



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4941

by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

415 ILCS 5/57.9

Amends the Environmental Protection Act. Provides that the Underground Storage Tank Fund shall be accessible by owners and operators who intend to remove underground storage tanks installed over 30 years before removal if the eligibility requirements of specified provisions are satisfied and (1) neither the owner nor the operator is the United States Government; (2) the tank does not contain fuel which is exempt from the Motor Fuel Tax Law; (3) the costs were incurred as a result of removing an underground storage tank installed over 30 years prior to removal; (4) the owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act; (5) the owner or operator notified the Illinois Environmental Protection Agency and the Office of the State Fire Marshal of the owner's or operator's intent to remove the underground storage tank; and (6) the costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.

LRB104 19217 BDA 32662 b

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 Section 57.9 as follows:

6 (415 ILCS 5/57.9)

7 Sec. 57.9. Underground Storage Tank Fund; eligibility and
8 deductibility.

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

15 (1) Neither the owner nor the operator is the United
16 States Government.

17 (2) The tank does not contain fuel which is exempt
18 from the Motor Fuel Tax Law.

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

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

23 (B) Aviation fuel.

1 (C) Heating oil.

2 (D) Kerosene.

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

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

9 (5) The owner or operator notified the Illinois
10 Emergency Management Agency of a confirmed release, the
11 costs were incurred after the notification and the costs
12 were a result of a release of a substance listed in this
13 Section. Costs of corrective action or indemnification
14 incurred before providing that notification shall not be
15 eligible for payment.

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

19 (7) The costs were associated with "corrective action"
20 of this Act.

21 If the underground storage tank which experienced a
22 release of a substance listed in this Section was
23 installed after July 28, 1989, the owner or operator is
24 eligible to access the Underground Storage Tank Fund if it
25 is demonstrated to the Office of the State Fire Marshal
26 the tank was installed and operated in accordance with

1 Office of the State Fire Marshal regulatory requirements.

2 Office of the State Fire Marshal certification is prima

3 facie evidence the tank was installed pursuant to the

4 Office of the State Fire Marshal regulatory requirements.

5 (a-5) The Underground Storage Tank Fund shall be
6 accessible by owners and operators who intend to remove
7 underground storage tanks installed over 30 years before
8 removal. The owner or operator is eligible to access the
9 Underground Storage Tank Fund if the eligibility requirements
10 of this Title are satisfied and:

11 (1) Neither the owner nor the operator is the
12 government of the United States.

13 (2) The tank does not contain fuel which is exempt
14 from the Motor Fuel Tax Law.

15 (3) The costs were incurred as a result of removing an
16 underground storage tank installed over 30 years prior to
17 removal.

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

21 (5) The owner or operator notified the Illinois
22 Environmental Protection Agency and the Office of the
23 State Fire Marshal of the owner's or operator's intent to
24 remove the underground storage tank.

25 (6) The costs have not already been paid to the owner
26 or operator under a private insurance policy, other

1 written agreement, or court order.

2 (b) For releases reported prior to June 8, 2010 (the
3 effective date of Public Act 96-908), an owner or operator may
4 access the Underground Storage Tank Fund for costs associated
5 with an Agency approved plan and the Agency shall approve the
6 payment of costs associated with corrective action after the
7 application of a \$10,000 deductible, except in the following
8 situations:

9 (1) For costs incurred prior to the effective date of
10 this amendatory Act of the 104th General Assembly, a
11 deductible of \$100,000 shall apply when none of the
12 underground storage tanks were registered prior to July
13 28, 1989, except in the case of underground storage tanks
14 used exclusively to store heating oil for consumptive use
15 on the premises where stored and which serve other than
16 farms or residential units, a deductible of \$100,000 shall
17 apply when none of these tanks were registered prior to
18 July 1, 1992.

19 (2) For costs incurred prior to the effective date of
20 this amendatory Act of the 104th General Assembly, a
21 deductible of \$50,000 shall apply if any of the
22 underground storage tanks were registered prior to July
23 28, 1989, and the State received notice of the confirmed
24 release prior to July 28, 1989.

25 (3) For costs incurred prior to the effective date of
26 this amendatory Act of the 104th General Assembly, a

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

5 In cases where paragraph (1), (2), or (3) of this
6 subsection applies, costs incurred after the effective date of
7 this amendatory Act shall be subject to the \$10,000
8 deductible, which shall be reduced by any deductible amount
9 applied to costs incurred prior to the effective date of this
10 amendatory Act of the 104th General Assembly.

11 For releases reported on or after June 8, 2010 (the
12 effective date of Public Act 96-908), an owner or operator may
13 access the Underground Storage Tank Fund for costs associated
14 with an Agency approved plan, and the Agency shall approve the
15 payment of costs associated with corrective action after the
16 application of a \$5,000 deductible.

17 For removal of underground storage tanks over 30 years
18 old, an owner or operator may access the Underground Storage
19 Tank Fund for costs associated with an Agency approved removal
20 plan, and the Agency shall approve the payment of costs
21 associated with the plan after the application of a \$5,000
22 deducible.

23 A deductible shall apply annually for each site at which
24 costs were incurred under a claim submitted pursuant to this
25 Title, except that if corrective action in response to an
26 occurrence takes place over a period of more than one year, in

1 subsequent years, no deductible shall apply for costs incurred
2 in response to such occurrence.

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

5 (1) When an owner or operator reports a confirmed
6 release of a regulated substance or notifies the Office of
7 the State Fire Marshal of the owner's or operator's
8 intention to remove an underground storage tank over 30
9 years old, the Office of the State Fire Marshal shall
10 provide the owner or operator with an "Eligibility and
11 Deductibility Determination" form. The form shall either
12 be provided on-site or within 15 days of the Office of the
13 State Fire Marshal receipt of notice indicating a
14 confirmed release or intention to remove an aged
15 underground storage tank. The form shall request
16 sufficient information to enable the Office of the State
17 Fire Marshal to make a final determination as to owner or
18 operator eligibility to access the Underground Storage
19 Tank Fund pursuant to this Title and the appropriate
20 deductible. The form shall be promulgated as a rule or
21 regulation pursuant to the Illinois Administrative
22 Procedure Act by the Office of the State Fire Marshal.
23 Until such form is promulgated, the Office of the State
24 Fire Marshal shall use a form which generally conforms
25 with this Act.

26 (2) Within 60 days of receipt of the "Eligibility and

1 Deductibility Determination" form, the Office of the State
2 Fire Marshal shall issue one letter enunciating the final
3 eligibility and deductibility determination, and such
4 determination or failure to act within the time prescribed
5 shall be a final decision appealable to the Illinois
6 Pollution Control Board.

7 (Source: P.A. 104-291, eff. 1-1-26; 104-417, eff. 8-15-25.)