

1 AN ACT regarding underground storage tanks.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Gasoline Storage Act is amended by adding  
5 Section 2.5 as follows:

6 (430 ILCS 15/2.5 new)

7 Sec. 2.5. Administrative citations.

8 (a) The Office of the State Fire Marshal shall have the  
9 authority to impose the following citations on contractors  
10 with regard to underground storage tank activity.

11 (1) A citation imposing a penalty of at least \$500  
12 but not more than \$1,500 shall be issued for the  
13 following violations:

14 (A) The excavation is not properly prepared to  
15 ensure safe movement of materials and equipment.

16 (B) The contractor did not have a 40 hour  
17 general site worker program.

18 (2) A citation of at least \$1,000 but not more than  
19 \$2,500 shall be imposed for the following violations:

20 (A) Personnel disregarded established  
21 checklist requirements.

22 (B) The exclusion zone around the work area  
23 was not established or not properly maintained.

24 (C) No certified individual possesses a IFCI  
25 identification card.

26 (3) A citation imposing a penalty of at least  
27 \$2,000 but not more than \$3,000 shall be issued for the  
28 following violations:

29 (A) The necessary equipment was not grounded  
30 against a static charge.

31 (B) Failure to have proper monitoring

1 equipment or the tank was not properly maintained.

2 (C) The equipment did not have sufficient  
3 lifting capacity to perform the required work.

4 (D) Removal of liquids and residues from the  
5 underground storage tank did not comply with the  
6 requirements of 41 Ill. Adm. Code 170.670(b)(1).

7 (4) A citation imposing a penalty of \$5,000 shall  
8 be issued for the following violations:

9 (A) Permit was not obtained from the Office of  
10 the State Fire Marshal, if a permit is necessary.

11 (B) Failure to follow the proper purging or  
12 vapor freeing procedure.

13 (C) The installer, repairer, reliner, or  
14 decommissioner of an underground storage tank is not  
15 licensed with the Office of the State Fire Marshal.

16 (D) Work was performed without an Office of  
17 the State Fire Marshal Inspector present, when  
18 required by the permit.

19 (b) The Office of the State Fire Marshal may request  
20 that the State's Attorney of the county in which the  
21 violation occurred, or the Attorney General, institute  
22 injunctive relief against the contractor for the violations  
23 contained in paragraph (4) of subsection (a).

24 (c) When the Office of the State Fire Marshal Inspector  
25 has found a violation listed in subsection (a) of this  
26 Section, he or she shall serve the administrative citation  
27 upon the contractor named in the citation or the contractor's  
28 authorized agent for service of process by registered mail or  
29 in person within 10 days after the date of the observed  
30 violation.

31 (d) If the contractor named in the administrative  
32 citation fails to petition the Office of the State Fire  
33 Marshal for review within 60 days after the date of service,  
34 the Office of the State Fire Marshal shall adopt a final

1 order, which shall include the administrative citation and  
2 findings of violation as alleged in the citation, and shall  
3 impose the penalty specified in subsection (a) of this  
4 Section.

5 (e) There is created an advisory board consisting of 2  
6 representatives of the Office of the State Fire Marshal and  
7 one representative of the Illinois Petroleum Equipment  
8 Contractors Association, a successor association, or any  
9 other statewide petroleum equipment contractor industry  
10 organization. The Illinois Petroleum Equipment Contractors  
11 Association, the successor association, or the statewide  
12 petroleum equipment contractor industry organization shall  
13 provide the Office of the State Fire Marshal with the name of  
14 its designee by certified mail. The terms of the members of  
15 the advisory board are for 2 years and until their successors  
16 are appointed and qualified.

17 (f) If the person named in the administrative citation  
18 petitions for review and the advisory board upholds the  
19 citation, the contractor may appeal the citation to the  
20 Pollution Control Board within 60 days after receipt of  
21 notice of the State Fire Marshal's decision. If the person  
22 named in the administrative citation fails to petition the  
23 Pollution Control Board for review within 60 days after  
24 receipt of notice of the State Fire Marshal's decision, the  
25 Office of the State Fire Marshal shall adopt a final order,  
26 which shall include the administrative citation and findings  
27 of violation as alleged in the citation, and shall impose the  
28 penalty specified in subsection (a) of this Section.

29 (g) If the contractor fails to pay the penalty imposed  
30 by the final order within 30 days after receipt of the final  
31 order, the State's Attorney of the county in which the  
32 violation occurred, or the Attorney General, may, at the  
33 request of the Office of the State Fire Marshal or on his or  
34 her own motion, institute a civil action for injunctive

1 relief against the contractor for failure to pay the civil  
2 penalty.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.