



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0290

Introduced 1/18/2005, by Rep. John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/25d-1 new  
415 ILCS 5/25d-2 new  
415 ILCS 5/25d-3 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice. Requires the Agency to provide for the notification by newspaper under certain other circumstances related to the release or threat of release of a hazardous substance. Lists the events that require the Agency to give newspaper notification. States the form and content requirements for the newspaper notification. Provides that the Agency is not liable for the accuracy, availability, or use of the information provided by the Agency under this amendatory Act unless the Agency's act or omission constitutes willful and wanton misconduct. Effective immediately.

LRB094 06430 RSP 36518 b

FISCAL NOTE ACT  
MAY APPLY

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 adding Section 25d-1, 25d-2, and 25d-3 as follows:

6 (415 ILCS 5/25d-1 new)

7 Sec. 25d-1. Notification to households.

8 (a) Except as provided in Section 25d-2, the Agency shall  
9 give notice within 60 days to all households and businesses  
10 within 2,500 feet of the area affected by any of the following  
11 circumstances:

12 (1) whenever the Agency first becomes aware of the  
13 release or the threat of the release of a hazardous  
14 substance for which the Agency may assess removal or  
15 remediation costs pursuant to Section 22.2 (f);

16 (2) whenever the Agency, in processing an application  
17 pursuant to Section 58, becomes aware of evidence of the  
18 release of a hazardous substance that may directly and  
19 foreseeably impact ground water or that may directly and  
20 foreseeably present a risk of exposure to humans;

21 (3) whenever the Agency considers it appropriate to  
22 employ a community relations specialist in any capacity  
23 with respect to a release or threat of release of a  
24 hazardous substance; or

25 (4) whenever the Agency serves notice on a responsible  
26 party under Section 31 as a result of any significant  
27 spilling, leaking, pumping, pouring, emitting, emptying,  
28 discharging, injecting, escaping, leaching, dumping, or  
29 disposing into the environment of the presence of any  
30 waste, special waste, potentially infectious medical  
31 waste, pollution control waste, industrial process waste,  
32 hazardous waste, hazardous substance, or contaminants,

1 that may constitute an imminent or substantial  
2 endangerment to humans.

3 (b) At a minimum, notice shall be given by direct mail,  
4 whether by letter or postcard, and must contain the following  
5 information:

6 (1) the address and physical description of each site;

7 (2) a brief description of the events specified in  
8 subsection (a) of this Section, including, but not limited  
9 to:

10 (A) the presence and type of hazardous substance or  
11 chemicals released or threatened to be released;

12 (B) a brief description of the nature and health  
13 risks, or potential health risks, of the hazardous  
14 substance or a link to an Agency-controlled website,  
15 that is frequently updated and contains descriptions  
16 of the chemicals' nature and health risks; and

17 (C) whether there was any spilling, leaking,  
18 pumping, pouring, emitting, emptying, discharging,  
19 injecting, escaping, leaching, dumping, or disposing  
20 of any hazardous substance into or onto the land,  
21 water, or air; and

22 (3) the case number of the enforcement action for which  
23 notice under Section 31 has been given.

24 (415 ILCS 5/25d-2 new)

25 Sec. 25d-2. Notification by newspaper.

26 (a) Except for those instances of release or threat of  
27 release specified in Section 25d-1, the Agency shall provide  
28 notice by newspaper under the standards established in  
29 subsection (b) of this Section whenever any of the following  
30 events occur:

31 (1) whenever the Agency first becomes aware of a site  
32 undergoing remedial action, as defined by Title XVII of  
33 this Act;

34 (2) whenever the Agency first becomes aware of the  
35 existence of the presence of a contaminant or hazardous

1 substance via a notification requirement under any of the  
2 following Acts or regulations: (i) pursuant to  
3 notification required by the federal Comprehensive  
4 Environmental Response Compensation and Liability Act  
5 (CERCLA), 42 U.S.C. Sections 9603(a) and 9603(c); (ii)  
6 pursuant to actions taken under CERCLA, Section 9604(a);  
7 (iii) any listing pursuant to the National Contingency  
8 Plan; or (iv) pursuant to any action for judicial relief  
9 undertaken pursuant to the federal Solid Waste Act, 42  
10 U.S.C. Sections 6973 or 6972(a);

11 (3) whenever the Agency has confirmed, through sound  
12 scientific methods, the presence of an environmental  
13 contaminant that exceeds the applicable federal or State  
14 health and safety standards; or

15 (4) whenever the Agency is aware of the presence of a  
16 leaking underground storage tank.

17 (b) Notice of the events described in subsection (a) of  
18 this Section must be placed on a quarterly basis in a newspaper  
19 widely circulated in the areas where the condition described in  
20 subsection (a) of this Section occurs for a minimum period of 2  
21 years. The newspaper notice must contain the following  
22 information in no less than 11-point font:

23 (1) a general description of the events leading up to  
24 the events described in subsection (a) of this Section:

25 (A) whether there was any spilling, leaking,  
26 pumping, pouring, emitting, emptying, discharging,  
27 injecting, escaping, leaching, dumping, or disposing  
28 of any of the items listed in item (B) of this  
29 paragraph (1) into or onto the land, water, or air; and

30 (B) the presence of any waste, special waste,  
31 potentially infectious medical waste, pollution  
32 control waste, industrial process waste, hazardous  
33 waste, hazardous substance, or contaminant;

34 (2) a description of the physical location of each  
35 site, including the legal description of the property and  
36 the street names bordering each site;

1           (3) information relating to the nature and health risks  
2           of the hazardous substances or the address of an  
3           Agency-controlled website where additional information may  
4           be gathered about the nature and health risks associated  
5           with the pollutants; and

6           (4) in the circumstance when notice is to be given  
7           regarding the presence of a leaking underground storage  
8           tank, it is sufficient that the newspaper notice identify  
9           the general area where each leaking underground storage  
10           tank is located and specifically provide instructions to  
11           determine the exact locations of the leaking underground  
12           storage tanks through a website or other searchable data  
13           base maintained by the Agency.

14           (415 ILCS 5/25d-3 new)

15           Sec. 25d-3. Liability. The Agency is not liable for the  
16           accuracy, availability, or use, of any information provided  
17           under Sections 25d-1 and 25d-2 unless the Agency's act or  
18           omission constitutes willful and wanton misconduct.

19           Section 99. Effective date. This Act takes effect upon  
20           becoming law.