



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5040

by Rep. Christine Winger

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-380 new
415 ILCS 5/4

from Ch. 111 1/2, par. 1004

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois and the Environmental Protection Act. Requires the Illinois Environmental Protection Agency, with the assistance of the Department of Transportation, to conduct a study describing the environmental and human health impacts caused by runways and air traffic at Chicago O'Hare International Airport. Requires the Agency, when conducting this study, to pay particular attention to the impact of air pollution, noise pollution, the emission of gases and fluids by aircraft, and similar factors on the quality of life, health, and property values of persons who live adjacent to the flight paths used by Chicago O'Hare International Airport. Requires the Agency, with the Department's assistance, to monitor noise levels experienced in 2014, 2015, and 2016. Requires the preliminary findings of the study to describe the data being examined, and requires the Agency to use publication of the preliminary findings of the study to solicit ideas for recommendations. Requires the final findings to contain recommendations for future action. Requires the Agency to deliver a written report of preliminary findings to the General Assembly by no later than January 1, 2017, and deliver the final report and recommendations to the General Assembly by no later than January 1, 2018. Effective immediately.

LRB099 19161 RJF 43550 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 Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2705-380 as follows:

7 (20 ILCS 2705/2705-380 new)

8 Sec. 2705-380. Chicago O'Hare International Airport
9 environmental impact study. The Department shall assist the
10 Illinois Environmental Protection Agency with conducting a
11 study, as provided in subsection (bb) of Section (4) of the
12 Environmental Protection Act, describing the environmental,
13 noise, and human health impacts caused by runways, including
14 new runways, and air traffic at Chicago O'Hare International
15 Airport. In assisting with this study, the Department shall
16 assist the Illinois Environmental Protection Agency with
17 monitoring noise levels experienced in 2014, 2015, and 2016,
18 and shall pay particular attention to the impact of air
19 pollution, noise pollution, the emission of gases and fluids by
20 aircraft, and similar factors on the quality of life, health,
21 and property values of persons who live adjacent to flight
22 paths used by Chicago O'Hare International Airport.

1 Section 10. The Environmental Protection Act is amended by
2 changing Section 4 as follows:

3 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

4 Sec. 4. Environmental Protection Agency; establishment;
5 duties.

6 (a) There is established in the Executive Branch of the
7 State Government an agency to be known as the Environmental
8 Protection Agency. This Agency shall be under the supervision
9 and direction of a Director who shall be appointed by the
10 Governor with the advice and consent of the Senate. The term of
11 office of the Director shall expire on the third Monday of
12 January in odd numbered years, provided that he or she shall
13 hold office until a successor is appointed and has qualified.
14 The Director shall receive an annual salary as set by the
15 Compensation Review Board. The Director, in accord with the
16 Personnel Code, shall employ and direct such personnel, and
17 shall provide for such laboratory and other facilities, as may
18 be necessary to carry out the purposes of this Act. In
19 addition, the Director may by agreement secure such services as
20 he or she may deem necessary from any other department, agency,
21 or unit of the State Government, and may employ and compensate
22 such consultants and technical assistants as may be required.

23 (b) The Agency shall have the duty to collect and
24 disseminate such information, acquire such technical data, and
25 conduct such experiments as may be required to carry out the

1 purposes of this Act, including ascertainment of the quantity
2 and nature of discharges from any contaminant source and data
3 on those sources, and to operate and arrange for the operation
4 of devices for the monitoring of environmental quality.

5 (c) The Agency shall have authority to conduct a program of
6 continuing surveillance and of regular or periodic inspection
7 of actual or potential contaminant or noise sources, of public
8 water supplies, and of refuse disposal sites.

9 (d) In accordance with constitutional limitations, the
10 Agency shall have authority to enter at all reasonable times
11 upon any private or public property for the purpose of:

12 (1) Inspecting and investigating to ascertain possible
13 violations of this Act, any rule or regulation adopted
14 under this Act, any permit or term or condition of a
15 permit, or any Board order; or

16 (2) In accordance with the provisions of this Act,
17 taking whatever preventive or corrective action, including
18 but not limited to removal or remedial action, that is
19 necessary or appropriate whenever there is a release or a
20 substantial threat of a release of (A) a hazardous
21 substance or pesticide or (B) petroleum from an underground
22 storage tank.

23 (e) The Agency shall have the duty to investigate
24 violations of this Act, any rule or regulation adopted under
25 this Act, any permit or term or condition of a permit, or any
26 Board order; to issue administrative citations as provided in

1 Section 31.1 of this Act; and to take such summary enforcement
2 action as is provided for by Section 34 of this Act.

3 (f) The Agency shall appear before the Board in any hearing
4 upon a petition for variance, the denial of a permit, or the
5 validity or effect of a rule or regulation of the Board, and
6 shall have the authority to appear before the Board in any
7 hearing under the Act.

8 (g) The Agency shall have the duty to administer, in accord
9 with Title X of this Act, such permit and certification systems
10 as may be established by this Act or by regulations adopted
11 thereunder. The Agency may enter into written delegation
12 agreements with any department, agency, or unit of State or
13 local government under which all or portions of this duty may
14 be delegated for public water supply storage and transport
15 systems, sewage collection and transport systems, air
16 pollution control sources with uncontrolled emissions of 100
17 tons per year or less and application of algicides to waters of
18 the State. Such delegation agreements will require that the
19 work to be performed thereunder will be in accordance with
20 Agency criteria, subject to Agency review, and shall include
21 such financial and program auditing by the Agency as may be
22 required.

23 (h) The Agency shall have authority to require the
24 submission of complete plans and specifications from any
25 applicant for a permit required by this Act or by regulations
26 thereunder, and to require the submission of such reports

1 regarding actual or potential violations of this Act, any rule
2 or regulation adopted under this Act, any permit or term or
3 condition of a permit, or any Board order, as may be necessary
4 for the purposes of this Act.

5 (i) The Agency shall have authority to make recommendations
6 to the Board for the adoption of regulations under Title VII of
7 the Act.

8 (j) The Agency shall have the duty to represent the State
9 of Illinois in any and all matters pertaining to plans,
10 procedures, or negotiations for interstate compacts or other
11 governmental arrangements relating to environmental
12 protection.

13 (k) The Agency shall have the authority to accept, receive,
14 and administer on behalf of the State any grants, gifts, loans,
15 indirect cost reimbursements, or other funds made available to
16 the State from any source for purposes of this Act or for air
17 or water pollution control, public water supply, solid waste
18 disposal, noise abatement, or other environmental protection
19 activities, surveys, or programs. Any federal funds received by
20 the Agency pursuant to this subsection shall be deposited in a
21 trust fund with the State Treasurer and held and disbursed by
22 him in accordance with Treasurer as Custodian of Funds Act,
23 provided that such monies shall be used only for the purposes
24 for which they are contributed and any balance remaining shall
25 be returned to the contributor.

26 The Agency is authorized to promulgate such regulations and

1 enter into such contracts as it may deem necessary for carrying
2 out the provisions of this subsection.

3 (1) The Agency is hereby designated as water pollution
4 agency for the state for all purposes of the Federal Water
5 Pollution Control Act, as amended; as implementing agency for
6 the State for all purposes of the Safe Drinking Water Act,
7 Public Law 93-523, as now or hereafter amended, except Section
8 1425 of that Act; as air pollution agency for the state for all
9 purposes of the Clean Air Act of 1970, Public Law 91-604,
10 approved December 31, 1970, as amended; and as solid waste
11 agency for the state for all purposes of the Solid Waste
12 Disposal Act, Public Law 89-272, approved October 20, 1965, and
13 amended by the Resource Recovery Act of 1970, Public Law
14 91-512, approved October 26, 1970, as amended, and amended by
15 the Resource Conservation and Recovery Act of 1976, (P.L.
16 94-580) approved October 21, 1976, as amended; as noise control
17 agency for the state for all purposes of the Noise Control Act
18 of 1972, Public Law 92-574, approved October 27, 1972, as
19 amended; and as implementing agency for the State for all
20 purposes of the Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980 (P.L. 96-510), as
22 amended; and otherwise as pollution control agency for the
23 State pursuant to federal laws integrated with the foregoing
24 laws, for financing purposes or otherwise. The Agency is hereby
25 authorized to take all action necessary or appropriate to
26 secure to the State the benefits of such federal Acts, provided

1 that the Agency shall transmit to the United States without
2 change any standards adopted by the Pollution Control Board
3 pursuant to Section 5(c) of this Act. This subsection (1) of
4 Section 4 shall not be construed to bar or prohibit the
5 Environmental Protection Trust Fund Commission from accepting,
6 receiving, and administering on behalf of the State any grants,
7 gifts, loans or other funds for which the Commission is
8 eligible pursuant to the Environmental Protection Trust Fund
9 Act. The Agency is hereby designated as the State agency for
10 all purposes of administering the requirements of Section 313
11 of the federal Emergency Planning and Community Right-to-Know
12 Act of 1986.

13 Any municipality, sanitary district, or other political
14 subdivision, or any Agency of the State or interstate Agency,
15 which makes application for loans or grants under such federal
16 Acts shall notify the Agency of such application; the Agency
17 may participate in proceedings under such federal Acts.

18 (m) The Agency shall have authority, consistent with
19 Section 5(c) and other provisions of this Act, and for purposes
20 of Section 303(e) of the Federal Water Pollution Control Act,
21 as now or hereafter amended, to engage in planning processes
22 and activities and to develop plans in cooperation with units
23 of local government, state agencies and officers, and other
24 appropriate persons in connection with the jurisdiction or
25 duties of each such unit, agency, officer or person. Public
26 hearings shall be held on the planning process, at which any

1 person shall be permitted to appear and be heard, pursuant to
2 procedural regulations promulgated by the Agency.

3 (n) In accordance with the powers conferred upon the Agency
4 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the
5 Agency shall have authority to establish and enforce minimum
6 standards for the operation of laboratories relating to
7 analyses and laboratory tests for air pollution, water
8 pollution, noise emissions, contaminant discharges onto land
9 and sanitary, chemical, and mineral quality of water
10 distributed by a public water supply. The Agency may enter into
11 formal working agreements with other departments or agencies of
12 state government under which all or portions of this authority
13 may be delegated to the cooperating department or agency.

14 (o) The Agency shall have the authority to issue
15 certificates of competency to persons and laboratories meeting
16 the minimum standards established by the Agency in accordance
17 with Section 4(n) of this Act and to promulgate and enforce
18 regulations relevant to the issuance and use of such
19 certificates. The Agency may enter into formal working
20 agreements with other departments or agencies of state
21 government under which all or portions of this authority may be
22 delegated to the cooperating department or agency.

23 (p) Except as provided in Section 17.7, the Agency shall
24 have the duty to analyze samples as required from each public
25 water supply to determine compliance with the contaminant
26 levels specified by the Pollution Control Board. The maximum

1 number of samples which the Agency shall be required to analyze
2 for microbiological quality shall be 6 per month, but the
3 Agency may, at its option, analyze a larger number each month
4 for any supply. Results of sample analyses for additional
5 required bacteriological testing, turbidity, residual chlorine
6 and radionuclides are to be provided to the Agency in
7 accordance with Section 19. Owners of water supplies may enter
8 into agreements with the Agency to provide for reduced Agency
9 participation in sample analyses.

10 (q) The Agency shall have the authority to provide notice
11 to any person who may be liable pursuant to Section 22.2(f) of
12 this Act for a release or a substantial threat of a release of
13 a hazardous substance or pesticide. Such notice shall include
14 the identified response action and an opportunity for such
15 person to perform the response action.

16 (r) The Agency may enter into written delegation agreements
17 with any unit of local government under which it may delegate
18 all or portions of its inspecting, investigating and
19 enforcement functions. Such delegation agreements shall
20 require that work performed thereunder be in accordance with
21 Agency criteria and subject to Agency review. Notwithstanding
22 any other provision of law to the contrary, no unit of local
23 government shall be liable for any injury resulting from the
24 exercise of its authority pursuant to such a delegation
25 agreement unless the injury is proximately caused by the
26 willful and wanton negligence of an agent or employee of the

1 unit of local government, and any policy of insurance coverage
2 issued to a unit of local government may provide for the denial
3 of liability and the nonpayment of claims based upon injuries
4 for which the unit of local government is not liable pursuant
5 to this subsection (r).

6 (s) The Agency shall have authority to take whatever
7 preventive or corrective action is necessary or appropriate,
8 including but not limited to expenditure of monies appropriated
9 from the Build Illinois Bond Fund and the Build Illinois
10 Purposes Fund for removal or remedial action, whenever any
11 hazardous substance or pesticide is released or there is a
12 substantial threat of such a release into the environment. The
13 State, the Director, and any State employee shall be
14 indemnified for any damages or injury arising out of or
15 resulting from any action taken under this subsection. The
16 Director of the Agency is authorized to enter into such
17 contracts and agreements as are necessary to carry out the
18 Agency's duties under this subsection.

19 (t) The Agency shall have authority to distribute grants,
20 subject to appropriation by the General Assembly, to units of
21 local government for financing and construction of wastewater
22 facilities in both incorporated and unincorporated areas. With
23 respect to all monies appropriated from the Build Illinois Bond
24 Fund and the Build Illinois Purposes Fund for wastewater
25 facility grants, the Agency shall make distributions in
26 conformity with the rules and regulations established pursuant

1 to the Anti-Pollution Bond Act, as now or hereafter amended.

2 (u) Pursuant to the Illinois Administrative Procedure Act,
3 the Agency shall have the authority to adopt such rules as are
4 necessary or appropriate for the Agency to implement Section
5 31.1 of this Act.

6 (v) (Blank.)

7 (w) Neither the State, nor the Director, nor the Board, nor
8 any State employee shall be liable for any damages or injury
9 arising out of or resulting from any action taken under
10 subsection (s).

11 (x)(1) The Agency shall have authority to distribute
12 grants, subject to appropriation by the General Assembly,
13 to units of local government for financing and construction
14 of public water supply facilities. With respect to all
15 monies appropriated from the Build Illinois Bond Fund or
16 the Build Illinois Purposes Fund for public water supply
17 grants, such grants shall be made in accordance with rules
18 promulgated by the Agency. Such rules shall include a
19 requirement for a local match of 30% of the total project
20 cost for projects funded through such grants.

21 (2) The Agency shall not terminate a grant to a unit of
22 local government for the financing and construction of
23 public water supply facilities unless and until the Agency
24 adopts rules that set forth precise and complete standards,
25 pursuant to Section 5-20 of the Illinois Administrative
26 Procedure Act, for the termination of such grants. The

1 Agency shall not make determinations on whether specific
2 grant conditions are necessary to ensure the integrity of a
3 project or on whether subagreements shall be awarded, with
4 respect to grants for the financing and construction of
5 public water supply facilities, unless and until the Agency
6 adopts rules that set forth precise and complete standards,
7 pursuant to Section 5-20 of the Illinois Administrative
8 Procedure Act, for making such determinations. The Agency
9 shall not issue a stop-work order in relation to such
10 grants unless and until the Agency adopts precise and
11 complete standards, pursuant to Section 5-20 of the
12 Illinois Administrative Procedure Act, for determining
13 whether to issue a stop-work order.

14 (y) The Agency shall have authority to release any person
15 from further responsibility for preventive or corrective
16 action under this Act following successful completion of
17 preventive or corrective action undertaken by such person upon
18 written request by the person.

19 (z) To the extent permitted by any applicable federal law
20 or regulation, for all work performed for State construction
21 projects which are funded in whole or in part by a capital
22 infrastructure bill enacted by the 96th General Assembly by
23 sums appropriated to the Environmental Protection Agency, at
24 least 50% of the total labor hours must be performed by actual
25 residents of the State of Illinois. For purposes of this
26 subsection, "actual residents of the State of Illinois" means

1 persons domiciled in the State of Illinois. The Department of
2 Labor shall promulgate rules providing for the enforcement of
3 this subsection.

4 (aa) The Agency may adopt rules requiring the electronic
5 submission of any information required to be submitted to the
6 Agency pursuant to any State or federal law or regulation or
7 any court or Board order. Any rules adopted under this
8 subsection (aa) must include, but are not limited to,
9 identification of the information to be submitted
10 electronically.

11 (bb) The Agency, with the assistance of the Department of
12 Transportation, shall conduct a study describing the
13 environmental, noise, and human health impacts caused by
14 runways, including new runways, and air traffic at Chicago
15 O'Hare International Airport. In conducting this study, the
16 Agency, with the assistance of the Department of
17 Transportation, shall monitor actual noise levels experienced
18 in 2016 and shall pay particular attention to the impact of air
19 pollution, noise pollution, the emission of gases and fluids by
20 aircraft, and similar factors on the quality of life, health,
21 and property values of persons who live adjacent to flight
22 paths used by Chicago O'Hare International Airport. The study
23 shall be conducted, and its findings shall be reported in 2
24 stages. The preliminary findings stage of the study shall
25 describe the data being examined, and the Agency shall use
26 publication of the preliminary findings of the study to solicit

1 ideas for recommendations. The final findings stage shall
2 contain recommendations for future action. The Agency shall
3 deliver a written report of preliminary findings to the General
4 Assembly by no later than January 1, 2017. The Agency shall
5 deliver the final report and recommendations to the General
6 Assembly by no later than January 1, 2018.

7 (Source: P.A. 98-72, eff. 7-15-13.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.