



Rep. Thomas Holbrook

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LRB097 09942 JDS 55851 a

1 AMENDMENT TO SENATE BILL 1543

2 AMENDMENT NO. _____. Amend Senate Bill 1543 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 57.11 as follows:

6 (415 ILCS 5/57.11)

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

8 (a) There is hereby created in the State Treasury a special
9 fund to be known as the Underground Storage Tank Fund. There
10 shall be deposited into the Underground Storage Tank Fund all
11 monies received by the Office of the State Fire Marshal as fees
12 for underground storage tanks under Sections 4 and 5 of the
13 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax
14 Law. All amounts held in the Underground Storage Tank Fund
15 shall be invested at interest by the State Treasurer. All
16 income earned from the investments shall be deposited into the

1 Underground Storage Tank Fund no less frequently than
2 quarterly. Moneys in the Underground Storage Tank Fund,
3 pursuant to appropriation, may be used by the Agency and the
4 Office of the State Fire Marshal for the following purposes:

5 (1) To take action authorized under Section 57.12 to
6 recover costs under Section 57.12.

7 (2) To assist in the reduction and mitigation of damage
8 caused by leaks from underground storage tanks, including
9 but not limited to, (i) providing alternative water
10 supplies to persons whose drinking water has become
11 contaminated as a result of those leaks and (ii)
12 reimbursing local governments for costs of remediating
13 contamination from UST releases for which a highway
14 authority agreement entered into between a local
15 government and a UST owner or operator is used as an
16 institutional control in accordance with Board rules.

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

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

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

26 (6) For a total of 2 demonstration projects in amounts

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

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

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

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

1 Governor, plus any cumulative deficiency in those transfers for
2 prior months.

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

8 (e) Beginning January 1, 2013, each ~~Each~~ fiscal year,
9 subject to appropriation, the Agency may commit up to
10 \$10,000,000 of the moneys in the Underground Storage Tank Fund
11 to the payment of corrective action costs for legacy sites that
12 meet one or more of the following criteria as a result of the
13 underground storage tank release: (i) the presence of free
14 product, (ii) contamination within a regulated recharge area, a
15 wellhead protection area, or the setback zone of a potable
16 water supply well, (iii) contamination extending beyond the
17 boundaries of the site where the release occurred, or (iv) such
18 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 (f) Beginning January 1, 2013, each fiscal year, subject to
9 appropriation, up to \$250,000 of the moneys in the Underground
10 Storage Tank Fund may be used by the Illinois Department of
11 Transportation to remediate contamination from UST releases
12 for which highway authority agreements entered into between the
13 Illinois Department of Transportation and UST owners or
14 operators are used as institutional controls in accordance with
15 Board rules.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-908, eff. 6-8-10.)".