

SB2743



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2743

Introduced 1/13/2026, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

415 ILCS 5/42

from Ch. 111 1/2, par. 1042

415 ILCS 5/52.15 new

Amends the Environmental Protection Act. Provides that no person shall release or cause or organize the release of helium or lighter-than-air gas balloons into the air unless the balloons are (1) used by an institution of higher education or a governmental agency, or pursuant to a governmental contract, for bona fide scientific or meteorological purposes, (2) released indoors and remain indoors, or (3) used for the safe operation of a hot air balloon. Provides that persons who violate the amendatory Act's provisions shall be subject to a warning for a first violation, a civil penalty of \$500 for a second violation, and a civil penalty of up to \$1,000 for a third or subsequent violation, and that the release of 50 balloons or fewer at one time is a single offense.

LRB104 16382 BDA 29771 b

A BILL FOR

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 42 and by adding Section 52.15 as follows:

6 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)
7 Sec. 42. Civil penalties.

8 (a) Except as provided in this Section, any person that
9 violates any provision of this Act or any regulation adopted
10 by the Board, or any permit or term or condition thereof, or
11 that violates any order of the Board pursuant to this Act,
12 shall be liable for a civil penalty not to exceed \$100,000 for
13 the violation and an additional civil penalty not to exceed
14 \$25,000 for each day during which the violation continues;
15 such penalties may, upon order of the Board or a court of
16 competent jurisdiction, be made payable to the Environmental
17 Protection Trust Fund, to be used in accordance with the
18 provisions of the Environmental Protection Trust Fund Act. The
19 maximum penalties set forth in this subsection shall be
20 increased as provided for in subsection (1).

21 (b) Notwithstanding the provisions of subsection (a) of
22 this Section:

23 (1) Any person that violates Section 12(f) of this Act

1 or any NPDES permit or term or condition thereof, or any
2 filing requirement, regulation or order relating to the
3 NPDES permit program, shall be liable to a civil penalty
4 of not to exceed \$25,000 per day of violation. The maximum
5 penalties set forth in this paragraph shall be increased
6 as provided for in subsection (1).

7 (2) Any person that violates Section 12(g) of this Act
8 or any UIC permit or term or condition thereof, or any
9 filing requirement, regulation or order relating to the
10 State UIC program for all wells, except Class II wells as
11 defined by the Board under this Act, shall be liable to a
12 civil penalty not to exceed \$5,000 per day of violation;
13 provided, however, that any person who commits such
14 violations relating to the State UIC program for Class II
15 wells, as defined by the Board under this Act, shall be
16 liable to a civil penalty of not to exceed \$25,000 for the
17 violation and an additional civil penalty of not to exceed
18 \$2,000 for each day during which the violation continues.
19 The maximum penalties set forth in this paragraph shall be
20 increased as provided for in subsection (1).

21 (3) Any person that violates Sections 21(f), 21(g),
22 21(h) or 21(i) of this Act, or any RCRA permit or term or
23 condition thereof, or any filing requirement, regulation
24 or order relating to the State RCRA program, shall be
25 liable to a civil penalty of not to exceed \$50,000 per day
26 of violation. The maximum penalties set forth in this

1 paragraph shall be increased as provided for in subsection
2 (1).

3 (4) In an administrative citation action under Section
4 31.1 of this Act, any person found to have violated any
5 provision of subsection (o) of Section 21 of this Act
6 shall pay a civil penalty of \$500 for each violation of
7 each such provision, plus any hearing costs incurred by
8 the Board and the Agency. Such penalties shall be made
9 payable to the Environmental Protection Trust Fund, to be
10 used in accordance with the provisions of the
11 Environmental Protection Trust Fund Act; except that if a
12 unit of local government issued the administrative
13 citation, 50% of the civil penalty shall be payable to the
14 unit of local government.

15 (4-5) In an administrative citation action under
16 Section 31.1 of this Act, any person found to have
17 violated any provision of subsection (p) of Section 21,
18 Section 22.38, Section 22.51, Section 22.51a, or
19 subsection (k) of Section 55 of this Act shall pay a civil
20 penalty of \$1,500 for each violation of each such
21 provision, plus any hearing costs incurred by the Board
22 and the Agency, except that the civil penalty amount shall
23 be \$3,000 for each violation of any provision of
24 subsection (p) of Section 21, Section 22.38, Section
25 22.51, Section 22.51a, or subsection (k) of Section 55
26 that is the person's second or subsequent adjudication

1 violation of that provision. The penalties shall be
2 deposited into the Environmental Protection Trust Fund, to
3 be used in accordance with the provisions of the
4 Environmental Protection Trust Fund Act; except that if a
5 unit of local government issued the administrative
6 citation, 50% of the civil penalty shall be payable to the
7 unit of local government.

8 (5) Any person who violates subsection 6 of Section
9 39.5 of this Act or any CAAPP permit, or term or condition
10 thereof, or any fee or filing requirement, or any duty to
11 allow or carry out inspection, entry or monitoring
12 activities, or any regulation or order relating to the
13 CAAPP shall be liable for a civil penalty not to exceed
14 \$25,000 per day of violation. The maximum penalties set
15 forth in this paragraph shall be increased as provided for
16 in subsection (1).

17 (6) Any owner or operator of a community water system
18 that violates subsection (b) of Section 18.1 or subsection
19 (a) of Section 25d-3 of this Act shall, for each day of
20 violation, be liable for a civil penalty not to exceed \$10
21 for each of the premises connected to the affected
22 community water system.

23 (7) Any person who violates Section 52.5 of this Act
24 shall be liable for a civil penalty of up to \$2,500 for the
25 first violation of that Section and a civil penalty of up
26 to \$5,000 for a second or subsequent violation of that

1 Section.

2 (8) Any person who violates Section 52.10 of this Act
3 shall receive a warning from the Agency for the first
4 violation of that Section and shall be liable for a civil
5 penalty of up to \$500 for the second violation of that
6 Section and a civil penalty of up to \$1,000 for a third or
7 subsequent violation of that Section. The release of up to
8 50 balloons shall be considered a single offense under
9 that Section. The release of more than 50 balloons shall
10 constitute a separate violation for every 50 balloons
11 released.

12 (b.5) In lieu of the penalties set forth in subsections
13 (a) and (b) of this Section, any person who fails to file, in a
14 timely manner, toxic chemical release forms with the Agency
15 pursuant to Section 25b-2 of this Act shall be liable for a
16 civil penalty of \$500 per day for each day the forms are late,
17 not to exceed a maximum total penalty of \$10,000. This daily
18 penalty shall begin accruing on the thirty-first day after the
19 date that the person receives the warning notice issued by the
20 Agency pursuant to Section 25b-6 of this Act; and the penalty
21 shall be paid to the Agency. The daily accrual of penalties
22 shall cease as of January 1 of the following year. All
23 penalties collected by the Agency pursuant to this subsection
24 shall be deposited into the Environmental Protection Permit
25 and Inspection Fund.

26 (c) Any person that violates this Act, any rule or

1 regulation adopted under this Act, any permit or term or
2 condition of a permit, or any Board order and causes the death
3 of fish or aquatic life shall, in addition to the other
4 penalties provided by this Act, be liable to pay to the State
5 an additional sum for the reasonable value of the fish or
6 aquatic life destroyed. Any money so recovered shall be placed
7 in the Wildlife and Fish Fund in the State Treasury.

8 (d) The penalties provided for in this Section may be
9 recovered in a civil action.

10 (e) The State's Attorney of the county in which the
11 violation occurred, or the Attorney General, may, at the
12 request of the Agency or on his own motion, institute a civil
13 action for an injunction, prohibitory or mandatory, to
14 restrain violations of this Act, any rule or regulation
15 adopted under this Act, any permit or term or condition of a
16 permit, or any Board order, or to require such other actions as
17 may be necessary to address violations of this Act, any rule or
18 regulation adopted under this Act, any permit or term or
19 condition of a permit, or any Board order.

20 (f) The State's Attorney of the county in which the
21 violation occurred, or the Attorney General, shall bring such
22 actions in the name of the people of the State of Illinois.
23 Without limiting any other authority which may exist for the
24 awarding of attorney's fees and costs, the Board or a court of
25 competent jurisdiction may award costs and reasonable
26 attorney's fees, including the reasonable costs of expert

1 witnesses and consultants, to the State's Attorney or the
2 Attorney General in a case where he has prevailed against a
3 person who has committed a willful, knowing, or repeated
4 violation of this Act, any rule or regulation adopted under
5 this Act, any permit or term or condition of a permit, or any
6 Board order.

7 Any funds collected under this subsection (f) in which the
8 Attorney General has prevailed shall be deposited in the
9 Hazardous Waste Fund created in Section 22.2 of this Act. Any
10 funds collected under this subsection (f) in which a State's
11 Attorney has prevailed shall be retained by the county in
12 which he serves.

13 (g) All final orders imposing civil penalties pursuant to
14 this Section shall prescribe the time for payment of such
15 penalties. If any such penalty is not paid within the time
16 prescribed, interest on such penalty at the rate set forth in
17 subsection (a) of Section 1003 of the Illinois Income Tax Act,
18 shall be paid for the period from the date payment is due until
19 the date payment is received. However, if the time for payment
20 is stayed during the pendency of an appeal, interest shall not
21 accrue during such stay.

22 (h) In determining the appropriate civil penalty to be
23 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3),
24 (b)(5), (b)(6), or (b)(7) of this Section, the Board is
25 authorized to consider any matters of record in mitigation or
26 aggravation of penalty, including, but not limited to, the

1 following factors:

2 (1) the duration and gravity of the violation;

3 (2) the presence or absence of due diligence on the
4 part of the respondent in attempting to comply with
5 requirements of this Act and regulations thereunder or to
6 secure relief therefrom as provided by this Act;

7 (3) any economic benefits accrued by the respondent
8 because of delay in compliance with requirements, in which
9 case the economic benefits shall be determined by the
10 lowest cost alternative for achieving compliance;

11 (4) the amount of monetary penalty which will serve to
12 deter further violations by the respondent and to
13 otherwise aid in enhancing voluntary compliance with this
14 Act by the respondent and other persons similarly subject
15 to the Act;

16 (5) the number, proximity in time, and gravity of
17 previously adjudicated violations of this Act by the
18 respondent;

19 (6) whether the respondent voluntarily self-disclosed,
20 in accordance with subsection (i) of this Section, the
21 non-compliance to the Agency;

22 (7) whether the respondent has agreed to undertake a
23 "supplemental environmental project", which means an
24 environmentally beneficial project that a respondent
25 agrees to undertake in settlement of an enforcement action
26 brought under this Act, but which the respondent is not

1 otherwise legally required to perform; and

2 (8) whether the respondent has successfully completed
3 a Compliance Commitment Agreement under subsection (a) of
4 Section 31 of this Act to remedy the violations that are
5 the subject of the complaint.

6 In determining the appropriate civil penalty to be imposed
7 under subsection (a) or paragraph (1), (2), (3), (5), (6), or
8 (7) of subsection (b) of this Section, the Board shall ensure,
9 in all cases, that the penalty is at least as great as the
10 economic benefits, if any, accrued by the respondent as a
11 result of the violation, unless the Board finds that
12 imposition of such penalty would result in an arbitrary or
13 unreasonable financial hardship. However, such civil penalty
14 may be off-set in whole or in part pursuant to a supplemental
15 environmental project agreed to by the complainant and the
16 respondent.

17 (i) A person who voluntarily self-discloses non-compliance
18 to the Agency, of which the Agency had been unaware, is
19 entitled to a 100% reduction in the portion of the penalty that
20 is not based on the economic benefit of non-compliance if the
21 person can establish the following:

22 (1) that either the regulated entity is a small entity
23 or the non-compliance was discovered through an
24 environmental audit or a compliance management system
25 documented by the regulated entity as reflecting the
26 regulated entity's due diligence in preventing, detecting,

1 and correcting violations;

2 (2) that the non-compliance was disclosed in writing
3 within 30 days of the date on which the person discovered
4 it;

5 (3) that the non-compliance was discovered and
6 disclosed prior to:

7 (i) the commencement of an Agency inspection,
8 investigation, or request for information;

9 (ii) notice of a citizen suit;

10 (iii) the filing of a complaint by a citizen, the
11 Illinois Attorney General, or the State's Attorney of
12 the county in which the violation occurred;

13 (iv) the reporting of the non-compliance by an
14 employee of the person without that person's
15 knowledge; or

16 (v) imminent discovery of the non-compliance by
17 the Agency;

18 (4) that the non-compliance is being corrected and any
19 environmental harm is being remediated in a timely
20 fashion;

21 (5) that the person agrees to prevent a recurrence of
22 the non-compliance;

23 (6) that no related non-compliance events have
24 occurred in the past 3 years at the same facility or in the
25 past 5 years as part of a pattern at multiple facilities
26 owned or operated by the person;

1 (7) that the non-compliance did not result in serious
2 actual harm or present an imminent and substantial
3 endangerment to human health or the environment or violate
4 the specific terms of any judicial or administrative order
5 or consent agreement;

6 (8) that the person cooperates as reasonably requested
7 by the Agency after the disclosure; and

8 (9) that the non-compliance was identified voluntarily
9 and not through a monitoring, sampling, or auditing
10 procedure that is required by statute, rule, permit,
11 judicial or administrative order, or consent agreement.

12 If a person can establish all of the elements under this
13 subsection except the element set forth in paragraph (1) of
14 this subsection, the person is entitled to a 75% reduction in
15 the portion of the penalty that is not based upon the economic
16 benefit of non-compliance.

17 For the purposes of this subsection (i), "small entity"
18 has the same meaning as in Section 221 of the federal Small
19 Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C.
20 601).

21 (j) In addition to any other remedy or penalty that may
22 apply, whether civil or criminal, any person who violates
23 Section 22.52 of this Act shall be liable for an additional
24 civil penalty of up to 3 times the gross amount of any
25 pecuniary gain resulting from the violation.

26 (k) In addition to any other remedy or penalty that may

1 apply, whether civil or criminal, any person who violates
2 subdivision (a) (7.6) of Section 31 of this Act shall be liable
3 for an additional civil penalty of \$2,000.

4 (1) As used in this Section, "consumer price index-u"
5 means the index published by the Bureau of Labor Statistics of
6 the United States Department of Labor that measures the
7 average change in prices of goods and services purchased by
8 all urban consumers, United States city average, all items,
9 1982-84 = 100. On July 1, 2026 and July 1 of each year
10 thereafter, the maximum penalties set forth in subsection (a)
11 and paragraphs (1), (2), (3), and (5) of subsection (b) shall
12 each be increased by an amount equal to the annual unadjusted
13 percentage increase in the consumer price index-u for the 12
14 months ending with the March preceding each July 1, including
15 all previous adjustments.

16 (Source: P.A. 104-6, eff. 6-16-25.)

17 (415 ILCS 5/52.15 new)

18 Sec. 52.15. Release of balloons.

19 (a) In this Section:

20 "Balloon" means any inflatable object manufactured from
21 plastic, latex, rubber, or mylar that is filled with a
22 lighter-than-air gas, such as helium. "Balloon" does not
23 include hot air balloons used to carry human passengers.

24 "Institution of higher education" means a nonpublic
25 institution of higher education or a public institution of

1 higher education, as those terms are defined in Section 2 of
2 the Higher Education Cooperation Act.

3 (b) No person shall release or cause or organize the
4 release of balloons into the air.

5 (c) This Section does not apply to the following:

6 (1) Balloons used by an institution of higher
7 education or a governmental agency, or pursuant to a
8 governmental contract, for bona fide scientific or
9 meteorological purposes.

10 (2) Balloons that are released indoors and remain
11 indoors.

12 (3) The release of a helium balloon used for the safe
13 operation of a hot air balloon.