

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)


CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 18th day of November 2020 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2020-254-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 18th day of November 2020.

[SEAL]


LEGAL DIRECTOR AND *EX OFFICIO*
KEEPER OF THE RECORDS AND SEAL

WHEREAS, 65 *ILCS* 5/11-60-2 provides that municipalities have the authority to define, prevent, and abate nuisances; and

WHEREAS, 65 *ILCS* 5/11-20-5 provides authority for municipalities to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the City Council of the City of Rockford hereby finds the release of petroleum products and hazardous substances from underground storage tank systems have a significant impact on the community at large in ways such as, but not limited to: creates physical and public health hazards; allows for contamination of soil, groundwater, and surface water; creates indoor air quality chemical exposure risks via vapor intrusion; reduces property values; lessens property and sales tax revenues; decreases redevelopment potential; contributes to blight; increases unemployment; creates Brownfields; and

WHEREAS, the City Council of the City of Rockford hereby finds the release of petroleum products and hazardous substances from underground storage tank systems cause concern to a reasonable person, and contribute to health issues including but not limited to: cancers, sensory organ irritation; nerve damage, organ toxicity and damage; reduced fertility; birth defects; learning and developmental disabilities; respiratory illness; and

WHEREAS, failure to properly remove underground storage tank systems and associated petroleum products and hazardous substances within or released from said systems, pose a risk to negatively impact health or the environment; and

WHEREAS, impact on health and the environment may avoid detection or not fully manifest for a significant period of time past the service life of an underground storage tank system; and

WHEREAS, the providing for the safe removal of underground storage tank systems and contained disposal of associated petroleum products and hazardous substances would improve the public health and welfare; and

WHEREAS, the City Council of the City of Rockford hereby declares that the failure to properly remove underground storage tank systems and associated petroleum products and hazardous substances as described in this Section to be a public nuisance; and

WHEREAS, the City Council of the City of Rockford hereby finds that the failure to properly remove nuisance underground storage tank systems and associated petroleum products and hazardous substances negatively impacts the health of the public; and


WHEREAS, City Council of the City of Rockford finds that the public health and safety will be improved by passage of this ordinance.

THEREFORE, BE IT RESOLVED, that the CITY OF ROCKFORD does pass and approve the following revisions to Section 17-8 of the City of Rockford Code of Ordinances.

ADOPTED by the City Council of the City of Rockford this 16th day of
November 2020.


APPROVED by the Mayor of the City of Rockford this 18th day of
November 2020.

SEAL



Mayor Thomas P. McNamara

ATTEST:



Nicholas O. Meyer, Legal Director and ex
Officio Clerk of the City of Rockford

Ayes: DURKEE, LOGEMANN, TUNEBERG, FROST, HERVEY, ERVINS, THOMPSON-KELLY, HOFFMAN,
ROSE, BEACH, QUINONEZ, HANLEY, MCNEELY, CHIARELLI

Nays:

Absent:

Sec. 17-8 Nuisance Underground Storage Tank System.

a) Definitions

1. *Responsible Party* shall mean any past or present owner or operator of an Underground Storage Tank System, facility or property containing an Underground Storage Tank System having once contained petroleum products or hazardous substances.
2. "*Underground Storage Tank System*" or "*UST system*" means any one or combination of tanks (including connected underground pipes, connected ancillary equipment, and connected cathodic protection, and containment system, if any) used to contain an accumulation of regulated substances, the volume of which (including the volume of underground connected pipes) is 10 percent or more beneath the surface of the ground. UST System does not include any tank system specified as excluded under 41 IAC 174 with exception to farm or residential tanks with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes and heating oil tanks of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence. UST System shall also include UST systems removed from service prior to January 1, 1974 that remain in-place and not permitted or UST systems that have been abandoned-in-place not in accordance with the requirements of 41 IAC 175.
3. *Nuisance Underground Storage Tank System* shall mean any UST system and associated hazardous substances or petroleum products that are not properly removed, and which cause a negative impact to the environment, or negatively impact public safety.

b) Nuisance Operations of Underground Storage Tank Systems

1. All Responsible Parties have the affirmative obligation to remove out of service UST Systems in accordance with the following timeline:
 - a. Out of service UST systems in a temporary closure status meeting new performance standards or the upgrading requirements specified in 41 IAC 174 through 176 and 40 CFR 280, except that spill and overfill prevention equipment requirements do not have to be met, shall be removed after a period of 5 years from the date of last use provided they meet the requirements of 41 IAC Section 175.810.
 - b. All other out of service UST Systems shall be removed 60 days after the date of last use.
 - c. Removal or abandonment of all UST Systems shall be completed in accordance with 41 IAC 175 in a manner so as to prevent the release of petroleum products or hazardous substances that may endanger health, the

environment, or public safety. A Site Assessment shall be completed in accordance with 41 IAC Section 176.330 and submitted to the Director of Community and Economic Development or designee and the Rockford Fire Department Fire Prevention Division.

2. Any person or Responsible Party who fails to remove or abandon in place Underground Storage Tank Systems in accordance with 17-8 (1)(b) is liable for a violation of this Section.
3. Any person or Responsible Party who endangers the public health, causes a negative impact to the environment, or negatively impacts public safety through a release of petroleum or hazardous substance from an UST System not removed in accordance with 17-8 (1)(b) is liable for a violation of this Section. Any person or Responsible Party releasing petroleum or hazardous substances from a UST System located outside City limits, where the petroleum or hazardous substances have migrated within the City of Rockford shall also be in violation of this Section.
4. Any person or Responsible Party who is in violation of this Section shall, within 14 days of being notified of the violation, abate the violation, or provide a plan to the Director of Community and Economic Development or his/her designee and the Rockford Fire Department Fire Prevention Division for the abatement of the violation within a timeframe as approved by the Director. Abatement shall be completed in accordance with State and Federal cleanup regulations.
5. Any person or Responsible Party who is notified of a violation of this Section, and fails to provide the plan as set forth in paragraph (b)(3) of this Section shall be liable for an additional violation. Each day where the violation exists, and the plan is not submitted, shall constitute an additional violation.

c) Penalties

1. Any person or Responsible Party found liable for a violation of paragraph (b) (2) and (3) of this Section shall be fined no less than \$250.00, and be ordered to abate any violation.
2. Any person or Responsible Party found liable for a violation of paragraph (b)(4) of this Section shall be fined no less than: \$50.00 per day for the first 7 days, no less than \$100.00 per day for the second 7 days, and no less than \$250.00 per day for each additional day after.