



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3548

Introduced 2/16/2018, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

225 ILCS 725/7.5 new

Amends the Illinois Oil and Gas Act. Provides that the Department of Natural Resources shall evaluate releases of contaminants whenever it determines that the extent of the leaking salt water, oil, gas, or other deleterious substance into any fresh water or onto the surface of the land that may extend beyond the boundary of the site where the release occurred and take appropriate actions in response. Provides notice requirements if the Department determines that the leaking salt water, oil, gas, or other deleterious substance extends beyond the boundary of the release site or poses an imminent danger to the health or safety of the public. Provides notice requirements if the Department refers a matter for enforcement under the Act or the Department, the United States Environmental Protection Agency, or a third party performs an immediate removal order under the federal Comprehensive Environmental Response, Compensation, and Liability Act. Provides that notices may contain certain information concerning the contaminated site, the contaminant released, where the contaminant was released, a description of the potential adverse health effects, the environmental impact of the contaminant, and contact information for the Department for further information about the release.

LRB100 20726 SMS 36201 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Oil and Gas Act is amended by
5 adding Section 7.5 as follows:

6 (225 ILCS 725/7.5 new)

7 Sec. 7.5. Contaminant evaluation; public notice.

8 (a) The Department shall evaluate releases of contaminants
9 whenever it determines that the extent of the leaking salt
10 water, oil, gas, or other deleterious substance into any fresh
11 water formation or onto the surface of the land may extend
12 beyond the boundary of the site where the release occurred. The
13 Department shall take appropriate actions in response to the
14 release, which may include, but shall not be limited to, public
15 notices, investigations, administrative orders, and
16 enforcement referrals.

17 (b) If the Department determines that the extent of the
18 leaking salt water, oil, gas, or other deleterious substance
19 into any fresh water formation or onto the surface of the land
20 extend beyond the boundary of the site where the release
21 occurred, or pose an imminent danger to the health or safety of
22 the public, the Department shall give notice of the threat to
23 the following:

1 (1) for any private, semi-private, or non-community
2 water system, the owners of the properties served by the
3 water system;

4 (2) for any community water system, (i) the owners and
5 operators of the community water system; (ii) the residents
6 and owners of premises connected to the affected community
7 water system; and (iii) the residents and owners of
8 premises connected to the water systems that are affected;
9 and

10 (3) for land, the owners of the affected property.

11 The Department's determination must be based on the
12 credible, scientific information available to it, and the
13 Department is not required to perform additional
14 investigations or studies beyond those required by applicable
15 federal or State laws.

16 For notices required under paragraph (2) of this subsection
17 (b), the Department shall (i) within 2 days after determining
18 that groundwater contamination poses a threat of exposure to
19 the public above the Class I groundwater quality standards,
20 provide notice of the determination by issuing a press release
21 and posting the press release on the Department's website and
22 (ii) within 5 days after the determination, provide the owner
23 and operator of the community water system and the owners and
24 operators of all connected community water systems with a
25 notice printed on Department letterhead that identifies the
26 contaminant posing the threat, the level of contamination

1 found, and possible human health effects associated with
2 exposure to the contaminant. Within 5 business days after
3 receiving a notice from the Department under this paragraph,
4 the owner or operator of the community water system must send,
5 to all residents and owners of premises connected to the
6 affected community water system: (i) a copy of the notice by
7 first-class mail or by e-mail; or (ii) notification, in a form
8 approved by the Department, through first-class postcard, text
9 message, or telephone; except that notices to institutional
10 residents, including, but not limited to, residents of school
11 dormitories, nursing homes, and assisted care facilities, may
12 be made to the owners and operators of those institutions, and
13 the owner or operator of those institutions shall notify their
14 residents in the same manner as prescribed in this subsection
15 for owners and operators of community water systems. If the
16 manner for notice selected by the owner or operator of the
17 community water system does not include a written copy of the
18 notice provided by the Department, the owner or operator shall
19 include a written copy of the notice provided by the Department
20 in the next water bill sent to the residents and owners of the
21 premises; provided, however, if the water bill is sent on a
22 postcard, no written copy of the notice provided by the
23 Department is required if the postcard includes the Internet
24 address for the notice posted on the Department's website. The
25 front of the envelope or postcard in which any such notice is
26 sent to residents and owners of premises connected to the

1 affected community water system shall carry the following text
2 in at least 18-point font: PUBLIC HEALTH NOTICE - READ
3 IMMEDIATELY. For a postcard, text message, or telephonic
4 communication, the Department shall specify the minimum
5 information that the owner or operator must include in such
6 methods of notice. Within 7 days after the owner or operator of
7 the community water system sends the notices to residents and
8 owners of premises connected to the community water system, the
9 owner or operator shall provide the Department with proof that
10 the notices have been sent. The notices required under
11 paragraph (2) of this subsection (b) shall be provided whether
12 or not the threat of exposure has been eliminated.

13 (c) If any of the following actions occur: (i) the
14 Department refers a matter for enforcement under this Act; or
15 (ii) the Department, the United States Environmental
16 Protection Agency, or a third party under Department or United
17 States Environmental Protection Agency oversight performs an
18 immediate removal under the federal Comprehensive
19 Environmental Response, Compensation, and Liability Act, as
20 amended, then, within 60 days after the action, the Department
21 must give notice of the action to the owners of all property
22 within 2,500 feet of the subject contamination or any closer or
23 farther distance that the Department deems appropriate under
24 the circumstances. Within 30 days after a request by the
25 Department, the appropriate officials of the county in which
26 the property is located must provide to the Department the

1 names and addresses of all property owners to whom the
2 Department is required to give notice under this subsection
3 (c), these owners being the persons or entities that appear
4 from the authentic tax records of the county.

5 (d) In addition to the notice requirements of subsection
6 (b), the methods by which the Department gives the notices
7 required under this Section shall be determined in consultation
8 with members of the public and appropriate members of the
9 regulated community and may include, but shall not be limited
10 to, personal notification, public meetings, signs, electronic
11 notification, and print media. For sites at which a responsible
12 party has implemented a community relations plan, the
13 Department may allow the responsible party to provide
14 Department-approved notices in lieu of the notices required to
15 be given by the Department. Notices issued under this Section
16 may contain the following information:

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

19 (2) the identification of the contaminant released or
20 suspected to have been released;

21 (3) information as to whether the contaminant was
22 released or suspected to have been released into the air,
23 land, or water;

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

26 (5) a recommendation that water systems with wells

1 impacted or potentially impacted by the contaminant be
2 appropriately tested; and
3 (6) the name, business address, and phone number of
4 persons at the Department from whom additional information
5 about the release or suspected release can be obtained.