



Sen. John O. Jones

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LRB096 19895 JDS 39494 a

1 AMENDMENT TO SENATE BILL 3320

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3320 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Sections 57.7, 57.9, 57.11, and 57.13 and by adding  
6 Sections 57.18 and 57.19 as follows:

7 (415 ILCS 5/57.7)

8 Sec. 57.7. Leaking underground storage tanks; site  
9 investigation and corrective action.

10 (a) Site investigation.

11 (1) For any site investigation activities required by  
12 statute or rule, the owner or operator shall submit to the  
13 Agency for approval a site investigation plan designed to  
14 determine the nature, concentration, direction of  
15 movement, rate of movement, and extent of the contamination  
16 as well as the significant physical features of the site

1 and surrounding area that may affect contaminant transport  
2 and risk to human health and safety and the environment.

3 (2) Any owner or operator intending to seek payment  
4 from the Fund shall submit to the Agency for approval a  
5 site investigation budget that includes, but is not limited  
6 to, an accounting of all costs associated with the  
7 implementation and completion of the site investigation  
8 plan.

9 (3) Remediation objectives for the applicable  
10 indicator contaminants shall be determined using the  
11 tiered approach to corrective action objectives rules  
12 adopted by the Board pursuant to this Title and Title XVII  
13 of this Act. For the purposes of this Title, "Contaminant  
14 of Concern" or "Regulated Substance of Concern" in the  
15 rules means the applicable indicator contaminants set  
16 forth in subsection (d) of this Section and the rules  
17 adopted thereunder.

18 (4) Upon the Agency's approval of a site investigation  
19 plan, or as otherwise directed by the Agency, the owner or  
20 operator shall conduct a site investigation in accordance  
21 with the plan.

22 (5) Within 30 days after completing the site  
23 investigation, the owner or operator shall submit to the  
24 Agency for approval a site investigation completion  
25 report. At a minimum the report shall include all of the  
26 following:

1 (A) Executive summary.

2 (B) Site history.

3 (C) Site-specific sampling methods and results.

4 (D) Documentation of all field activities,  
5 including quality assurance.

6 (E) Documentation regarding the development of  
7 proposed remediation objectives.

8 (F) Interpretation of results.

9 (G) Conclusions.

10 (b) Corrective action.

11 (1) If the site investigation confirms none of the  
12 applicable indicator contaminants exceed the proposed  
13 remediation objectives, within 30 days after completing  
14 the site investigation the owner or operator shall submit  
15 to the Agency for approval a corrective action completion  
16 report in accordance with this Section.

17 (2) If any of the applicable indicator contaminants  
18 exceed the remediation objectives approved for the site,  
19 within 30 days after the Agency approves the site  
20 investigation completion report the owner or operator  
21 shall submit to the Agency for approval a corrective action  
22 plan designed to mitigate any threat to human health, human  
23 safety, or the environment resulting from the underground  
24 storage tank release. The plan shall describe the selected  
25 remedy and evaluate its ability and effectiveness to  
26 achieve the remediation objectives approved for the site.

1 At a minimum, the report shall include all of the  
2 following:

3 (A) Executive summary.

4 (B) Statement of remediation objectives.

5 (C) Remedial technologies selected.

6 (D) Confirmation sampling plan.

7 (E) Current and projected future use of the  
8 property.

9 (F) Applicable preventive, engineering, and  
10 institutional controls including long-term  
11 reliability, operating, and maintenance plans, and  
12 monitoring procedures.

13 (G) A schedule for implementation and completion  
14 of the plan.

15 (3) Any owner or operator intending to seek payment  
16 from the Fund shall submit to the Agency for approval a  
17 corrective action budget that includes, but is not limited  
18 to, an accounting of all costs associated with the  
19 implementation and completion of the corrective action  
20 plan.

21 (4) Upon the Agency's approval of a corrective action  
22 plan, or as otherwise directed by the Agency, the owner or  
23 operator shall proceed with corrective action in  
24 accordance with the plan.

25 (5) Within 30 days after the completion of a corrective  
26 action plan that achieves applicable remediation

1 objectives the owner or operator shall submit to the Agency  
2 for approval a corrective action completion report. The  
3 report shall demonstrate whether corrective action was  
4 completed in accordance with the approved corrective  
5 action plan and whether the remediation objectives  
6 approved for the site, as well as any other requirements of  
7 the plan, have been achieved.

8 (6) If within 4 years after the approval of any  
9 corrective action plan the applicable remediation  
10 objectives have not been achieved and the owner or operator  
11 has not submitted a corrective action completion report,  
12 the owner or operator must submit a status report for  
13 Agency review. The status report must include, but is not  
14 limited to, a description of the remediation activities  
15 taken to date, the effectiveness of the method of  
16 remediation being used, the likelihood of meeting the  
17 applicable remediation objectives using the current method  
18 of remediation, and the date the applicable remediation  
19 objectives are expected to be achieved.

20 (7) If the Agency determines any approved corrective  
21 action plan will not achieve applicable remediation  
22 objectives within a reasonable time, based upon the method  
23 of remediation and site specific circumstances, the Agency  
24 may require the owner or operator to submit to the Agency  
25 for approval a revised corrective action plan. If the owner  
26 or operator intends to seek payment from the Fund, the

1 owner or operator must also submit a revised budget.

2 (c) Agency review and approval.

3 (1) Agency approval of any plan and associated budget,  
4 as described in this subsection (c), shall be considered  
5 final approval for purposes of seeking and obtaining  
6 payment from the Underground Storage Tank Fund if the costs  
7 associated with the completion of any such plan are less  
8 than or equal to the amounts approved in such budget.

9 (2) In the event the Agency fails to approve,  
10 disapprove, or modify any plan or report submitted pursuant  
11 to this Title in writing within 120 days of the receipt by  
12 the Agency, the plan or report shall be considered to be  
13 rejected by operation of law for purposes of this Title and  
14 rejected for purposes of payment from the Underground  
15 Storage Tank Fund.

16 (A) For purposes of those plans as identified in  
17 paragraph (5) of this subsection (c), the Agency's  
18 review may be an audit procedure. Such review or audit  
19 shall be consistent with the procedure for such review  
20 or audit as promulgated by the Board under Section  
21 57.14. The Agency has the authority to establish an  
22 auditing program to verify compliance of such plans  
23 with the provisions of this Title.

24 (B) For purposes of corrective action plans  
25 submitted pursuant to subsection (b) of this Section  
26 for which payment from the Fund is not being sought,

1           the Agency need not take action on such plan until 120  
2           days after it receives the corrective action  
3           completion report required under subsection (b) of  
4           this Section. In the event the Agency approved the  
5           plan, it shall proceed under the provisions of this  
6           subsection (c).

7           (3) In approving any plan submitted pursuant to  
8           subsection (a) or (b) of this Section, the Agency shall  
9           determine, by a procedure promulgated by the Board under  
10          Section 57.14, that the costs associated with the plan are  
11          reasonable, will be incurred in the performance of site  
12          investigation or corrective action, and will not be used  
13          for site investigation or corrective action activities in  
14          excess of those required to meet the minimum requirements  
15          of this Title.

16                 (A) For purposes of payment from the Fund,  
17                 corrective action activities required to meet the  
18                 minimum requirements of this Title shall include, but  
19                 not be limited to, the following use of the Board's  
20                 Tiered Approach to Corrective Action Objectives rules  
21                 adopted under Title XVII of this Act:

22                         (i) For the site where the release occurred,  
23                         the use of Tier 2 remediation objectives that are  
24                         no more stringent than Tier 1 remediation  
25                         objectives.

26                         (ii) The use of industrial/commercial property

1           remediation objectives, unless the owner or  
2           operator demonstrates that the property being  
3           remediated is residential property or being  
4           developed into residential property.

5           (iii) The use of groundwater ordinances as  
6           institutional controls in accordance with Board  
7           rules.

8           (iv) The use of on-site groundwater use  
9           restrictions as institutional controls in  
10           accordance with Board rules.

11           (B) Any bidding process adopted under Board rules  
12           to determine the reasonableness of costs of corrective  
13           action must provide for a publicly-noticed,  
14           competitive, and sealed bidding process that includes,  
15           at a minimum, the following:

16           (i) The owner or operator must issue  
17           invitations for bids that include, at a minimum, a  
18           description of the work being bid and applicable  
19           contractual terms and conditions. The criteria on  
20           which the bids will be evaluated must be set forth  
21           in the invitation for bids. The criteria may  
22           include, but shall not be limited to, criteria for  
23           determining acceptability, such as inspection,  
24           testing, quality, workmanship, delivery, and  
25           suitability for a particular purpose. Criteria  
26           that will affect the bid price and be considered in

1           the evaluation of a bid, such as discounts, shall  
2           be objectively measurable.

3           (ii) At least 14 days prior to the date set in  
4           the invitation for the opening of bids, public  
5           notice of the invitation for bids must be published  
6           in a local paper of general circulation for the  
7           area in which the site is located.

8           (iii) Bids must be opened publicly in the  
9           presence of one or more witnesses at the time and  
10          place designated in the invitation for bids. The  
11          name of each bidder, the amount of each bid, and  
12          other relevant information as specified in Board  
13          rules must be recorded and submitted to the Agency  
14          in the applicable budget. After selection of the  
15          winning bid, the winning bid and the record of each  
16          unsuccessful bid shall be open to public  
17          inspection.

18          (iv) Bids must be unconditionally accepted  
19          without alteration or correction. Bids must be  
20          evaluated based on the requirements set forth in  
21          the invitation for bids, which may include  
22          criteria for determining acceptability, such as  
23          inspection, testing, quality, workmanship,  
24          delivery, and suitability for a particular  
25          purpose. Criteria that will affect the bid price  
26          and be considered in the evaluation of a bid, such

1           as discounts, shall be objectively measurable. The  
2           invitation for bids shall set forth the evaluation  
3           criteria to be used.

4           (v) Correction or withdrawal of inadvertently  
5           erroneous bids before or after selection of the  
6           winning bid, or cancellation of winning bids based  
7           on bid mistakes, shall be allowed in accordance  
8           with Board rules. After bid opening, no changes in  
9           bid prices or other provisions of bids prejudicial  
10           to the owner or operator or fair competition shall  
11           be allowed. All decisions to allow the correction  
12           or withdrawal of bids based on bid mistakes shall  
13           be supported by a written determination made by the  
14           owner or operator.

15           (vi) The owner or operator shall select the  
16           winning bid with reasonable promptness by written  
17           notice to the lowest responsible and responsive  
18           bidder whose bid meets the requirements and  
19           criteria set forth in the invitation for bids. The  
20           winning bid and other relevant information as  
21           specified in Board rules must be recorded and  
22           submitted to the Agency in the applicable budget.

23           (vii) All bidding documentation must be  
24           retained by the owner or operator for a minimum of  
25           3 years after the costs bid are submitted in an  
26           application for payment, except that documentation

1           relating to an appeal, litigation, or other  
2           disputed claim must be maintained until at least 3  
3           years after the date of the final disposition of  
4           the appeal, litigation, or other disputed claim.  
5           All bidding documentation must be made available  
6           to the Agency for inspection and copying during  
7           normal business hours.

8           (C) Any bidding process adopted under Board rules  
9           to determine the reasonableness of costs of corrective  
10           action shall (i) be optional and (ii) allow bidding  
11           only if the owner or operator demonstrates that  
12           corrective action cannot be performed for amounts less  
13           than or equal to maximum payment amounts adopted by the  
14           Board.

15           (4) For any plan or report received after June 24,  
16           2002, any action by the Agency to disapprove or modify a  
17           plan submitted pursuant to this Title shall be provided to  
18           the owner or operator in writing within 120 days of the  
19           receipt by the Agency or, in the case of a site  
20           investigation plan or corrective action plan for which  
21           payment is not being sought, within 120 days of receipt of  
22           the site investigation completion report or corrective  
23           action completion report, respectively, and shall be  
24           accompanied by:

25                   (A) an explanation of the Sections of this Act  
26           which may be violated if the plans were approved;

1           (B) an explanation of the provisions of the  
2 regulations, promulgated under this Act, which may be  
3 violated if the plan were approved;

4           (C) an explanation of the specific type of  
5 information, if any, which the Agency deems the  
6 applicant did not provide the Agency; and

7           (D) a statement of specific reasons why the Act and  
8 the regulations might not be met if the plan were  
9 approved.

10          Any action by the Agency to disapprove or modify a plan  
11 or report or the rejection of any plan or report by  
12 operation of law shall be subject to appeal to the Board in  
13 accordance with the procedures of Section 40. If the owner  
14 or operator elects to incorporate modifications required  
15 by the Agency rather than appeal, an amended plan shall be  
16 submitted to the Agency within 35 days of receipt of the  
17 Agency's written notification.

18          (5) For purposes of this Title, the term "plan" shall  
19 include:

20           (A) Any site investigation plan submitted pursuant  
21 to subsection (a) of this Section;

22           (B) Any site investigation budget submitted  
23 pursuant to subsection (a) of this Section;

24           (C) Any corrective action plan submitted pursuant  
25 to subsection (b) of this Section; or

26           (D) Any corrective action plan budget submitted

1           pursuant to subsection (b) of this Section.

2           (d) For purposes of this Title, the term "indicator  
3 contaminant" shall mean, unless and until the Board promulgates  
4 regulations to the contrary, the following: (i) if an  
5 underground storage tank contains gasoline, the indicator  
6 parameter shall be BTEX and Benzene; (ii) if the tank contained  
7 petroleum products consisting of middle distillate or heavy  
8 ends, then the indicator parameter shall be determined by a  
9 scan of PNA's taken from the location where contamination is  
10 most likely to be present; and (iii) if the tank contained used  
11 oil, then the indicator contaminant shall be those chemical  
12 constituents which indicate the type of petroleum stored in an  
13 underground storage tank. All references in this Title to  
14 groundwater objectives shall mean Class I groundwater  
15 standards or objectives as applicable.

16           (e) (1) Notwithstanding the provisions of this Section, an  
17 owner or operator may proceed to conduct site investigation  
18 or corrective action prior to the submittal or approval of  
19 an otherwise required plan. If the owner or operator elects  
20 to so proceed, an applicable plan shall be filed with the  
21 Agency at any time. Such plan shall detail the steps taken  
22 to determine the type of site investigation or corrective  
23 action which was necessary at the site along with the site  
24 investigation or corrective action taken or to be taken, in  
25 addition to costs associated with activities to date and  
26 anticipated costs.

1           (2) Upon receipt of a plan submitted after activities  
2           have commenced at a site, the Agency shall proceed to  
3           review in the same manner as required under this Title. In  
4           the event the Agency disapproves all or part of the costs,  
5           the owner or operator may appeal such decision to the  
6           Board. The owner or operator shall not be eligible to be  
7           reimbursed for such disapproved costs unless and until the  
8           Board determines that such costs were eligible for payment.

9           (f) All investigations, plans, and reports conducted or  
10          prepared under this Section shall be conducted or prepared  
11          under the supervision of a licensed professional engineer and  
12          in accordance with the requirements of this Title.

13          (Source: P.A. 95-331, eff. 8-21-07.)

14          (415 ILCS 5/57.9)

15          Sec. 57.9. Underground Storage Tank Fund; eligibility and  
16          deductibility.

17          (a) The Underground Storage Tank Fund shall be accessible  
18          by owners and operators who have a confirmed release from an  
19          underground storage tank or related tank system of a substance  
20          listed in this Section. The owner or operator is eligible to  
21          access the Underground Storage Tank Fund if the eligibility  
22          requirements of this Title are satisfied and:

23                  (1) Neither the owner nor the operator is the United  
24                  States Government.

25                  (2) The tank does not contain fuel which is exempt from

1 the Motor Fuel Tax Law.

2 (3) The costs were incurred as a result of a confirmed  
3 release of any of the following substances:

4 (A) "Fuel", as defined in Section 1.19 of the Motor  
5 Fuel Tax Law.

6 (B) Aviation fuel.

7 (C) Heating oil.

8 (D) Kerosene.

9 (E) Used oil which has been refined from crude oil  
10 used in a motor vehicle, as defined in Section 1.3 of  
11 the Motor Fuel Tax Law.

12 (4) The owner or operator registered the tank and paid  
13 all fees in accordance with the statutory and regulatory  
14 requirements of the Gasoline Storage Act.

15 (5) The owner or operator notified the Illinois  
16 Emergency Management Agency of a confirmed release, the  
17 costs were incurred after the notification and the costs  
18 were a result of a release of a substance listed in this  
19 Section. Costs of corrective action or indemnification  
20 incurred before providing that notification shall not be  
21 eligible for payment.

22 (6) The costs have not already been paid to the owner  
23 or operator under a private insurance policy, other written  
24 agreement, or court order.

25 (7) The costs were associated with "corrective action"  
26 of this Act.

1           If the underground storage tank which experienced a  
2           release of a substance listed in this Section was installed  
3           after July 28, 1989, the owner or operator is eligible to  
4           access the Underground Storage Tank Fund if it is  
5           demonstrated to the Office of the State Fire Marshal the  
6           tank was installed and operated in accordance with Office  
7           of the State Fire Marshal regulatory requirements. Office  
8           of the State Fire Marshal certification is prima facie  
9           evidence the tank was installed pursuant to the Office of  
10          the State Fire Marshal regulatory requirements.

11          (b) For releases reported prior to the effective date of  
12 this amendatory Act of the 96th General Assembly, an ~~An~~ owner  
13 or operator may access the Underground Storage Tank Fund for  
14 costs associated with an Agency approved plan and the Agency  
15 shall approve the payment of costs associated with corrective  
16 action after the application of a \$10,000 deductible, except in  
17 the following situations:

18           (1) A deductible of \$100,000 shall apply when none of  
19           the underground storage tanks were registered prior to July  
20           28, 1989, except in the case of underground storage tanks  
21           used exclusively to store heating oil for consumptive use  
22           on the premises where stored and which serve other than  
23           farms or residential units, a deductible of \$100,000 shall  
24           apply when none of these tanks were registered prior to  
25           July 1, 1992.

26           (2) A deductible of \$50,000 shall apply if any of the

1 underground storage tanks were registered prior to July 28,  
2 1989, and the State received notice of the confirmed  
3 release prior to July 28, 1989.

4 (3) A deductible of \$15,000 shall apply when one or  
5 more, but not all, of the underground storage tanks were  
6 registered prior to July 28, 1989, and the State received  
7 notice of the confirmed release on or after July 28, 1989.

8 For releases reported on or after the effective date of  
9 this amendatory Act of the 96th General Assembly, an owner or  
10 operator may access the Underground Storage Tank Fund for costs  
11 associated with an Agency approved plan, and the Agency shall  
12 approve the payment of costs associated with corrective action  
13 after the application of a \$5,000 deductible.

14 A deductible shall apply annually for each site at which  
15 costs were incurred under a claim submitted pursuant to this  
16 Title, except that if corrective action in response to an  
17 occurrence takes place over a period of more than one year, in  
18 subsequent years, no deductible shall apply for costs incurred  
19 in response to such occurrence.

20 (c) Eligibility and deductibility determinations shall be  
21 made by the Office of the State Fire Marshal.

22 (1) When an owner or operator reports a confirmed  
23 release of a regulated substance, the Office of the State  
24 Fire Marshal shall provide the owner or operator with an  
25 "Eligibility and Deductibility Determination" form. The  
26 form shall either be provided on-site or within 15 days of

1 the Office of the State Fire Marshal receipt of notice  
2 indicating a confirmed release. The form shall request  
3 sufficient information to enable the Office of the State  
4 Fire Marshal to make a final determination as to owner or  
5 operator eligibility to access the Underground Storage  
6 Tank Fund pursuant to this Title and the appropriate  
7 deductible. The form shall be promulgated as a rule or  
8 regulation pursuant to the Illinois Administrative  
9 Procedure Act by the Office of the State Fire Marshal.  
10 Until such form is promulgated, the Office of State Fire  
11 Marshal shall use a form which generally conforms with this  
12 Act.

13 (2) Within 60 days of receipt of the "Eligibility and  
14 Deductibility Determination" form, the Office of the State  
15 Fire Marshal shall issue one letter enunciating the final  
16 eligibility and deductibility determination, and such  
17 determination or failure to act within the time prescribed  
18 shall be a final decision appealable to the Illinois  
19 Pollution Control Board.

20 (Source: P.A. 88-496.)

21 (415 ILCS 5/57.11)

22 Sec. 57.11. Underground Storage Tank Fund; creation.

23 (a) There is hereby created in the State Treasury a special  
24 fund to be known as the Underground Storage Tank Fund. There  
25 shall be deposited into the Underground Storage Tank Fund all

1 monies received by the Office of the State Fire Marshal as fees  
2 for underground storage tanks under Sections 4 and 5 of the  
3 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax  
4 Law. All amounts held in the Underground Storage Tank Fund  
5 shall be invested at interest by the State Treasurer. All  
6 income earned from the investments shall be deposited into the  
7 Underground Storage Tank Fund no less frequently than  
8 quarterly. Moneys in the Underground Storage Tank Fund,  
9 pursuant to appropriation, may be used by the Agency and the  
10 Office of the State Fire Marshal for the following purposes:

11 (1) To take action authorized under Section 57.12 to  
12 recover costs under Section 57.12.

13 (2) To assist in the reduction and mitigation of damage  
14 caused by leaks from underground storage tanks, including  
15 but not limited to, providing alternative water supplies to  
16 persons whose drinking water has become contaminated as a  
17 result of those leaks.

18 (3) To be used as a matching amount towards federal  
19 assistance relative to the release of petroleum from  
20 underground storage tanks.

21 (4) For the costs of administering activities of the  
22 Agency and the Office of the State Fire Marshal relative to  
23 the Underground Storage Tank Fund.

24 (5) For payment of costs of corrective action incurred  
25 by and indemnification to operators of underground storage  
26 tanks as provided in this Title.

1           (6) For a total of 2 demonstration projects in amounts  
2           in excess of a \$10,000 deductible charge designed to assess  
3           the viability of corrective action projects at sites which  
4           have experienced contamination from petroleum releases.  
5           Such demonstration projects shall be conducted in  
6           accordance with the provision of this Title.

7           (7) Subject to appropriation, moneys in the  
8           Underground Storage Tank Fund may also be used by the  
9           Department of Revenue for the costs of administering its  
10          activities relative to the Fund and for refunds provided  
11          for in Section 13a.8 of the Motor Fuel Tax Act.

12          (b) Moneys in the Underground Storage Tank Fund may,  
13          pursuant to appropriation, be used by the Office of the State  
14          Fire Marshal or the Agency to take whatever emergency action is  
15          necessary or appropriate to assure that the public health or  
16          safety is not threatened whenever there is a release or  
17          substantial threat of a release of petroleum from an  
18          underground storage tank and for the costs of administering its  
19          activities relative to the Underground Storage Tank Fund.

20          (c) Beginning July 1, 1993, the Governor shall certify to  
21          the State Comptroller and State Treasurer the monthly amount  
22          necessary to pay debt service on State obligations issued  
23          pursuant to Section 6 of the General Obligation Bond Act. On  
24          the last day of each month, the Comptroller shall order  
25          transferred and the Treasurer shall transfer from the  
26          Underground Storage Tank Fund to the General Obligation Bond

1 Retirement and Interest Fund the amount certified by the  
2 Governor, plus any cumulative deficiency in those transfers for  
3 prior months.

4 (d) Except as provided in subsection (c) of this Section,  
5 the Underground Storage Tank Fund is not subject to  
6 administrative charges authorized under Section 8h of the State  
7 Finance Act that would in any way transfer any funds from the  
8 Underground Storage Tank Fund into any other fund of the State.

9 (e) Each fiscal year, subject to appropriation, the Agency  
10 may commit up to \$10,000,000 of the moneys in the Underground  
11 Storage Tank Fund to the payment of corrective action costs for  
12 legacy sites that meet one or more of the following criteria as  
13 a result of the underground storage tank release: (i) the  
14 presence of free product, (ii) contamination within a regulated  
15 recharge area, a wellhead protection area, or the setback zone  
16 of a potable water supply well, (iii) contamination extending  
17 beyond the boundaries of the site where the release occurred,  
18 or (iv) such other criteria as may be adopted in Agency rules.

19 (1) Fund moneys committed under this subsection (e)  
20 shall be held in the Fund for payment of the corrective  
21 action costs for which the moneys were committed.

22 (2) The Agency may adopt rules governing the commitment  
23 of Fund moneys under this subsection (e).

24 (3) This subsection (e) does not limit the use of Fund  
25 moneys at legacy sites as otherwise provided under this  
26 Title.

1           (4) For the purposes of this subsection (e), the term  
2           "legacy site" means a site for which (i) an underground  
3           storage tank release was reported prior to January 1, 2005,  
4           (ii) the owner or operator has been determined eligible to  
5           receive payment from the Fund for corrective action costs,  
6           and (iii) the Agency did not receive any applications for  
7           payment prior to January 1, 2010.

8           (Source: P.A. 96-34, eff. 7-13-09.)

9           (415 ILCS 5/57.13)

10           Sec. 57.13. Underground Storage Tank Program; transition.  
11           This Title applies to all underground storage tank releases for  
12           which a No Further Remediation Letter is issued on or after the  
13           effective date of this amendatory Act of the 96th General  
14           Assembly, provided that (i) costs incurred prior to the  
15           effective date of this amendatory Act shall be payable from the  
16           UST Fund in the same manner as allowed under the law in effect  
17           at the time the costs were incurred and (ii) releases for which  
18           corrective action was completed prior to the effective date of  
19           this amendatory Act shall be eligible for a No Further  
20           Remediation Letter in the same manner as allowed under the law  
21           in effect at the time the corrective action was completed.

22           ~~(a) If a release is reported to the proper State authority~~  
23           ~~on or after June 24, 2002, the owner or operator shall comply~~  
24           ~~with the requirements of this Title.~~

25           ~~(b) If a release is reported to the proper State authority~~

1 ~~prior to June 24, 2002, the owner or operator of an underground~~  
2 ~~storage tank may elect to proceed in accordance with the~~  
3 ~~requirements of this Title by submitting a written statement to~~  
4 ~~the Agency of such election. If the owner or operator elects to~~  
5 ~~proceed under the requirements of this Title all costs incurred~~  
6 ~~in connection with the incident prior to notification shall be~~  
7 ~~reimbursable in the same manner as was allowable under the then~~  
8 ~~existing law. Completion of corrective action shall then follow~~  
9 ~~the provisions of this Title.~~

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (415 ILCS 5/57.18 new)

12 Sec. 57.18. Additional remedial action required by change  
13 in law; Agency's duty to propose amendment. If a change in  
14 State or federal law requires additional remedial action in  
15 response to releases for which No Further Remediation Letters  
16 have been issued, the Agency shall propose in the next  
17 convening of a regular session of the current General Assembly  
18 amendments to this Title to allow owners and operators to  
19 perform the additional remedial action and seek payment from  
20 the Fund for the costs of the action.

21 (415 ILCS 5/57.19 new)

22 Sec. 57.19. Costs incurred after the issuance of a No  
23 Further Remediation Letter. The following shall be considered  
24 corrective action activities eligible for payment from the Fund

1 even when an owner or operator conducts these activities after  
2 the issuance of a No Further Remediation Letter. Corrective  
3 action conducted under this Section and costs incurred under  
4 this Section must comply with the requirements of this Title  
5 and Board rules adopted under this Title.

6 (1) Corrective action to achieve residential property  
7 remediation objectives if the owner or operator  
8 demonstrates that property remediated to  
9 industrial/commercial property remediation objectives  
10 pursuant to subdivision (c) (3) (A) (ii) of Section 57.7 of  
11 this Act is being developed into residential property.

12 (2) Corrective action to address groundwater  
13 contamination if the owner or operator demonstrates that  
14 action is necessary because a groundwater ordinance used as  
15 an institutional control pursuant to subdivision  
16 (c) (3) (A) (iii) of Section 57.7 of this Act can no longer be  
17 used as an institutional control.

18 (3) Corrective action to address groundwater  
19 contamination if the owner or operator demonstrates that  
20 action is necessary because an on-site groundwater use  
21 restriction used as an institutional control pursuant to  
22 subdivision (c) (3) (A) (iv) of Section 57.7 of this Act must  
23 be lifted in order to allow the installation of a potable  
24 water supply well due to public water supply service no  
25 longer being available for reasons other than an act or  
26 omission of the owner or operator.

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