

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 57.2 as follows:

6 (415 ILCS 5/57.2)

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

8 "Audit" means a systematic inspection or examination of
9 plans, reports, records, or documents to determine the
10 completeness and accuracy of the data and conclusions contained
11 therein.

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

15 "Release" means any spilling, leaking, emitting,
16 discharging, escaping, leaching or disposing of petroleum from
17 an underground storage tank into groundwater, surface water or
18 subsurface soils.

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

21 "Fund" means the Underground Storage Tank Fund.

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

26 "Indemnification" means indemnification of an owner or
27 operator for the amount of any judgment entered against the
28 owner or operator in a court of law, for the amount of any
29 final order or determination made against the owner or operator
30 by an agency of State government or any subdivision thereof, or
31 for the amount of any settlement entered into by the owner or
32 operator, if the judgment, order, determination, or settlement

1 arises out of bodily injury or property damage suffered as a
2 result of a release of petroleum from an underground storage
3 tank owned or operated by the owner or operator.

4 "Corrective action" means activities associated with
5 compliance with the provisions of Sections 57.6 and 57.7 of
6 this Title.

7 "Occurrence" means an accident, including continuous or
8 repeated exposure to conditions, that results in a sudden or
9 nonsudden release from an underground storage tank.

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

28 "Licensed Professional Engineer" means a person,
29 corporation, or partnership licensed under the laws of the
30 State of Illinois to practice professional engineering.

31 "Licensed Professional Geologist" means a person licensed
32 under the laws of the State of Illinois to practice as a
33 professional geologist.

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

1 "Site investigation" means activities associated with
2 compliance with the provisions of subsection (a) of Section
3 57.7.

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

11 "Class I Groundwater" means groundwater that meets the
12 Class I: Potable Resource Groundwater criteria set forth in the
13 Board regulations adopted pursuant to the Illinois Groundwater
14 Protection Act.

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

19 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;
20 revised 9-9-02.)