

1 AN ACT in relation to public safety.

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

4 Section 5. The Illinois Emergency Planning and Community  
5 Right to Know Act is amended by changing Sections 3, 4, 5, 6,  
6 7, 10, 11, 12, and 18 and adding Section 20 as follows:

7 (430 ILCS 100/3) (from Ch. 111 1/2, par. 7703)

8 Sec. 3. Definitions. As used in this Act:

9 "Administrator" means the Administrator of the United  
10 States Environmental Protection Agency.

11 "Environment" means water, air, and land and the  
12 interrelationship that exists among and between water, air,  
13 land, and all living things.

14 "Extremely hazardous substance" means the list of  
15 substances designated as extremely hazardous by the United  
16 States Environmental Protection Agency under Section 302(a)  
17 of the Federal Act (42 U.S.C. 11002(a))~~7-as-now-or--hereafter~~  
18 amended.

19 "Facility" means all buildings, equipment, structures,  
20 and other stationary items that are located on a single site  
21 or on contiguous or adjacent sites and that are owned or  
22 operated by the same person (or by any person that controls,  
23 is controlled by, or under common control with, such person).  
24 For purposes of the release notification requirements of  
25 Section 10 304 of this the-Federal Act, the term includes  
26 motor vehicles, rolling stock, and aircraft.

27 "Federal Act" means the federal Emergency Planning and  
28 Community Right to Know Act of 1986 (42 U.S.C. 11001 and  
29 following) ~~Title---III--of--the--Superfund--Amendments--and~~  
30 ~~Reauthorization-Act-of-1986-(P.L.-99-499).~~

31 "Hazardous chemical" means any hazardous chemical as

1 defined under 29 U.S.C. 1910.1200, except that "hazardous  
2 chemical" does not include the following substances:

3 (1) Any food, food additive, color additive, drug  
4 or cosmetic regulated by the U.S. Food and Drug  
5 Administration.

6 (2) Any substance present as a solid in any  
7 manufactured item to the extent that exposure to the  
8 substance does not occur under normal conditions of use.

9 (3) Any substance to the extent that it is used for  
10 personal, family, or household purposes, or is present in  
11 the form and concentration of a product packaged for  
12 distribution and use by the general public.

13 (4) Any substance in a research laboratory or a  
14 hospital or other medical facility under the direct  
15 supervision of a technically qualified individual.

16 (5) Any substance to the extent that it is used in  
17 routine agricultural operations, and any fertilizer held  
18 for sale by a retailer to the ultimate customer.

19 "Hazardous substance" means a substance or mixture  
20 designated as hazardous by the United States Environmental  
21 Protection Agency under 42 U.S.C. 9601(14).

22 "IEMA" means the Illinois Emergency Management Agency.

23 "Local Emergency Planning Committee" or "LEPC" means the  
24 committee appointed by the State Emergency Response  
25 Commission (SERC) in accordance with Section 301(c) of the  
26 Federal Act Superfund-Amendments-and-Reauthorization--Act--of  
27 1986 (42 U.S.C. 11001(c) ~~11001-et-seq.~~).

28 "Material Safety Data Sheet" or "MSDS" means a document  
29 developed pursuant to ~~completed--form--recognized--by--the~~  
30 Occupational Safety and Health Administration statutory and  
31 regulatory requirements and containing the information  
32 required under 29 C.F.R. 1910.1200(g), ~~----equivalent~~  
33 ~~manufacturer's---literature,---or---another--form--containing~~  
34 ~~substantially-the-same-information-pertaining-to--a--specific~~

1 hazardous--chemical--or--a--mixture--containing--one--or--more  
2 hazardous-chemicals.

3 "Person" means any individual, trust, firm, joint stock  
4 company, corporation (including a government corporation),  
5 partnership, association, State, municipality, commission,  
6 political subdivision of a State, federal government, or  
7 interstate body.

8 "Release" means any spilling, leaking, pumping, pouring,  
9 emitting, emptying, discharging, injecting, escaping,  
10 leaching, dumping, or disposing into the environment  
11 (including the abandonment or discarding of barrels,  
12 containers, and other closed receptacles) of any hazardous  
13 chemical, extremely hazardous substance chemical, or toxic  
14 chemical.

15 "Reportable quantity" is the quantity of an extremely  
16 hazardous substance or hazardous substance determined by  
17 USEPA under Section 302(a) of the Federal Act (42 U.S.C.  
18 11002(a)) and under 42 U.S.C. 9602(a).

19 "Retail gas station" means a retail facility engaged in  
20 selling gasoline and/or diesel fuel principally to the  
21 public, for motor vehicle use on land.

22 "State Emergency Response Commission" or "SERC" means the  
23 Illinois Emergency Management Agency as appointed by the  
24 Governor in accordance with Section 301 of the Federal Act  
25 Superfund--Amendments--and--Reauthorization--Act--of--1986 (42  
26 U.S.C. 11001 et-seq-) to carry out all State responsibilities  
27 required by this Act.

28 "Threshold planning quantity" or "TPQ" is the quantity of  
29 an extremely hazardous substance determined by USEPA under  
30 Section 302(a) of the Federal Act (42 U.S.C. 11002(a)).

31 "Tier II Emergency and Hazardous Chemical Inventory form"  
32 means the form made available by the SERC or the USEPA to  
33 owners and operators required to file hazardous chemical and  
34 extremely hazardous substance data pursuant to Section 12 of

1 this Act.

2 "USEPA" means the United States Environmental Protection  
3 Agency.

4 (Source: P.A. 86-449; 87-168.)

5 (430 ILCS 100/4) (from Ch. 111 1/2, par. 7704)

6 Sec. 4. Establishment. The Illinois Emergency  
7 Management Agency shall be the State Emergency Response  
8 Commission for the purpose of implementing the provisions of  
9 the Federal Act Title--III-of-the-Superfund-Amendments-and  
10 Reauthorization-Act-of-1986-(P.L.-99-499) at the State level,  
11 and shall perform all the functions of a SERC under that Act.  
12 The Director of the IEMA shall be the Chair Chairman of the  
13 SERC.

14 (Source: P.A. 86-449; 87-168.)

15 (430 ILCS 100/5) (from Ch. 111 1/2, par. 7705)

16 Sec. 5. Advisory Committee. The SERC may establish  
17 advisory committees composed of individuals from both the  
18 public and private sectors to advise the Chair Chairman of  
19 the SERC on any matters relating to the implementation of the  
20 Federal Act Title--III--of--the--Superfund--Amendments--and  
21 Reauthorization--Act--of--1986---(P.L.---99-499). Advisory  
22 committees shall be organized by the Chair Chairman as  
23 necessary to address specific issues relating to this Act.

24 (Source: P.A. 86-449.)

25 (430 ILCS 100/6) (from Ch. 111 1/2, par. 7706)

26 Sec. 6. Cooperative agreements. The SERC shall  
27 cooperate and may enter into such agreements with other State  
28 agencies, local governments, the federal government and other  
29 persons as the Chair Chairman determines to be appropriate to  
30 implement the Federal Act Title--III--of--the--Superfund  
31 Amendments-and-Reauthorization-Act-of-1986-(P.L.-99-499).

1 (Source: P.A. 86-449.)

2 (430 ILCS 100/7) (from Ch. 111 1/2, par. 7707)

3 Sec. 7. Reporting requirements.

4 (a) Unless otherwise provided in this Act, the  
5 provisions of Sections 302(c), 303(d), 304, 311, 312, and  
6 323, and 324 of the Federal Act, as incorporated into this  
7 Act, pertaining to the providing of information and giving of  
8 notification, shall be considered the law of this State and  
9 shall apply equally to all facilities subject to the Federal  
10 Act.

11 (b) (Blank). ~~The SERC shall adopt, within 120 days after~~  
12 ~~the effective date of this Act, regulations or amendments~~  
13 ~~thereto which are identical in substance to regulations or~~  
14 ~~amendments thereto promulgated by the Administrator of the~~  
15 ~~United States Environmental Protection Agency to implement~~  
16 ~~these specified Sections of Title III of the Superfund~~  
17 ~~Amendments and Reauthorization Act of 1986 (P.L. 99-499).~~  
18 ~~The rulemaking provisions of Section 5-35 of the Illinois~~  
19 ~~Administrative Procedure Act shall not apply to regulations~~  
20 ~~or amendments thereto adopted pursuant to this paragraph.~~

21 (c) The SERC may adopt additional regulations relating  
22 to the responsibilities of the SERC and LEPCs pursuant to  
23 this Act and the Federal Act that are not inconsistent with  
24 and at least as stringent as other regulations promulgated  
25 pursuant to the Federal Act. Regulations adopted pursuant to  
26 this subsection shall be adopted in accordance with the  
27 procedures for rulemaking in Section 5-35 of the Illinois  
28 Administrative Procedure Act.

29 (Source: P.A. 88-45.)

30 (430 ILCS 100/10) (from Ch. 111 1/2, par. 7710)

31 Sec. 10. Release notification. (a) If a release  
32 requiring notification under Section 304 of the Federal Act

1 or under Section 103(a) of the Comprehensive Environmental  
2 Response, Compensation, and Liability Act of 1980 (42 U.S.C.  
3 9601 et seq.) occurs from a facility at which a hazardous  
4 chemical is produced, used or stored, the owner or operator  
5 of the facility shall immediately provide notice as described  
6 in subsection (b).

7 (b) Notice required under this Section shall be given  
8 immediately after the release by the owner or operator of the  
9 facility (by such means as telephone, radio or in person) to  
10 the community emergency coordinator designated by the LEPC  
11 for any area likely to be affected by the release and to the  
12 SERC of any State likely to be affected by the release. The  
13 ~~SERC--shall--submit--any--such--notification--report--to--the~~  
14 ~~appropriate--LEPC.~~ With respect to transportation of a  
15 substance subject to the requirements of this Section, or  
16 storage incident to such transportation, the notice  
17 requirements of this Section with respect to a release shall  
18 be satisfied by calling the local fire department of the  
19 affected area, the sheriff's office of the affected county,  
20 or the 911 emergency number.

21 (c) Notice required under this Section shall include  
22 each of the following (to the extent known at the time of the  
23 notice and so long as no delay in responding to the emergency  
24 results):

- 25 (1) the chemical name or identity of any substance  
26 involved in the release;
- 27 (2) an indication of whether the substance is on the  
28 list referred to in Section 302(a) of the Federal Act;
- 29 (3) an estimate of the quantity of any such substance  
30 that was released into the environment;
- 31 (4) the time and duration of the release;
- 32 (5) the medium or media into which the release occurred;
- 33 (6) any known or anticipated acute or chronic health  
34 risks associated with the emergency and, where appropriate,

1 advice regarding medical attention necessary for exposed  
2 individuals;

3 (7) proper precautions to take as a result of the  
4 release, including evacuation (unless such information is  
5 readily available to the community emergency coordinator  
6 pursuant to the emergency plan); and

7 (8) the name and telephone number of the person or  
8 persons to be contacted for further information.

9 (d) As soon as practicable after a release which  
10 requires notice under this Section, the owner or operator  
11 shall provide a written followup emergency notice (or  
12 notices, as more information becomes available) setting forth  
13 and updating the information required under subsection (c),  
14 and including additional information with respect to:

15 (1) actions taken to respond to and contain the release;

16 (2) any known or anticipated acute or chronic health  
17 risks associated with the release; and

18 (3) where appropriate, advice regarding medical  
19 attention necessary for exposed individuals.

20 (e) This Section does not apply to any release which  
21 results in exposure to persons solely within the site or  
22 sites on which a facility is located. This Section does  
23 apply to transportation and storage incident to such  
24 transportation.

25 (Source: P.A. 86-449.)

26 (430 ILCS 100/11) (from Ch. 111 1/2, par. 7711)

27 Sec. 11. Material Safety Data Sheets MSDS.

28 (a) The owner or operator of any facility which is  
29 required to prepare or have available a MSDS ~~material--safety~~  
30 ~~data--sheet~~ for a hazardous chemical under the Occupational  
31 Safety and Health Act of 1970 and regulations promulgated  
32 under that Act (29 ~~15~~ U.S.C. 651 et seq.) shall, in  
33 accordance with the threshold levels for reporting

1 established by regulations promulgated under the Federal Act,  
2 submit a MSDS material--safety--data--sheet for each such  
3 chemical, or a list of such chemicals as described in  
4 subsection (b), to each of the following:

- 5 (1) the appropriate local emergency planning committee;
- 6 (2) the State Emergency Response Commission; and
- 7 (3) the fire department with jurisdiction over the  
8 facility.

9 (b) The list of chemicals referred to in subsection (a)  
10 shall include all of the following:

11 (1) A list of the hazardous chemicals for which a MSDS  
12 material-safety-data-sheet is required under the Occupational  
13 Safety and Health Act of 1970 and regulations promulgated  
14 under that Act, grouped in categories of health and physical  
15 hazards as set forth under such Act and regulations  
16 promulgated under such Act, or in such other categories as  
17 the Administrator may prescribe.

18 (2) The chemical name or the common name of each such  
19 chemical as provided on the MSDS material-safety-data-sheet.

20 (3) Any hazardous component of each such chemical as  
21 provided on the MSDS material-safety-data-sheet.

22 (c) An owner or operator may meet the requirements of  
23 this Section with respect to a hazardous chemical which is a  
24 mixture by doing one of the following:

25 (1) Submitting a MSDS material-safety-data-sheet for, or  
26 identifying on a list, each element or compound in the  
27 mixture which is a hazardous chemical. If more than one  
28 mixture has the same element or compound, only one MSDS  
29 material-safety-data-sheet, or one listing, of the element or  
30 compound is necessary; or

31 (2) Submitting a MSDS material-safety-data-sheet for, or  
32 identifying on a list, the mixture itself.

33 (d) Beginning 90 days after the effective date of this  
34 Act, it shall be a violation of this Section for the owner or



1 operator of a facility subject to the requirements of this  
 2 Section to fail to submit an MSDS form as required by  
 3 Section 311(d) of the Federal Act, or within 3 months of the  
 4 date the owner or operator is required to prepare or have  
 5 available a MSDS for the chemical under the Occupational  
 6 Safety and Health Act of 1970 and regulations promulgated  
 7 under that Act.

8 (e) Within 3 months following discovery by an owner or  
 9 operator of significant new information concerning an aspect  
 10 of a hazardous chemical for which a MSDS material-safety-data  
 11 sheet was previously submitted to the local emergency  
 12 planning committee under subsection (a), a revised sheet  
 13 shall be provided to such person.

14 (Source: P.A. 86-449.)

15 (430 ILCS 100/12) (from Ch. 111 1/2, par. 7712)  
 16 Sec. 12. Tier II Emergency and Hazardous Chemical  
 17 Inventory forms.

18 (a) The requirements of this Section apply to the owner  
 19 or operator of any facility which is required to prepare or  
 20 have available a material safety data sheet for a hazardous  
 21 chemical under the Occupational Safety and Health Act of 1970  
 22 and regulations promulgated under that Act.

23 (a-50) The owner or operator identified in subsection  
 24 (a) shall, in accordance with the threshold levels for  
 25 reporting as established by regulations promulgated under the  
 26 Federal Act, prepare a tier II and submit an emergency and  
 27 hazardous chemical inventory form (hereafter in this Act  
 28 referred to as a tier II an-"inventory form") in accordance  
 29 with the following threshold inventory levels for reporting:

30 (1) The threshold inventory level for reporting an  
 31 extremely hazardous substance present at the facility at  
 32 any one time during the preceding calendar year is 500  
 33 pounds (or 227 kgs.) or the threshold planning quantity,

1 whichever is lower.

2 (2) The threshold inventory level for reporting a  
3 hazardous chemical present at the facility at any one  
4 time during the preceding calendar year is 10,000 pounds  
5 (or 4,540 kgs.), except as provided in paragraphs (3) and  
6 (4) of this subsection.

7 (3) The threshold inventory level for reporting  
8 gasoline (all grades combined) present at the facility at  
9 any one time during the preceding calendar year is 75,000  
10 gallons, provided the facility meets all 3 of the  
11 following criteria:

12 (A) the facility is a retail gas station as  
13 defined in Section 3 of this Act;

14 (B) the gasoline is in a tank or tanks  
15 entirely underground; and

16 (C) the retail gas station was in compliance  
17 at all times during the preceding calendar year with  
18 all applicable Underground Storage Tank (UST)  
19 requirements (41 Ill. Admin. Code 170, 35 Ill.  
20 Admin. Code 731 and 732, and any other applicable  
21 State or federal UST requirements).

22 (4) The threshold inventory level for reporting  
23 diesel fuel (all grades combined) present at the facility  
24 at any one time during the preceding calendar year is  
25 100,000 gallons, provided the facility meets all 3 of the  
26 following criteria:

27 (A) the facility is a retail gas station as  
28 defined in Section 3 of this Act;

29 (B) the diesel fuel is in a tank or tanks  
30 entirely underground; and

31 (C) the retail gas station was in compliance  
32 at all times during the preceding calendar year with  
33 all applicable UST requirements (41 Ill. Admin. Code  
34 170, 35 Ill. Admin. Code 731 and 732, and any other

1 applicable State or federal UST requirements).

2 (5) If a retail gas station does not meet any one  
3 or more of the criteria enumerated in paragraph (3) or  
4 (4) of this subsection, the threshold inventory level for  
5 reporting gasoline or diesel fuel, or both, (all grades  
6 combined) is the same as otherwise provided in paragraph  
7 (2).

8 (a-60) The owner or operator shall submit the tier II  
9 forms prepared in accordance with subsection (a-50) to each  
10 of the following:

11 (1) the appropriate local emergency planning  
12 committee serving the emergency planning district where  
13 the facility is located;

14 (2) the State Emergency Response Commission; and

15 (3) the fire department with jurisdiction over the  
16 facility.

17 The tier II inventory form shall be submitted annually on  
18 or before March 1, and shall contain tier II data with  
19 respect to the preceding calendar year.

20 (b) (Blank). ~~The requirement of subsection (a) does not~~  
21 ~~apply if an owner or operator provides, to the recipients~~  
22 ~~described in subsection (a), by the same deadline and with~~  
23 ~~respect to the same calendar year, an inventory form~~  
24 ~~containing tier II information.~~

25 (c) An owner or operator may meet the requirements of  
26 this Section with respect to a hazardous chemical which is a  
27 mixture by doing one of the following:

28 (1) Providing information on the tier II inventory  
29 form on each element or compound in the mixture which is  
30 a hazardous chemical. If more than one mixture has the  
31 same element or compound, only one listing on the  
32 inventory form for the element or compound at the  
33 facility is necessary.

34 (2) Providing information on the tier II inventory

1 form on the mixture itself.

2 (d) (Blank). A hazardous chemical shall be subject to the  
3 requirements of this Section only if it is a hazardous  
4 chemical for which a material safety data sheet or a listing  
5 is required under Section 311 of the Federal Act.

6 (e) (blank). A tier I inventory form shall provide the  
7 following information in aggregate terms for hazardous  
8 chemicals in categories of health and physical hazards as set  
9 forth under the Occupational Safety and Health Act of 1970  
10 and regulations promulgated under that Act:

11 (1) an estimate (in ranges) of the maximum amount of  
12 hazardous chemicals in each category present at the facility  
13 at any time during the preceding calendar year;

14 (2) an estimate (in ranges) of the maximum amount of  
15 hazardous chemicals in each category present at the facility  
16 at any time during the preceding calendar year; and

17 (3) the general location of hazardous chemicals in each  
18 category.

19 (f) The SERC shall require an owner or operator to  
20 provide, on a tier II form, information for each hazardous  
21 chemical or extremely hazardous substance required to be  
22 included on the tier II form pursuant to subsection (a-50) of  
23 this Section, as needed for chemical emergency planning,  
24 including, but not limited to, A-tier-II-inventory-form shall  
25 provide the following additional information for each  
26 hazardous chemical present at the facility, but only upon  
27 request and in accordance with subsection (g):

28 (1) the chemical name or the common name of the  
29 chemical as provided on the material safety data sheet;

30 (2) an estimate (in ranges) of the maximum amount  
31 of the hazardous chemical present at the facility at any  
32 time during the preceding calendar year;

33 (3) an estimate (in ranges) of the average daily  
34 amount of the hazardous chemical present at the facility

1 during the preceding calendar year;

2 (4) a brief description of the manner of storage of  
3 the hazardous chemical;

4 (5) the location at the facility of the hazardous  
5 chemical; and

6 (6) an indication of whether the owner elects to  
7 withhold location information of a specific hazardous  
8 chemical from disclosure to the public under Section 324  
9 of the Federal Act.

10 (g) Availability of tier II information shall be as  
11 follows:

12 (1) (Blank). ~~Upon request by the State Emergency~~  
13 ~~Planning Commission, a local emergency planning~~  
14 ~~committee, or a fire department with jurisdiction over~~  
15 ~~the facility, the owner or operator of a facility shall~~  
16 ~~provide tier II information, as described in subsection~~  
17 ~~(g), to the person making the request.~~

18 (2) A State or local official acting in his or her  
19 official capacity may have access to tier II information  
20 by submitting a request to the SERC or the local  
21 emergency planning committee. Upon receipt of a request  
22 for tier II information, the SERC or local committee  
23 shall, ~~pursuant to paragraph (1), request the facility~~  
24 ~~owner or operator for the tier II information and make~~  
25 available such information to the official.

26 (3) Any person may request the SERC or a local  
27 emergency planning committee for tier II information  
28 relating to the preceding calendar year with respect to a  
29 facility. Any such request shall be in writing and shall  
30 be with respect to a specific facility.

31 (4) Any tier II information which the SERC or a  
32 local emergency planning committee has in its possession  
33 shall be made available to a person making a request  
34 under this paragraph in accordance with Section 324 of

1 the Federal Act. If the SERC or local emergency  
2 planning committee does not have the tier II information  
3 in its possession, upon receiving a request for tier II  
4 information the SERC or local emergency planning  
5 committee shall, pursuant to paragraph (1), request the  
6 facility owner or operator for tier II information with  
7 respect to a hazardous chemical which a facility has  
8 stored in an amount in excess of 10,000 pounds present at  
9 the facility at any time during the preceding calendar  
10 year and make such information available to the person  
11 making the request in accordance with Section 324 of the  
12 Federal Act.

13 (5) In the case of tier II information which is not  
14 in the possession of the SERC or local emergency planning  
15 committee and which relates to a hazardous chemical which  
16 a facility has stored in an amount less than 10,000  
17 pounds present at the facility at any time during the  
18 preceding calendar year, a request from a person must  
19 include the general need for the information. The SERC  
20 or local emergency planning committee may, pursuant to  
21 paragraph (1), make a request to the facility owner or  
22 operator for the tier II information on behalf of the  
23 person making the request. Upon receipt of any  
24 information requested on behalf of such person, the SERC  
25 or local emergency planning committee shall make the  
26 information available to the person in accordance with  
27 Section 324 of the Federal Act.

28 (6) The SERC or local emergency planning committee  
29 shall respond to a request for tier II information under  
30 this Section no later than 45 days after the date of  
31 receipt of the request.

32 (7) Upon request to an owner or operator of a  
33 facility which files an inventory form under this Section  
34 by the fire department with jurisdiction over the

1 facility, the owner or operator of the facility shall  
2 allow the fire department to conduct an on-site  
3 inspection of the facility and shall provide to the fire  
4 department specific location information on hazardous  
5 chemicals at the facility.

6 (h) The tier II form made available by either the SERC  
7 or the USEPA shall ~~1-and-tier-2-inventory-forms-promulgated~~  
8 by-USEPA-for-use-in-meeting-the-requirements-of--Section--312  
9 of-the-Federal-Act-may be used to fulfill the requirements of  
10 this Section.

11 (i) Except for owners or operators paying a fee in  
12 accordance with subsection (j) of this Section, the owner or  
13 operator of each facility required to file a tier II form  
14 pursuant to this Section shall pay an annual fee of \$100 per  
15 facility per year and, if applicable, additional fees based  
16 on tier II form data as follows:

17 (1) An additional \$100 for the presence of one or  
18 more hazardous chemicals in excess of one million pounds;

19 (2) An additional \$100 for the presence of 20 or  
20 more hazardous chemicals at or greater than the threshold  
21 inventory levels stated in paragraph (2) of subsection  
22 (a-50) of this Section;

23 (3) An additional \$200 for the presence of one or  
24 more extremely hazardous substances at or greater than  
25 the threshold inventory level stated in paragraph (1) of  
26 subsection (a-50) of this Section.

27 (j) An owner or operator of an oil or gas production  
28 well tank battery or batteries required to file a tier II  
29 form under this Section shall pay an annual fee of \$50 per  
30 tank battery with a maximum fee payment of \$500 per owner or  
31 operator per year. For purposes of this subsection, the  
32 definitions of the terms "oil", "gas", "production well", and  
33 "tank battery" shall be the same as the definitions of those  
34 terms in the Illinois Oil and Gas Act and rules and

1 regulations implementing that Act.

2 (k) On March 1, 2002, and annually thereafter, an owner  
3 or operator subject to a fee established by this Section  
4 shall submit the fee to the SERC. An owner or operator who  
5 fails to submit the fee in accordance with the requirements  
6 of this Section shall be subject to the penalty provisions of  
7 Section 18 of this Act.

8 (l) Fees collected by the SERC pursuant to this Section  
9 shall be deposited in the Chemical Emergency Preparedness  
10 Fund, which is hereby created as an interest-bearing fund in  
11 the State treasury.

12 (m) All fees collected by the SERC pursuant to this  
13 Section shall be used by the SERC and the LEPCs for  
14 activities arising under this Act and rules and regulations  
15 adopted under this Act, including, but not limited to,  
16 chemical emergency preparedness and prevention activities.  
17 Ninety percent of fees shall be distributed to LEPCs. The  
18 remaining 10 percent shall be used by the SERC.

19 (n) The SERC shall adopt rules for the collection,  
20 management, and disbursement of fees collected pursuant to  
21 this Section, including, but not limited to, establishing  
22 authorized uses of moneys in the Chemical Emergency  
23 Preparedness Fund by the LEPCs.

24 (Source: P.A. 86-449.)

25 (430 ILCS 100/18) (from Ch. 111 1/2, par. 7718)

26 Sec. 18. Penalties.

27 (a) Any person who violates any requirement of Section  
28 9, 10, 11, ~~12~~, or 14 of this Act, or subsection (a), (a-50),  
29 (a-60), (c), (f), (g), or (h) of Section 12 of this Act,  
30 shall be liable for a civil penalty in an amount not to  
31 exceed \$25,000 for each violation. In the case of a second  
32 or subsequent violation of Section 10, the civil penalty  
33 shall not exceed \$75,000 for each day during which the



1 violation continues.

2 (a-5) Any person who violates any requirement of  
3 subsection (k) of Section 12 of this Act shall be liable for  
4 a civil penalty in a amount not to exceed \$1000 for each  
5 violation.

6 (b) Any person who knowingly fails to provide immediate  
7 notification of a release in violation of Section 10 of this  
8 Act, shall be guilty of a Class 4 felony, and in addition to  
9 any other penalty prescribed by law is subject to a fine not  
10 to exceed \$25,000 for each day of the violation. In the case  
11 of a second or subsequent conviction, the person shall be  
12 guilty of a Class 3 felony, and in addition to any other  
13 penalty prescribed by law is subject to a fine not to exceed  
14 \$50,000 for each day of the violation.

15 (c) All civil penalties and fines collected under this  
16 Section shall be deposited in the Emergency Planning and  
17 Training Fund, that is hereby created as a special fund in  
18 the State Treasury, and shall be used by IEMA, pursuant to  
19 appropriation, for its activities arising under this Act and  
20 the Federal Act, including providing financial support for  
21 local emergency planning committees and for training  
22 initiatives authorized by IEMA.

23 (Source: P.A. 86-449; 87-168.)

24 (430 ILCS 100/20 new)

25 Sec. 20. Exemptions from application of Act. Except as  
26 provided in Section 10, this Act does not apply to the  
27 transportation, including the storage incident to that  
28 transportation, of any substance or chemical subject to the  
29 requirements of this Act, including the transportation and  
30 distribution of natural gas. In addition, this Act does not  
31 apply to any substance that is excluded from the definition  
32 of "hazardous chemical" under Section 3 of this Act.

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.