

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Uniform Environmental Covenants Act is amended by changing Section 2 as follows:

(765 ILCS 122/2)

Sec. 2. Definitions. In this Act:

"Activity and use limitations" means restrictions or obligations created under this Act with respect to real property.

"Agency" means the Illinois Environmental Protection Agency or any other State or federal agency that determines or approves the environmental response project pursuant to which the environmental covenant is created.

"Board" means the Pollution Control Board established by the Environmental Protection Act.

"Common interest community" means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.

"Environmental covenant" means a servitude that (i) arises under an environmental response project or under a court or Board order and (ii) imposes activity and use limitations.

"Environmental response project" means a plan or work that is:

(1) approved or overseen by an agency; and

(2) performed or conducted to clean up, remediate, eliminate, investigate, minimize, mitigate, or prevent the release or threatened release of contaminants affecting real property in order to protect public health or welfare or the environment, including, but not limited to ~~for environmental remediation of any site or facility in response to contamination at any one or more of the following sites or facilities:~~

(A) under a federal or State program governing environmental remediation of real property, including, but not limited to, programs under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), the Environmental Protection Act, or any rule or regulation adopted thereunder ~~sites or facilities that are listed as proposed or final on the National Priorities List pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act~~

~~of 1980, as amended (42 U.S.C. 9601 et seq.);~~

(B) incident to the closure of a solid or hazardous waste management unit, if the closure is conducted with the approval of an agency sites or facilities undergoing remediation pursuant to an administrative order issued pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(C) under a State voluntary clean-up program authorized under the Environmental Protection Act or any rule adopted thereunder sites or facilities that are or were formerly owned or operated by a department, agency, or instrumentality of the United States that are undergoing remediation pursuant to Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(D) (blank) sites or facilities undergoing remediation pursuant to a settlement agreement pursuant to Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(E) (blank) sites or facilities undergoing remediation pursuant to Section 3008(h) of the Resource Conservation and Recovery Act of 1976 (42

~~U.S.C. 6901 et seq.);~~

(F) (blank) ~~sites or facilities undergoing remediation pursuant to Section 7003 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.);~~

(G) (blank) ~~sites or facilities undergoing remediation pursuant to a court or Board order issued pursuant to the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.) with the approval of the Agency;~~  
or

(H) (blank) ~~sites or facilities undergoing remediation pursuant to a Compliance Commitment Agreement entered into under Section 31 of the Environmental Protection Act.~~

"Holder" means the grantee of an environmental covenant as specified in Section 3(a).

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Prior interest" means a preceding or senior interest, in time or in right, that is recorded with respect to the real property, including but not limited to a mortgage, easement, or other interest, lien, or encumbrance predating the recording of an environmental covenant.

"Record", used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

(Source: P.A. 99-396, eff. 8-18-15.)