



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1574

Introduced 2/26/2021, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

415 ILCS 5/57.5
415 ILCS 5/57.8
415 ILCS 5/57.9

Amends the Environmental Protection Act. Provides that for an underground storage tank release reported on or after the effective date of the amendatory Act, an owner or operator may access the Underground Storage Tank Fund for costs associated with an Environmental Protection Agency approved plan, and the Agency shall approve the payment of costs associated with corrective action without the application of a deductible, except a \$5,000 deductible shall apply to an owner or operator of an underground storage tank that is not registered under the Gasoline Storage Act. Makes changes, applicable to a release reported on or after the effective date, to provisions concerning payments from the Underground Storage Tank Fund for an application for payment from the Fund for an approved plan and budget for a tank that is registered under the Gasoline Storage Act. Provides that if a full payment is not made within specified periods for the applications for these registered tanks, then the Fund must pay the owner or operator 2% interest per month on any unpaid amount until the owner or operator is fully paid. Provides that if the balance in the Underground Storage Tank Fund falls below \$10,000,000 for a period of 6 months, then the 2% percent monthly interest payments shall be suspended until the Fund balance is above \$10,000,000. Makes other changes. Effective January 1, 2022.

LRB102 15260 CPF 20615 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 Sections 57.5, 57.8, and 57.9 as follows:

6 (415 ILCS 5/57.5)

7 Sec. 57.5. Underground Storage Tanks; removal; repair;
8 abandonment.

9 (a) Notwithstanding the eligibility or the level of
10 deductibility of an owner or operator under the Underground
11 Storage Tank Fund, any owner or operator of an Underground
12 Storage Tank may seek to remove or abandon such tank under the
13 provisions of this Title. In order to be reimbursed under
14 Section 57.8, the owner or operator must comply with the
15 provisions of this Title. Except for interest accrued under
16 paragraph (2.5) of subsection (a) of Section 57.8, in ~~in~~ no
17 event will an owner or operator be reimbursed for any costs
18 which exceed the minimum requirements necessary to comply with
19 this Title.

20 (b) Removal or abandonment of an Underground Storage Tank
21 must be carried out in accordance with regulations adopted by
22 the Office of State Fire Marshal.

23 (c) The Office of the State Fire Marshal or a designated

1 agent shall have an inspector on site at the time of removal,
2 abandonment, or such other times the Office of State Fire
3 Marshal deems appropriate. At such time, the inspector shall,
4 upon preliminary excavation of the tank site, render an
5 opinion as to whether a release of petroleum has occurred and,
6 if so, the owner or operator shall report the known or
7 suspected release to the Illinois Emergency Management Agency.
8 The owner or operator shall determine whether or not a release
9 has occurred in conformance with the regulations adopted by
10 the Board and the Office of the State Fire Marshal. Except that
11 if the opinion of the Office of the State Fire Marshal
12 inspector is that a release of petroleum has occurred and the
13 owner or operator has reported the release to the Illinois
14 Emergency Management Agency within 24 hours of removal of the
15 tank, no such determination is required under this subsection.
16 In the event the owner or operator confirms the presence of a
17 release of petroleum, the owner or operator shall comply with
18 Section 57.6. The inspector shall provide the owner or
19 operator, or a designated agent, with an "Eligibility and
20 Deductibility Determination" form. The Office of the State
21 Fire Marshal shall provide on-site assistance to the owner or
22 operator or a designated agent with regard to the eligibility
23 and deductibility procedures as provided in Section 57.9. If
24 the Office of the State Fire Marshal is not on site, the Office
25 of the State Fire Marshal shall provide the owner or operator
26 with an "Eligibility and Deductibility Determination" form

1 within 15 days after receiving notice that the confirmed
2 release was reported by the owner or operator.

3 (d) In the event that a release of petroleum is confirmed
4 under subsection (c) of this Section, the owner or operator
5 may elect to backfill the preliminary excavation and proceed
6 under Section 57.6.

7 (e) In the event that an Underground Storage Tank is found
8 to be ineligible for payment from the Underground Storage Tank
9 Fund, the owner or operator shall proceed under Sections 57.6
10 and 57.7.

11 (f) In the event that no release of petroleum is
12 confirmed, the owner or operator shall proceed to complete the
13 removal of the underground storage tank, and when appropriate,
14 dispose of the tank and backfill the excavation or, in the
15 alternate, abandon the underground storage tank in place.
16 Either option shall be in accordance with regulations adopted
17 by the Office of the State Fire Marshal. The owner or operator
18 shall certify to the Office of the State Fire Marshal that the
19 tank removal or abandonment was conducted in accordance with
20 all applicable rules and regulations, and the Office of the
21 State Fire Marshal shall then issue a certificate of removal
22 or abandonment to the owner or operator. If the Office of the
23 State Fire Marshal fails to issue a certificate of removal or
24 abandonment within 30 days of receipt of the certification,
25 the certification shall be considered rejected by operation of
26 law and a final action appealable to the Board. Nothing in this

1 Title shall prohibit the Office of the State Fire Marshal from
2 making an independent inspection of the site and challenging
3 the veracity of the owner or operator certification.

4 (g) The owner or operator of an underground storage tank
5 taken out of operation before January 2, 1974, or an
6 underground storage tank used exclusively to store heating oil
7 for consumptive use on the premises where stored and which
8 serves other than a farm or residential unit shall not be
9 required to remove or abandon in place such underground
10 storage tank except in the case in which the Office of the
11 State Fire Marshal has determined that a release from the
12 underground storage tank poses a current or potential threat
13 to human health and the environment. In that case, and upon
14 receipt of an order from the Office of the State Fire Marshal,
15 the owner or operator of such underground storage tank shall
16 conduct removal and, if necessary, site investigation and
17 corrective action in accordance with this Title and
18 regulations promulgated by the Office of State Fire Marshal
19 and the Board.

20 (h) In the event that a release of petroleum occurred
21 between September 13, 1993, and August 1, 1994, for which the
22 Office of the State Fire Marshal issued a certificate of
23 removal or abandonment based on its determination of "no
24 release" or "minor release," and the Office of the State Fire
25 Marshal subsequently has rescinded that determination and
26 required a report of a confirmed release to the Illinois

1 Emergency Management Agency, the owner or operator may be
2 eligible for reimbursement for the costs of site investigation
3 and corrective action incurred on or after the date of the
4 release but prior to the notification of the Illinois
5 Emergency Management Agency. The date of the release shall be
6 the date of the initial inspection by the Office of the State
7 Fire Marshal as recorded in its inspection log. Eligibility
8 and deductibility shall be determined in accordance with this
9 Title, the owner or operator must comply with the provisions
10 of this Act and its rules, and in no case shall the owner or
11 operator be reimbursed for costs exceeding the minimum
12 requirements of this Act and its rules.

13 (Source: P.A. 92-554, eff. 6-24-02.)

14 (415 ILCS 5/57.8)

15 Sec. 57.8. Underground Storage Tank Fund; payment; options
16 for State payment; deferred correction election to commence
17 corrective action upon availability of funds. If an owner or
18 operator is eligible to access the Underground Storage Tank
19 Fund pursuant to an Office of State Fire Marshal
20 eligibility/deductible final determination letter issued in
21 accordance with Section 57.9, the owner or operator may submit
22 a complete application for final or partial payment to the
23 Agency for activities taken in response to a confirmed
24 release. An owner or operator may submit a request for partial
25 or final payment regarding a site no more frequently than once

1 every 90 days.

2 (a) Payment after completion of corrective action
3 measures. The owner or operator may submit an application for
4 payment for activities performed at a site after completion of
5 the requirements of Sections 57.6 and 57.7, or after
6 completion of any other required activities at the underground
7 storage tank site.

8 (1) This paragraph applies to a release reported under
9 Section 57.5 before the effective date of this amendatory
10 Act of the 102nd General Assembly.

11 In the case of any approved plan and budget for which
12 payment is being sought, the Agency shall make a payment
13 determination within 120 days of receipt of the
14 application. Such determination shall be considered a
15 final decision. The Agency's review shall be limited to
16 generally accepted auditing and accounting practices. In
17 no case shall the Agency conduct additional review of any
18 plan which was completed within the budget, beyond
19 auditing for adherence to the corrective action measures
20 in the proposal. If the Agency fails to approve the
21 payment application within 120 days, such application
22 shall be deemed approved by operation of law and the
23 Agency shall proceed to reimburse the owner or operator
24 the amount requested in the payment application. However,
25 in no event shall the Agency reimburse the owner or
26 operator an amount greater than the amount approved in the

1 plan.

2 (2) This paragraph applies to a release reported under
3 Section 57.5 before the effective date of this amendatory
4 Act of the 102nd General Assembly. If sufficient funds are
5 available in the Underground Storage Tank Fund, the Agency
6 shall, within 60 days, forward to the Office of the State
7 Comptroller a voucher in the amount approved under the
8 payment application.

9 (2.5) This paragraph applies to a release reported
10 under Section 57.5 on or after the effective date of this
11 amendatory Act of the 102nd General Assembly.

12 In the case of an application for an approved plan
13 that is at or under a budget approved by the Agency for a
14 tank registered under the Gasoline Storage Act, the Agency
15 shall have 30 days from receipt of the application to make
16 a payment determination and, if sufficient funds are
17 available in the Underground Storage Tank Fund, to forward
18 to the Office of the State Comptroller a voucher in the
19 amount approved under the payment application. The
20 determination shall be considered a final decision. The
21 Agency's review shall be limited to generally accepted
22 auditing and accounting practices. In no case shall the
23 Agency conduct additional review of any plan which was
24 completed within the budget, beyond auditing for adherence
25 to the corrective action measures in the proposal. If the
26 Agency fails to approve the payment application within 30

1 days, then the application shall be deemed approved by
2 operation of law and the Agency shall proceed to reimburse
3 the owner or operator the amount requested in the payment
4 application. If a full payment is not made within 30 days
5 of receipt of the application, then the Fund must pay the
6 owner or operator 2% interest per month on any unpaid
7 amount until the owner or operator is fully paid.

8 In the case of an application for an approved plan
9 that is over a budget approved by the Agency for a tank
10 that is registered under the Gasoline Storage Act, the
11 Agency shall have 60 days from receipt of the application
12 to make a payment determination and, if sufficient funds
13 are available in the Underground Storage Tank Fund, 30
14 days from the date of the payment determination to forward
15 to the Office of the State Comptroller a voucher in the
16 amount approved under the payment application. The
17 determination shall be considered a final decision. The
18 Agency's review shall be limited to generally accepted
19 auditing and accounting practices. In no case shall the
20 Agency conduct additional review of any plan which was
21 completed within the budget, beyond auditing for adherence
22 to the corrective action measures in the proposal. If the
23 Agency fails to approve the payment application within 60
24 days, then the application shall be deemed approved by
25 operation of law and the Agency shall proceed to reimburse
26 the owner or operator the amount requested in the payment

1 application. If a full payment is not made within 30 days
2 of the date that the voucher is forwarded to the
3 Comptroller, then the Fund must pay the owner or operator
4 2% interest per month on any unpaid amount until the owner
5 or operator is fully paid.

6 Except for interest accrued under this paragraph, in
7 no event shall the Agency reimburse the owner or operator
8 an amount greater than the amount approved in the plan.

9 If the balance in the Underground Storage Tank Fund
10 falls below \$10,000,000 for a period of 6 months, then the
11 2% percent monthly interest payments under this paragraph
12 shall be suspended until the Fund balance is above
13 \$10,000,000.

14 (3) In the case of insufficient funds, the Agency
15 shall form a priority list for payment and shall notify
16 persons in such priority list monthly of the availability
17 of funds and when payment shall be made. Payment shall be
18 made to the owner or operator at such time as sufficient
19 funds become available for the costs associated with site
20 investigation and corrective action and costs expended for
21 activities performed where no proposal is required, if
22 applicable. Such priority list shall be available to any
23 owner or operator upon request. Priority for payment shall
24 be determined by the date the Agency receives a complete
25 request for partial or final payment. Upon receipt of
26 notification from the Agency that the requirements of this

1 Title have been met, the Comptroller shall make payment to
2 the owner or operator of the amount approved by the
3 Agency, if sufficient money exists in the Fund. If there
4 is insufficient money in the Fund, then payment shall not
5 be made. If the owner or operator appeals a final Agency
6 payment determination and it is determined that the owner
7 or operator is eligible for payment or additional payment,
8 the priority date for the payment or additional payment
9 shall be the same as the priority date assigned to the
10 original request for partial or final payment.

11 (4) Any deductible, as determined pursuant to the
12 Office of the State Fire Marshal's eligibility and
13 deductibility final determination in accordance with
14 Section 57.9, shall be subtracted from any payment invoice
15 paid to an eligible owner or operator. Only one deductible
16 shall apply per underground storage tank site.

17 (5) In the event that costs are or will be incurred in
18 addition to those approved by the Agency, or after
19 payment, the owner or operator may submit successive plans
20 containing amended budgets. The requirements of Section
21 57.7 shall apply to any amended plans.

22 (6) For purposes of this Section, a complete
23 application shall consist of:

24 (A) A certification from a Licensed Professional
25 Engineer or Licensed Professional Geologist as
26 required under this Title and acknowledged by the

1 owner or operator.

2 (B) A statement of the amounts approved in the
3 budget and the amounts actually sought for payment
4 along with a certified statement by the owner or
5 operator that the amounts so sought were expended in
6 conformance with the approved budget.

7 (C) A copy of the Office of the State Fire
8 Marshal's eligibility and deductibility determination.

9 (D) Proof that approval of the payment requested
10 will not result in the limitations set forth in
11 subsection (g) of this Section being exceeded.

12 (E) A federal taxpayer identification number and
13 legal status disclosure certification on a form
14 prescribed and provided by the Agency.

15 (F) If the Agency determined under subsection
16 (c) (3) of Section 57.7 of this Act that corrective
17 action must include a project labor agreement, a
18 certification from the owner or operator that the
19 corrective action was (i) performed under a project
20 labor agreement that meets the requirements of Section
21 25 of the Project Labor Agreements Act and (ii)
22 implemented in a manner consistent with the terms and
23 conditions of the Project Labor Agreements Act and in
24 full compliance with all statutes, regulations, and
25 Executive Orders as required under that Act and the
26 Prevailing Wage Act.

1 (b) Commencement of site investigation or corrective
2 action upon availability of funds. The Board shall adopt
3 regulations setting forth procedures based on risk to human
4 health or the environment under which the owner or operator
5 who has received approval for any budget plan submitted
6 pursuant to Section 57.7, and who is eligible for payment from
7 the Underground Storage Tank Fund pursuant to an Office of the
8 State Fire Marshal eligibility and deductibility
9 determination, may elect to defer site investigation or
10 corrective action activities until funds are available in an
11 amount equal to the amount approved in the budget. The
12 regulations shall establish criteria based on risk to human
13 health or the environment to be used for determining on a
14 site-by-site basis whether deferral is appropriate. The
15 regulations also shall establish the minimum investigatory
16 requirements for determining whether the risk based criteria
17 are present at a site considering deferral and procedures for
18 the notification of owners or operators of insufficient funds,
19 Agency review of request for deferral, notification of Agency
20 final decisions, returning deferred sites to active status,
21 and earmarking of funds for payment.

22 (c) When the owner or operator requests indemnification
23 for payment of costs incurred as a result of a release of
24 petroleum from an underground storage tank, if the owner or
25 operator has satisfied the requirements of subsection (a) of
26 this Section, the Agency shall forward a copy of the request to

1 the Attorney General. The Attorney General shall review and
2 approve the request for indemnification if:

3 (1) there is a legally enforceable judgment entered
4 against the owner or operator and such judgment was
5 entered due to harm caused by a release of petroleum from
6 an underground storage tank and such judgment was not
7 entered as a result of fraud; or

8 (2) a settlement with a third party due to a release of
9 petroleum from an underground storage tank is reasonable.

10 (d) Notwithstanding any other provision of this Title, the
11 Agency shall not approve payment to an owner or operator from
12 the Fund for costs of corrective action or indemnification
13 incurred during a calendar year in excess of the following
14 aggregate amounts based on the number of petroleum underground
15 storage tanks owned or operated by such owner or operator in
16 Illinois.

Amount	Number of Tanks
\$2,000,000	fewer than 101
\$3,000,000	101 or more

20 (1) Costs incurred in excess of the aggregate amounts
21 set forth in paragraph (1) of this subsection shall not be
22 eligible for payment in subsequent years.

23 (2) For purposes of this subsection, requests
24 submitted by any of the agencies, departments, boards,
25 committees or commissions of the State of Illinois shall
26 be acted upon as claims from a single owner or operator.

1 (3) For purposes of this subsection, owner or operator
2 includes (i) any subsidiary, parent, or joint stock
3 company of the owner or operator and (ii) any company
4 owned by any parent, subsidiary, or joint stock company of
5 the owner or operator.

6 (e) Costs of corrective action or indemnification incurred
7 by an owner or operator which have been paid to an owner or
8 operator under a policy of insurance, another written
9 agreement, or a court order are not eligible for payment under
10 this Section. An owner or operator who receives payment under
11 a policy of insurance, another written agreement, or a court
12 order shall reimburse the State to the extent such payment
13 covers costs for which payment was received from the Fund. Any
14 monies received by the State under this subsection (e) shall
15 be deposited into the Fund.

16 (f) (Blank.)

17 (g) The Agency shall not approve any payment from the Fund
18 to pay an owner or operator:

19 (1) for costs of corrective action incurred by such
20 owner or operator in an amount in excess of \$1,500,000 per
21 occurrence; and

22 (2) for costs of indemnification of such owner or
23 operator in an amount in excess of \$1,500,000 per
24 occurrence.

25 (h) Payment of any amount from the Fund for corrective
26 action or indemnification shall be subject to the State

1 acquiring by subrogation the rights of any owner, operator, or
2 other person to recover the costs of corrective action or
3 indemnification for which the Fund has compensated such owner,
4 operator, or person from the person responsible or liable for
5 the release.

6 (i) If the Agency refuses to pay or authorizes only a
7 partial payment, the affected owner or operator may petition
8 the Board for a hearing in the manner provided for the review
9 of permit decisions in Section 40 of this Act.

10 (j) Costs of corrective action or indemnification incurred
11 by an owner or operator prior to July 28, 1989, shall not be
12 eligible for payment or reimbursement under this Section.

13 (k) The Agency shall not pay costs of corrective action or
14 indemnification incurred before providing notification of the
15 release of petroleum in accordance with the provisions of this
16 Title.

17 (l) Corrective action does not include legal defense
18 costs. Legal defense costs include legal costs for seeking
19 payment under this Title unless the owner or operator prevails
20 before the Board in which case the Board may authorize payment
21 of legal fees.

22 (m) The Agency may apportion payment of costs for plans
23 submitted under Section 57.7 if:

24 (1) the owner or operator was deemed eligible to
25 access the Fund for payment of corrective action costs for
26 some, but not all, of the underground storage tanks at the

1 site; and

2 (2) the owner or operator failed to justify all costs
3 attributable to each underground storage tank at the site.

4 (n) The Agency shall not pay costs associated with a
5 corrective action plan incurred after the Agency provides
6 notification to the owner or operator pursuant to item (7) of
7 subsection (b) of Section 57.7 that a revised corrective
8 action plan is required. Costs associated with any
9 subsequently approved corrective action plan shall be eligible
10 for reimbursement if they meet the requirements of this Title.
11 (Source: P.A. 98-109, eff. 7-25-13.)

12 (415 ILCS 5/57.9)

13 Sec. 57.9. Underground Storage Tank Fund; eligibility and
14 deductibility.

15 (a) The Underground Storage Tank Fund shall be accessible
16 by owners and operators who have a confirmed release from an
17 underground storage tank or related tank system of a substance
18 listed in this Section. The owner or operator is eligible to
19 access the Underground Storage Tank Fund if the eligibility
20 requirements of this Title are satisfied and:

21 (1) Neither the owner nor the operator is the United
22 States Government.

23 (2) The tank does not contain fuel which is exempt
24 from the Motor Fuel Tax Law.

25 (3) The costs were incurred as a result of a confirmed

1 release of any of the following substances:

2 (A) "Fuel", as defined in Section 1.19 of the
3 Motor Fuel Tax Law.

4 (B) Aviation fuel.

5 (C) Heating oil.

6 (D) Kerosene.

7 (E) Used oil which has been refined from crude oil
8 used in a motor vehicle, as defined in Section 1.3 of
9 the Motor Fuel Tax Law.

10 (4) The owner or operator registered the tank and paid
11 all fees in accordance with the statutory and regulatory
12 requirements of the Gasoline Storage Act.

13 (5) The owner or operator notified the Illinois
14 Emergency Management Agency of a confirmed release, the
15 costs were incurred after the notification and the costs
16 were a result of a release of a substance listed in this
17 Section. Costs of corrective action or indemnification
18 incurred before providing that notification shall not be
19 eligible for payment.

20 (6) The costs have not already been paid to the owner
21 or operator under a private insurance policy, other
22 written agreement, or court order.

23 (7) The costs were associated with "corrective action"
24 of this Act.

25 If the underground storage tank which experienced a
26 release of a substance listed in this Section was

1 installed after July 28, 1989, the owner or operator is
2 eligible to access the Underground Storage Tank Fund if it
3 is demonstrated to the Office of the State Fire Marshal
4 the tank was installed and operated in accordance with
5 Office of the State Fire Marshal regulatory requirements.
6 Office of the State Fire Marshal certification is prima
7 facie evidence the tank was installed pursuant to the
8 Office of the State Fire Marshal regulatory requirements.

9 (b) For releases reported prior to the effective date of
10 this amendatory Act of the 96th General Assembly, an owner or
11 operator may access the Underground Storage Tank Fund for
12 costs associated with an Agency approved plan and the Agency
13 shall approve the payment of costs associated with corrective
14 action after the application of a \$10,000 deductible, except
15 in the following situations:

16 (1) A deductible of \$100,000 shall apply when none of
17 the underground storage tanks were registered prior to
18 July 28, 1989, except in the case of underground storage
19 tanks used exclusively to store heating oil for
20 consumptive use on the premises where stored and which
21 serve other than farms or residential units, a deductible
22 of \$100,000 shall apply when none of these tanks were
23 registered prior to July 1, 1992.

24 (2) A deductible of \$50,000 shall apply if any of the
25 underground storage tanks were registered prior to July
26 28, 1989, and the State received notice of the confirmed

1 release prior to July 28, 1989.

2 (3) A deductible of \$15,000 shall apply when one or
3 more, but not all, of the underground storage tanks were
4 registered prior to July 28, 1989, and the State received
5 notice of the confirmed release on or after July 28, 1989.

6 For releases reported on or after the effective date of
7 this amendatory Act of the 96th General Assembly until the
8 effective date of this amendatory Act of the 102nd General
9 Assembly, an owner or operator may access the Underground
10 Storage Tank Fund for costs associated with an Agency approved
11 plan, and the Agency shall approve the payment of costs
12 associated with corrective action after the application of a
13 \$5,000 deductible.

14 For a release reported on or after the effective date of
15 this amendatory Act of the 102nd General Assembly, an owner or
16 operator may access the Underground Storage Tank Fund for
17 costs associated with an Agency approved plan, and the Agency
18 shall approve the payment of costs associated with corrective
19 action without the application of a deductible, except a
20 \$5,000 deductible shall apply to an owner or operator of an
21 underground storage tank that is not registered under the
22 Gasoline Storage Act.

23 A deductible shall apply annually for each site at which
24 costs were incurred under a claim submitted pursuant to this
25 Title, except that if corrective action in response to an
26 occurrence takes place over a period of more than one year, in

1 subsequent years, no deductible shall apply for costs incurred
2 in response to such occurrence.

3 (c) Eligibility and deductibility determinations shall be
4 made by the Office of the State Fire Marshal.

5 (1) When an owner or operator reports a confirmed
6 release of a regulated substance, the Office of the State
7 Fire Marshal shall provide the owner or operator with an
8 "Eligibility and Deductibility Determination" form. The
9 form shall either be provided on-site or within 15 days of
10 the Office of the State Fire Marshal receipt of notice
11 indicating a confirmed release. The form shall request
12 sufficient information to enable the Office of the State
13 Fire Marshal to make a final determination as to owner or
14 operator eligibility to access the Underground Storage
15 Tank Fund pursuant to this Title and the appropriate
16 deductible. The form shall be promulgated as a rule or
17 regulation pursuant to the Illinois Administrative
18 Procedure Act by the Office of the State Fire Marshal.
19 Until such form is promulgated, the Office of State Fire
20 Marshal shall use a form which generally conforms with
21 this Act.

22 (2) Within 60 days of receipt of the "Eligibility and
23 Deductibility Determination" form, the Office of the State
24 Fire Marshal shall issue one letter enunciating the final
25 eligibility and deductibility determination, and such
26 determination or failure to act within the time prescribed

1 shall be a final decision appealable to the Illinois
2 Pollution Control Board.

3 (Source: P.A. 96-908, eff. 6-8-10.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2022.