



Rep. Joe Dunn

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09300HB5960ham001

LRB093 19279 BDD 48824 a

1 AMENDMENT TO HOUSE BILL 5960

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5960 by replacing  
3 everything after the enacting clause with the following:

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

1 make toxic chemical release forms available to the public for  
2 inspection and copying during regular business hours and, upon  
3 written request, shall send copies of such forms by mail to any  
4 resident of the State.

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

6 (415 ILCS 5/25d-1 new)

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

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

17 (b) The information shall be posted on the website within  
18 30 days after when the Agency initiates the enforcement action  
19 or enters into a Compliance Commitment Agreement. The  
20 information shall contain, at a minimum, the following:

21 (1) The address and physical description of the site or  
22 sites subject to the enforcement action or Compliance  
23 Commitment Agreement; and

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

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

32 (B) whether there was any spilling, leaking,  
33 pumping, pouring, emitting, emptying, discharging,

1           injecting, escaping, leaching, dumping, or disposing  
2           any of the items listed in item (A) above into or onto  
3           the land, water, or air.

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

5           (c) Whenever the Agency issues a notice pursuant to Section  
6           31 of this Act and as a result of any spilling, leaking,  
7           pumping, pouring, emitting, emptying, discharging, injecting,  
8           escaping, leaching, dumping, or disposing into the environment  
9           of any of the items listed in item (2) (A) of subsection (b)  
10           subsequently initiates an enforcement action or enters into a  
11           Compliance Commitment Agreement, as defined by Title VII of  
12           this Act, the Agency shall give notice to all households and  
13           businesses within 2,500 feet of the site subject to the  
14           enforcement action or a Compliance Commitment Agreement.  
15           Notice shall occur within 60 days after the date that the  
16           Agency initiates an enforcement action or enters into a  
17           Compliance Commitment Agreement. Notice shall be given, at a  
18           minimum, by direct mailing to households and businesses and by  
19           notice in a local newspaper of general circulation. The notice  
20           shall contain information similar to that called for in  
21           subsection (b) above. The duties of this subsection are in  
22           addition to the duties required by subsection (b).

23           (415 ILCS 5/25d-2 new)

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

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

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

33           (1) The address and physical description of the site or

1 sites undergoing remedial action;

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

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

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

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

16 (c) Whenever the Agency first becomes aware of a site or  
17 sites undergoing remedial action, as defined by to Title XVII  
18 of this Act, the Agency shall give notice to all households and  
19 businesses within 2,500 feet of the site subject to the  
20 remedial action. Notice must occur within 60 days after the  
21 date that the Agency first becomes aware of a site or sites  
22 undergoing remedial action, as defined by Title XVII of this  
23 Act. Notice shall be given, at a minimum, by direct mailing to  
24 households and businesses and by notice in a local newspaper of  
25 general circulation. The notice shall contain information  
26 similar to that called for in subsection (b) above. The duties  
27 of this subsection are in addition to the duties required by  
28 subsection (b) above.

29 (415 ILCS 5/25d-3 new)

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

31 (a) Whenever the Agency becomes aware, pursuant to  
32 notification required by the federal Comprehensive  
33 Environmental Response Compensation and Liability Act

1 (CERCLA), 42 U.S.C. §§ 9603(a) and 9603(c), pursuant to actions  
2 undertaken under CERCLA, 42 U.S.C. § 9604(a) or listing  
3 pursuant to the National Contingency Plan, or pursuant to any  
4 action for judicial relief undertaken pursuant to the federal  
5 Solid Waste Act, 42 U.S.C. §§ 6973 or 6972(a), of the existence  
6 of the presence of a contaminant or hazardous substance that  
7 may pose an imminent or substantial endangerment to human  
8 health or the environment, then the Agency shall give notice to  
9 all households and businesses within 2,500 feet of the  
10 contamination. Notice shall be given, at a minimum, by direct  
11 mailing to households and businesses, posting on the Agency's  
12 website, and notice in a local newspaper of general  
13 circulation.

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

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

18 (2) A brief description of the circumstances alleged to  
19 be present that led to the remedial action or listing for  
20 enforcement action, including, but not 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; and

30 (3) Information regarding any potential adverse health  
31 effects posed by the contamination.

32 (415 ILCS 5/25d-4 new)

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

1       (a) Whenever the Agency has confirmed, through sound  
2 scientific methods, the presence of an environmental  
3 contaminant that exceeds the applicable federal or State health  
4 and safety standards and that may pose an imminent or  
5 substantial endangerment to human health or the environment,  
6 then the Agency shall give notice to all households and  
7 businesses within 2,500 feet of the contamination. Notice shall  
8 be given, at a minimum, by direct mailing to households and  
9 businesses, posting on the Agency's website, and notice in a  
10 local newspaper of general circulation.

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

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

14           (2) A brief description of the events alleged to have  
15 occurred that led to the remedial action, including, but  
16 not limited to:

17                   (A) the presence of any waste, special waste,  
18 potentially infectious medical waste, pollution  
19 control waste, industrial process waste, hazardous  
20 waste, hazardous substance, or contaminant; and

21                   (B) whether there was any spilling, leaking,  
22 pumping, pouring, emitting, emptying, discharging,  
23 injecting, escaping, leaching, dumping, or disposing  
24 any of the items listed in item (A) above into or onto  
25 the land, water, or air; and

26       (c) Information regarding any potential adverse health  
27 effects posed by the contamination.

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

31       (415 ILCS 5/25d-5 new)

32       Sec. 25d-5. Liability. The Agency is not liable for the  
33 accuracy, availability, or use of the information provided

1 under Sections 25d-1, 25d-2, 25d-3, or 25d-4.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".