

## Fact Sheet

### **Project Labor Agreement Requirement (Senate Bill 20/Public Act 98-109) Leaking Underground Storage Tank Program**

#### **What is Senate Bill 20?**

[Senate Bill 20](#) (which was signed into law as Public Act 98-109) created the Economic Development Act of 2013 and, in part, amended the Environmental Protection Act at 415 ILCS 5/57.7, 57.8, and 57.11, generally, as follows:

- In approving any site investigation or corrective action plan budget, the Illinois EPA shall determine, pursuant to the Project Labor Agreements Act, whether the corrective action shall include a project labor agreement (PLA) if payment from the UST Fund is to be requested.
- If the Illinois EPA determined that the corrective action must include a PLA, a complete application for payment from the UST Fund must include, in part, a PLA certification from the UST owner or operator that the corrective action was (1) performed under a PLA that meets the requirements of Section 25 of the Project Labor Agreements Act and (2) implemented in a manner consistent with the terms and conditions of the Project Labor Agreements Act and in full compliance with all statutes, regulations, and executive orders as required under the Project Labor Agreements Act and the Prevailing Wage Act.

#### **How does Senate Bill 20 affect me?**

UST owners and operators who seek payment from the UST Fund must have a PLA for certain corrective action activities. Subsequent applications for payment from the UST Fund must include a PLA certification signed by the UST owner or operator. This applies to work that requires a PLA and that was approved or modified by the Illinois EPA on or after July 25, 2013.

#### **What is a PLA?**

According to the Project Labor Agreements Act (30 ILCS 571), a PLA is a form of pre-hire collective bargaining agreement covering all terms and conditions of employment on a specific project. The PLA, in part, sets forth procedures for resolving disputes and grievances; contains guarantees against strikes, lockouts, or similar actions; ensures a reliable source of skilled and experienced labor; sets forth goals for hours to be performed by underrepresented minorities and females; permits the selection of the lowest qualified responsible bidder; and binds all contractors and subcontractors on the public works project.

#### **What corrective action activities require a PLA?**

Corrective action activities that require a PLA include, but are not limited to, the excavation, transportation, and disposal of contaminated soil, and backfilling of the excavation; installation/replacement of concrete or asphalt; installation of potable water supply wells; and hookup to municipal water supply. Please contact Leaking UST Program staff if you have questions about whether the PLA requirement applies to the corrective action activities at your site.

**Is there guidance on how to prepare a PLA?**

For questions about preparation of a PLA, please contact the Leaking UST Program staff.

**Does a PLA apply to early action activities?**

No. The amendments to the Environmental Protection Act apply to Section 57.7(a) and (b) for site investigation and corrective action.

**Does a PLA apply to emergency situations?**

No.

**If a PLA was required but my application for payment from the UST Fund does not include a signed PLA certification, will my application for payment be approved?**

No. For corrective action that must include a PLA, a complete application for payment must contain the PLA certification from the UST owner or operator in order for payment from the UST Fund to be approved.

**Am I required to comply with prevailing wage provisions?**

Yes. Senate Bill 20 expanded the definition of "public works" at Section 2 of the Prevailing Wage Act (820 ILCS 130) to include any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the UST Fund is requested. Prevailing wage requirements are overseen and enforced by the Illinois Department of Labor. If you have questions about prevailing wage, please visit the Illinois Department of Labor Web site at [www.illinois.gov/idol](http://www.illinois.gov/idol) or dial (217) 782-1710.

**When did the law become effective?**

The law became effective July 25, 2013.

**Who should I contact if I have questions?**

You may contact the project manager on-call for the Leaking UST Section at 217-524-3300.

*This fact sheet is for general information only and is not intended to replace, interpret, or modify laws, rules, or regulations.*

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