

1 AN ACT in relation to environmental protection.

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

4 Section 5. The Lead Poisoning Prevention Act is amended
5 by changing Sections 8, 9, and 12 as follows:

6 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

7 Sec. 8. Inspection of buildings occupied by a person
8 screening positive. A representative of the Department, or
9 delegate agency, shall may, after notification that an
10 occupant of a the dwelling unit ~~in-question~~ is found to have
11 a blood lead value of the value set forth in Section 7, upon
12 presentation of the appropriate credentials to the owner,
13 occupant, or his representative, inspect the dwelling unit or
14 dwelling-units, at reasonable times, for the purposes of
15 ascertaining that all surfaces accessible to children are
16 intact and in good repair, and for purposes of ascertaining
17 the existence of lead bearing substances. If the occupant is
18 a child and the dwelling unit is in a multi-unit structure,
19 the Department or delegate agency shall also inspect the
20 other dwelling units and the common areas of the structure.
21 The Such representative of the Department, or delegate
22 agency, may remove samples or objects necessary for
23 laboratory analysis and~~7-~~in the determination of the presence
24 of lead-bearing substances ~~in--the--designated-dwelling-or~~
25 ~~dwelling-unit~~.

26 Following the inspection, the Department or its delegate
27 agency shall:

- 28 (1) Prepare an inspection report which shall:
 - 29 (A) State the address of the dwelling unit.
 - 30 (B) Describe the scope of the inspection, the
31 inspection procedures used, and the method of

1 ascertaining the existence of a lead bearing substance in
2 the dwelling unit.

3 (C) State whether any lead bearing substances were
4 found in the dwelling unit.

5 (D) Describe the nature, extent, and location of
6 any lead bearing substance that is found.

7 (E) State either that a lead hazard does exist or
8 that a lead hazard does not exist. If a lead hazard does
9 exist, the report shall describe the source, nature and
10 location of the lead hazard. The existence of intact
11 lead paint does not alone constitute a lead hazard for
12 the purposes of this Section.

13 (F) Give the name of the person who conducted the
14 inspection and the person to contact for further
15 information regarding the inspection and the requirements
16 of this Act.

17 (2) Mail or otherwise provide a copy of the inspection
18 report to the property owner and to the occupants of the
19 dwelling unit. If a lead bearing substance is found, at the
20 time of providing a copy of the inspection report, the
21 Department or its delegate agency shall attach an
22 informational brochure.

23 (Source: P.A. 87-175; 87-1144.)

24 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

25 Sec. 9. Procedures upon determination of lead hazard.

26 (1) If the inspection report identifies a lead hazard,
27 the Department or delegate agency shall serve a mitigation
28 notice on the property owner that the owner is required to
29 mitigate the lead hazard, and shall indicate the time period
30 specified in this Section in which the owner must complete
31 the mitigation. The notice shall include information
32 describing mitigation activities which meet the requirements
33 of this Act.

1 (2) If the inspection report identifies a lead hazard,
2 the owner shall mitigate the lead hazard in a manner
3 prescribed by the Department and within the time limit
4 prescribed by this Section. The Department shall adopt rules
5 regarding acceptable methods of mitigating a lead hazard. If
6 the source of the lead hazard identified in the inspection
7 report is lead paint or any other leaded surface coating, the
8 lead hazard shall be deemed to have been mitigated if:

9 (A) The surface identified as the source of the
10 hazard is no longer in a condition that produces a
11 hazardous level of leaded chips, flakes, dust or any
12 other form of leaded substance, that can be ingested or
13 inhaled by humans, or:

14 (B) If the surface identified as the source of the
15 hazard is accessible to children and could reasonably be
16 chewed on by children, the surface coating is either
17 removed or covered, the surface is removed, or the access
18 to the leaded surface by children is otherwise prevented
19 as prescribed by the Department.

20 (3) Mitigation activities which involve the destruction
21 or disturbance of any leaded surface shall be conducted by a
22 licensed lead abatement contractor using licensed lead
23 abatement workers. The Department may prescribe by rule
24 mitigation activities that may be performed without a
25 licensed contractor or worker. The Department may, on a case
26 by case basis, grant a waiver of the requirement to use
27 licensed lead abatement contractors and workers, provided the
28 waiver does not endanger the health or safety of humans.

29 (4) The Department shall establish procedures whereby an
30 owner, after receiving a mitigation notice under this
31 Section, may submit a mitigation plan to the Department or
32 delegate agency for review and approval.

33 (5) When a mitigation notice is issued for a dwelling
34 unit inspected as a result of an elevated blood lead level in

1 a pregnant woman or a child, or if the dwelling unit is
2 occupied by a child under 6 years of age or a pregnant woman,
3 the owner shall mitigate the hazard within 30 days of
4 receiving the notice; otherwise, the owner shall complete the
5 mitigation within 90 days.

6 (6) An owner may apply to the Department or its delegate
7 agency for an extension of the deadline for mitigation. If
8 the Department or its delegate agency determines that the
9 owner is making substantial progress toward mitigation, or
10 that the failure to meet the deadline is the result of a
11 shortage of licensed abatement contractors or workers, or
12 that the failure to meet the deadline is because the owner is
13 awaiting the review and approval of a mitigation plan, the
14 Department or delegate agency may grant an extension of the
15 deadline.

16 (7) The Department or its delegate agency shall ~~may~~,
17 after the deadline set for completion of mitigation, conduct
18 a follow-up inspection of any dwelling for which a mitigation
19 notice was issued for the purpose of determining whether the
20 mitigation actions required have been completed and whether
21 the activities have sufficiently mitigated the lead hazard as
22 provided under this Section. The Department or its delegate
23 agency shall ~~may~~ conduct a follow-up inspection upon the
24 request of an owner or resident. If, upon completing the
25 follow-up inspection, the Department or its delegate agency
26 finds that the lead hazard for which the mitigation notice
27 was issued is not mitigated, the Department or its delegate
28 agency shall serve the owner with notice of the deficiency
29 and a mitigation order. The order shall indicate the
30 specific actions the owner must take to comply with the
31 mitigation requirements of this Act, which may include
32 abatement if abatement is the sole means by which the lead
33 hazard can be mitigated. The order shall also include the
34 date by which the mitigation shall be completed. If, upon

1 completing the follow-up inspection, the Department or
2 delegate agency finds that the mitigation requirements of
3 this Act have been satisfied, the Department or delegate
4 agency shall provide the owner with a certificate of
5 compliance stating that the required mitigation has been
6 accomplished.

7 (Source: P.A. 87-175; 87-1144.)

8 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

9 Sec. 12. Violations of Act.

10 (a) Violation of any Section of this Act other than
11 Section 7 shall be punishable as a Class A misdemeanor in the
12 case of a first offense, and a Class 4 felony in the case of
13 a second or subsequent offense.

14 (b) In cases where a person is found to have mislabeled,
15 possessed, offered for sale or transfer, sold or transferred,
16 or given away lead-bearing substances, a representative of
17 the Department shall confiscate the lead-bearing substances
18 and retain the substances until they are shown to be in
19 compliance with this Act.

20 (c) In addition to any other penalty provided under this
21 Act, the Department in an administrative proceeding, or the
22 court in an action brought under subsection (d) of this
23 Section, may impose upon any person who violates this Act or
24 any rule adopted under this Act, or who violates any
25 determination or order of the Department under this Act, a
26 civil penalty not exceeding \$2,500 for each violation plus
27 \$250 for each day that the violation continues.

28 (d) The State's Attorney of the county in which a
29 violation occurs may bring an action for the enforcement of
30 this Act and the rules adopted and orders issued under this
31 Act, in the name of the People of the State of Illinois, and
32 may, in addition to other remedies provided in this Act,
33 bring an action for an injunction to restrain any actual or

1 threatened violation or to impose or collect a civil penalty
2 for any violation.

3 (Source: P.A. 87-175.)

4 Section 10. The Environmental Protection Act is amended
5 by changing Section 22.28 as follows:

6 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

7 Sec. 22.28. White goods.

8 (a) No person, including without limitation the owner,
9 operator, or employee of a landfill, junkyard, scrap
10 dealership, or waste collection or disposal business, may
11 knowingly undertake the final disposal of any white goods
12 except in accordance with the requirements of this Act.

13 ~~Beginning-July-17-1994,-no-person-shall-knowingly--offer--for~~
14 ~~collection-or-collect-white-goods-for-the-purpose-of-disposal~~
15 ~~by--landfilling--unless--the--white-good-components-have-been~~
16 ~~removed.~~

17 (b) It is unlawful for any person, including without
18 limitation the owner, operator, or employee of a landfill,
19 junkyard, scrap dealership, or waste collection or disposal
20 business, to knowingly undertake the final disposal of any
21 white goods unless: ~~Beginning-July--17--1994,--no--owner--or~~
22 ~~operator-of-a-landfill-shall-accept-any-white-goods-for-final~~
23 ~~disposal,-except-that-white-goods-may-be-accepted-if:~~

24 (1) the landfill, scrap dealership, or other
25 facility undertaking final disposal participates in the
26 Industrial Materials Exchange Service by communicating
27 the availability of white goods;

28 (2) prior to final disposal, all dangerous any
29 white good components have been removed from the white
30 goods and properly recycled or disposed of; and

31 (3) if dangerous white good components are removed
32 from the white goods at the final disposal site landfill,

1 a site operating plan satisfying this Act has been
2 approved under the site operating permit and the
3 conditions of such operating plan are met.

4 (c) For the purposes of this Section:

5 (1) "White goods" shall include all--discarded
6 refrigerators, ranges, stoves, ovens, microwave ovens,
7 washing machines, clothes dryers, water heaters,
8 freezers, air conditioners, heat pumps, furnaces,
9 humidifiers, dehumidifiers, garbage disposals, trash
10 compactors, and other similar domestic and commercial
11 large appliances. "White goods" also includes
12 televisions, computers, and smoke alarms.

13 (2) "Dangerous white good components" shall
14 include:

15 (i) any chlorofluorocarbon or
16 hydrochlorofluorocarbon refrigerant gas;

17 (ii) any component or device containing lead,
18 mercury, or cadmium, including without limitation
19 certain batteries, electrical tilt switches,
20 thermocouples, thermostats, manometers, and
21 television and computer components electrical-switch
22 containing-mercury;

23 (iii) any device that contains or may contain
24 PCBs in a closed system, including but not limited
25 to such--as a dielectric fluid for a capacitor,
26 transformer, ballast, or other component; and

27 (iv) any fluorescent or high intensity lamp
28 that contains mercury;

29 (v) any component of a smoke detector or other
30 white good that contains radioactive americium 241;

31 (vi) any component of an oven or other white
32 good that contains asbestos.

33 (3) "Final disposal" includes, without limitation,
34 shredding, scrapping, dismantling, recycling,

1 incineration, and landfilling.

2 (d) The Agency is authorized to provide financial
3 assistance to units of local government from the Solid Waste
4 Management Fund to plan for and implement programs to
5 collect, transport and manage white goods. Units of local
6 government may apply jointly for financial assistance under
7 this Section.

8 Applications for such financial assistance shall be
9 submitted to the Agency and must provide a description of:

10 (A) the area to be served by the program;

11 (B) the white goods intended to be included in
12 the program;

13 (C) the methods intended to be used for
14 collecting and receiving materials;

15 (D) the property, buildings, equipment and
16 personnel included in the program;

17 (E) the public education systems to be used as
18 part of the program;

19 (F) the safety and security systems that will
20 be used;

21 (G) the intended processing methods for each
22 white goods type;

23 (H) the intended destination for final
24 material handling location; and

25 (I) any staging sites used to handle collected
26 materials, the activities to be performed at such
27 sites and the procedures for assuring removal of
28 collected materials from such sites.

29 The application may be amended to reflect changes in
30 operating procedures, destinations for collected materials,
31 or other factors.

32 Financial assistance shall be awarded for a State fiscal
33 year, and may be renewed, upon application, if the Agency
34 approves the operation of the program.

1 (e) All materials collected or received under a program
2 operated with financial assistance under this Section shall
3 be recycled whenever possible. Treatment or disposal of
4 collected materials are not eligible for financial assistance
5 unless the applicant shows and the Agency approves which
6 materials may be treated or disposed of under various
7 conditions.

8 Any revenue from the sale of materials collected under
9 such a program shall be retained by the unit of local
10 government and may be used only for the same purposes as the
11 financial assistance under this Section.

12 (f) The Agency is authorized to adopt rules necessary or
13 appropriate to the administration of this Section.

14 (g) (Blank).

15 (Source: P.A. 91-798, eff. 7-9-00.)