

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 57.10 as follows:

6 (415 ILCS 5/57.10)

7 Sec. 57.10. Professional Engineer or Professional
8 Geologist certification; presumptions against liability.

9 (a) Within 120 days of the Agency's receipt of a corrective
10 action completion report, the Agency shall issue to the owner
11 or operator a "no further remediation letter" unless the Agency
12 has requested a modification, issued a rejection under
13 subsection (d) of this Section, or the report has been rejected
14 by operation of law.

15 (b) By certifying such a statement, a Licensed Professional
16 Engineer or Licensed Professional Geologist shall in no way be
17 liable thereon, unless the engineer or geologist gave such
18 certification despite his or her actual knowledge that the
19 performed measures were not in compliance with applicable
20 statutory or regulatory requirements or any plan submitted to
21 the Agency.

22 (c) The Agency's issuance of a no further remediation
23 letter shall signify, based on the certification of the
24 Licensed Professional Engineer, that:

25 (1) all statutory and regulatory corrective action
26 requirements applicable to the occurrence have been
27 complied with;

28 (2) all corrective action concerning the remediation
29 of the occurrence has been completed; and

30 (3) no further corrective action concerning the
31 occurrence is necessary for the protection of human health,
32 safety and the environment.

1 This subsection (c) does not apply to off-site contamination
2 related to the occurrence that has not been remediated due to
3 denial of access to the off-site property.

4 (d) The no further remediation letter issued under this
5 Section shall apply in favor of the following parties:

6 (1) The owner or operator to whom the letter was
7 issued.

8 (2) Any parent corporation or subsidiary of such owner
9 or operator.

10 (3) Any co-owner or co-operator, either by joint
11 tenancy, right-of-survivorship, or any other party sharing
12 a legal relationship with the owner or operator to whom the
13 letter is issued.

14 (4) Any holder of a beneficial interest of a land trust
15 or inter vivos trust whether revocable or irrevocable.

16 (5) Any mortgagee or trustee of a deed of trust of such
17 owner or operator.

18 (6) Any successor-in-interest of such owner or
19 operator.

20 (7) Any transferee of such owner or operator whether
21 the transfer was by sale, bankruptcy proceeding,
22 partition, dissolution of marriage, settlement or
23 adjudication of any civil action, charitable gift, or
24 bequest.

25 (8) Any heir or devisee of such owner or operator.

26 (9) An owner of a parcel of real property to the extent
27 that the no further remediation letter under subsection (c)
28 of this Section applies to the occurrence on that parcel.

29 (e) If the Agency notifies the owner or operator that the
30 "no further remediation" letter has been rejected, the grounds
31 for such rejection shall be described in the notice. Such a
32 decision shall be a final determination which may be appealed
33 by the owner or operator.

34 (f) The Board shall adopt rules setting forth the criteria
35 under which the Agency may require an owner or operator to
36 conduct further investigation or remediation related to a

1 release for which a no further remediation letter has been
2 issued.

3 (g) Holders of security interests in sites subject to the
4 requirements of this Title XVI shall be entitled to the same
5 protections and subject to the same responsibilities provided
6 under general regulations promulgated under Subtitle I of the
7 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of
8 the Resource Conservation and Recovery Act of 1976 (P.L.
9 94-580).

10 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;
11 revised 9-25-03.)