

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 11.2 and 12 as follows:

6 (410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)

7 Sec. 11.2. Administrative action ~~Revocation-of-License.~~

8 Pursuant to the Illinois Administrative Procedure Act and
9 rules promulgated thereunder, the Department may deny,
10 suspend, or revoke any license if the Department finds
11 failure or refusal to comply with provisions of this Act or
12 rules promulgated pursuant to the Act.

13 The Department may assess civil penalties against any
14 licensed lead worker, licensed lead professional, licensed
15 lead contractor, or approved lead training provider for
16 violations of this Act and the rules promulgated hereunder,
17 pursuant to rules for penalties established by the
18 Department. Any penalties collected shall be deposited into
19 the Lead Poisoning Screening, Prevention, and Abatement Fund.

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

21 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

22 Sec. 12. Violations of Act.

23 (a) Violation of any Section of this Act other than
24 Section 7 shall be punishable as a Class A misdemeanor.

25 (b) In cases where a person is found to have mislabeled,
26 possessed, offered for sale or transfer, sold or transferred,
27 or given away lead-bearing substances, a representative of
28 the Department shall confiscate the lead-bearing substances
29 and retain the substances until they are shown to be in
30 compliance with this Act.

1 (c) In addition to any other penalty provided under this
2 Act, the court in an action brought under subsection (e) may
3 impose upon any person who violates or does not comply with a
4 notice of deficiency and a mitigation order issued under
5 subsection (7) of Section 9 of this Act a civil penalty not
6 exceeding \$2,500 for each violation, plus \$250 for each day
7 that the violation continues.

8 Any civil penalties collected in a court proceeding shall
9 be deposited into a delegated county lead poisoning
10 screening, prevention, and abatement fund or, if no delegated
11 county or lead poisoning screening, prevention, and abatement
12 fund exists, into the Lead Poisoning Screening, Prevention,
13 and Abatement Fund established under Section 7.2.

14 (d) Whenever the Department finds that an emergency
15 exists that requires immediate action to protect the health
16 of children under this Act, it may, without administrative
17 procedure or notice, cause an action to be brought by the
18 Attorney General or the State's Attorney of the county in
19 which a violation has occurred for a temporary restraining
20 order or a preliminary injunction to require such action as
21 is required to meet the emergency and protect the health of
22 children.

23 (e) The State's Attorney of the county in which a
24 violation occurs or the Attorney General may bring an action
25 for the enforcement of this Act and the rules adopted and
26 orders issued under this Act, in the name of the People of
27 the State of Illinois, and may, in addition to other remedies
28 provided in this Act, bring an action for a temporary
29 restraining order or preliminary injunction as described in
30 subsection (d) or an injunction to restrain any actual or
31 threatened violation or to impose or collect a civil penalty
32 for any violation.

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

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

3 (415 ILCS 5/22.28a new)

4 Sec. 22.28a. White goods handled by scrap dealership or
5 junkyard.

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

12 (b) For the purposes of this Section, the terms "white
13 goods" and "white goods components" have the same meaning as
14 in Section 22.28.

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