

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.