-604,
22 approved December 31, 1970, as amended; and as solid waste
23 agency for the state for all purposes of the Solid Waste
24 Disposal Act, Public Law 89-272, approved October 20, 1965, and
25 amended by the Resource Recovery Act of 1970, Public Law
26 91-512, approved October 26, 1970, as amended, and amended by

1 the Resource Conservation and Recovery Act of 1976, (P.L.
2 94-580) approved October 21, 1976, as amended; as noise control
3 agency for the state for all purposes of the Noise Control Act
4 of 1972, Public Law 92-574, approved October 27, 1972, as
5 amended; and as implementing agency for the State for all
6 purposes of the Comprehensive Environmental Response,
7 Compensation, and Liability Act of 1980 (P.L. 96-510), as
8 amended; and otherwise as pollution control agency for the
9 State pursuant to federal laws integrated with the foregoing
10 laws, for financing purposes or otherwise. The Agency is hereby
11 authorized to take all action necessary or appropriate to
12 secure to the State the benefits of such federal Acts, provided
13 that the Agency shall transmit to the United States without
14 change any standards adopted by the Pollution Control Board
15 pursuant to Section 5(c) of this Act. This subsection (1) of
16 Section 4 shall not be construed to bar or prohibit the
17 Environmental Protection Trust Fund Commission from accepting,
18 receiving, and administering on behalf of the State any grants,
19 gifts, loans or other funds for which the Commission is
20 eligible pursuant to the Environmental Protection Trust Fund
21 Act. The Agency is hereby designated as the State agency for
22 all purposes of administering the requirements of Section 313
23 of the federal Emergency Planning and Community Right-to-Know
24 Act of 1986.

25 Any municipality, sanitary district, or other political
26 subdivision, or any Agency of the State or interstate Agency,

1 which makes application for loans or grants under such federal
2 Acts shall notify the Agency of such application; the Agency
3 may participate in proceedings under such federal Acts.

4 (m) The Agency shall have authority, consistent with
5 Section 5(c) and other provisions of this Act, and for purposes
6 of Section 303(e) of the Federal Water Pollution Control Act,
7 as now or hereafter amended, to engage in planning processes
8 and activities and to develop plans in cooperation with units
9 of local government, state agencies and officers, and other
10 appropriate persons in connection with the jurisdiction or
11 duties of each such unit, agency, officer or person. Public
12 hearings shall be held on the planning process, at which any
13 person shall be permitted to appear and be heard, pursuant to
14 procedural regulations promulgated by the Agency.

15 (n) In accordance with the powers conferred upon the Agency
16 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the
17 Agency shall have authority to establish and enforce minimum
18 standards for the operation of laboratories relating to
19 analyses and laboratory tests for air pollution, water
20 pollution, noise emissions, contaminant discharges onto land
21 and sanitary, chemical, and mineral quality of water
22 distributed by a public water supply. The Agency may enter into
23 formal working agreements with other departments or agencies of
24 state government under which all or portions of this authority
25 may be delegated to the cooperating department or agency.

26 (o) The Agency shall have the authority to issue

1 certificates of competency to persons and laboratories meeting
2 the minimum standards established by the Agency in accordance
3 with Section 4(n) of this Act and to promulgate and enforce
4 regulations relevant to the issuance and use of such
5 certificates. The Agency may enter into formal working
6 agreements with other departments or agencies of state
7 government under which all or portions of this authority may be
8 delegated to the cooperating department or agency.

9 (p) Except as provided in Section 17.7, the Agency shall
10 have the duty to analyze samples as required from each public
11 water supply to determine compliance with the contaminant
12 levels specified by the Pollution Control Board. The maximum
13 number of samples which the Agency shall be required to analyze
14 for microbiological quality shall be 6 per month, but the
15 Agency may, at its option, analyze a larger number each month
16 for any supply. Results of sample analyses for additional
17 required bacteriological testing, turbidity, residual chlorine
18 and radionuclides are to be provided to the Agency in
19 accordance with Section 19. Owners of water supplies may enter
20 into agreements with the Agency to provide for reduced Agency
21 participation in sample analyses.

22 (q) The Agency shall have the authority to provide notice
23 to any person who may be liable pursuant to Section 22.2(f) of
24 this Act for a release or a substantial threat of a release of
25 a hazardous substance or pesticide. Such notice shall include
26 the identified response action and an opportunity for such

1 person to perform the response action.

2 (r) The Agency may enter into written delegation agreements
3 with any unit of local government under which it may delegate
4 all or portions of its inspecting, investigating and
5 enforcement functions. Such delegation agreements shall
6 require that work performed thereunder be in accordance with
7 Agency criteria and subject to Agency review. Notwithstanding
8 any other provision of law to the contrary, no unit of local
9 government shall be liable for any injury resulting from the
10 exercise of its authority pursuant to such a delegation
11 agreement unless the injury is proximately caused by the
12 willful and wanton negligence of an agent or employee of the
13 unit of local government, and any policy of insurance coverage
14 issued to a unit of local government may provide for the denial
15 of liability and the nonpayment of claims based upon injuries
16 for which the unit of local government is not liable pursuant
17 to this subsection (r).

18 (s) The Agency shall have authority to take whatever
19 preventive or corrective action is necessary or appropriate,
20 including but not limited to expenditure of monies appropriated
21 from the Build Illinois Bond Fund and the Build Illinois
22 Purposes Fund for removal or remedial action, whenever any
23 hazardous substance or pesticide is released or there is a
24 substantial threat of such a release into the environment. The
25 State, the Director, and any State employee shall be
26 indemnified for any damages or injury arising out of or

1 resulting from any action taken under this subsection. The
2 Director of the Agency is authorized to enter into such
3 contracts and agreements as are necessary to carry out the
4 Agency's duties under this subsection.

5 (t) The Agency shall have authority to distribute grants,
6 subject to appropriation by the General Assembly, to units of
7 local government for financing and construction of wastewater
8 facilities in both incorporated and unincorporated areas. With
9 respect to all monies appropriated from the Build Illinois Bond
10 Fund and the Build Illinois Purposes Fund for wastewater
11 facility grants, the Agency shall make distributions in
12 conformity with the rules and regulations established pursuant
13 to the Anti-Pollution Bond Act, as now or hereafter amended.

14 (u) Pursuant to the Illinois Administrative Procedure Act,
15 the Agency shall have the authority to adopt such rules as are
16 necessary or appropriate for the Agency to implement Section
17 31.1 of this Act.

18 (v) (Blank.)

19 (w) Neither the State, nor the Director, nor the Board, nor
20 any State employee shall be liable for any damages or injury
21 arising out of or resulting from any action taken under
22 subsection (s).

23 (x) (1) The Agency shall have authority to distribute
24 grants, subject to appropriation by the General Assembly, to
25 units of local government for financing and construction of
26 public water supply facilities. With respect to all monies

1 appropriated from the Build Illinois Bond Fund or the Build
2 Illinois Purposes Fund for public water supply grants, such
3 grants shall be made in accordance with rules promulgated by
4 the Agency. Such rules shall include a requirement for a local
5 match of 30% of the total project cost for projects funded
6 through such grants.

7 (2) The Agency shall not terminate a grant to a unit of
8 local government for the financing and construction of public
9 water supply facilities unless and until the Agency adopts
10 rules that set forth precise and complete standards, pursuant
11 to Section 5-20 of the Illinois Administrative Procedure Act,
12 for the termination of such grants. The Agency shall not make
13 determinations on whether specific grant conditions are
14 necessary to ensure the integrity of a project or on whether
15 subagreements shall be awarded, with respect to grants for the
16 financing and construction of public water supply facilities,
17 unless and until the Agency adopts rules that set forth precise
18 and complete standards, pursuant to Section 5-20 of the
19 Illinois Administrative Procedure Act, for making such
20 determinations. The Agency shall not issue a stop-work order in
21 relation to such grants unless and until the Agency adopts
22 precise and complete standards, pursuant to Section 5-20 of the
23 Illinois Administrative Procedure Act, for determining whether
24 to issue a stop-work order.

25 (y) The Agency shall have authority to release any person
26 from further responsibility for preventive or corrective

1 action under this Act following successful completion of
2 preventive or corrective action undertaken by such person upon
3 written request by the person.

4 (z) To the extent permitted by any applicable federal law
5 or regulation, for all work performed for State construction
6 projects which are funded in whole or in part by a capital
7 infrastructure bill enacted by the 96th General Assembly by
8 sums appropriated to the Environmental Protection Agency, at
9 least 50% of the total labor hours must be performed by actual
10 residents of the State of Illinois. For purposes of this
11 subsection, "actual residents of the State of Illinois" means
12 persons domiciled in the State of Illinois. The Department of
13 Labor shall promulgate rules providing for the enforcement of
14 this subsection.

15 (aa) The Agency may adopt rules requiring the electronic
16 submission of any information required to be submitted to the
17 Agency pursuant to any State or federal law or regulation or
18 any court or Board order. Any rules adopted under this
19 subsection (aa) must include, but are not limited to,
20 identification of the information to be submitted
21 electronically.

22 (bb) The Agency, with the assistance of the Department of
23 Transportation, shall conduct a study describing the
24 environmental, noise, and human health impacts caused by
25 runways, including new runways, and air traffic at Chicago
26 O'Hare International Airport. In conducting this study, the

1 Agency, with the assistance of the Department of
2 Transportation, shall monitor actual noise levels experienced
3 in 2020 and 2021 and shall pay particular attention to the
4 impact of air pollution, noise pollution, the emission of gases
5 and fluids by aircraft, and similar factors on the quality of
6 life, health, and property values of persons who live adjacent
7 to flight paths used by Chicago O'Hare International Airport.
8 The Agency shall submit a written report of its findings to the
9 General Assembly by no later than October 31, 2022.

10 (Source: P.A. 99-937, eff. 2-24-17; 100-1179, eff. 1-18-19.)

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