

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, 9.1, 11.2, 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. The ~~Such~~  
18 representative of the Department, or delegate agency, may  
19 remove samples or objects necessary for laboratory analysis  
20 and ~~in~~ the determination of the presence of lead-bearing  
21 substances ~~in-the-designated-dwelling-or-dwelling-unit~~.

22 Following the inspection, the Department or its delegate  
23 agency shall:

- 24 (1) Prepare an inspection report which shall:
  - 25 (A) State the address of the dwelling unit.
  - 26 (B) Describe the scope of the inspection, the  
27 inspection procedures used, and the method of  
28 ascertaining the existence of a lead bearing substance in  
29 the dwelling unit.
  - 30 (C) State whether any lead bearing substances were  
31 found in the dwelling unit.

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

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

9 (F) Give the name of the person who conducted the  
10 inspection and the person to contact for further  
11 information regarding the inspection and the requirements  
12 of this Act.

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

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

20 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

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

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

30 (1.5) If the inspection report identifies a lead hazard  
31 in a multi-unit building and the affected occupant is a child  
32 under 6 years of age or a pregnant woman, the Department or  
33 delegate agency may also inspect the other dwelling units and

1 the common areas of the building. If a lead hazard is  
2 identified in the building in one or more other dwelling  
3 units, the Department or delegate agency shall provide the  
4 property owner and any affected tenants of those other  
5 dwelling units a copy of the inspection report.

6 (2) Upon receipt of a mitigation notice ~~If---the~~  
7 ~~inspection--report--identifies-a-lead-hazard,~~ the owner shall  
8 mitigate the lead hazard in a manner prescribed by the  
9 Department and within the time limit prescribed by this  
10 Section. The Department shall adopt rules regarding  
11 acceptable methods of mitigating a lead hazard. If the  
12 source of the lead hazard identified in the inspection report  
13 is lead paint or any other leaded surface coating, the lead  
14 hazard shall be deemed to have been mitigated if:

15 (A) the surface identified as the source of the  
16 hazard is no longer in a condition that produces a  
17 hazardous level of leaded chips, flakes, dust or any  
18 other form of leaded substance, that can be ingested or  
19 inhaled by humans, or:

20 (B) ~~if~~ the surface identified as the source of the  
21 hazard is accessible to children and could reasonably be  
22 chewed on by children, the surface coating is either  
23 removed or covered, the surface is removed, or the access  
24 to the leaded surface by children is otherwise prevented  
25 as prescribed by the Department.

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

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

5           (5) When a mitigation notice is issued for a dwelling  
6 unit inspected as a result of an elevated blood lead level in  
7 a pregnant woman or a child, or if the dwelling unit is  
8 occupied by a child under 6 years of age or a pregnant woman,  
9 the owner shall mitigate the hazard within 30 days of  
10 receiving the notice; otherwise, the owner shall complete the  
11 mitigation within 90 days.

12           In accordance with Section 9.1 of this Act, the owner  
13 shall make available to any tenant or prospective tenant a  
14 copy of the inspection report or mitigation notice issued by  
15 the Department or delegate agency for a dwelling in a  
16 multi-unit building. The notice shall also be made prior to  
17 occupancy by a new tenant. The owner shall also make  
18 available any subsequent documentation that specifies if the  
19 lead-bearing substances or lead hazards have been mitigated  
20 or abated and copies of any lead dust sample results  
21 collected in the affected dwelling unit or common area. The  
22 owner must complete the mitigation of any lead hazards in a  
23 multi-unit building no later than one year after the  
24 mitigation order by the Department or delegate agency, unless  
25 the owner is granted an extension as provided in subsection  
26 (6).

27           (6) An owner may apply to the Department or its delegate  
28 agency for an extension of the deadline for mitigation. If  
29 the Department or its delegate agency determines that the  
30 owner is making substantial progress toward mitigation, or  
31 that the failure to meet the deadline is the result of a  
32 shortage of licensed abatement contractors or workers, or  
33 that the failure to meet the deadline is because the owner is  
34 awaiting the review and approval of a mitigation plan, the

1 Department or delegate agency may grant an extension of the  
2 deadline.

3 (7) The Department or its delegate agency may, after the  
4 deadline set for completion of mitigation, conduct a  
5 follow-up inspection of any dwelling for which a mitigation  
6 notice was issued for the purpose of determining whether the  
7 mitigation actions required have been completed and whether  
8 the activities have sufficiently mitigated the lead hazard as  
9 provided under this Section. The Department or its delegate  
10 agency may conduct a follow-up inspection upon notification  
11 ~~by the request of~~ an owner or resident. If, upon completing  
12 the follow-up inspection, the Department or its delegate  
13 agency finds that the lead hazard for which the mitigation  
14 notice was issued is not mitigated, the Department or its  
15 delegate agency shall serve the owner with notice of the  
16 deficiency and a mitigation order. The order shall indicate  
17 the specific actions the owner must take to comply with the  
18 mitigation requirements of this Act, which may include  
19 abatement if abatement is the sole means by which the lead  
20 hazard can be mitigated. The order shall also include the  
21 date by which the mitigation shall be completed. If, upon  
22 completing the follow-up inspection, the Department or  
23 delegate agency finds that the mitigation requirements of  
24 this Act have been satisfied, the Department or delegate  
25 agency shall provide the owner with a certificate of  
26 compliance stating that the required mitigation has been  
27 accomplished.

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

29 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

30 Sec. 9.1. Owner's obligation to give notice. An owner of  
31 a dwelling unit or residential building who has received a  
32 mitigation notice or inspection report under Section 9 of  
33 this Act shall, before entering into a lease agreement for

1 the dwelling unit for which the mitigation notice or  
 2 inspection report was issued, provide prospective lessees of  
 3 that unit with written notice that a lead hazard has  
 4 previously been identified in the dwelling unit,--unless--the  
 5 owner--has--obtained-a-certificate-of-compliance-for-the-unit  
 6 under--Section--9. An owner may satisfy this notice  
 7 requirement by providing the prospective lessee with a copy  
 8 of the mitigation notice or inspection report prepared  
 9 pursuant to Section 9.

10 Before entering into a residential lease agreement, all  
 11 owners of residential buildings or dwelling units built  
 12 before 1978 shall give prospective lessees information on the  
 13 potential health hazards posed by lead in residential  
 14 dwellings by providing the prospective lessee with a copy of  
 15 an informational brochure approved prepared by the  
 16 Department. Within one year of the effective date of this  
 17 amendatory Act of 1992, owners of residential buildings or  
 18 dwelling units built before 1978 shall provide current  
 19 lessees with such brochure.

20 (Source: P.A. 87-1144.)

21 (410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)

22 Sec. 11.2. Administrative action ~~Revocation-of-License.~~  
 23 Pursuant to the Illinois Administrative Procedure Act and  
 24 rules promulgated thereunder, the Department may deny,  
 25 suspend, or revoke any license if the Department finds  
 26 failure or refusal to comply with provisions of this Act or  
 27 rules promulgated pursuant to the Act.

28 The Department may assess civil penalties against any  
 29 licensed lead worker, licensed lead professional, licensed  
 30 lead contractor, or approved lead training provider for  
 31 violations of this Act and the rules promulgated hereunder,  
 32 pursuant to rules for penalties established by the  
 33 Department. Any penalties collected shall be deposited into

1 the Lead Poisoning Screening, Prevention, and Abatement Fund.  
2 (Source: P.A. 87-1144.)

3 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)  
4 Sec. 12. Violations of Act.

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

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

15 (c) In addition to any other penalty provided under this  
16 Act, the court in an action brought under subsection (d) may  
17 impose upon any person who violates this Act or any rule  
18 adopted under this Act, or who violates any determination or  
19 order of the Department under this Act, a civil penalty not  
20 exceeding \$2,500 for each violation plus \$250 for each day  
21 that the violation continues.

22 Any civil penalties collected in a court proceeding shall  
23 be deposited into a delegated county lead poisoning  
24 screening, prevention, and abatement fund or, if no delegated  
25 county exists, into the Lead Poisoning Screening, Prevention,  
26 and Abatement Fund.

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

1 collect a civil penalty for any violation.

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

3 Section 10. The Environmental Protection Act is amended  
4 by adding Section 22.28a as follows:

5 (415 ILCS 5/22.28a new)

6 Sec. 22.28a. White goods handled by scrap dealership or  
7 junkyard.

8 (a) No owner, operator, agent, or employee of a junkyard  
9 or scrap dealership may knowingly shred, scrap, dismantle,  
10 recycle, incinerate, handle, store, or otherwise manage any  
11 white good that contains any white good components in  
12 violation of this Act or any other applicable State or  
13 federal law.

14 (b) For the purposes of this Section, the term "white  
15 goods" has the same meaning as in Section 22.28.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.