



Rep. John E. Bradley

Filed: 5/16/2013

09800SB1470ham001

LRB098 03832 JDS 46059 a

1 AMENDMENT TO SENATE BILL 1470

2 AMENDMENT NO. _____. Amend Senate Bill 1470 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Project Labor Agreements Act is amended by
5 changing Section 10 as follows:

6 (30 ILCS 571/10)

7 Sec. 10. Public works projects. On a project-by-project
8 basis, a State department, agency, authority, board, or
9 instrumentality that is under the control of the Governor shall
10 include a project labor agreement on a public works project
11 when that department, agency, authority, board, or
12 instrumentality has determined that the agreement advances the
13 State's interests of cost, efficiency, quality, safety,
14 timeliness, skilled labor force, labor stability, or the
15 State's policy to advance minority-owned and women-owned
16 businesses and minority and female employment. For purposes of

1 this Act, any corrective action performed pursuant to Title XVI
2 of the Environmental Protection Act for which payment from the
3 Underground Storage Tank Fund is requested shall be considered
4 a public works project.

5 (Source: P.A. 97-199, eff. 7-27-11.)

6 Section 10. The Environmental Protection Act is amended by
7 changing Sections 57.7 and 57.8 as follows:

8 (415 ILCS 5/57.7)

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

11 (a) Site investigation.

12 (1) For any site investigation activities required by
13 statute or rule, the owner or operator shall submit to the
14 Agency for approval a site investigation plan designed to
15 determine the nature, concentration, direction of
16 movement, rate of movement, and extent of the contamination
17 as well as the significant physical features of the site
18 and surrounding area that may affect contaminant transport
19 and risk to human health and safety and the environment.

20 (2) Any owner or operator intending to seek payment
21 from the Fund shall submit to the Agency for approval a
22 site investigation budget that includes, but is not limited
23 to, an accounting of all costs associated with the
24 implementation and completion of the site investigation

1 plan.

2 (3) Remediation objectives for the applicable
3 indicator contaminants shall be determined using the
4 tiered approach to corrective action objectives rules
5 adopted by the Board pursuant to this Title and Title XVII
6 of this Act. For the purposes of this Title, "Contaminant
7 of Concern" or "Regulated Substance of Concern" in the
8 rules means the applicable indicator contaminants set
9 forth in subsection (d) of this Section and the rules
10 adopted thereunder.

11 (4) Upon the Agency's approval of a site investigation
12 plan, or as otherwise directed by the Agency, the owner or
13 operator shall conduct a site investigation in accordance
14 with the plan.

15 (5) Within 30 days after completing the site
16 investigation, the owner or operator shall submit to the
17 Agency for approval a site investigation completion
18 report. At a minimum the report shall include all of the
19 following:

20 (A) Executive summary.

21 (B) Site history.

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

23 (D) Documentation of all field activities,
24 including quality assurance.

25 (E) Documentation regarding the development of
26 proposed remediation objectives.

1 (F) Interpretation of results.

2 (G) Conclusions.

3 (b) Corrective action.

4 (1) If the site investigation confirms none of the
5 applicable indicator contaminants exceed the proposed
6 remediation objectives, within 30 days after completing
7 the site investigation the owner or operator shall submit
8 to the Agency for approval a corrective action completion
9 report in accordance with this Section.

10 (2) If any of the applicable indicator contaminants
11 exceed the remediation objectives approved for the site,
12 within 30 days after the Agency approves the site
13 investigation completion report the owner or operator
14 shall submit to the Agency for approval a corrective action
15 plan designed to mitigate any threat to human health, human
16 safety, or the environment resulting from the underground
17 storage tank release. The plan shall describe the selected
18 remedy and evaluate its ability and effectiveness to
19 achieve the remediation objectives approved for the site.
20 At a minimum, the report shall include all of the
21 following:

22 (A) Executive summary.

23 (B) Statement of remediation objectives.

24 (C) Remedial technologies selected.

25 (D) Confirmation sampling plan.

26 (E) Current and projected future use of the

1 property.

2 (F) Applicable preventive, engineering, and
3 institutional controls including long-term
4 reliability, operating, and maintenance plans, and
5 monitoring procedures.

6 (G) A schedule for implementation and completion
7 of the plan.

8 (3) Any owner or operator intending to seek payment
9 from the Fund shall submit to the Agency for approval a
10 corrective action budget that includes, but is not limited
11 to, an accounting of all costs associated with the
12 implementation and completion of the corrective action
13 plan.

14 (4) Upon the Agency's approval of a corrective action
15 plan, or as otherwise directed by the Agency, the owner or
16 operator shall proceed with corrective action in
17 accordance with the plan.

18 (5) Within 30 days after the completion of a corrective
19 action plan that achieves applicable remediation
20 objectives the owner or operator shall submit to the Agency
21 for approval a corrective action completion report. The
22 report shall demonstrate whether corrective action was
23 completed in accordance with the approved corrective
24 action plan and whether the remediation objectives
25 approved for the site, as well as any other requirements of
26 the plan, have been achieved.

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

13 (7) If the Agency determines any approved corrective
14 action plan will not achieve applicable remediation
15 objectives within a reasonable time, based upon the method
16 of remediation and site specific circumstances, the Agency
17 may require the owner or operator to submit to the Agency
18 for approval a revised corrective action plan. If the owner
19 or operator intends to seek payment from the Fund, the
20 owner or operator must also submit a revised budget.

21 (c) Agency review and approval.

22 (1) Agency approval of any plan and associated budget,
23 as described in this subsection (c), shall be considered
24 final approval for purposes of seeking and obtaining
25 payment from the Underground Storage Tank Fund if the costs
26 associated with the completion of any such plan are less

1 than or equal to the amounts approved in such budget.

2 (2) In the event the Agency fails to approve,
3 disapprove, or modify any plan or report submitted pursuant
4 to this Title in writing within 120 days of the receipt by
5 the Agency, the plan or report shall be considered to be
6 rejected by operation of law for purposes of this Title and
7 rejected for purposes of payment from the Underground
8 Storage Tank Fund.

9 (A) For purposes of those plans as identified in
10 paragraph (5) of this subsection (c), the Agency's
11 review may be an audit procedure. Such review or audit
12 shall be consistent with the procedure for such review
13 or audit as promulgated by the Board under Section
14 57.14. The Agency has the authority to establish an
15 auditing program to verify compliance of such plans
16 with the provisions of this Title.

17 (B) For purposes of corrective action plans
18 submitted pursuant to subsection (b) of this Section
19 for which payment from the Fund is not being sought,
20 the Agency need not take action on such plan until 120
21 days after it receives the corrective action
22 completion report required under subsection (b) of
23 this Section. In the event the Agency approved the
24 plan, it shall proceed under the provisions of this
25 subsection (c).

26 (3) In approving any plan submitted pursuant to

1 subsection (a) or (b) of this Section, the Agency shall
2 determine, by a procedure promulgated by the Board under
3 Section 57.14, that the costs associated with the plan are
4 reasonable, will be incurred in the performance of site
5 investigation or corrective action, and will not be used
6 for site investigation or corrective action activities in
7 excess of those required to meet the minimum requirements
8 of this Title. The Agency shall also determine, pursuant to
9 the Project Labor Agreements Act, whether the corrective
10 action shall include a project labor agreement if payment
11 from the Underground Storage Tank Fund is to be requested.

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

18 (i) For the site where the release occurred,
19 the use of Tier 2 remediation objectives that are
20 no more stringent than Tier 1 remediation
21 objectives.

22 (ii) The use of industrial/commercial property
23 remediation objectives, unless the owner or
24 operator demonstrates that the property being
25 remediated is residential property or being
26 developed into residential property.

1 (iii) The use of groundwater ordinances as
2 institutional controls in accordance with Board
3 rules.

4 (iv) The use of on-site groundwater use
5 restrictions as institutional controls in
6 accordance with Board rules.

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

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

25 (ii) At least 14 days prior to the date set in
26 the invitation for the opening of bids, public

1 notice of the invitation for bids must be published
2 in a local paper of general circulation for the
3 area in which the site is located.

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

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

26 (v) Correction or withdrawal of inadvertently

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

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

19 (vii) All bidding documentation must be
20 retained by the owner or operator for a minimum of
21 3 years after the costs bid are submitted in an
22 application for payment, except that documentation
23 relating to an appeal, litigation, or other
24 disputed claim must be maintained until at least 3
25 years after the date of the final disposition of
26 the appeal, litigation, or other disputed claim.

1 All bidding documentation must be made available
2 to the Agency for inspection and copying during
3 normal business hours.

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

11 (4) For any plan or report received after June 24,
12 2002, any action by the Agency to disapprove or modify a
13 plan submitted pursuant to this Title shall be provided to
14 the owner or operator in writing within 120 days of the
15 receipt by the Agency or, in the case of a site
16 investigation plan or corrective action plan for which
17 payment is not being sought, within 120 days of receipt of
18 the site investigation completion report or corrective
19 action completion report, respectively, and shall be
20 accompanied by:

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

23 (B) an explanation of the provisions of the
24 regulations, promulgated under this Act, which may be
25 violated if the plan were approved;

26 (C) an explanation of the specific type of

1 information, if any, which the Agency deems the
2 applicant did not provide the Agency; and

3 (D) a statement of specific reasons why the Act and
4 the regulations might not be met if the plan were
5 approved.

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

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

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

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

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

22 (D) Any corrective action plan budget submitted
23 pursuant to subsection (b) of this Section.

24 (d) For purposes of this Title, the term "indicator
25 contaminant" shall mean, unless and until the Board promulgates
26 regulations to the contrary, the following: (i) if an

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

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

23 (2) Upon receipt of a plan submitted after activities
24 have commenced at a site, the Agency shall proceed to
25 review in the same manner as required under this Title. In
26 the event the Agency disapproves all or part of the costs,

1 the owner or operator may appeal such decision to the
2 Board. The owner or operator shall not be eligible to be
3 reimbursed for such disapproved costs unless and until the
4 Board determines that such costs were eligible for payment.

5 (f) All investigations, plans, and reports conducted or
6 prepared under this Section shall be conducted or prepared
7 under the supervision of a licensed professional engineer and
8 in accordance with the requirements of this Title.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-908, eff. 6-8-10.)

10 (415 ILCS 5/57.8)

11 Sec. 57.8. Underground Storage Tank Fund; payment; options
12 for State payment; deferred correction election to commence
13 corrective action upon availability of funds. If an owner or
14 operator is eligible to access the Underground Storage Tank
15 Fund pursuant to an Office of State Fire Marshal
16 eligibility/deductible final determination letter issued in
17 accordance with Section 57.9, the owner or operator may submit
18 a complete application for final or partial payment to the
19 Agency for activities taken in response to a confirmed release.
20 An owner or operator may submit a request for partial or final
21 payment regarding a site no more frequently than once every 90
22 days.

23 (a) Payment after completion of corrective action
24 measures. The owner or operator may submit an application for
25 payment for activities performed at a site after completion of

1 the requirements of Sections 57.6 and 57.7, or after completion
2 of any other required activities at the underground storage
3 tank site.

4 (1) In the case of any approved plan and budget for
5 which payment is being sought, the Agency shall make a
6 payment determination within 120 days of receipt of the
7 application. Such determination shall be considered a
8 final decision. The Agency's review shall be limited to
9 generally accepted auditing and accounting practices. In
10 no case shall the Agency conduct additional review of any
11 plan which was completed within the budget, beyond auditing
12 for adherence to the corrective action measures in the
13 proposal. If the Agency fails to approve the payment
14 application within 120 days, such application shall be
15 deemed approved by operation of law and the Agency shall
16 proceed to reimburse the owner or operator the amount
17 requested in the payment application. However, in no event
18 shall the Agency reimburse the owner or operator an amount
19 greater than the amount approved in the plan.

20 (2) If sufficient funds are available in the
21 Underground Storage Tank Fund, the Agency shall, within 60
22 days, forward to the Office of the State Comptroller a
23 voucher in the amount approved under the payment
24 application.

25 (3) In the case of insufficient funds, the Agency shall
26 form a priority list for payment and shall notify persons

1 in such priority list monthly of the availability of funds
2 and when payment shall be made. Payment shall be made to
3 the owner or operator at such time as sufficient funds
4 become available for the costs associated with site
5 investigation and corrective action and costs expended for
6 activities performed where no proposal is required, if
7 applicable. Such priority list shall be available to any
8 owner or operator upon request. Priority for payment shall
9 be determined by the date the Agency receives a complete
10 request for partial or final payment. Upon receipt of
11 notification from the Agency that the requirements of this
12 Title have been met, the Comptroller shall make payment to
13 the owner or operator of the amount approved by the Agency,
14 if sufficient money exists in the Fund. If there is
15 insufficient money in the Fund, then payment shall not be
16 made. If the owner or operator appeals a final Agency
17 payment determination and it is determined that the owner
18 or operator is eligible for payment or additional payment,
19 the priority date for the payment or additional payment
20 shall be the same as the priority date assigned to the
21 original request for partial or final payment.

22 (4) Any deductible, as determined pursuant to the
23 Office of the State Fire Marshal's eligibility and
24 deductibility final determination in accordance with
25 Section 57.9, shall be subtracted from any payment invoice
26 paid to an eligible owner or operator. Only one deductible

1 shall apply per underground storage tank site.

2 (5) In the event that costs are or will be incurred in
3 addition to those approved by the Agency, or after payment,
4 the owner or operator may submit successive plans
5 containing amended budgets. The requirements of Section
6 57.7 shall apply to any amended plans.

7 (6) For purposes of this Section, a complete
8 application shall consist of:

9 (A) A certification from a Licensed Professional
10 Engineer or Licensed Professional Geologist as
11 required under this Title and acknowledged by the owner
12 or operator.

13 (B) A statement of the amounts approved in the
14 budget and the amounts actually sought for payment
15 along with a certified statement by the owner or
16 operator that the amounts so sought were expended in
17 conformance with the approved budget.

18 (C) A copy of the Office of the State Fire
19 Marshal's eligibility and deductibility determination.

20 (D) Proof that approval of the payment requested
21 will not result in the limitations set forth in
22 subsection (g) of this Section being exceeded.

23 (E) A federal taxpayer identification number and
24 legal status disclosure certification on a form
25 prescribed and provided by the Agency.

26 (F) If the Agency determined under subsection

1 (c) (3) of Section 57.7 of this Act that corrective
2 action must include a project labor agreement, a
3 certification from the owner or operator that the
4 corrective action was (i) performed under a project
5 labor agreement that meets the requirements of Section
6 25 of the Project Labor Agreements Act and (ii)
7 implemented in a manner consistent with the terms and
8 conditions of the Project Labor Agreements Act and in
9 full compliance with all statutes, regulations, and
10 Executive Orders as required under that Act and the
11 Prevailing Wage Act.

12 (b) Commencement of site investigation or corrective
13 action upon availability of funds. The Board shall adopt
14 regulations setting forth procedures based on risk to human
15 health or the environment under which the owner or operator who
16 has received approval for any budget plan submitted pursuant to
17 Section 57.7, and who is eligible for payment from the
18 Underground Storage Tank Fund pursuant to an Office of the
19 State Fire Marshal eligibility and deductibility
20 determination, may elect to defer site investigation or
21 corrective action activities until funds are available in an
22 amount equal to the amount approved in the budget. The
23 regulations shall establish criteria based on risk to human
24 health or the environment to be used for determining on a
25 site-by-site basis whether deferral is appropriate. The
26 regulations also shall establish the minimum investigatory

1 requirements for determining whether the risk based criteria
2 are present at a site considering deferral and procedures for
3 the notification of owners or operators of insufficient funds,
4 Agency review of request for deferral, notification of Agency
5 final decisions, returning deferred sites to active status, and
6 earmarking of funds for payment.

7 (c) When the owner or operator requests indemnification for
8 payment of costs incurred as a result of a release of petroleum
9 from an underground storage tank, if the owner or operator has
10 satisfied the requirements of subsection (a) of this Section,
11 the Agency shall forward a copy of the request to the Attorney
12 General. The Attorney General shall review and approve the
13 request for indemnification if:

14 (1) there is a legally enforceable judgment entered
15 against the owner or operator and such judgment was entered
16 due to harm caused by a release of petroleum from an
17 underground storage tank and such judgment was not entered
18 as a result of fraud; or

19 (2) a settlement with a third party due to a release of
20 petroleum from an underground storage tank is reasonable.

21 (d) Notwithstanding any other provision of this Title, the
22 Agency shall not approve payment to an owner or operator from
23 the Fund for costs of corrective action or indemnification
24 incurred during a calendar year in excess of the following
25 aggregate amounts based on the number of petroleum underground
26 storage tanks owned or operated by such owner or operator in

1 Illinois.

2 Amount	Number of Tanks
3 \$2,000,000	fewer than 101
4 \$3,000,000	101 or more

5 (1) Costs incurred in excess of the aggregate amounts
6 set forth in paragraph (1) of this subsection shall not be
7 eligible for payment in subsequent years.

8 (2) For purposes of this subsection, requests
9 submitted by any of the agencies, departments, boards,
10 committees or commissions of the State of Illinois shall be
11 acted upon as claims from a single owner or operator.

12 (3) For purposes of this subsection, owner or operator
13 includes (i) any subsidiary, parent, or joint stock company
14 of the owner or operator and (ii) any company owned by any
15 parent, subsidiary, or joint stock company of the owner or
16 operator.

17 (e) Costs of corrective action or indemnification incurred
18 by an owner or operator which have been paid to an owner or
19 operator under a policy of insurance, another written
20 agreement, or a court order are not eligible for payment under
21 this Section. An owner or operator who receives payment under a
22 policy of insurance, another written agreement, or a court
23 order shall reimburse the State to the extent such payment
24 covers costs for which payment was received from the Fund. Any
25 monies received by the State under this subsection (e) shall be
26 deposited into the Fund.

1 (f) (Blank.)

2 (g) The Agency shall not approve any payment from the Fund
3 to pay an owner or operator:

4 (1) for costs of corrective action incurred by such
5 owner or operator in an amount in excess of \$1,500,000 per
6 occurrence; and

7 (2) for costs of indemnification of such owner or
8 operator in an amount in excess of \$1,500,000 per
9 occurrence.

10 (h) Payment of any amount from the Fund for corrective
11 action or indemnification shall be subject to the State
12 acquiring by subrogation the rights of any owner, operator, or
13 other person to recover the costs of corrective action or
14 indemnification for which the Fund has compensated such owner,
15 operator, or person from the person responsible or liable for
16 the release.

17 (i) If the Agency refuses to pay or authorizes only a
18 partial payment, the affected owner or operator may petition
19 the Board for a hearing in the manner provided for the review
20 of permit decisions in Section 40 of this Act.

21 (j) Costs of corrective action or indemnification incurred
22 by an owner or operator prior to July 28, 1989, shall not be
23 eligible for payment or reimbursement under this Section.

24 (k) The Agency shall not pay costs of corrective action or
25 indemnification incurred before providing notification of the
26 release of petroleum in accordance with the provisions of this

1 Title.

2 (1) Corrective action does not include legal defense costs.
3 Legal defense costs include legal costs for seeking payment
4 under this Title unless the owner or operator prevails before
5 the Board in which case the Board may authorize payment of
6 legal fees.

7 (m) The Agency may apportion payment of costs for plans
8 submitted under Section 57.7 if:

9 (1) the owner or operator was deemed eligible to access
10 the Fund for payment of corrective action costs for some,
11 but not all, of the underground storage tanks at the site;
12 and

13 (2) the owner or operator failed to justify all costs
14 attributable to each underground storage tank at the site.

15 (n) The Agency shall not pay costs associated with a
16 corrective action plan incurred after the Agency provides
17 notification to the owner or operator pursuant to item (7) of
18 subsection (b) of Section 57.7 that a revised corrective action
19 plan is required. Costs associated with any subsequently
20 approved corrective action plan shall be eligible for
21 reimbursement if they meet the requirements of this Title.

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

23 Section 15. The Prevailing Wage Act is amended by changing
24 Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

2 Sec. 2. This Act applies to the wages of laborers,
3 mechanics and other workers employed in any public works, as
4 hereinafter defined, by any public body and to anyone under
5 contracts for public works. This includes any maintenance,
6 repair, assembly, or disassembly work performed on equipment
7 whether owned, leased, or rented.

8 As used in this Act, unless the context indicates
9 otherwise:

10 "Public works" means all fixed works constructed or
11 demolished by any public body, or paid for wholly or in part
12 out of public funds. "Public works" as defined herein includes
13 all projects financed in whole or in part with bonds, grants,
14 loans, or other funds made available by or through the State or
15 any of its political subdivisions, including but not limited
16 to: bonds issued under the Industrial Project Revenue Bond Act
17 (Article 11, Division 74 of the Illinois Municipal Code), the
18 Industrial Building Revenue Bond Act, the Illinois Finance
19 Authority Act, the Illinois Sports Facilities Authority Act, or
20 the Build Illinois Bond Act; loans or other funds made
21 available pursuant to the Build Illinois Act; or funds from the
22 Fund for Illinois' Future under Section 6z-47 of the State
23 Finance Act, funds for school construction under Section 5 of
24 the General Obligation Bond Act, funds authorized under Section
25 3 of the School Construction Bond Act, funds for school
26 infrastructure under Section 6z-45 of the State Finance Act,

1 and funds for transportation purposes under Section 4 of the
2 General Obligation Bond Act. "Public works" also includes (i)
3 all projects financed in whole or in part with funds from the
4 Department of Commerce and Economic Opportunity under the
5 Illinois Renewable Fuels Development Program Act for which
6 there is no project labor agreement; (ii) all work performed
7 pursuant to a public private agreement under the Public Private
8 Agreements for the Illiana Expressway Act; and (iii) all
9 projects undertaken under a public-private agreement under the
10 Public-Private Partnerships for Transportation Act. "Public
11 works" also includes all projects at leased facility property
12 used for airport purposes under Section 35 of the Local
13 Government Facility Lease Act. "Public works" also includes the
14 construction of a new wind power facility by a business
15 designated as a High Impact Business under Section 5.5(a)(3)(E)
16 of the Illinois Enterprise Zone Act. "Public works" also
17 includes any corrective action performed pursuant to Title XVI
18 of the Environmental Protection Act for which payment from the
19 Underground Storage Tank Fund is requested. "Public works" does
20 not include work done directly by any public utility company,
21 whether or not done under public supervision or direction, or
22 paid for wholly or in part out of public funds. "Public works"
23 does not include projects undertaken by the owner at an
24 owner-occupied single-family residence or at an owner-occupied
25 unit of a multi-family residence.

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,
2 repair, assembly, or disassembly work performed on equipment
3 whether owned, leased, or rented.

4 "Locality" means the county where the physical work upon
5 public works is performed, except (1) that if there is not
6 available in the county a sufficient number of competent
7 skilled laborers, workers and mechanics to construct the public
8 works efficiently and properly, "locality" includes any other
9 county nearest the one in which the work or construction is to
10 be performed and from which such persons may be obtained in
11 sufficient numbers to perform the work and (2) that, with
12 respect to contracts for highway work with the Department of
13 Transportation of this State, "locality" may at the discretion
14 of the Secretary of the Department of Transportation be
15 construed to include two or more adjacent counties from which
16 workers may be accessible for work on such construction.

17 "Public body" means the State or any officer, board or
18 commission of the State or any political subdivision or
19 department thereof, or any institution supported in whole or in
20 part by public funds, and includes every county, city, town,
21 village, township, school district, irrigation, utility,
22 reclamation improvement or other district and every other
23 political subdivision, district or municipality of the state
24 whether such political subdivision, municipality or district
25 operates under a special charter or not.

26 The terms "general prevailing rate of hourly wages",

1 "general prevailing rate of wages" or "prevailing rate of
2 wages" when used in this Act mean the hourly cash wages plus
3 fringe benefits for training and apprenticeship programs
4 approved by the U.S. Department of Labor, Bureau of
5 Apprenticeship and Training, health and welfare, insurance,
6 vacations and pensions paid generally, in the locality in which
7 the work is being performed, to employees engaged in work of a
8 similar character on public works.

9 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,
10 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,
11 eff. 8-23-11.)

12 Section 99. Effective date. This Act takes effect August 1,
13 2013."