

1 AN ACT concerning environmental protection.

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  
5 by changing Sections 4 and 21.4 and by adding Sections 21.3a  
6 and 21.7 as follows:

7 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

8 Sec. 4. Environmental Protection Agency; establishment;  
9 duties.

10 (a) There is established in the Executive Branch of the  
11 State Government an agency to be known as the Environmental  
12 Protection Agency. This Agency shall be under the  
13 supervision and direction of a Director who shall be  
14 appointed by the Governor with the advice and consent of the  
15 Senate. The term of office of the Director shall expire on  
16 the third Monday of January in odd numbered years, provided  
17 that he or she shall hold office until a successor is  
18 appointed and has qualified. The Director shall receive an  
19 annual salary as set by the Governor from time to time or as  
20 set by the Compensation Review Board, whichever is greater.  
21 If set by the Governor, the Director's annual salary may not  
22 exceed 85% of the Governor's annual salary. The Director, in  
23 accord with the Personnel Code, shall employ and direct such  
24 personnel, and shall provide for such laboratory and other  
25 facilities, as may be necessary to carry out the purposes of  
26 this Act. In addition, the Director may by agreement secure  
27 such services as he or she may deem necessary from any other  
28 department, agency, or unit of the State Government, and may  
29 employ and compensate such consultants and technical  
30 assistants as may be required.

31 (b) The Agency shall have the duty to collect and

1 disseminate such information, acquire such technical data,  
2 and conduct such experiments as may be required to carry out  
3 the purposes of this Act, including ascertainment of the  
4 quantity and nature of discharges from any contaminant source  
5 and data on those sources, and to operate and arrange for the  
6 operation of devices for the monitoring of environmental  
7 quality.

8 (c) The Agency shall have authority to conduct a program  
9 of continuing surveillance and of regular or periodic  
10 inspection of actual or potential contaminant or noise  
11 sources, of public water supplies, and of refuse disposal  
12 sites.

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

16 (1) Inspecting and investigating to ascertain  
17 possible violations of the Act or of regulations  
18 thereunder, or of permits or terms or conditions thereof;  
19 or

20 (2) In accordance with the provisions of this Act,  
21 taking whatever preventive or corrective action,  
22 including but not limited to removal or remedial action,  
23 that is necessary or appropriate whenever there is a  
24 release or a substantial threat of a release of (A) a  
25 hazardous substance or pesticide, ~~or~~ (B) petroleum from  
26 an underground storage tank, (C) any contaminant, or (D)  
27 any waste.

28 (e) The Agency shall have the duty to investigate  
29 violations of this Act or of regulations adopted thereunder,  
30 or of permits or terms or conditions thereof, to issue  
31 administrative citations as provided in Section 31.1 of this  
32 Act, and to take such summary enforcement action as is  
33 provided for by Section 34 of this Act.

34 (f) The Agency shall appear before the Board in any

1 hearing upon a petition for variance, the denial of a permit,  
2 or the validity or effect of a rule or regulation of the  
3 Board, and shall have the authority to appear before the  
4 Board in any hearing under the Act.

5 (g) The Agency shall have the duty to administer, in  
6 accord with Title X of this Act, such permit and  
7 certification systems as may be established by this Act or by  
8 regulations adopted thereunder. The Agency may enter into  
9 written delegation agreements with any department, agency, or  
10 unit of State or local government under which all or portions  
11 of this duty may be delegated for public water supply storage  
12 and transport systems, sewage collection and transport  
13 systems, air pollution control sources with uncontrolled  
14 emissions of 100 tons per year or less and application of  
15 algicides to waters of the State. Such delegation agreements  
16 will require that the work to be performed thereunder will be  
17 in accordance with Agency criteria, subject to Agency review,  
18 and shall include such financial and program auditing by the  
19 Agency as may be required.

20 (h) The Agency shall have authority to require the  
21 submission of complete plans and specifications from any  
22 applicant for a permit required by this Act or by regulations  
23 thereunder, and to require the submission of such reports  
24 regarding actual or potential violations of the Act or of  
25 regulations thereunder, or of permits or terms or conditions  
26 thereof, as may be necessary for purposes of this Act.

27 (i) The Agency shall have authority to make  
28 recommendations to the Board for the adoption of regulations  
29 under Title VII of the Act.

30 (j) The Agency shall have the duty to represent the  
31 State of Illinois in any and all matters pertaining to plans,  
32 procedures, or negotiations for interstate compacts or other  
33 governmental arrangements relating to environmental  
34 protection.

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

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

18           (1) The Agency is hereby designated as water pollution  
19 agency for the state for all purposes of the Federal Water  
20 Pollution Control Act, as amended; as implementing agency for  
21 the State for all purposes of the Safe Drinking Water Act,  
22 Public Law 93-523, as now or hereafter amended, except  
23 Section 1425 of that Act; as air pollution agency for the  
24 state for all purposes of the Clean Air Act of 1970, Public  
25 Law 91-604, approved December 31, 1970, as amended; and as  
26 solid waste agency for the state for all purposes of the  
27 Solid Waste Disposal Act, Public Law 89-272, approved October  
28 20, 1965, and amended by the Resource Recovery Act of 1970,  
29 Public Law 91-512, approved October 26, 1970, as amended, and  
30 amended by the Resource Conservation and Recovery Act of  
31 1976, (P.L. 94-580) approved October 21, 1976, as amended; as  
32 noise control agency for the state for all purposes of the  
33 Noise Control Act of 1972, Public Law 92-574, approved  
34 October 27, 1972, as amended; and as implementing agency for

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

20 Any municipality, sanitary district, or other political  
21 subdivision, or any Agency of the State or interstate Agency,  
22 which makes application for loans or grants under such  
23 federal Acts shall notify the Agency of such application; the  
24 Agency may participate in proceedings under such federal  
25 Acts.

26 (m) The Agency shall have authority, consistent with  
27 Section 5(c) and other provisions of this Act, and for  
28 purposes of Section 303(e) of the Federal Water Pollution  
29 Control Act, as now or hereafter amended, to engage in  
30 planning processes and activities and to develop plans in  
31 cooperation with units of local government, state agencies  
32 and officers, and other appropriate persons in connection  
33 with the jurisdiction or duties of each such unit, agency,  
34 officer or person. Public hearings shall be held on the

1 planning process, at which any person shall be permitted to  
2 appear and be heard, pursuant to procedural regulations  
3 promulgated by the Agency.

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

16 (o) The Agency shall have the authority to issue  
17 certificates of competency to persons and laboratories  
18 meeting the minimum standards established by the Agency in  
19 accordance with Section 4(n) of this Act and to promulgate  
20 and enforce regulations relevant to the issuance and use of  
21 such certificates. The Agency may enter into formal working  
22 agreements with other departments or agencies of state  
23 government under which all or portions of this authority may  
24 be delegated to the cooperating department or agency.

25 (p) Except as provided in Section 17.7, the Agency shall  
26 have the duty to analyze samples as required from each public  
27 water supply to determine compliance with the contaminant  
28 levels specified by the Pollution Control Board. The maximum  
29 number of samples which the Agency shall be required to  
30 analyze for microbiological quality shall be 6 per month, but  
31 the Agency may, at its option, analyze a larger number each  
32 month for any supply. Results of sample analyses for  
33 additional required bacteriological testing, turbidity,  
34 residual chlorine and radionuclides are to be provided to the

1 Agency in accordance with Section 19. Owners of water  
2 supplies may enter into agreements with the Agency to provide  
3 for reduced Agency participation in sample analyses.

4 (q) The Agency shall have the authority to provide  
5 notice to any person who may be liable pursuant to Section  
6 22.2(f) or 58.9 of this Act for a release or a substantial  
7 threat of a release of a hazardous substance or pesticide.  
8 The Agency shall have the authority to provide notice to any  
9 person who may be liable pursuant to this Act for a release  
10 or a substantial threat of release of any contaminant or  
11 waste. Such notice shall include the identified response  
12 action and an opportunity for such person to perform the  
13 response action.

14 (r) The Agency may enter into written delegation  
15 agreements with any unit of local government under which it  
16 may delegate all or portions of its inspecting, investigating  
17 and enforcement functions. Such delegation agreements shall  
18 require that work performed thereunder be in accordance with  
19 Agency criteria and subject to Agency review.  
20 Notwithstanding any other provision of law to the contrary,  
21 no unit of local government shall be liable for any injury  
22 resulting from the exercise of its authority pursuant to such  
23 a delegation agreement unless the injury is proximately  
24 caused by the willful and wanton negligence of an agent or  
25 employee of the unit of local government, and any policy of  
26 insurance coverage issued to a unit of local government may  
27 provide for the denial of liability and the nonpayment of  
28 claims based upon injuries for which the unit of local  
29 government is not liable pursuant to this subsection (r).

30 (s) The Agency shall have authority to take whatever  
31 preventive or corrective action is necessary or appropriate,  
32 including but not limited to expenditure of monies  
33 appropriated from the Build Illinois Bond Fund, and the Build  
34 Illinois Purposes Fund, and the General Revenue Fund for

1 removal or remedial action, whenever any hazardous substance,  
2 or pesticide, petroleum from an underground storage tank,  
3 contaminant, or waste is released or there is a substantial  
4 threat of such a release into the environment.  
5 Notwithstanding any other provision of this Act, unless  
6 required by federal law the Agency shall not be required to  
7 obtain a permit for any preventive or corrective action,  
8 including but not limited to removal or remedial action  
9 conducted entirely on site, where the action is selected and  
10 performed in accordance with this Act. The State, the  
11 Director, and any State employee shall be indemnified for any  
12 damages or injury arising out of or resulting from any action  
13 taken under this subsection. The Director of the Agency is  
14 authorized to enter into such contracts and agreements as are  
15 necessary to carry out the Agency's duties under this  
16 subsection.

17 (t) The Agency shall have authority to distribute  
18 grants, subject to appropriation by the General Assembly, for  
19 financing and construction of municipal wastewater  
20 facilities. With respect to all monies appropriated from the  
21 Build Illinois Bond Fund and the Build Illinois Purposes Fund  
22 for wastewater facility grants, the Agency shall make  
23 distributions in conformity with the rules and regulations  
24 established pursuant to the Anti-Pollution Bond Act, as now  
25 or hereafter amended.

26 (u) Pursuant to the Illinois Administrative Procedure  
27 Act, the Agency shall have the authority to adopt such rules  
28 as are necessary or appropriate for the Agency to implement  
29 Section 31.1 of this Act.

30 (v) (Blank.)

31 (w) Neither the State, nor the Director, nor the Board,  
32 nor any State employee shall be liable for any damages or  
33 injury arising out of or resulting from any action taken  
34 under subsection (s).



1 (x)(1) The Agency shall have authority to distribute  
2 grants, subject to appropriation by the General Assembly,  
3 to units of local government for financing and  
4 construction of public water supply facilities. With  
5 respect to all monies appropriated from the Build  
6 Illinois Bond Fund or the Build Illinois Purposes Fund  
7 for public water supply grants, such grants shall be made  
8 in accordance with rules promulgated by the Agency. Such  
9 rules shall include a requirement for a local match of  
10 30% of the total project cost for projects funded through  
11 such grants.

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

32 (y) The Agency shall have authority to release any  
33 person from further responsibility for preventive or  
34 corrective action under this Act following successful

1 completion of preventive or corrective action undertaken by  
2 such person upon written request by the person.

3 (Source: P.A. 91-25, eff. 6-9-99; 92-574, eff. 6-26-02.)

4 (415 ILCS 5/21.3a new)

5 Section 21.3a. Preventive or corrective action liens.

6 (a) Established. A lien recorded by the Agency on or  
7 after the effective date of this amendatory Act of the 93rd  
8 General Assembly shall be filed in accordance with this  
9 Section. For liens recorded on or after the effective date  
10 of this amendatory Act of the 93rd General Assembly, any  
11 costs incurred by the Agency pursuant to Section 21.7, 22.2,  
12 55.3, or 58.9 of this Act shall constitute a debt and shall  
13 be a lien in favor of the State upon the affected real  
14 property.

15 Interest on the debt shall accrue at a rate of 12% per  
16 annum from the date the Agency files the notice of intent to  
17 file a lien under subsection (e) of this Section.

18 (b) Definitions. For purposes of this Section, the  
19 following terms and phrases shall have the meanings  
20 indicated, unless the context requires otherwise:

21 "Farming" means the tillage of the soil, dairy  
22 farming, ranching, or the production or raising of crops,  
23 poultry, or livestock.

24 "Preventive or corrective action" includes, but is  
25 not limited to, removal or remedial action.

26 "Affected real property" means the parcel or parcels  
27 of real property upon which the Agency has undertaken the  
28 preventive or corrective action, and any contiguous  
29 parcel that was subdivided therefrom within the 3 years  
30 before the date of the filing of the lien.

31 "Residential real property" means real property used  
32 or under construction as single or multi-family housing  
33 at the time the lien is recorded.

1       (c) Priority. A preventive or corrective action lien  
2 filed in accordance with the provisions of this Section shall  
3 have priority over all liens, mortgages, and other  
4 encumbrances filed after the effective date of this  
5 amendatory Act of the 93rd General Assembly, except:

6           (1) mortgages, liens, or other encumbrances on  
7 residential real property and real property used  
8 primarily for farming; and

9           (2) liens for general taxes, special assessments,  
10 and special taxes levied by a school district, unit of  
11 local government, or political subdivision of this State.

12       (d) Subdivision limitation. Residential real property  
13 that was subdivided from the affected real property and  
14 transferred before the date of the filing of the notice of  
15 intent as described in subsection (f) of this Section is not  
16 subject to a preventive or corrective action lien.

17       (e) Opportunity to perform work. No preventive or  
18 corrective action lien shall have priority over a previously  
19 filed lien, mortgage, and other encumbrance unless the Agency  
20 has sent notice pursuant to subsection (q) or (v) of Section  
21 4, subsection (d) of Section 55.3d, or Section 58.9 of this  
22 Act to the holder of the lien, mortgage, or encumbrance of  
23 record giving the opportunity to perform the preventive or  
24 corrective action.

25       (f) Notice of intent to file. The Agency shall provide  
26 a notice of its intent to file a preventive or corrective  
27 action lien to the following persons:

28           (1) every person having a recorded or registered  
29 interest in the real property whose name and address is  
30 known to the Agency;

31           (2) every person having an unrecorded and  
32 unregistered property interest in the property whose  
33 interest, name, and address is known to the Agency; and

34           (3) all persons having an unrecorded property

1 interest in the property whose interest, name, or address  
2 is unknown to the Agency, by publication as specified in  
3 subsection (h).

4 (g) Contents of notice. The notice of intent to file  
5 shall, at a minimum, include the following information:

6 (1) a statement of the Agency's statutory authority  
7 to file the preventive or corrective action lien;

8 (2) a brief description of the real property to be  
9 affected by the preventive or corrective action lien,  
10 including a property identification number if available;

11 (3) a statement of the facts demonstrating that the  
12 real property is the subject of the costs incurred by the  
13 Agency for preventive or corrective action;

14 (4) a statement of the costs incurred by the  
15 Agency;

16 (5) a statement of how and when the debt owed must  
17 be paid to avoid the filing of the preventive or  
18 corrective action lien; and

19 (6) a statement that a lien, mortgage, or  
20 encumbrance holder whose existing interest will become  
21 junior when the Agency files its preventive or corrective  
22 action lien may request a hearing before the Board under  
23 subsection (i) to challenge the priority of the Agency's  
24 lien or the amount of the lien. The request for hearing  
25 must be received by the Board within 30 days following  
26 the date of service under subsection (h).

27 (h) Service of notice of intent to file. Notice of  
28 intent to file shall be given to a person whose interest,  
29 name, and address are known to the Agency by one of the  
30 following methods:

31 (1) service in hand personally to the person or to  
32 any officer, employee, or agent of the person authorized  
33 by appointment of the person or by law to accept service;  
34 or

1           (2) by certified mail, return receipt requested,  
2           addressed to the person's last known address or to the  
3           last known address of any officer, employee, or agent of  
4           the person authorized by appointment of the person or by  
5           law to accept service.

6           Notice of intent to file shall be given to persons having  
7           an unrecorded ownership interest in the property whose  
8           interest, name, or address is unknown to the Agency, by  
9           publication of the notice in a newspaper of general  
10           circulation serving the community where the real property is  
11           located.

12           (i) Hearing. A hearing requested under this Section  
13           shall be limited to a summary determination of whether the  
14           requirements of this Section have been fulfilled. The Board  
15           shall enter an order allowing the Agency to file the lien  
16           unless the person requesting review can demonstrate that:

17           (1) some or all of the identified costs were not  
18           incurred by the Agency pursuant to Section 21.7, 22.2,  
19           55.3, or 58.9 of this Act;

20           (2) some or all of the identified costs incurred do  
21           not relate to the subject real property; or

22           (3) a notice pursuant to subsection (q) or (v) of  
23           Section 4, subsection (d) of Section 55.3d, or Section  
24           58.9 of this Act was not sent to the person requesting  
25           review, whose existing lien, mortgage, or other  
26           encumbrance will become junior when the Agency files its  
27           lien.

28           If the Board finds that certain costs were not incurred  
29           by the Agency pursuant to Section 22.17, 22.2, 55.3, or 58.9  
30           of the Act, or that the costs incurred do not relate to the  
31           subject property, the Board shall issue a finding indicating  
32           the costs that may be filed as a preventive or corrective  
33           action lien by the Agency. If the Board finds that the  
34           person requesting review was not given an opportunity to

1 perform work under subsection (e), pursuant to authority  
2 within subsection (g) or (v) of Section 4, subsection (d) of  
3 Section 55.3d, or Section 58.9, the Board shall issue an  
4 order allowing the Agency to file a preventive or corrective  
5 action lien, but declaring that the existing lien, mortgage,  
6 or other encumbrance of the person requesting review will not  
7 be junior to the Agency's preventive or corrective action  
8 lien.

9 (j) Recording. A lien issued pursuant to this Section  
10 shall be effective when it is filed with the recorder or  
11 registrar of titles of the county in which the real property  
12 lies. The lien shall, at a minimum, include:

13 (1) a description of the real property;

14 (2) the amount of the lien and a statement that  
15 future costs may be incurred by the Agency that would  
16 increase the amount of the lien;

17 (3) a statement of whether the Board has declared  
18 that an existing lien will not be junior to the  
19 preventive or corrective action lien; and

20 (4) the name of the owner as grantor.

21 The Agency shall also file an affidavit of expenditures  
22 attached to the preventive or corrective action lien. The  
23 affidavit of expenditures may be amended if additional costs  
24 are incurred.

25 In addition, a copy of the preventive or corrective  
26 action lien shall be sent by certified mail to the owners and  
27 lienholders of record.

28 (k) Discharge of preventive or corrective action lien.  
29 When the amount of the recorded lien has been paid, the  
30 Agency, upon request by a person of record holding an  
31 interest in the real property that is the subject of the  
32 lien, shall issue a certificate discharging the lien. The  
33 certification shall be filed by the Agency with the recorder  
34 or registrar of titles of the county in which the real

1 property lies.

2 (l) Foreclosure. In addition to any other remedy, the  
3 Agency may bring an action in the circuit court to foreclose  
4 on the real property for any costs imposed under Sections  
5 21.7, 22.2, 55.3, or 58.9 to the same extent and in the same  
6 manner as in the enforcement of other liens, mortgages, or  
7 encumbrances. The process, practice, and procedures for  
8 foreclosure shall be the same as those provided in Article XV  
9 of the Code of Civil Procedure.

10 (m) Reservation of rights. Nothing in this Section  
11 shall affect the right of the State to bring an action  
12 against any person, including but not limited to an action to  
13 recover all costs and damages for which the person is liable  
14 under Section 21.7, 22.2, 55.3, or 58.9 of this Act.

15 (n) Full force and effect. All liens recorded pursuant  
16 to Section 21.3 before the effective date of this amendatory  
17 Act of the 93rd General Assembly shall remain in full force  
18 and effect until discharged, in accordance with that Section.

19 (415 ILCS 5/21.4) (from Ch. 111 1/2, par. 1021.4)  
20 Sec. 21.4. Interests in real property.

21 (a) The Agency is hereby authorized to acquire the fee  
22 or any lesser interest, including easements, in real property  
23 where necessary or appropriate:

- 24 (1) to protect human health or the environment; or
- 25 (2) to respond to the release or substantial threat
- 26 of a release of any hazardous substance, ~~or~~ petroleum,
- 27 pesticide, contaminant, or waste into the environment; or
- 28 (3) as part of a proceeding to foreclose or enforce
- 29 liens or interests under Section 21.3 or 21.3a.

30 (b) The Agency is authorized to retain for public use or  
31 to convey, deed, assign or otherwise transfer all or any  
32 portion of the interest in real property acquired pursuant to  
33 subsection (a) and may place restrictions upon the use of the

1 property after transfer as are necessary or appropriate:

2 (1) to protect present or future human health or  
3 the environment; or

4 (2) to respond to the release or substantial threat  
5 of a release of any hazardous substance, ~~or~~ petroleum,  
6 pesticide, contaminant, or waste into the environment.

7 (c) Any monies received by the State of Illinois  
8 pursuant to paragraph (b) of this Section shall be deposited  
9 in the Hazardous Waste Fund.

10 (Source: P.A. 86-820.)

11 (415 ILCS 5/21.7 new)

12 Section 21.7. Liability for costs of preventive or  
13 corrective action. A person liable pursuant to this Act for  
14 the release or substantial threat of release of any  
15 contaminant or waste shall be liable for the costs of any  
16 preventive or corrective action incurred by the Agency or any  
17 unit of local government.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.