



Sen. Donald P. DeWitte

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10400SB1079sam001

LRB104 05417 BDA 36756 a

1 AMENDMENT TO SENATE BILL 1079

2 AMENDMENT NO. _____. Amend Senate Bill 1079 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 25d-3 as follows:

6 (415 ILCS 5/25d-3)
7 Sec. 25d-3. Notices.

8 (a) Beginning January 1, 2006, if the Agency determines
9 that:

10 (1) Soil contamination beyond the boundary of the site
11 where the release occurred, soil gas contamination beyond
12 the boundary of the site where the release occurred, or
13 both pose a threat of exposure to the public above the
14 appropriate Tier 1 remediation objectives, based on the
15 current use of the off-site property, adopted by the Board
16 under Title XVII of this Act, the Agency shall give notice

1 of the threat to the owner of the contaminated property;
2 or

3 (2) Groundwater contamination poses a threat of
4 exposure to the public above the Class I groundwater
5 quality standards adopted by the Board under this Act and
6 the Groundwater Protection Act, the Agency shall give
7 notice of the threat to the following:

8 (A) for any private, semi-private, or
9 non-community water system, the owners of the
10 properties served by the system; and

11 (B) for any community water system,
12 (i) the owners and operators of the system;
13 and

14 (ii) the residents and owners of premises
15 connected to the affected community water system;
16 and

17 (iii) the residents and owners of premises
18 connected to water systems receiving water from
19 the affected community water system.

20 The Agency's determination must be based on the credible,
21 scientific information available to it, and the Agency is not
22 required to perform additional investigations or studies
23 beyond those required by applicable federal or State laws.

24 For notices required under subparagraphs (A) and (B) of
25 paragraph (2) of subsection (a), the Agency shall retest any
26 test showing elevated levels of perfluoroalkyl substances or

1 polyfluoroalkyl substances prior to public notice.

2 For notices required under subparagraph (B) of paragraph
3 (2) of subsection (a), the Agency shall (i) within 2 days after
4 determining that groundwater contamination poses a threat of
5 exposure to the public above the Class I groundwater quality
6 standards, provide notice of the determination by issuing a
7 press release and posting the press release on the Agency's
8 website and (ii) within 5 days after the determination,
9 provide the owner and operator of the community water system
10 and the owners and operators of all connected community water
11 systems with a notice printed on Agency letterhead that
12 identifies the contaminant posing the threat, the level of
13 contamination found, and possible human health effects
14 associated with exposure to the contaminant. Within 5 business
15 days after receiving a notice from the Agency under this
16 paragraph, the owner or operator of the community water system
17 must send, to all residents and owners of premises connected
18 to the affected community water system: (i) a copy of the
19 notice by first-class mail or by e-mail; or (ii) notification,
20 in a form approved by the Agency, via first-class postcard,
21 text message, or telephone; except that notices to
22 institutional residents, including, but not limited to,
23 residents of school dormitories, nursing homes, and assisted
24 care facilities, may be made to the owners and operators of
25 those institutions, and the owner or operator of those
26 institutions shall notify their residents in the same manner

1 as prescribed in this subsection for owners and operators of
2 community water systems. If the manner for notice selected by
3 the owner or operator of the community water system does not
4 include a written copy of the notice provided by the Agency,
5 the owner or operator shall include a written copy of the
6 notice provided by the Agency in the next water bill sent to
7 the residents and owners of the premises; provided, however,
8 if the water bill is sent on a postcard, no written copy of the
9 notice provided by the Agency is required if the postcard
10 includes the Internet address for the notice posted on the
11 Agency's website. The front of the envelope or postcard in
12 which any such notice is sent to residents and owners of
13 premises connected to the affected community water system
14 shall carry the following text in at least 18 point font:
15 PUBLIC HEALTH NOTICE - READ IMMEDIATELY. For a postcard, text
16 message, or telephonic communication, the Agency shall specify
17 the minimum information that the owner or operator must
18 include in such methods of notice. Within 7 days after the
19 owner or operator of the community water system sends the
20 notices to residents and owners of premises connected to the
21 community water system, the owner or operator shall provide
22 the Agency with proof that the notices have been sent. The
23 notices required under subparagraph (B) of paragraph (2) of
24 subsection (a) shall be provided whether or not the threat of
25 exposure has been eliminated.

26 (b) Beginning January 1, 2006, if any of the following

1 actions occur: (i) the Agency refers a matter for enforcement
2 under Section 43(a) of this Act; (ii) the Agency issues a seal
3 order under Section 34 of this Act; or (iii) the Agency, the
4 United States Environmental Protection Agency (USEPA), or a
5 third party under Agency or USEPA oversight performs an
6 immediate removal under the federal Comprehensive
7 Environmental Response, Compensation, and Liability Act, as
8 amended, then, within 60 days after the action, the Agency
9 must give notice of the action to the owners of all property
10 within 2,500 feet of the subject contamination or any closer
11 or farther distance that the Agency deems appropriate under
12 the circumstances. Within 30 days after a request by the
13 Agency, the appropriate officials of the county in which the
14 property is located must provide to the Agency the names and
15 addresses of all property owners to whom the Agency is
16 required to give notice under this subsection (b), these
17 owners being the persons or entities that appear from the
18 authentic tax records of the county.

19 (c) In addition to the notice requirements of subsection
20 (a) of this Section, the methods by which the Agency gives the
21 notices required under this Section shall be determined in
22 consultation with members of the public and appropriate
23 members of the regulated community and may include, but shall
24 not be limited to, personal notification, public meetings,
25 signs, electronic notification, and print media. For sites at
26 which a responsible party has implemented a community

1 relations plan, the Agency may allow the responsible party to
2 provide Agency-approved notices in lieu of the notices
3 required to be given by the Agency. Notices issued under this
4 Section may contain the following information:

5 (1) the name and address of the site or facility where
6 the release occurred or is suspected to have occurred;

7 (2) the identification of the contaminant released or
8 suspected to have been released;

9 (3) information as to whether the contaminant was
10 released or suspected to have been released into the air,
11 land, or water;

12 (4) a brief description of the potential adverse
13 health effects posed by the contaminant;

14 (5) a recommendation that water systems with wells
15 impacted or potentially impacted by the contaminant be
16 appropriately tested; and

17 (6) the name, business address, and phone number of
18 persons at the Agency from whom additional information
19 about the release or suspected release can be obtained.

20 (d) Any person who is a responsible party with respect to
21 the release or substantial threat of release for which notice
22 is given under this Section is liable for all reasonable costs
23 incurred by the State in giving the notice. All moneys
24 received by the State under this subsection (d) for costs
25 related to releases and substantial threats of releases of
26 hazardous substances, pesticides, and petroleum other than

1 releases and substantial threats of releases of petroleum from
2 underground storage tanks subject to Title XVI of this Act
3 must be deposited in and used for purposes consistent with the
4 Hazardous Waste Fund. All moneys received by the State under
5 this subsection (d) for costs related to releases and
6 substantial threats of releases of petroleum from underground
7 storage tanks subject to Title XVI of this Act must be
8 deposited in and used for purposes consistent with the
9 Underground Storage Tank Fund.

10 (Source: P.A. 95-454, eff. 8-27-07; 96-603, eff. 8-24-09.)".