

1 AN ACT concerning environmental protection.

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  
5 by changing Section 14.5 as follows:

6 (415 ILCS 5/14.5) (from Ch. 111 1/2, par. 1014.5)

7 Sec. 14.5. Groundwater protection; Agency certification  
8 system.

9 (a) The Agency shall administer a certification system  
10 for sites which represent a minimal hazard with respect to  
11 contamination of groundwaters by potential primary or  
12 potential secondary sources. No later than January 1, 1988,  
13 the Agency shall develop and make available a minimal hazard  
14 certification form and guidelines for the use and management  
15 of containers and above ground tanks, and for the piling of  
16 waste.

17 (b) After January 1, 1988, the owner of any site which  
18 would otherwise be subject to the provisions of subsection  
19 (d) of Section 14.2 or Section 14.4 and regulations adopted  
20 thereunder may provide a certification of minimal hazard to  
21 the Agency if the following conditions are met:

22 (1) no on-site landfilling, land treating, or  
23 surface impounding of waste, other than landscape waste  
24 or construction and demolition debris, has taken place  
25 and such circumstance will continue;

26 (2) no on-site piles of special or hazardous waste  
27 are present and such circumstance will continue, and any  
28 piling of other wastes which could cause contamination of  
29 groundwater will be consistent with guidelines developed  
30 by the Agency;

31 (3) no underground storage tanks are present on the

1 site and such circumstances will continue;

2 (4) use and management of containers and above  
3 ground tanks will be consistent with guidelines developed  
4 by the Agency;

5 (5) no on-site release of any hazardous substance  
6 or petroleum has taken place which was of sufficient  
7 magnitude to contaminate groundwaters;

8 (6) no more than 100 gallons of either pesticides  
9 or organic solvents, or 10,000 gallons of any hazardous  
10 substances, or 30,000 gallons of petroleum, will be  
11 present at any time; and

12 (7) notice has been given to the owner of each  
13 community water supply well within 1,000 feet of the  
14 site.

15 (c) Upon receipt of a certification pursuant to  
16 subsection (b) of this Section the Agency shall, within 90  
17 days, take one of the following actions:

18 (1) notify the owner of the site in writing that  
19 the certification is complete and adequate;

20 (2) notify the owner of the site in writing that  
21 the certification is not adequate, including a statement  
22 of the reasons therefor;

23 (3) notify the owner of the site in writing that a  
24 site inspection will be held within 120 days, and that  
25 following such inspection but still within the 120 day  
26 period further action will be taken pursuant to item (1)  
27 or (2) of this subsection; or

28 (4) notify in writing the owner of the site that  
29 pursuant to Section 17.1 a county or municipality is  
30 conducting a groundwater protection needs assessment or  
31 the Agency is conducting a well site survey which  
32 encompasses the site for which certification is being  
33 processed, and specify a time period, not to exceed a  
34 total of 180 days from the date of the notice, for

1 consideration of the findings from such assessment or  
2 survey and by which further action will be taken pursuant  
3 to item (1) or (2) of this subsection.

4 A certification is not adequate if it fails to address  
5 each of the conditions required to be met by subsection (b)  
6 of this Section, or if the Agency possesses information which  
7 reasonably suggests that any statement made in the  
8 certification is inaccurate or incomplete. Action under item  
9 (1) or (2) of this subsection shall constitute a final  
10 determination of the Agency.

11 (d) When a certification has been provided with respect  
12 to which the Agency has made a finding of adequacy or has  
13 failed to act in a timely manner pursuant to subsection (c)  
14 of this Section, the site shall not be subject to the  
15 provisions of subsection (d) of Section 14.2 or Section 14.4  
16 and regulations adopted thereunder for the following time  
17 periods:

18 (1) one year, if the Agency has failed to act in a  
19 timely manner pursuant to subsection (c) of this Section,  
20 during which time the owner must recertify to continue  
21 such status;

22 (2) three years, if the site is located within a  
23 minimum or maximum setback zone, during which time the  
24 owner must recertify to continue such status;

25 (3) five years, if the site is located within a  
26 regulated recharge area, during which time the owner must  
27 recertify to continue such status; or

28 (4) 90 days past the time when a change of  
29 ownership takes place, during which time the new owner  
30 must recertify to continue such status.

31 (e) During the effective period of a certification, the  
32 owner of the site shall maintain compliance with the  
33 conditions specified in subsection (b) of this Section. Any  
34 failure by the owner to maintain such compliance shall be

1 just cause for decertification by the Agency. Such action  
2 may only be taken after the Agency has provided the owner  
3 with a written notice which identifies the noncompliance and  
4 specifies a 30 day period during which a written response may  
5 be provided by the owner. Such response may describe any  
6 actions taken by the owner which relate to the conditions of  
7 certification. If such response is deficient or untimely,  
8 the Agency shall serve notice upon the owner that the site  
9 has been decertified and is subject to the applicable  
10 provisions of subsection (d) of Section 14.2 or Section 14.4  
11 and regulations adopted thereunder. Such notification shall  
12 constitute a final determination of the Agency.

13 (f) The Agency shall maintain a master listing, indexed  
14 by county, of those sites for which certifications are in  
15 effect. Upon the establishment of a regional planning  
16 committee pursuant to Section 17.2, the Agency shall provide  
17 a copy of the pertinent portions of such listing to such  
18 committee on a quarterly basis. The Agency shall also make  
19 copies of such listing available to units of local government  
20 and the public upon request.

21 (g) The Agency may enter into a written delegation  
22 agreement with any county or municipality, which has adopted  
23 an ordinance consistent with Section 14.2 or 14.3, to  
24 administer the provisions of this Section. Such delegation  
25 agreements shall require that the work to be performed  
26 thereunder shall be in accordance with criteria established  
27 by the Agency, be subject to periodic review by the Agency,  
28 and shall include such financial and program auditing by the  
29 Agency as may be necessary.

30 (Source: P.A. 91-357, eff. 7-29-99.)