



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4021

Introduced 2/26/2009, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/25d-1  
415 ILCS 5/25d-2  
415 ILCS 5/25d-3

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to evaluate the release of contaminants if it determines that the extent of soil, soil gas, or groundwater contamination may extend beyond the boundary of the site where the release occurred (now, only if "soil or groundwater contamination may extend beyond the boundary of the site where the release occurred"). Requires the Environmental Protection Agency to notify the owner of the contaminated property if soil contamination beyond the boundary of the site where the release occurred, soil gas contamination beyond the boundary of the site where the release occurred, or both pose a threat of exposure to the public above the appropriate Tier 1 remediation objectives (now, the owner of the contaminated property must be contacted only about "soil contamination beyond the boundary of the site where the release occurred"). Defines "soil gas". Effective immediately.

LRB096 03352 JDS 13373 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 25d-1, 25d-2, and 25d-3 as follows:

6 (415 ILCS 5/25d-1)

7 Sec. 25d-1. Definitions. For the purposes of this Title,  
8 the terms "community water system", "non-community water  
9 system", "potable", "private water system", and "semi-private  
10 water system" have the meanings ascribed to them in the  
11 Illinois Groundwater Protection Act. For the purposes of this  
12 Title, the term "soil gas" means the air existing in void  
13 spaces in the soil between the groundwater table and the ground  
14 surface.

15 (Source: P.A. 94-314, eff. 7-25-05.)

16 (415 ILCS 5/25d-2)

17 Sec. 25d-2. Contaminant evaluation. The Agency shall  
18 evaluate releases of contaminants whenever it determines that  
19 the extent of soil , soil gas, or groundwater contamination may  
20 extend beyond the boundary of the site where the release  
21 occurred. The Agency shall take appropriate actions in response  
22 to the release, which may include, but shall not be limited to,

1 public notices, investigations, administrative orders under  
2 Sections 22.2d or 57.12(d) of this Act, and enforcement  
3 referrals. Except as provided in Section 25d-3 of this Act, for  
4 releases undergoing investigation or remediation under Agency  
5 oversight the Agency may determine that no further action is  
6 necessary to comply with this Section.

7 (Source: P.A. 94-314, eff. 7-25-05.)

8 (415 ILCS 5/25d-3)

9 Sec. 25d-3. Notices.

10 (a) Beginning January 1, 2006, if the Agency determines  
11 that:

12 (1) Soil contamination beyond the boundary of the site  
13 where the release occurred, soil gas contamination beyond  
14 the boundary of the site where the release occurred, or  
15 both pose ~~poses~~ a threat of exposure to the public above  
16 the appropriate Tier 1 remediation objectives, based on the  
17 current use of the off-site property, adopted by the Board  
18 under Title XVII of this Act, the Agency shall give notice  
19 of the threat to the owner of the contaminated property; or

20 (2) Groundwater contamination poses a threat of  
21 exposure to the public above the Class I groundwater  
22 quality standards adopted by the Board under this Act and  
23 the Groundwater Protection Act, the Agency shall give  
24 notice of the threat to the following:

25 (A) for any private, semi-private, or

1 non-community water system, the owners of the  
2 properties served by the system; and

3 (B) for any community water system, the owners and  
4 operators of the system.

5 The Agency's determination must be based on the credible,  
6 scientific information available to it, and the Agency is not  
7 required to perform additional investigations or studies  
8 beyond those required by applicable federal or State laws.

9 (b) Beginning January 1, 2006, if any of the following  
10 actions occur: (i) the Agency refers a matter for enforcement  
11 under Section 43(a) of this Act; (ii) the Agency issues a seal  
12 order under Section 34 of this Act; or (iii) the Agency, the  
13 United States Environmental Protection Agency (USEPA), or a  
14 third party under Agency or USEPA oversight performs an  
15 immediate removal under the federal Comprehensive  
16 Environmental Response, Compensation, and Liability Act, as  
17 amended, then, within 60 days after the action, the Agency must  
18 give notice of the action to the owners of all property within  
19 2,500 feet of the subject contamination or any closer or  
20 farther distance that the Agency deems appropriate under the  
21 circumstances. Within 30 days after a request by the Agency,  
22 the appropriate officials of the county in which the property  
23 is located must provide to the Agency the names and addresses  
24 of all property owners to whom the Agency is required to give  
25 notice under this subsection (b), these owners being the  
26 persons or entities that appear from the authentic tax records

1 of the county.

2 (c) The methods by which the Agency gives the notices  
3 required under this Section shall be determined in consultation  
4 with members of the public and appropriate members of the  
5 regulated community and may include, but shall not be limited  
6 to, personal notification, public meetings, signs, electronic  
7 notification, and print media. For sites at which a responsible  
8 party has implemented a community relations plan, the Agency  
9 may allow the responsible party to provide Agency-approved  
10 notices in lieu of the notices required to be given by the  
11 Agency. Notices issued under this Section may contain the  
12 following information:

13 (1) the name and address of the site or facility where  
14 the release occurred or is suspected to have occurred;

15 (2) the identification of the contaminant released or  
16 suspected to have been released;

17 (3) information as to whether the contaminant was  
18 released or suspected to have been released into the air,  
19 land, or water;

20 (4) a brief description of the potential adverse health  
21 effects posed by the contaminant;

22 (5) a recommendation that water systems with wells  
23 impacted or potentially impacted by the contaminant be  
24 appropriately tested; and

25 (6) the name, business address, and phone number of  
26 persons at the Agency from whom additional information

1 about the release or suspected release can be obtained.

2 (d) Any person who is a responsible party with respect to  
3 the release or substantial threat of release for which notice  
4 is given under this Section is liable for all reasonable costs  
5 incurred by the State in giving the notice. All moneys received  
6 by the State under this subsection (d) for costs related to  
7 releases and substantial threats of releases of hazardous  
8 substances, pesticides, and petroleum other than releases and  
9 substantial threats of releases of petroleum from underground  
10 storage tanks subject to Title XVI of this Act must be  
11 deposited in and used for purposes consistent with the  
12 Hazardous Waste Fund. All moneys received by the State under  
13 this subsection (d) for costs related to releases and  
14 substantial threats of releases of petroleum from underground  
15 storage tanks subject to Title XVI of this Act must be  
16 deposited in and used for purposes consistent with the  
17 Underground Storage Tank Fund.

18 (Source: P.A. 94-314, eff. 7-25-05; 95-454, eff. 8-27-07.)

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