



Rep. Joyce Mason

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10400HB4941ham002

LRB104 19217 BDA 35599 a

1 AMENDMENT TO HOUSE BILL 4941

2 AMENDMENT NO. _____. Amend House Bill 4941 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 57.9 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.

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

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

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

7 (B) Aviation fuel.

8 (C) Heating oil.

9 (D) Kerosene.

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

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

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

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

26 (7) The costs were associated with "corrective action"

1 of this Act.

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

12 (a-5) The Underground Storage Tank Fund shall be
13 accessible by owners and operators for eligible costs
14 associated with the removal of underground storage tanks
15 installed before January 1, 1976, including, but not limited
16 to, costs for removal of visibly contaminated fill material
17 within 4 feet of the outside dimensions of the tank, removal of
18 groundwater in the excavation that exhibits a sheen, and
19 sampling to determine whether a release from the tank has
20 occurred. The owner or operator is eligible to access the
21 Underground Storage Tank Fund if the eligibility requirements
22 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
26 from the Motor Fuel Tax Law.

1 (3) The costs were incurred as a result of removing an
2 underground storage tank installed before January 1, 1976
3 that contained any of the following substances:

4 (A) "Fuel", as defined in Section 1.19 of the
5 Motor 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 has obtained Agency approval
13 of a tank removal plan and budget prior to the tank's
14 removal.

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

18 Costs paid under this subsection (a-5) shall be subject to
19 the application of a \$5,000 deductible. Any deductible amounts
20 applied under this subsection (a-5) shall also apply toward
21 any deductible amount required under subsection (b) of this
22 Section so as to prevent the application of duplicate
23 deductibles.

24 (b) For releases reported prior to June 8, 2010 (the
25 effective date of Public Act 96-908), an owner or operator may
26 access the Underground Storage Tank Fund for costs associated

1 with an Agency approved plan and the Agency shall approve the
2 payment of costs associated with corrective action after the
3 application of a \$10,000 deductible, except in the following
4 situations:

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

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

21 (3) For costs incurred prior to the effective date of
22 this amendatory Act of the 104th General Assembly, a
23 deductible of \$15,000 shall apply when one or more, but
24 not all, of the underground storage tanks were registered
25 prior to July 28, 1989, and the State received notice of
26 the confirmed release on or after July 28, 1989.

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

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

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

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

23 (1) When an owner or operator reports a confirmed
24 release of a regulated substance, the Office of the State
25 Fire Marshal shall provide the owner or operator with an
26 "Eligibility and Deductibility Determination" form. The

1 form shall either be provided on-site or within 15 days of
2 the Office of the State Fire Marshal receipt of notice
3 indicating a confirmed release. The form shall request
4 sufficient information to enable the Office of the State
5 Fire Marshal to make a final determination as to owner or
6 operator eligibility to access the Underground Storage
7 Tank Fund pursuant to this Title and the appropriate
8 deductible. The form shall be promulgated as a rule or
9 regulation pursuant to the Illinois Administrative
10 Procedure Act by the Office of the State Fire Marshal.
11 Until such form is promulgated, the Office of the State
12 Fire Marshal shall use a form which generally conforms
13 with this Act.

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

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