



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4547

Introduced 02/03/04, by Thomas Holbrook

SYNOPSIS AS INTRODUCED:

415 ILCS 5/58.8

Amends the Environmental Protection Act. Provides that a person may not use, cause the use of, or allow the use of (instead of "use") any site, for which a land use limitation has been imposed, in a manner that is inconsistent with that limitation unless certain conditions have been met. Effective immediately.

LRB093 13516 BDD 40189 b

1 AN ACT concerning environmental protection.

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 58.8 as follows:

6 (415 ILCS 5/58.8)

7 Sec. 58.8. Duty to record; compliance.

8 (a) The RA receiving a No Further Remediation Letter from
9 the Agency pursuant to Section 58.10, shall submit the letter
10 to the Office of the Recorder or the Registrar of Titles of the
11 county in which the site is located within 45 days of receipt
12 of the letter. The Office of the Recorder or the Registrar of
13 Titles shall accept and record that letter in accordance with
14 Illinois law so that it forms a permanent part of the chain of
15 title for the site.

16 (b) A No Further Remediation Letter shall not become
17 effective until officially recorded in accordance with
18 subsection (a) of this Section. The RA shall obtain and submit
19 to the Agency a certified copy of the No Further Remediation
20 Letter as recorded.

21 (c) No person may use, cause the use of, or allow the use
22 of ~~At no time shall~~ any site for which a land use limitation
23 has been imposed as a result of remediation activities under
24 this Title ~~be used~~ in a manner inconsistent with the land use
25 limitation unless further investigation or remedial action has
26 been conducted that documents the attainment of objectives
27 appropriate for the new land use and a new No Further
28 Remediation Letter is obtained and recorded in accordance with
29 this Title.

30 (d) In the event that a No Further Remediation Letter
31 issues by operation of law pursuant to Section 58.10, the RA
32 may, for purposes of this Section, file an affidavit stating

1 that the letter issued by operation of law. Upon receipt of the
2 No Further Remediation Letter from the Agency, the RA shall
3 comply with the requirements of subsections (a) and (b) of this
4 Section.

5 (Source: P.A. 92-574, eff. 6-26-02.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.