

# SB3229



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3229

Introduced 2/6/2024, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

430 ILCS 100/20 new

Amends the Illinois Emergency Planning and Community Right to Know Act. Provides that Local Emergency Planning Committees and the State Emergency Response Commission partner with schools and school districts regarding safety threats posed by storage and transport of hazardous substances near schools. Provides requirements for a comprehensive emergency response plan to go into effect. Details duties of the State Emergency Response Commission, working in consultation with Local Emergency Planning Committees and schools, with respect to planning and preparedness. Provides for rulemaking by the Illinois Emergency Management Agency and Office of Homeland Security. Directs the Illinois Emergency Response Commission and Local Emergency Response Committees to create a timeline for compliance with the requirements of the amendatory Act not to exceed 2 years. Defines terms.

LRB103 38530 BDA 68666 b

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 Illinois Emergency Planning and Community  
5 Right to Know Act is amended by adding Section 20 as follows:

6 (430 ILCS 100/20 new)

7 Sec. 20. Release or explosion of hazardous substances;  
8 schools.

9 (a) Not later than 60 days after the effective date of this  
10 amendatory Act of the 103rd General Assembly, the Illinois  
11 Emergency Response Commission, working with Local Emergency  
12 Response Committees, shall create a timeline to identify steps  
13 needed for compliance with the requirements of this Section  
14 within 2 years.

15 (b) Local Emergency Planning Committees, in consultation  
16 with the SERC, shall partner with schools and school districts  
17 in their respective regions to:

18 (1) disseminate to faculty, staff, and parents of  
19 students information concerning safety threats posed by  
20 the storage and transport of hazardous substances near  
21 schools, including, but not limited to, threats posed by  
22 hazardous substances that are transported near schools by  
23 high-hazard flammable trains; and

1           (2) develop and implement comprehensive emergency  
2           response plans that include a 4-corner evacuation plan in  
3           the directions of north, south, east, and west with a  
4           means for determining wind direction during incidents  
5           involving the storage and transport of hazardous  
6           substances and security-sensitive materials near schools,  
7           including, but not limited to, hazardous substances and  
8           security-sensitive materials transported by high-hazard  
9           flammable trains.

10          (c) Before any comprehensive emergency response plan may  
11          go into effect, teachers and administrators of schools and  
12          school districts within a Local Emergency Planning Committee's  
13          region must be given the opportunity to provide input on the  
14          comprehensive emergency response plan, and the Local Emergency  
15          Planning Committee shall take that input into consideration. A  
16          comprehensive emergency response plan may vary based on the  
17          potential impact of the release or explosion of different  
18          hazardous substances and security-sensitive materials. Each  
19          Local Emergency Planning Committee must have a team with  
20          certified and trained personnel who can integrate the Incident  
21          Command System required under paragraph (14) of subsection (d)  
22          into the comprehensive emergency response plan. These teams  
23          may include, but are not limited to, persons employed by  
24          public works departments, transportation departments,  
25          hospitals, heavy equipment contractors, food distributors, and  
26          other such organizations.

1       (d) The SERC, in consultation with Local Emergency  
2 Planning Committees and schools, shall:

3           (1) identify worst-case and most likely-case scenarios  
4 that are to be communicated to both administrators and  
5 teachers of any school district that is within the region  
6 of a Local Emergency Planning Committee;

7           (2) identify routes and safety zones indicated in the  
8 4-corner evacuation plan in the general directions of  
9 north, south, east, and west, which shall be visibly  
10 marked and communicated to administrators, teachers, and  
11 school personnel with information on routes to take and  
12 locations where students can seek shelter;

13           (3) identify and communicate to both administrators  
14 and teachers specific types of hazardous substances that  
15 can negatively impact a school;

16           (4) include drills as a component of comprehensive  
17 emergency response plans that administrators, teachers,  
18 and students must be given opportunities to practice and  
19 that shall be reviewed by the SERC within 3 years after the  
20 effective date of this amendatory Act of the 103rd General  
21 Assembly to find opportunities for improvement to better  
22 protect students, teachers, administrators, and any other  
23 school personnel;

24           (5) develop comprehensive emergency response plans for  
25 students with special needs or who have an Individualized  
26 Education Program or a plan developed under Section 504 of

1 the federal Rehabilitation Act of 1973;

2 (6) develop comprehensive emergency response plans  
3 that include medication distribution for students and  
4 school personnel with medical needs;

5 (7) communicate evacuation locations and procedures to  
6 parents of students;

7 (8) create a hierarchy for communication to ensure  
8 that administrators, teachers, parents, and students know  
9 where and how to access relevant information during the  
10 implementation of a comprehensive emergency response plan;

11 (9) identify and visibly mark, by means that may  
12 include, but are not limited to, signs, stickers on doors,  
13 or the like, (i) potential areas that may be impacted by  
14 the release or explosion of a hazardous substance or  
15 security-sensitive material and (ii) safety zones;

16 (10) provide information to school districts for the  
17 communication to students and their parents, during  
18 student registration, of potential areas that may be  
19 impacted by the release or explosion of a hazardous  
20 substance, updated as necessary for each new school year;

21 (11) create model rules requiring disclosure, prior to  
22 the sale of a home, that the home is located within a  
23 potential area that may be impacted by the release or  
24 explosion of a hazardous substance, based upon or similar  
25 to requirements that water damage must be communicated  
26 prior to the sale of a home;

1           (12) restrict new construction of public schools to  
2           locations outside a 5-mile radius of existing and planned  
3           railroad infrastructure where hazardous substances and  
4           security-sensitive materials are stored or transported;

5           (13) work in collaboration with the Illinois Commerce  
6           Commission to create a reduced speed zone for high-hazard  
7           flammable trains that shall impose a speed limit of 20  
8           miles per hour for trains transporting hazardous  
9           substances and security-sensitive materials, including  
10           high-hazard flammable trains, and require the posting of  
11           signage representing the reduced speed zone, in an area  
12           (i) beginning within a radius that can negatively impact a  
13           school during the approach of a train carrying hazardous  
14           substances and security-sensitive materials, including  
15           high-hazard flammable trains, and (ii) extending within a  
16           radius that can negatively impact a school during the  
17           movement away from it of a train carrying hazardous  
18           substances and security-sensitive materials, including  
19           high-hazard flammable trains; and

20           (14) implement an Incident Command System as a  
21           mandatory process to channel communication during the  
22           release or explosion of a hazardous substance or  
23           security-sensitive material and that shall govern the  
24           command, control, and coordination of a comprehensive  
25           emergency response plan's implementation during the  
26           release or explosion of a hazardous substance or

1 security-sensitive material, specific to the needs of each  
2 school within the Local Emergency Planning Committee's  
3 region.

4 (e) The Illinois Emergency Management Agency and Office of  
5 Homeland Security shall adopt any rules necessary to implement  
6 the provisions of this Section, but only after consulting with  
7 the State Board of Education on the rules to be adopted.

8 (f) In this Section:

9 "Comprehensive emergency response plan" means a set of  
10 strategic and operational documents that define principles and  
11 priorities, assign roles and responsibilities, and direct  
12 action in all phases of emergency management. The purpose of a  
13 comprehensive emergency response plan is to document emergency  
14 planning specifically related to schools, school personnel,  
15 and students that may potentially be impacted by the release  
16 or explosion of a hazardous substance or security-sensitive  
17 material resulting from its storage or transport. The  
18 comprehensive emergency response plan may include, but shall  
19 not be limited to:

20 (1) a regularly updated list of schools located within  
21 each Local Emergency Planning Committee region that may  
22 potentially be impacted from a release or explosion  
23 resulting from the storage or transport of a hazardous  
24 substance or security-sensitive material;

25 (2) methods and procedures to be followed by school  
26 personnel and local emergency and medical personnel in

1 response to the release or explosion of a hazardous  
2 substance or security-sensitive material;

3 (3) the designation of roles needed within the  
4 region's Incident Command System;

5 (4) the identification of procedures that provide  
6 reliable, effective, and timely notification to persons  
7 designated in the comprehensive emergency response plan  
8 and to the public that the release or explosion of a  
9 hazardous substance or security-sensitive material has  
10 occurred;

11 (5) the methods used for determining whether the  
12 release or explosion of a hazardous substance or  
13 security-sensitive material has occurred and any school  
14 that will likely be negatively impacted by the release or  
15 explosion;

16 (6) descriptions of emergency equipment in the region,  
17 each school and relevant emergency facility in the region,  
18 and emergency equipment located at each school and  
19 relevant emergency facility in the region and the  
20 identification of persons responsible for the equipment  
21 and each school and relevant emergency facility;

22 (7) evacuation plans, including provisions for a  
23 precautionary evacuation, alternative traffic routes, and  
24 means for determining wind direction;

25 (8) training programs, including schedules for  
26 emergency response and medical personnel; and



1           (9) methods and schedules for drills to exercise the  
2           comprehensive emergency response plan.

3           "Drill" means an exercise for students and school  
4           personnel to routinely review and practice emergency  
5           organization and procedures and to identify necessary  
6           facilities, equipment, routes, and safety zones in the event  
7           of the release or explosion of a hazardous substance or  
8           security-sensitive material.

9           "Hazardous substance" means a substance transported or  
10           stored in a cumulative total of quantities greater than its  
11           corresponding threshold planning quantity and is considered  
12           severely harmful to human health and the environment, as  
13           defined by the United States Environmental Protection Agency  
14           under the federal Comprehensive Environmental Response,  
15           Compensation, and Liability Act. "Hazardous substance" may  
16           include, but is not limited to, any product's, substance's, or  
17           waste's presence, use, manufacture, disposal, transportation,  
18           or release, either by itself or in combination with other  
19           materials, that is:

20           (1) potentially injurious to the public health,  
21           safety, or welfare, the environment, or a school;

22           (2) regulated or monitored by any governmental  
23           authority; or

24           (3) a basis for potential liability of a school to any  
25           governmental agency or third party under any applicable  
26           statute or common law theory.

1       "Hazardous substance" includes, but is not limited to,  
2       radioactive materials, hydrocarbons, petroleum, gasoline, and  
3       crude oil or any products, by-products, or fractions thereof.

4       "Security-sensitive materials" means materials within  
5       hazardous proximity to schools that, as defined by the  
6       Secretary of Homeland Security in consultation with the  
7       Secretary of Transportation and determined through rulemaking  
8       with opportunity for public comment, pose a significant risk  
9       to national security while being transported or stored in  
10       commerce due to the potential use of the material in an act of  
11       terrorism.

12       "High-hazard flammable train" means any single train  
13       transporting 20 or more loaded tank cars of a Class 3 flammable  
14       liquid in a continuous block or any single train carrying 35 or  
15       more loaded tank cars of a Class 3 flammable liquid throughout  
16       the train.

17       "Route" means an established, plainly marked, and visible,  
18       at all times, transition area for students, school personnel,  
19       and other persons to move either on foot or by means of  
20       appropriate transportation from an area contaminated by the  
21       release or explosion of a hazardous substance to a safety  
22       zone.

23       "Safety zone" means an established, plainly marked, and  
24       visible, at all times, area that is free from actual or  
25       potential contamination resulting from the release or  
26       explosion of a hazardous substance and that may be safely used

1 as a planning and staging area.

2 "School" means any school or day care facility, either  
3 public or private, that is located within a potential area  
4 impacted by the release or explosion of a hazardous substance.

5 "Worst-case scenario" means an assessment of the greatest  
6 extent of harm, including, but not limited to, personal harm,  
7 environmental harm, and harm to property, caused by a release  
8 or explosion, including both the largest quantity and the most  
9 likely quantity, of a hazardous substance that may negatively  
10 impact a school.