



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4268**

Introduced 1/29/2004, by John A. Fritchey

**SYNOPSIS AS INTRODUCED:**

415 ILCS 5/25b-2 from Ch. 111 1/2, par. 1025b-2  
415 ILCS 5/25d-1 new  
415 ILCS 5/25d-2 new  
415 ILCS 5/25d-3 new  
415 ILCS 5/25d-4 new  
415 ILCS 5/25d-5 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to give notice concerning: (i) toxic chemical release forms received through the federal government; (ii) violations of the Environmental Protection Act; (iii) remedial actions; (iv) contamination information provided by the federal government; or (v) any other contamination. Sets forth the requirements for the notice. Provides that the Agency is not liable for the accuracy, availability, or use of the information provided in the notice. Effective immediately.

LRB093 15952 BDD 46440 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 by  
5 changing Section 25b-2 and by adding Sections 25d-1, 25d-2,  
6 25d-3, 25d-4, and 25d-5 as follows:

7 (415 ILCS 5/25b-2) (from Ch. 111 1/2, par. 1025b-2)

8 Sec. 25b-2. (a) Facilities which are required to file toxic  
9 chemical release forms with the State pursuant to Section 313  
10 of the federal Emergency Planning and Community Right-to-Know  
11 Act of 1986 shall file such forms with the Illinois  
12 Environmental Protection Agency.

13 (b) Beginning October 1, 2004, the Agency shall make  
14 available, through its website, a searchable database of all  
15 toxic chemical release forms it has received pursuant to  
16 Section 313 of the federal Emergency Planning and Community  
17 Right-to-Know Act of 1986 and shall make available, through its  
18 website, the United States Environmental Protection Agency's  
19 searchable data bases identifying listed locations where the  
20 presence of hazardous substances have been identified pursuant  
21 to the federal Comprehensive Environmental Response  
22 Compensation and Liability Act (CERCLA) either in the CERCLA  
23 Information System list or the National Contingency Plan list,  
24 pursuant to 40 CFR Part 300. Furthermore, the ~~The~~ Agency shall  
25 make toxic chemical release forms available to the public for  
26 inspection and copying during regular business hours and, upon  
27 written request, shall send copies of such forms by mail to any  
28 resident of the State.

29 (Source: P.A. 85-927.)

30 (415 ILCS 5/25d-1 new)

31 Sec. 25d-1. Notification of violations of the Act.

1 (a) Whenever the Agency issues a notice pursuant to Section  
2 31 of this Act and as a result of any spilling, leaking,  
3 pumping, pouring, emitting, emptying, discharging, injecting,  
4 escaping, leaching, dumping, or disposing into the environment  
5 any of the items listed in item (2)(A) of subsection (b)  
6 subsequently initiates an enforcement action or enters into a  
7 Compliance Commitment Agreement, as defined by Title VII of  
8 this Act, it shall post information regarding the enforcement  
9 action or Compliance Commitment Agreement on its website.

10 (b) The information shall be posted on the website within  
11 30 days after when the Agency initiates the enforcement action  
12 or enters into a Compliance Commitment Agreement. The  
13 information shall contain, at a minimum, the following:

14 (1) The address and physical description of the site or  
15 sites subject to the enforcement action or Compliance  
16 Commitment Agreement; and

17 (2) A brief description of the events alleged to have  
18 occurred that led to an enforcement action or entering into  
19 a Compliance Commitment Agreement, including, but not  
20 limited to:

21 (A) the presence of any waste, special waste,  
22 potentially infectious medical waste, pollution  
23 control waste, industrial process waste, hazardous  
24 waste, hazardous substance, or contaminant; and

25 (B) whether there was any spilling, leaking,  
26 pumping, pouring, emitting, emptying, discharging,  
27 injecting, escaping, leaching, dumping, or disposing  
28 any of the items listed in item (A) above into or onto  
29 the land, water, or air.

30 (3) The case number of the enforcement action.

31 (c) Whenever the Agency issues a notice pursuant to Section  
32 31 of this Act and as a result of any spilling, leaking,  
33 pumping, pouring, emitting, emptying, discharging, injecting,  
34 escaping, leaching, dumping, or disposing into the environment  
35 of any of the items listed in item (2)(A) of subsection (b)  
36 subsequently initiates an enforcement action or enters into a

1 Compliance Commitment Agreement, as defined by Title VII of  
2 this Act, the Agency shall give notice to all households and  
3 businesses within 2,500 feet of the site subject to the  
4 enforcement action or a Compliance Commitment Agreement.  
5 Notice shall occur within 60 days after the date that the  
6 Agency initiates an enforcement action or enters into a  
7 Compliance Commitment Agreement. Notice shall be given, at a  
8 minimum, by direct mailing to households and businesses and by  
9 notice in a local newspaper of general circulation. The notice  
10 shall contain information similar to that called for in  
11 subsection (b) above. The duties of this subsection are in  
12 addition to the duties required by subsection (b).

13 (415 ILCS 5/25d-2 new)

14 Sec. 25d-2. Notification of remedial actions.

15 (a) Whenever the Agency first becomes aware of a site or  
16 sites undergoing remedial action, as defined by Title XVII of  
17 this Act, it shall post information regarding the remedial  
18 action on its website.

19 (b) The information shall be posted on the website within  
20 30 days after the date that the Agency first becomes aware of  
21 the remedial action. The information shall contain, at a  
22 minimum, the following:

23 (1) The address and physical description of the site or  
24 sites undergoing remedial action;

25 (2) A brief description of the events alleged to have  
26 occurred that led to an enforcement action or entering into  
27 a Compliance Commitment Agreement, including, but not  
28 limited to:

29 (A) the presence of any waste, special waste,  
30 potentially infectious medical waste, pollution  
31 control waste, industrial process waste, hazardous  
32 waste, hazardous substance, or contaminant; and

33 (B) whether there was any spilling, leaking,  
34 pumping, pouring, emitting, emptying, discharging,  
35 injecting, escaping, leaching, dumping, or disposing

1 of any of the items listed in item (A) above into or  
2 onto the land, water, or air; and

3 (3) The case number of the remedial action.

4 (c) Whenever the Agency first becomes aware of a site or  
5 sites undergoing remedial action, as defined by Title XVII  
6 of this Act, the Agency shall give notice to all households and  
7 businesses within 2,500 feet of the site subject to the  
8 remedial action. Notice must occur within 60 days after the  
9 date that the Agency first becomes aware of a site or sites  
10 undergoing remedial action, as defined by Title XVII of this  
11 Act. Notice shall be given, at a minimum, by direct mailing to  
12 households and businesses and by notice in a local newspaper of  
13 general circulation. The notice shall contain information  
14 similar to that called for in subsection (b) above. The duties  
15 of this subsection are in addition to the duties required by  
16 subsection (b) above.

17 (415 ILCS 5/25d-3 new)

18 Sec. 25d-3. Notification of federal actions.

19 (a) Whenever the Agency becomes aware, pursuant to  
20 notification required by the federal Comprehensive  
21 Environmental Response Compensation and Liability Act  
22 (CERCLA), 42 U.S.C. §§ 9603(a) and 9603(c), pursuant to actions  
23 undertaken under CERCLA, 42 U.S.C. § 9604(a) or listing  
24 pursuant to the National Contingency Plan, or pursuant to any  
25 action for judicial relief undertaken pursuant to the federal  
26 Solid Waste Act, 42 U.S.C. §§ 6973 or 6972(a), of the existence  
27 of the presence of a contaminant or hazardous substance that  
28 may pose an imminent or substantial endangerment to human  
29 health or the environment, then the Agency shall give notice to  
30 all households and businesses within 2,500 feet of the  
31 contamination. Notice shall be given, at a minimum, by direct  
32 mailing to households and businesses, posting on the Agency's  
33 website, and notice in a local newspaper of general  
34 circulation.

35 (b) The notice must contain, at a minimum, the following:

1           (1) The address and physical description of the site or  
2           sites undergoing remedial or removal action or for which  
3           remedial or removal action is sought;

4           (2) A brief description of the circumstances alleged to  
5           be present that led to the remedial action or listing for  
6           enforcement action, including, but not limited to:

7                   (A) the presence of any waste, special waste,  
8                   potentially infectious medical waste, pollution  
9                   control waste, industrial process waste, hazardous  
10                   waste, hazardous substance, or contaminant; and

11                   (B) whether there was any spilling, leaking,  
12                   pumping, pouring, emitting, emptying, discharging,  
13                   injecting, escaping, leaching, dumping, or disposing  
14                   any of the items listed in item (A) above into or onto  
15                   the land, water, or air; and

16           (3) Information regarding any potential adverse health  
17           effects posed by the contamination.

18           (415 ILCS 5/25d-4 new)

19           Sec. 25d-4. Notification of other contamination.

20           (a) Whenever the Agency has confirmed, through sound  
21           scientific methods, the presence of an environmental  
22           contaminant that exceeds the applicable federal or State health  
23           and safety standards and that may pose an imminent or  
24           substantial endangerment to human health or the environment,  
25           then the Agency shall give notice to all households and  
26           businesses within 2,500 feet of the contamination. Notice shall  
27           be given, at a minimum, by direct mailing to households and  
28           businesses, posting on the Agency's website, and notice in a  
29           local newspaper of general circulation.

30           (b) The notice shall contain, at a minimum, the following:

31                   (1) The address and physical description of the site or  
32                   sites undergoing remedial action;

33                   (2) A brief description of the events alleged to have  
34                   occurred that led to the remedial action, including, but  
35                   not limited to:

1           (A) the presence of any waste, special waste,  
2           potentially infectious medical waste, pollution  
3           control waste, industrial process waste, hazardous  
4           waste, hazardous substance, or contaminant; and

5           (B) whether there was any spilling, leaking,  
6           pumping, pouring, emitting, emptying, discharging,  
7           injecting, escaping, leaching, dumping, or disposing  
8           any of the items listed in item (A) above into or onto  
9           the land, water, or air; and

10          (c) Information regarding any potential adverse health  
11          effects posed by the contamination.

12          (d) The requirements of this Section shall not apply in  
13          instances where the Agency has already given notice under  
14          Sections 25d-1, 25d-2, or 25d-3.

15           (415 ILCS 5/25d-5 new)

16          Sec. 25d-5. Liability. The Agency is not liable for the  
17          accuracy, availability, or use of the information provided  
18          under Sections 25d-1, 25d-2, 25d-3, or 25d-4.

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