

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 Sections 57.1, 57.2, and 57.11 as follows:

6 (415 ILCS 5/57.1)

7 Sec. 57.1. Applicability.

8 (a) An owner or operator of an underground storage tank
9 who meets the definition of this Title shall be required to
10 conduct tank removal, abandonment and repair, site
11 investigation, and corrective action in accordance with the
12 requirements of the Leaking Underground Storage Tank Program.

13 (b) An owner or operator of a heating oil tank as defined
14 by this Title may elect to perform tank removal, abandonment
15 or repair, site investigation, or corrective action, unless
16 the provisions of subsection (g) of Section 57.5 are
17 applicable.

18 (c) All owners or operators who conduct tank removal,
19 repair or abandonment, site investigation, or corrective
20 action may be eligible for the relief provided for under
21 Section 57.10 of this Title.

22 (d) The owners or operators, or both, of underground
23 storage tanks containing regulated substances other than

1 petroleum shall undertake corrective action in conformance
2 with regulations promulgated by the Illinois Pollution Control
3 Board.

4 (e) A municipality or county may, to the same extent as an
5 owner or operator, conduct tank removal, abandonment, site
6 investigation, and corrective action with respect to a
7 petroleum orphan underground storage tank. Such actions must
8 be conducted in accordance with the requirements of the
9 Leaking Underground Storage Tank Program, except that a
10 municipality or county does not have to elect to proceed as an
11 owner pursuant to Section 57.2 and the costs of such actions
12 shall be eligible for payment from the Underground Storage
13 Tank Fund pursuant to paragraph (5.5) of subsection (a) of
14 Section 57.11.

15 (Source: P.A. 92-554, eff. 6-24-02.)

16 (415 ILCS 5/57.2)

17 Sec. 57.2. Definitions. As used in this Title:

18 "Audit" means a systematic inspection or examination of
19 plans, reports, records, or documents to determine the
20 completeness and accuracy of the data and conclusions
21 contained therein.

22 "Bodily injury" means bodily injury, sickness, or disease
23 sustained by a person, including death at any time, resulting
24 from a release of petroleum from an underground storage tank.

25 "Release" means any spilling, leaking, emitting,

1 discharging, escaping, leaching or disposing of petroleum from
2 an underground storage tank into groundwater, surface water or
3 subsurface soils.

4 "Fill material" means non-native or disturbed materials
5 used to bed and backfill around an underground storage tank.

6 "Fund" means the Underground Storage Tank Fund.

7 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -
8 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6
9 technical grades of fuel oil; and other residual fuel oils
10 including Navy Special Fuel Oil and Bunker C.

11 "Indemnification" means indemnification of an owner or
12 operator for the amount of any judgment entered against the
13 owner or operator in a court of law, for the amount of any
14 final order or determination made against the owner or
15 operator by an agency of State government or any subdivision
16 thereof, or for the amount of any settlement entered into by
17 the owner or operator, if the judgment, order, determination,
18 or settlement arises out of bodily injury or property damage
19 suffered as a result of a release of petroleum from an
20 underground storage tank owned or operated by the owner or
21 operator.

22 "Corrective action" means activities associated with
23 compliance with the provisions of Sections 57.6 and 57.7 of
24 this Title.

25 "Occurrence" means an accident, including continuous or
26 repeated exposure to conditions, that results in a sudden or

1 nonsudden release from an underground storage tank.

2 When used in connection with, or when otherwise relating
3 to, underground storage tanks, the terms "facility", "owner",
4 "operator", "underground storage tank", "(UST)", "petroleum"
5 and "regulated substance" shall have the meanings ascribed to
6 them in Subtitle I of the Hazardous and Solid Waste Amendments
7 of 1984 (P.L. 98-616), of the Resource Conservation and
8 Recovery Act of 1976 (P.L. 94-580); provided however that the
9 term "underground storage tank" shall also mean an underground
10 storage tank used exclusively to store heating oil for
11 consumptive use on the premises where stored and which serves
12 other than a farm or residential unit; provided further
13 however that the term "owner" shall also mean any person who
14 has submitted to the Agency a written election to proceed
15 under this Title and has acquired an ownership interest in a
16 site on which one or more registered tanks have been removed,
17 but on which corrective action has not yet resulted in the
18 issuance of a "no further remediation letter" by the Agency
19 pursuant to this Title.

20 "Licensed Professional Engineer" means a person,
21 corporation, or partnership licensed under the laws of the
22 State of Illinois to practice professional engineering.

23 "Licensed Professional Geologist" means a person licensed
24 under the laws of the State of Illinois to practice as a
25 professional geologist.

26 "Orphan underground storage tank" means an underground

1 storage tank that does not have an owner or operator subject to
2 the requirements of this Title.

3 "Site" means any single location, place, tract of land or
4 parcel of property including contiguous property not separated
5 by a public right-of-way.

6 "Site investigation" means activities associated with
7 compliance with the provisions of subsection (a) of Section
8 57.7.

9 "Property damage" means physical injury to, destruction
10 of, or contamination of tangible property, including all
11 resulting loss of use of that property; or loss of use of
12 tangible property that is not physically injured, destroyed,
13 or contaminated, but has been evacuated, withdrawn from use,
14 or rendered inaccessible because of a release of petroleum
15 from an underground storage tank.

16 "Class I Groundwater" means groundwater that meets the
17 Class I: Potable Resource Groundwater criteria set forth in
18 the Board regulations adopted pursuant to the Illinois
19 Groundwater Protection Act.

20 "Class III Groundwater" means groundwater that meets the
21 Class III: Special Resource Groundwater criteria set forth in
22 the Board regulations adopted pursuant to the Illinois
23 Groundwater Protection Act.

24 (Source: P.A. 94-274, eff. 1-1-06.)

25 (415 ILCS 5/57.11)

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

2 (a) There is hereby created in the State Treasury a
3 special fund to be known as the Underground Storage Tank Fund.
4 There shall be deposited into the Underground Storage Tank
5 Fund all moneys received by the Office of the State Fire
6 Marshal as fees for underground storage tanks under Sections 4
7 and 5 of the Gasoline Storage Act, fees pursuant to the Motor
8 Fuel Tax Law, and beginning July 1, 2013, payments pursuant to
9 the Use Tax Act, the Service Use Tax Act, the Service
10 Occupation Tax Act, and the Retailers' Occupation Tax Act. All
11 amounts held in the Underground Storage Tank Fund shall be
12 invested at interest by the State Treasurer. All income earned
13 from the investments shall be deposited into the Underground
14 Storage Tank Fund no less frequently than quarterly. In
15 addition to any other transfers that may be provided for by
16 law, beginning on July 1, 2018 and on the first day of each
17 month thereafter during fiscal years 2019 through 2026 only,
18 the State Comptroller shall direct and the State Treasurer
19 shall transfer an amount equal to 1/12 of \$10,000,000 from the
20 Underground Storage Tank Fund to the General Revenue Fund.
21 Moneys in the Underground Storage Tank Fund, pursuant to
22 appropriation, may be used by the Agency and the Office of the
23 State Fire Marshal for the following purposes:

24 (1) To take action authorized under Section 57.12 and
25 to recover costs under Section 57.12.

26 (2) To assist in the reduction and mitigation of

1 damage caused by leaks from underground storage tanks,
2 including, but not limited to, providing alternative water
3 supplies to persons whose drinking water has become
4 contaminated as a result of those leaks.

5 (3) To be used as a matching amount toward federal
6 assistance relative to the release of petroleum from
7 underground storage tanks.

8 (4) For the costs of administering activities of the
9 Agency and the Office of the State Fire Marshal relative
10 to the Underground Storage Tank Fund.

11 (5) For payment of costs of corrective action incurred
12 by and indemnification to owners and operators of
13 underground storage tanks as provided in this Title.

14 (5.5) For payment of costs incurred by municipalities
15 or counties pursuant to subsection (e) of Section 57.1.
16 Municipalities and counties shall be eligible for payment
17 under this paragraph to the same extent as owners and
18 operators under paragraph (5) of this subsection, except
19 that payment shall not be subject to underground storage
20 tank registration or fees, an eligibility determination,
21 or a deductible.

22 (6) For a total of 2 demonstration projects in amounts
23 in excess of a \$10,000 deductible charge designed to
24 assess the viability of corrective action projects at
25 sites which have experienced contamination from petroleum
26 releases. Such demonstration projects shall be conducted

1 in accordance with the provision of this Title.

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

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

15 (c) Beginning July 1, 1993, the Governor shall certify to
16 the State Comptroller and State Treasurer the monthly amount
17 necessary to pay debt service on State obligations issued
18 pursuant to Section 6 of the General Obligation Bond Act. On
19 the last day of each month, the Comptroller shall order
20 transferred and the Treasurer shall transfer from the
21 Underground Storage Tank Fund to the General Obligation Bond
22 Retirement and Interest Fund the amount certified by the
23 Governor, plus any cumulative deficiency in those transfers
24 for prior months.

25 (d) Except as provided in subsection (c) of this Section,
26 the Underground Storage Tank Fund is not subject to

1 administrative charges authorized under Section 8h of the
2 State Finance Act that would in any way transfer any funds from
3 the Underground Storage Tank Fund into any other fund of the
4 State.

5 (e) Each fiscal year, subject to appropriation, the Agency
6 may commit up to \$10,000,000 of the moneys in the Underground
7 Storage Tank Fund to the payment of corrective action costs
8 for legacy sites that meet one or more of the following
9 criteria as a result of the underground storage tank release:

10 (i) the presence of free product, (ii) contamination within a
11 regulated recharge area, a wellhead protection area, or the
12 setback zone of a potable water supply well, (iii)
13 contamination extending beyond the boundaries of the site
14 where the release occurred, or (iv) such other criteria as may
15 be adopted in Agency rules.

16 (1) Fund moneys committed under this subsection (e)
17 shall be held in the Fund for payment of the corrective
18 action costs for which the moneys were committed.

19 (2) The Agency may adopt rules governing the
20 commitment of Fund moneys under this subsection (e).

21 (3) This subsection (e) does not limit the use of Fund
22 moneys at legacy sites as otherwise provided under this
23 Title.

24 (4) For the purposes of this subsection (e), the term
25 "legacy site" means a site for which (i) an underground
26 storage tank release was reported prior to January 1,

1 2005, (ii) the owner or operator has been determined
2 eligible to receive payment from the Fund for corrective
3 action costs, and (iii) the Agency did not receive any
4 applications for payment prior to January 1, 2010.

5 (f) Beginning July 1, 2013, if the amounts deposited into
6 the Fund from moneys received by the Office of the State Fire
7 Marshal as fees for underground storage tanks under Sections 4
8 and 5 of the Gasoline Storage Act and as fees pursuant to the
9 Motor Fuel Tax Law during a State fiscal year are sufficient to
10 pay all claims for payment by the fund received during that
11 State fiscal year, then the amount of any payments into the
12 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
13 Service Occupation Tax Act, and the Retailers' Occupation Tax
14 Act during that State fiscal year shall be deposited as
15 follows: 75% thereof shall be paid into the State treasury and
16 25% shall be reserved in a special account and used only for
17 the transfer to the Common School Fund as part of the monthly
18 transfer from the General Revenue Fund in accordance with
19 Section 8a of the State Finance Act.

20 (Source: P.A. 103-8, eff. 6-7-23; 103-588, eff. 6-5-24; 104-2,
21 eff. 6-16-25.)