

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 Illinois Emergency Planning and Community
5 Right to Know Act is amended by changing Section 12 as follows:

6 (430 ILCS 100/12) (from Ch. 111 1/2, par. 7712)

7 Sec. 12. Inventory forms. (a) The owner or operator of any
8 facility which is required to prepare or have available a
9 material safety data sheet for a hazardous chemical under the
10 Occupational Safety and Health Act of 1970 and regulations
11 promulgated under that Act shall, in accordance with the
12 threshold levels for reporting as established by regulations
13 promulgated under the Federal Act, prepare and submit an
14 emergency and hazardous chemical inventory form (hereafter in
15 this Act referred to as an "inventory form") to each of the
16 following:

17 (1) the appropriate local emergency planning committee;

18 (2) the State Emergency Response Commission; and

19 (3) the fire department with jurisdiction over the
20 facility.

21 The inventory form shall be submitted annually on or
22 before March 1, and shall contain tier I data with respect to
23 the preceding calendar year.

1 (b) The requirement of subsection (a) does not apply if an
2 owner or operator provides, to the recipients described in
3 subsection (a), by the same deadline and with respect to the
4 same calendar year, an inventory form containing tier II
5 information.

6 (c) An owner or operator may meet the requirements of this
7 Section with respect to a hazardous chemical which is a
8 mixture by doing one of the following:

9 (1) Providing information on the inventory form on each
10 element or compound in the mixture which is a hazardous
11 chemical. If more than one mixture has the same element or
12 compound, only one listing on the inventory form for the
13 element or compound at the facility is necessary.

14 (2) Providing information on the inventory form on the
15 mixture itself.

16 (d) A hazardous chemical shall be subject to the
17 requirements of this Section only if it is a hazardous
18 chemical for which a material safety data sheet or a listing is
19 required under Section 311 of the Federal Act.

20 (e) A tier I inventory form shall provide the following
21 information in aggregate terms for hazardous chemicals in
22 categories of health and physical hazards as set forth under
23 the Occupational Safety and Health Act of 1970 and regulations
24 promulgated under that Act:

25 (1) an estimate (in ranges) of the maximum amount of
26 hazardous chemicals in each category present at the facility

1 at any time during the preceding calendar year;

2 (2) an estimate (in ranges) of the maximum amount of
3 hazardous chemicals in each category present at the facility
4 at any time during the preceding calendar year; and

5 (3) the general location of hazardous chemicals in each
6 category.

7 (f) A tier II inventory form shall provide the following
8 additional information for each hazardous chemical present at
9 the facility, but only upon request and in accordance with
10 subsection (g):

11 (1) the chemical name or the common name of the chemical as
12 provided on the material safety data sheet;

13 (2) an estimate (in ranges) of the maximum amount of the
14 hazardous chemical present at the facility at any time during
15 the preceding calendar year;

16 (3) an estimate (in ranges) of the average daily amount of
17 the hazardous chemical present at the facility during the
18 preceding calendar year;

19 (4) a brief description of the manner of storage of the
20 hazardous chemical;

21 (5) the location at the facility of the hazardous
22 chemical; and

23 (6) an indication of whether the owner elects to withhold
24 location information of a specific hazardous chemical from
25 disclosure to the public under Section 324 of the Federal Act.

26 (g) Availability of tier II information shall be as

1 follows:

2 (1) Upon request by the State Emergency Planning
3 Commission, a local emergency planning committee, or a fire
4 department with jurisdiction over the facility, the owner or
5 operator of a facility shall provide tier II information, as
6 described in subsection (g), to the person making the request.

7 (2) A State or local official acting in his or her official
8 capacity may have access to tier II information by submitting
9 a request to the SERC or the local emergency planning
10 committee. Upon receipt of a request for tier II information,
11 the SERC or local committee shall, pursuant to paragraph (1),
12 request the facility owner or operator for the tier II
13 information and make available such information to the
14 official.

15 (3) Any person may request the SERC or a local emergency
16 planning committee for tier II information relating to the
17 preceding calendar year with respect to a facility. Any such
18 request shall be in writing and shall be with respect to a
19 specific facility.

20 (4) Any tier II information which the SERC or a local
21 emergency planning committee has in its possession shall be
22 made available to a person making a request under this
23 paragraph in accordance with Section 324 of the Federal Act.
24 If the SERC or local emergency planning committee does not
25 have the tier II information in its possession, upon receiving
26 a request for tier II information the SERC or local emergency

1 planning committee shall, pursuant to paragraph (1), request
2 the facility owner or operator for tier II information with
3 respect to a hazardous chemical which a facility has stored in
4 an amount in excess of 10,000 pounds present at the facility at
5 any time during the preceding calendar year and make such
6 information available to the person making the request in
7 accordance with Section 324 of the Federal Act.

8 (5) In the case of tier II information which is not in the
9 possession of the SERC or local emergency planning committee
10 and which relates to a hazardous chemical which a facility has
11 stored in an amount less than 10,000 pounds present at the
12 facility at any time during the preceding calendar year, a
13 request from a person must include the general need for the
14 information. The SERC or local emergency planning committee
15 may, pursuant to paragraph (1), make a request to the facility
16 owner or operator for the tier II information on behalf of the
17 person making the request. Upon receipt of any information
18 requested on behalf of such person, the SERC or local
19 emergency planning committee shall make the information
20 available to the person in accordance with Section 324 of the
21 Federal Act.

22 (6) The SERC or local emergency planning committee shall
23 respond to a request for tier II information under this
24 Section no later than 45 days after the date of receipt of the
25 request.

26 (7) Upon request to an owner or operator of a facility

1 which files an inventory form under this Section by the fire
2 department with jurisdiction over the facility, the owner or
3 operator of the facility shall allow the fire department to
4 conduct an on-site inspection of the facility and shall
5 provide to the fire department specific location information
6 on hazardous chemicals at the facility.

7 (8) Any State agency, including the Illinois Emergency
8 Management Agency and Office of Homeland Security, as well as
9 the State Emergency Planning Commission, in providing
10 addresses of locations of Tier II chemicals to any local
11 agency, including a local emergency planning committee, shall
12 independently confirm the accuracy of the addresses being
13 provided to the local agency by directly contacting the owner
14 of each entity included in the list being provided to the local
15 agency.

16 (h) The tier 1 and tier 2 inventory forms promulgated by
17 USEPA for use in meeting the requirements of Section 312 of the
18 Federal Act may be used to fulfill the requirements of this
19 Section.

20 (Source: P.A. 86-449.)