

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 Environmental Protection Act is amended by  
5 changing Section 57.2 as follows:

6 (415 ILCS 5/57.2)

7 Sec. 57.2. Definitions. As used in this Title:

8 "Audit" means a systematic inspection or examination of  
9 plans, reports, records, or documents to determine the  
10 completeness and accuracy of the data and conclusions contained  
11 therein.

12 "Bodily injury" means bodily injury, sickness, or disease  
13 sustained by a person, including death at any time, resulting  
14 from a release of petroleum from an underground storage tank.

15 "Release" means any spilling, leaking, emitting,  
16 discharging, escaping, leaching or disposing of petroleum from  
17 an underground storage tank into groundwater, surface water or  
18 subsurface soils.

19 "Fill material" means non-native or disturbed materials  
20 used to bed and backfill around an underground storage tank.

21 "Fund" means the Underground Storage Tank Fund.

22 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -  
23 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6  
24 technical grades of fuel oil; and other residual fuel oils  
25 including Navy Special Fuel Oil and Bunker C.

26 "Indemnification" means indemnification of an owner or  
27 operator for the amount of any judgment entered against the  
28 owner or operator in a court of law, for the amount of any  
29 final order or determination made against the owner or operator  
30 by an agency of State government or any subdivision thereof, or  
31 for the amount of any settlement entered into by the owner or  
32 operator, if the judgment, order, determination, or settlement

1 arises out of bodily injury or property damage suffered as a  
2 result of a release of petroleum from an underground storage  
3 tank owned or operated by the owner or operator.

4 "Corrective action" means activities associated with  
5 compliance with the provisions of Sections 57.6 and 57.7 of  
6 this Title.

7 "Occurrence" means an accident, including continuous or  
8 repeated exposure to conditions, that results in a sudden or  
9 nonsudden release from an underground storage tank.

10 When used in connection with, or when otherwise relating  
11 to, underground storage tanks, the terms "facility", "owner",  
12 "operator", "underground storage tank", "(UST)", "petroleum"  
13 and "regulated substance" shall have the meanings ascribed to  
14 them in Subtitle I of the Hazardous and Solid Waste Amendments  
15 of 1984 (P.L. 98-616), of the Resource Conservation and  
16 Recovery Act of 1976 (P.L. 94-580); provided however that the  
17 term "underground storage tank" shall also mean an underground  
18 storage tank used exclusively to store heating oil for  
19 consumptive use on the premises where stored and which serves  
20 other than a farm or residential unit; provided further however  
21 that the term "owner" shall also mean any person who has  
22 submitted to the Agency a written election to proceed under  
23 this Title and has acquired an ownership interest in a site on  
24 which one or more registered tanks have been removed, but on  
25 which corrective action has not yet resulted in the issuance of  
26 a "no further remediation letter" by the Agency pursuant to  
27 this Title.

28 "Licensed Professional Engineer" means a person,  
29 corporation, or partnership licensed under the laws of the  
30 State of Illinois to practice professional engineering.

31 "Licensed Professional Geologist" means a person licensed  
32 under the laws of the State of Illinois to practice as a  
33 professional geologist.

34 "Site" means any single location, place, tract of land or  
35 parcel of property including contiguous property not separated  
36 by a public right-of-way.

1 "Site investigation" means activities associated with  
2 compliance with the provisions of subsection (a) of Section  
3 57.7.

4 "Property damage" means physical injury to, destruction  
5 of, or contamination of tangible property, including all  
6 resulting loss of use of that property; or loss of use of  
7 tangible property that is not physically injured, destroyed, or  
8 contaminated, but has been evacuated, withdrawn from use, or  
9 rendered inaccessible because of a release of petroleum from an  
10 underground storage tank.

11 "Class I Groundwater" means groundwater that meets the  
12 Class I: Potable Resource Groundwater criteria set forth in the  
13 Board regulations adopted pursuant to the Illinois Groundwater  
14 Protection Act.

15 "Class III Groundwater" means groundwater that meets the  
16 Class III: Special Resource Groundwater criteria set forth in  
17 the Board regulations adopted pursuant to the Illinois  
18 Groundwater Protection Act.

19 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;  
20 revised 9-9-02.)