

1 AN ACT concerning environmental safety.

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

4 (105 ILCS 105/5a rep.)

5 Section 3. The Asbestos Abatement Act is amended by  
6 repealing Section 5a.

7 Section 5. The Asbestos Abatement Act is amended by  
8 changing Section 6 as follows:

9 (105 ILCS 105/6) (from Ch. 122, par. 1406)

10 Sec. 6. Powers and Duties of the Department.

11 (a) The Department is empowered to promulgate any rules  
12 necessary to ensure proper implementation and administration  
13 of this Act and of the federal Asbestos Hazard Emergency  
14 Response Act of 1986, and the regulations promulgated  
15 thereunder.

16 (b) Rules promulgated by the Department shall include, but  
17 not be limited to:

18 (1) all rules necessary to achieve compliance with the  
19 federal Asbestos Hazard Emergency Response Act of 1986 and  
20 the regulations promulgated thereunder;

21 (2) rules providing for the training and licensing of  
22 persons and firms to perform asbestos inspection and air

1 sampling; to perform abatement work; and to serve as  
2 asbestos abatement contractors, management, planners,  
3 project designers, project supervisors, project managers  
4 and asbestos workers for public and private secondary and  
5 elementary schools; and any necessary rules relating to the  
6 correct and safe performance of those tasks; and

7 (3) rules for the development and submission of  
8 asbestos management plans by local educational agencies,  
9 and for review and approval of such plans by the  
10 Department.

11 (c) In carrying out its responsibilities under this Act,  
12 the Department shall:

13 (1) publish a list of persons and firms licensed  
14 pursuant to this Act, except that the Department shall not  
15 be required to publish a list of licensed asbestos workers;  
16 and

17 (2) require each local educational agency to maintain  
18 records of asbestos-related activities, which shall be  
19 made available to the Department upon request. ~~and~~

20 ~~(3) require local educational agencies to submit to the~~  
21 ~~Department for review and approval all asbestos related~~  
22 ~~response action contracts for which the local educational~~  
23 ~~agency seeks indemnification under the Response Action~~  
24 ~~Contractor Indemnification Act, and with respect to such~~  
25 ~~response action contracts, to collect from the local~~  
26 ~~educational agency and deposit in the Response Contractors~~

1 ~~Indemnification Fund 5% of the amount of each response~~  
2 ~~action contract, as required under the Response Action~~  
3 ~~Contractor Indemnification Act.~~

4 (d) Adopt rules for the collection of fees for training  
5 course approval; and for licensing of inspectors, management  
6 planners, project designers, contractors, supervisors, air  
7 sampling professionals, project managers and workers.

8 (e) Notwithstanding any other rulemaking authority that  
9 may exist, neither the Governor nor any agency or agency head  
10 under the jurisdiction of the Governor has any authority to  
11 make or promulgate rules to implement or enforce the provisions  
12 of this amendatory Act of the 95th General Assembly. If,  
13 however, the Governor believes that rules are necessary to  
14 implement or enforce the provisions of this amendatory Act of  
15 the 95th General Assembly, the Governor may suggest rules to  
16 the General Assembly by filing them with the Clerk of the House  
17 and the Secretary of the Senate and by requesting that the  
18 General Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly shall be  
22 interpreted to grant rulemaking authority under any other  
23 Illinois statute where such authority is not otherwise  
24 explicitly given. For the purposes of this subsection, "rules"  
25 is given the meaning contained in Section 1-70 of the Illinois  
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of  
2 the Illinois Administrative Procedure Act to the extent that  
3 such definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

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

6 Section 10. The Response Action Contractor Indemnification  
7 Act is amended by changing Section 5 and adding Section 8 as  
8 follows:

9 (415 ILCS 100/5) (from Ch. 111 1/2, par. 7205)

10 Sec. 5. Response Contractors Indemnification Fund.

11 (a) There is hereby created the Response Contractors  
12 Indemnification Fund. The State Treasurer, ex officio, shall be  
13 custodian of the Fund, and the Comptroller shall direct  
14 payments from the Fund upon vouchers properly certified by the  
15 Attorney General in accordance with Section 4. The Treasurer  
16 shall credit interest on the Fund to the Fund.

17 (b) Every State response action contract shall provide that  
18 5% of each payment to be made by the State under the contract  
19 shall be paid by the State directly into the Response  
20 Contractors Indemnification Fund rather than to the  
21 contractor, except that when there is at least \$100,000 in the  
22 Fund at the beginning of a State fiscal year, State response  
23 action contracts during that fiscal year need not provide that  
24 5% of each payment made under the contract be paid into the

1 Fund. When only a portion of a contract relates to a remedial  
2 or response action, or to the identification, handling,  
3 storage, treatment or disposal of a pollutant, the contract  
4 shall provide that only that portion is subject to this  
5 subsection.

6 (c) Within 30 days after the effective date of this  
7 amendatory Act of 1997, the Comptroller shall order transferred  
8 and the Treasurer shall transfer \$1,200,000 from the Response  
9 Contractors Indemnification Fund to the Brownfields  
10 Redevelopment Fund. The Comptroller shall order transferred  
11 and the Treasurer shall transfer \$1,200,000 from the Response  
12 Contractors Indemnification Fund to the Brownfields  
13 Redevelopment Fund on the first day of fiscal years 1999, 2000,  
14 2001, 2002, and 2003.

15 (d) Within 30 days after the effective date of this  
16 amendatory Act of the 91st General Assembly, the Comptroller  
17 shall order transferred and the Treasurer shall transfer  
18 \$2,000,000 from the Response Contractors Indemnification Fund  
19 to the Asbestos Abatement Fund.

20 (e) Within 30 days after the effective date of this  
21 amendatory Act of the 93rd General Assembly, the Comptroller  
22 shall order transferred and the Treasurer shall transfer all  
23 monies in the Response Action Contractor Indemnification Fund  
24 in excess of \$100,000 from the Response Action Contractor  
25 Indemnification Fund to the Brownfields Redevelopment Fund.

26 (f) Within 30 days after the effective date of this

1 amendatory Act of the 95th General Assembly, the State  
2 Comptroller shall order transferred and the State Treasurer  
3 shall transfer all moneys in the Response Action Contractor  
4 Indemnification Fund to the Brownfields Redevelopment Fund.

5 (g) Notwithstanding any other rulemaking authority that  
6 may exist, neither the Governor nor any agency or agency head  
7 under the jurisdiction of the Governor has any authority to  
8 make or promulgate rules to implement or enforce the provisions  
9 of this amendatory Act of the 95th General Assembly. If,  
10 however, the Governor believes that rules are necessary to  
11 implement or enforce the provisions of this amendatory Act of  
12 the 95th General Assembly, the Governor may suggest rules to  
13 the General Assembly by filing them with the Clerk of the House  
14 and the Secretary of the Senate and by requesting that the  
15 General Assembly authorize such rulemaking by law, enact those  
16 suggested rules into law, or take any other appropriate action  
17 in the General Assembly's discretion. Nothing contained in this  
18 amendatory Act of the 95th General Assembly shall be  
19 interpreted to grant rulemaking authority under any other  
20 Illinois statute where such authority is not otherwise  
21 explicitly given. For the purposes of this subsection, "rules"  
22 is given the meaning contained in Section 1-70 of the Illinois  
23 Administrative Procedure Act, and "agency" and "agency head"  
24 are given the meanings contained in Sections 1-20 and 1-25 of  
25 the Illinois Administrative Procedure Act to the extent that  
26 such definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 (Source: P.A. 92-486, eff. 1-1-02; 93-152, eff. 7-10-03.)

3 (415 ILCS 100/8 new)

4 Sec. 8. Repealer. This Act is repealed on the 31st day  
5 after the effective date of this amendatory Act of the 95th  
6 General Assembly.

7 Section 15. The Alternate Fuels Act is amended by changing  
8 Section 30 as follows:

9 (415 ILCS 120/30)

10 Sec. 30. Rebate program. Beginning January 1, 1997, and as  
11 long as funds are available, each owner of an alternate fuel  
12 vehicle shall be eligible to apply for a rebate. Beginning July  
13 1, 2005, each owner of a vehicle using domestic renewable fuel  
14 is eligible to apply for a fuel cost differential rebate under  
15 subsection (c) of this Section. The Agency shall cause rebates  
16 to be issued under the provisions of this Act. An owner may  
17 apply for only one of 3 types of rebates with regard to an  
18 individual alternate fuel vehicle: (i) a conversion cost  
19 rebate, (ii) an OEM differential cost rebate, or (iii) a fuel  
20 cost differential rebate. Only one rebate may be issued with  
21 regard to a particular alternate fuel vehicle during the life  
22 of that vehicle. A rebate shall not exceed \$4,000 per vehicle.  
23 Over the life of this rebate program, an owner of an alternate

1 fuel vehicle or a vehicle using domestic renewable fuel may not  
2 receive rebates for more than 150 vehicles per location or for  
3 300 vehicles in total.

4 (a) A conversion cost rebate may be issued to an owner or  
5 his or her designee in order to reduce the cost of converting  
6 of a conventional vehicle to an alternate fuel vehicle.  
7 Conversion of a conventional vehicle to alternate fuel  
8 capability must take place in Illinois for the owner to be  
9 eligible for the conversion cost rebate. Amounts spent by  
10 applicants within a calendar year may be claimed on a rebate  
11 application submitted within 12 months after the month in which  
12 the conversion of the vehicle took place ~~during that calendar~~  
13 ~~year~~. Approved conversion cost rebates applied for during or  
14 after calendar year 1997 shall be 80% of all approved  
15 conversion costs claimed and documented. Approval of  
16 conversion cost rebates may continue after calendar year 2002,  
17 if funds are still available. An applicant may include on an  
18 application submitted in 1997 all amounts spent within that  
19 calendar year on the conversion, even if the expenditure  
20 occurred before promulgation of the Agency rules.

21 (b) An OEM differential cost rebate may be issued to an  
22 owner or his or her designee in order to reduce the cost  
23 differential between a conventional vehicle or engine and the  
24 same vehicle or engine, produced by an original equipment  
25 manufacturer, that has the capability to use alternate fuels.

26 A new OEM vehicle or engine must be purchased in Illinois



1 and must either be an alternate fuel vehicle or used in an  
2 alternate fuel vehicle, respectively, for the owner to be  
3 eligible for an OEM differential cost rebate. Large vehicles,  
4 over 8,500 pounds gross vehicle weight, purchased outside  
5 Illinois are eligible for an OEM differential cost rebate if  
6 the same or a comparable vehicle is not available for purchase  
7 in Illinois. Amounts spent by applicants within a calendar year  
8 may be claimed on a rebate application submitted within 12  
9 months after the month in which the new OEM vehicle or engine  
10 was purchased ~~during that calendar year.~~

11 Approved OEM differential cost rebates applied for during  
12 or after calendar year 1997 shall be 80% of all approved cost  
13 differential claimed and documented. Approval of OEM  
14 differential cost rebates may continue after calendar year  
15 2002, if funds are still available. An applicant may include on  
16 an application submitted in 1997 all amounts spent within that  
17 calendar year on OEM equipment, even if the expenditure  
18 occurred before promulgation of the Agency rules.

19 (c) A fuel cost differential rebate may be issued to an  
20 owner or his or her designee in order to reduce the cost  
21 differential between conventional fuels and domestic renewable  
22 fuels or alternate fuels purchased to operate an alternate fuel  
23 vehicle . The fuel cost differential shall be based on a 3-year  
24 life cycle cost analysis developed by the Agency by rulemaking.  
25 The rebate shall apply to and be payable during a consecutive  
26 3-year period commencing on the date the application is

1 approved by the Agency. Approved fuel cost differential rebates  
2 may be applied for during or after calendar year 1997 and  
3 approved rebates shall be 80% of the cost differential for a  
4 consecutive 3-year period. Approval of fuel cost differential  
5 rebates may continue after calendar year 2002 if funds are  
6 still available.

7 Twenty-five percent of the amount that is appropriated  
8 under Section 40 to be used to fund programs authorized by this  
9 Section during calendar year 2001 shall be designated to fund  
10 fuel cost differential rebates. If the total dollar amount of  
11 approved fuel cost differential rebate applications as of July  
12 1, 2001 is less than the amount designated for that calendar  
13 year, the balance of designated funds shall be immediately  
14 available to fund any rebate authorized by this Section and  
15 approved in the calendar year.

16 An approved fuel cost differential rebate shall be paid to  
17 an owner in 3 annual installments on or about the anniversary  
18 date of the approval of the application. Owners receiving a  
19 fuel cost differential rebate shall be required to demonstrate,  
20 through recordkeeping, the use of domestic renewable fuels  
21 during the 3-year period commencing on the date the application  
22 is approved by the Agency. If the vehicle ceases to be  
23 registered to the original applicant owner, a prorated  
24 installment shall be paid to that owner or the owner's designee  
25 and the remainder of the rebate shall be canceled.

26 (d) Vehicles owned by the federal government or vehicles

1 registered in a state outside Illinois are not eligible for  
2 rebates.

3 (e) Notwithstanding any other rulemaking authority that  
4 may exist, neither the Governor nor any agency or agency head  
5 under the jurisdiction of the Governor has any authority to  
6 make or promulgate rules to implement or enforce the provisions  
7 of this amendatory Act of the 95th General Assembly. If,  
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21 Administrative Procedure Act, and "agency" and "agency head"  
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23 the Illinois Administrative Procedure Act to the extent that  
24 such definitions apply to agencies or agency heads under the  
25 jurisdiction of the Governor.

26 (Source: P.A. 94-62, eff. 6-20-05; 94-1079, eff. 6-1-07.)

1 (225 ILCS 220/Act rep.)

2 Section 20. The Hazardous Waste Crane and Hoisting  
3 Equipment Operators Licensing Act is repealed.

4 (225 ILCS 221/Act rep.)

5 Section 25. The Hazardous Waste Laborers Licensing Act is  
6 repealed.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.