



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5623

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

415 ILCS 5/57.11
415 ILCS 5/57.20 new

Amends the Environmental Protection Act. Provides that moneys from the Underground Storage Tank Fund may be used by the Environmental Protection Agency to remove petroleum underground storage tanks that (i) do not have an owner or operator and (ii) are located on property owned by a unit of local government. Allows the Agency to adopt rules under which units of local government may request that the Agency remove, or take action in response to releases from, the petroleum underground storage tanks. Requires the rules to include criteria for ranking sites so that highest priority is given to sites that pose the greatest threat to human health and the environment. Provides that the Agency shall not take action on requests submitted under the amendatory provisions if there is a payment priority list formed under specified provisions of the Act. Makes other changes. Effective immediately.

LRB101 19063 CPF 68523 b

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 Sections 57.11 and 57.20 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 moneys 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, fees pursuant to the Motor Fuel Tax Law,
14 and beginning July 1, 2013, payments pursuant to the Use Tax
15 Act, the Service Use Tax Act, the Service Occupation Tax Act,
16 and the Retailers' Occupation Tax Act. All amounts held in the
17 Underground Storage Tank Fund shall be invested at interest by
18 the State Treasurer. All income earned from the investments
19 shall be deposited into the Underground Storage Tank Fund no
20 less frequently than quarterly. In addition to any other
21 transfers that may be provided for by law, beginning on July 1,
22 2018 and on the first day of each month thereafter during
23 fiscal years 2019 and 2020 only, the State Comptroller shall

1 direct and the State Treasurer shall transfer an amount equal
2 to 1/12 of \$10,000,000 from the Underground Storage Tank Fund
3 to the General Revenue Fund. Moneys in the Underground Storage
4 Tank Fund, pursuant to appropriation, may be used by the Agency
5 and the Office of the State Fire Marshal for the following
6 purposes:

7 (1) To take action authorized under Section 57.12 to
8 and recover costs under Section 57.12.

9 (2) To assist in the reduction and mitigation of damage
10 caused by leaks from underground storage tanks, including
11 but not limited to, providing alternative water supplies to
12 persons whose drinking water has become contaminated as a
13 result of those leaks.

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

17 (4) For the costs of administering activities of the
18 Agency and the Office of the State Fire Marshal relative to
19 the Underground Storage Tank Fund.

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

23 (6) For a total of 2 demonstration projects in amounts
24 in excess of a \$10,000 deductible charge designed to assess
25 the viability of corrective action projects at sites which
26 have experienced contamination from petroleum releases.

1 Such demonstration projects shall be conducted in
2 accordance with the provision of this Title.

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

8 (8) To remove petroleum underground storage tanks that
9 (i) do not have an owner or operator and (ii) are located
10 on property owned by a unit of local government.

11 (b) Moneys in the Underground Storage Tank Fund may,
12 pursuant to appropriation, be used by the Office of the State
13 Fire Marshal or the Agency to take whatever emergency action is
14 necessary or appropriate to assure that the public health or
15 safety is not threatened whenever there is a release or
16 substantial threat of a release of petroleum from an
17 underground storage tank and for the costs of administering its
18 activities relative to the Underground Storage Tank Fund.

19 (c) Beginning July 1, 1993, the Governor shall certify to
20 the State Comptroller and State Treasurer the monthly amount
21 necessary to pay debt service on State obligations issued
22 pursuant to Section 6 of the General Obligation Bond Act. On
23 the last day of each month, the Comptroller shall order
24 transferred and the Treasurer shall transfer from the
25 Underground Storage Tank Fund to the General Obligation Bond
26 Retirement and Interest Fund the amount certified by the

1 Governor, plus any cumulative deficiency in those transfers for
2 prior months.

3 (d) Except as provided in subsection (c) of this Section,
4 the Underground Storage Tank Fund is not subject to
5 administrative charges authorized under Section 8h of the State
6 Finance Act that would in any way transfer any funds from the
7 Underground Storage Tank Fund into any other fund of the State.

8 (e) Each fiscal year, subject to appropriation, the Agency
9 may commit up to \$10,000,000 of the moneys in the Underground
10 Storage Tank Fund to the payment of corrective action costs for
11 legacy sites that meet one or more of the following criteria as
12 a result of the underground storage tank release: (i) the
13 presence of free product, (ii) contamination within a regulated
14 recharge area, a wellhead protection area, or the setback zone
15 of a potable water supply well, (iii) contamination extending
16 beyond the boundaries of the site where the release occurred,
17 or (iv) such other criteria as may be adopted in Agency rules.

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

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

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

26 (4) For the purposes of this subsection (e), the term

1 "legacy site" means a site for which (i) an underground
2 storage tank release was reported prior to January 1, 2005,
3 (ii) the owner or operator has been determined eligible to
4 receive payment from the Fund for corrective action costs,
5 and (iii) the Agency did not receive any applications for
6 payment prior to January 1, 2010.

7 (f) Beginning July 1, 2013, if the amounts deposited into
8 the Fund from moneys received by the Office of the State Fire
9 Marshal as fees for underground storage tanks under Sections 4
10 and 5 of the Gasoline Storage Act and as fees pursuant to the
11 Motor Fuel Tax Law during a State fiscal year are sufficient to
12 pay all claims for payment by the fund received during that
13 State fiscal year, then the amount of any payments into the
14 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
15 Service Occupation Tax Act, and the Retailers' Occupation Tax
16 Act during that State fiscal year shall be deposited as
17 follows: 75% thereof shall be paid into the State treasury and
18 25% shall be reserved in a special account and used only for
19 the transfer to the Common School Fund as part of the monthly
20 transfer from the General Revenue Fund in accordance with
21 Section 8a of the State Finance Act.

22 (Source: P.A. 100-587, eff. 6-4-18; 101-10, eff. 6-5-19.)

23 (415 ILCS 5/57.20 new)

24 Sec. 57.20. Orphan tank program. The Agency may adopt rules
25 under which units of local government may request that the

1 Agency remove, or take investigative, preventive, or
2 corrective action in response to releases from, petroleum
3 underground storage tanks that (i) do not have an owner or
4 operator and (ii) are located on property owned by a unit of
5 local government. The rules shall include criteria for ranking
6 sites so that highest priority is given to sites that pose the
7 greatest threat to human health and the environment. This
8 Section does not limit the use of Underground Storage Tank Fund
9 moneys as otherwise provided under this Title. The Agency shall
10 not take action on requests submitted under this Section if
11 there is a payment priority list formed under paragraph (3) of
12 subsection (a) of Section 57.8.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.