



Rep. Joe Dunn

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09300HB5960ham002

LRB093 19279 RAS 49895 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 link to the United States
15 Environmental Protection Agency's searchable data bases
16 identifying listed locations where the presence of hazardous
17 substances have been identified pursuant to the federal
18 Comprehensive Environmental Response Compensation and
19 Liability Act (CERCLA) either in the CERCLA Information System
20 list or the National Contingency Plan list, pursuant to 40 CFR
21 Part 300. Furthermore, the ~~The~~ Agency shall make toxic chemical
22 release forms available to the public for inspection and
23 copying during regular business hours and, upon written
24 request, shall send copies of such forms by mail to any

1 resident of the State.

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

3 (415 ILCS 5/25d-1 new)

4 Sec. 25d-1. Notification of violations of the Act.
5 Whenever the Agency issues a notice pursuant to Section 31 of
6 this Act and, as a result of any spilling, leaking, pumping,
7 pouring, emitting, emptying, discharging, injecting, escaping,
8 leaching, dumping, or disposing into the environment of any of
9 the items listed in item (2) (A) of this Section, subsequently
10 initiates an enforcement action or enters into a Compliance
11 Commitment Agreement, as defined by Title VII of this Act, the
12 Agency shall determine whether the violation may pose an
13 imminent or substantial endangerment to human health or the
14 environment and if so, shall give notice to all households and
15 businesses within 2,500 feet of the site subject to the
16 enforcement action or a Compliance Commitment Agreement.
17 Notice shall occur within 60 days after the date that the
18 Agency initiates an enforcement action or enters into a
19 Compliance Commitment Agreement. Notice shall be given, at a
20 minimum, by direct mailing to households and businesses. The
21 Agency shall obtain addresses from the affected county
22 government. The notice shall contain, at a minimum, the
23 following information:

24 (1) The address and physical description of the site or
25 sites subject to the enforcement action or Compliance
26 Commitment Agreement; and

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

31 (A) the presence of any waste, special waste,
32 potentially infectious medical waste, pollution
33 control waste, industrial process waste, hazardous

1 waste, hazardous substance, or contaminant; and

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

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

8 (415 ILCS 5/25d-2 new)

9 Sec. 25d-2. Notification of remedial actions. Whenever the
10 Agency first becomes aware of a site or sites undergoing
11 remedial action, as defined by to Title XVII of this Act, the
12 Agency shall determine whether the situation may pose an
13 imminent or substantial endangerment to human health or the
14 environment and if so, shall give notice to all households and
15 businesses within 2,500 feet of the site subject to the
16 remedial action. Notice must occur within 60 days after the
17 date that the Agency first becomes aware of a site or sites
18 undergoing remedial action, as defined by Title XVII of this
19 Act. Notice shall be given, at a minimum, by direct mailing to
20 households and businesses. The Agency shall obtain addresses
21 from the affected county government. The notice shall contain,
22 at a minimum, the following information:

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

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,

1 pumping, pouring, emitting, emptying, discharging,
2 injecting, escaping, leaching, dumping, or disposing
3 any of the items listed in item (A) above into or onto
4 the land, water, or air; and
5 (3) The case number of the remedial action.

6 (415 ILCS 5/25d-3 new)

7 Sec. 25d-3. Notification of federal actions. Whenever the
8 Agency becomes aware, pursuant to notification required by the
9 federal Comprehensive Environmental Response Compensation and
10 Liability Act (CERCLA), 42 U.S.C. Sections 9603(a) and 9603(c),
11 pursuant to actions undertaken under CERCLA, 42 U.S.C. Section
12 9604(a) or listing pursuant to the National Contingency Plan,
13 or pursuant to any action for judicial relief undertaken
14 pursuant to the federal Solid Waste Act, 42 U.S.C. Section 6973
15 or 6972(a), of the existence of the presence of a contaminant
16 or hazardous substance that may pose an imminent or substantial
17 endangerment to human health or the environment, then the
18 Agency shall give notice to all households and businesses
19 within 2,500 feet of the contamination. Notice shall be given,
20 at a minimum, by direct mailing to households and businesses.
21 The Agency shall obtain addresses from the affected county
22 government. The notice must contain, at a minimum, the
23 following:

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

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

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

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

6 (3) Information regarding any potential adverse health
7 effects posed by the contamination.

8 (415 ILCS 5/25d-4 new)

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

10 (a) Whenever the Agency has confirmed, through sound
11 scientific methods, the presence of an environmental
12 contaminant that exceeds the applicable federal or State health
13 and safety standards and that may pose an imminent or
14 substantial endangerment to human health or the environment,
15 then the Agency shall give notice to all households and
16 businesses within 2,500 feet of the contamination. Notice shall
17 be given, at a minimum, by direct mailing to households and
18 businesses. The Agency shall obtain addresses from the affected
19 county government. The notice shall contain, at a minimum, the
20 following information:

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

23 (2) A brief description of the events alleged to have
24 occurred that led to the remedial action, including, but
25 not limited to:

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

30 (B) whether there was any spilling, leaking,
31 pumping, pouring, emitting, emptying, discharging,
32 injecting, escaping, leaching, dumping, or disposing
33 any of the items listed in item (A) above into or onto

1 the land, water, or air; and

2 (b) Information regarding any potential adverse health
3 effects posed by the contamination.

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

7 (415 ILCS 5/25d-5 new)

8 Sec. 25d-5. Liability. The Agency is not liable for the
9 accuracy, availability, or use of the information provided
10 under Sections 25d-1, 25d-2, 25d-3, or 25d-4. However, the
11 Agency shall be liable for willful and wanton misconduct under
12 this Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".