



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1961

Introduced 2/15/2013, by Sen. William R. Haine - Jason A. Barickman

SYNOPSIS AS INTRODUCED:

105 ILCS 105/3	from Ch. 122, par. 1403
105 ILCS 105/4	from Ch. 122, par. 1404
105 ILCS 105/6	from Ch. 122, par. 1406
105 ILCS 105/6a	from Ch. 122, par. 1406a
105 ILCS 105/6b	from Ch. 122, par. 1406b
105 ILCS 105/6c	from Ch. 122, par. 1406c
105 ILCS 105/9	from Ch. 122, par. 1409
105 ILCS 105/9a	from Ch. 122, par. 1409a
105 ILCS 105/9b	from Ch. 122, par. 1409b
105 ILCS 105/10	from Ch. 122, par. 1410
105 ILCS 105/10a	from Ch. 122, par. 1410a
105 ILCS 105/10b	from Ch. 122, par. 1410b
105 ILCS 105/11	from Ch. 122, par. 1411
105 ILCS 105/12a	from Ch. 122, par. 1412a
105 ILCS 105/12b	from Ch. 122, par. 1412b
105 ILCS 105/12c	from Ch. 122, par. 1412c
105 ILCS 105/13	from Ch. 122, par. 1413
105 ILCS 105/15a	from Ch. 122, par. 1415a
105 ILCS 105/16	from Ch. 122, par. 1416
225 ILCS 207/15	
225 ILCS 207/20	
225 ILCS 207/30	
225 ILCS 207/35	
225 ILCS 207/45	
225 ILCS 207/55	
225 ILCS 207/60	
415 ILCS 5/59 new	

Amends the Environmental Protection Act. Provides that all powers, duties, rights, and responsibilities of the Department of Public Health under the Asbestos Abatement Act and the Commercial and Public Buildings Asbestos Abatement Act are transferred to the Illinois Environmental Protection Agency. Makes conforming changes to the Asbestos Abatement Act and the Commercial and Public Buildings Act. Effective July 1, 2013.

LRB098 10237 JWD 40397 b

1 AN ACT concerning State government.

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

4 Section 5. The Asbestos Abatement Act is amended by
5 changing Sections 3, 4, 6, 6a, 6b, 6c, 9, 9a, 9b, 10, 10a, 10b,
6 11, 12a, 12b, 12c, 13, 15a, and 16 as follows:

7 (105 ILCS 105/3) (from Ch. 122, par. 1403)

8 Sec. 3. Definitions. As used in this Act:

9 (a) "Asbestos" means the asbestiform varieties of
10 chrysotile, amosite, crocidolite, tremolite, anthrophyllite,
11 and actinolite.

12 (b) "Asbestos materials" means materials formed by mixing
13 asbestos fibers with other products, including but not limited
14 to rock wool, plaster, cellulose, clay, vermiculite, perlite
15 and a variety of adhesives, and which contain more than 1%
16 asbestos by weight. Some of these materials may be sprayed on
17 surfaces or applied to surfaces in the form of plaster or a
18 textured paint.

19 (c) "School" means any school district or public, private
20 or nonpublic day or residential educational institution that
21 provides elementary or secondary education for grade 12 or
22 under.

23 (d) "Local educational agency" means:

1 (1) Any local education agency as defined in Section
2 198 of the Elementary and Secondary Education Act of 1965
3 (20 U.S.C. 3381).

4 (2) The owner of any nonpublic, nonprofit elementary or
5 secondary school building.

6 (3) The governing authority of any school operated
7 under the defense dependents' education system provided
8 for under the Defense Department's Education Act of 1978
9 (20 U.S.C. 921, et seq.).

10 (e) "Response action" means a method, including removal,
11 encapsulation, enclosure, repair, operations and maintenance,
12 that protects human health and the environment from friable
13 ACBM.

14 (f) "Asbestos containing building materials" or ACBM means
15 surfacing asbestos containing material or ACM, thermal system
16 insulation ACM or miscellaneous ACM that is found in or on
17 interior structural members or other parts of a school
18 building.

19 (g) "Friable" when referring to material in a school
20 building means that the material, when dry, may be crumbled,
21 pulverized, or reduced to powder by hand pressure, and includes
22 previously nonfriable materials after such previously
23 nonfriable material becomes damaged to the extent that, when
24 dry, it may be crumbled, pulverized, or reduced to powder by
25 hand pressure.

26 (h) "Asbestos Abatement Contractor" means any entity that

1 engages in the removal, enclosure, or encapsulation of asbestos
2 containing materials for any school.

3 (i) "Response action contractor" means any entity that
4 engages in response action services for any school.

5 (j) "Friable material containment" means the encapsulation
6 or enclosure of any friable asbestos material in a facility.

7 (k) "Enclosure" means the construction of airtight walls
8 and ceilings between the asbestos material and the educational
9 facility environment, or around surfaces coated with asbestos
10 materials, or any other appropriate scientific procedure as
11 determined by the Agency ~~Department~~ which prevents the release
12 of asbestos materials.

13 (l) "Encapsulation" means the treatment of ACM with a
14 material that surrounds or embeds asbestos fibers in an
15 adhesive matrix to prevent the release of fibers, as the
16 encapsulant creates a membrane over the surfaces (bridging
17 encapsulant or penetrates the material and binds its components
18 together (penetrating encapsulant)).

19 (m) "Agency" means the Illinois Environmental Protection
20 Agency. ~~"Department" means the Department of Public Health.~~

21 (n) "Director" means the Director of the Illinois
22 Environmental Protection Agency ~~Public Health.~~

23 (o) "School personnel" means any employee of a school.

24 (p) "Student" means any student enrolled in a school.

25 (q) "School Building" means:

26 (1) Any structure suitable for use as a classroom,

1 including a school facility such as a laboratory, library,
2 school eating facility, or facility used for the
3 preparation of food.

4 (2) Any gymnasium or other facility which is specially
5 designed for athletic or recreational activities for an
6 academic course in physical education.

7 (3) Any other facility used for the instruction or
8 housing of students or for the administration of
9 educational or research programs.

10 (4) Any maintenance, storage, or utility facility,
11 including any hallway essential to the operation of any
12 facility described in this definition of "school building"
13 under items (1), (2), or (3).

14 (5) Any portico or covered exterior hallway or walkway.

15 (6) Any exterior portion of a mechanical system used to
16 condition interior space.

17 (r) "Asbestos worker" means an individual who cleans,
18 removes, encapsulates, encloses, hauls or disposes of friable
19 asbestos material in schools as defined in this Act.

20 (s) "Nonfriable" means material in a school building which,
21 when dry, may not be crumbled, pulverized, or reduced to powder
22 by hand pressure.

23 (t) "Management plan" means a plan developed for a local
24 educational agency for the management of asbestos in its school
25 buildings pursuant to the federal Asbestos Hazard Emergency
26 Response Act of 1986 and the regulations promulgated

1 thereunder.

2 (u) "Management planner" means an individual licensed by
3 the Agency ~~Department~~ to prepare management plans.

4 (v) "Project designer" means an individual licensed by the
5 Agency ~~Department~~ to design response actions for school
6 buildings.

7 (w) "Asbestos inspector" means an individual licensed by
8 the Agency ~~Department~~ to perform inspections of schools for the
9 presence of asbestos containing materials.

10 (Source: P.A. 86-416; 86-1475.)

11 (105 ILCS 105/4) (from Ch. 122, par. 1404)

12 Sec. 4. Response action. Schools shall undertake and
13 complete such response action as may be required by the federal
14 Asbestos Hazard Emergency Response Act of 1986, the regulations
15 promulgated thereunder, and the rules promulgated by the Agency
16 ~~Department~~ pursuant to the Asbestos Abatement Act. Response
17 actions shall be undertaken and completed within the timeframe
18 required by the federal Asbestos Hazard Emergency Response Act
19 of 1986 and the regulations promulgated thereunder.

20 (Source: P.A. 86-416.)

21 (105 ILCS 105/6) (from Ch. 122, par. 1406)

22 Sec. 6. Powers and duties of the Agency ~~Department~~.

23 (a) The Agency ~~Department~~ is empowered to promulgate any
24 rules necessary to ensure proper implementation and

1 administration of this Act and of the federal Asbestos Hazard
2 Emergency Response Act of 1986, and the regulations promulgated
3 thereunder.

4 (b) Rules promulgated by the Agency ~~Department~~ shall
5 include, but not be limited to:

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

9 (2) rules providing for the training and licensing of
10 persons and firms to perform asbestos inspection and air
11 sampling; to perform abatement work; and to serve as
12 asbestos abatement contractors, management, planners,
13 project designers, project supervisors, project managers
14 and asbestos workers for public and private secondary and
15 elementary schools; and any necessary rules relating to the
16 correct and safe performance of those tasks; and

17 (3) rules for the development and submission of
18 asbestos management plans by local educational agencies,
19 and for review and approval of such plans by the Agency
20 ~~Department~~.

21 (c) In carrying out its responsibilities under this Act,
22 the Agency ~~Department~~ shall:

23 (1) publish a list of persons and firms licensed
24 pursuant to this Act, except that the Agency ~~Department~~
25 shall not be required to publish a list of licensed
26 asbestos workers;

1 (2) require each local educational agency to maintain
2 records of asbestos-related activities, which shall be
3 made available to the Agency ~~Department~~ upon request; and

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

9 (Source: P.A. 96-537, eff. 8-14-09; 96-1000, eff. 7-2-10.)

10 (105 ILCS 105/6a) (from Ch. 122, par. 1406a)

11 Sec. 6a. The provisions of the Illinois Administrative
12 Procedure Act are hereby expressly adopted and shall apply to
13 all administrative rules and procedures of the Agency
14 ~~Department of Public Health~~ under this Act, except that in case
15 of conflict between the Illinois Administrative Procedure Act
16 and this Act the provisions of this Act shall control, and
17 except that Section 5-35 of the Illinois Administrative
18 Procedure Act relating to procedures for rule-making does not
19 apply to the adoption of any rule required by federal law in
20 connection with which the Agency ~~Department~~ is precluded by law
21 from exercising any discretion.

22 (Source: P.A. 88-45.)

23 (105 ILCS 105/6b) (from Ch. 122, par. 1406b)

24 Sec. 6b. All final administrative decisions of the Agency

1 ~~Department~~ hereunder shall be subject to judicial review
2 pursuant to the provisions of the "Administrative Review Law",
3 as amended, and the rules adopted pursuant thereto. The term
4 "Administrative Decision" is defined as in Section 3-101 of the
5 Code of Civil Procedure.

6 (Source: P.A. 84-951.)

7 (105 ILCS 105/6c) (from Ch. 122, par. 1406c)

8 Sec. 6c. The Director after notice and opportunity for
9 hearing to the contractor, applicant or license holder may
10 deny, suspend, or revoke a license or expunge such person from
11 the state list in any case in which he or she finds that there
12 has been a substantial failure to comply with the provisions of
13 this Act or the standards, rules and regulations established by
14 virtue thereof.

15 Such notice shall be provided by certified mail or by
16 personal service setting forth the particular reasons for the
17 proposed action and fixing a date, not less than 15 days from
18 the date of such mailing or service, at which time the
19 applicant, contractor, or license holder shall be given an
20 opportunity to request hearing.

21 The hearing shall be conducted by the Director or by an
22 individual designated in writing by the Director as Hearing
23 Officer to conduct the hearing. On the basis of any such
24 hearing, or upon default of the contractor, applicant or
25 license holder, the Director shall make a determination

1 specifying his or her findings and conclusions. A copy of such
2 determination shall be sent by certified mail or served
3 personally upon the applicant, contractor or license holder.

4 The procedure governing hearings authorized by this
5 Section shall be in accordance with rules promulgated by the
6 Agency Department. A full and complete record shall be kept of
7 all proceedings, including the notice of hearing, complaint,
8 and all other documents in the nature of pleadings, written
9 motions filed in the proceedings, and the report and orders of
10 the Director and Hearing Officer. All testimony shall be
11 reported but need not be transcribed unless the decision is
12 sought to be reviewed pursuant to the "Administrative Review
13 Law". A copy or copies of the transcript may be obtained by any
14 interested party on payment of the cost of preparing such copy
15 or copies. The Director or Hearing Officer, shall upon his or
16 her own motion, or on the written request of any party to the
17 proceeding, issue subpoenas requiring the attendance and the
18 giving of testimony by witnesses, and subpoenas duces tecum
19 requiring the production of books, papers, records or
20 memoranda. All subpoenas and subpoenas duces tecum issued under
21 the terms of this Act may be served by any person of legal age.
22 The fees of witnesses for attendance and travel shall be the
23 same as the fees of witnesses before the Circuit Court of this
24 State, such fees to be paid when the witness is excused from
25 further attendance. When the witness is subpoenaed at the
26 instance of the Director or Hearing Officer, such fees shall be

1 paid in the same manner as other expenses of the Agency
2 ~~Department~~, and when the witness is subpoenaed at the instance
3 of any other party to any such proceeding the Agency ~~Department~~
4 may require that the cost of service of the subpoena or
5 subpoena duces tecum and the fee of the witness be borne by the
6 party at whose instance the witness is summoned. In such case,
7 the Agency ~~Department~~ in its discretion may require a deposit
8 to cover the cost of such service and witness fees. A subpoena
9 or subpoena duces tecum so issued as above stated shall be
10 served in the same manner as a subpoena issued by a circuit
11 court.

12 Any circuit court of this State, upon the application of
13 the Director, or upon the application of any other party to the
14 proceeding, may, in its discretion, compel the attendance of
15 witnesses, the production of books, papers, records or
16 memoranda and the giving of testimony before the Director or
17 Hearing Officer conducting an investigation or holding a
18 hearing authorized by this Act, by an attachment for contempt
19 or otherwise, in the same manner as production of evidence may
20 be compelled before the court.

21 The Director or Hearing Officer, or any party in an
22 investigation or hearing before the Agency ~~Department~~, may
23 cause the depositions of witnesses within the State to be taken
24 in the manner prescribed by law for like depositions in civil
25 actions in courts of this State, and to that end compel the
26 attendance of witnesses and the production of books, papers,

1 records, or memoranda.

2 (Source: P.A. 84-951.)

3 (105 ILCS 105/9) (from Ch. 122, par. 1409)

4 Sec. 9. State Funding. Funding sources for State funding
5 with respect to costs of corrective action shall include
6 appropriations from the General Revenue Fund, proceeds from
7 litigation against manufacturers, distributors and contractors
8 of asbestos products, funds provided under the provisions of
9 the federal Asbestos School Hazard Abatement Act of 1984, or
10 any combination thereof. The Agency ~~Department~~ shall request
11 appropriations from any of these funds based on its review of
12 school funding needs and include such in its annual budget
13 request.

14 (Source: P.A. 84-951.)

15 (105 ILCS 105/9a) (from Ch. 122, par. 1409a)

16 Sec. 9a. Reimbursement for corrective action. The Agency
17 ~~Department~~ shall, from funds appropriated for this purpose,
18 reimburse schools which have undertaken corrective action.
19 Such schools, upon completion of an inspection by the Agency
20 ~~Department~~, shall be eligible for reimbursement only for those
21 projects found to have been conducted in accordance with the
22 provisions of this Act and the rules promulgated thereunder.
23 Schools shall apply for such reimbursement to the Agency
24 ~~Department~~ on forms designed and provided by the Agency

1 ~~Department.~~

2 The amount of reimbursement for which a public school
3 district is eligible shall be calculated by the Agency
4 ~~Department~~ based upon a Grant Index developed by the State
5 Board of Education. This Grant Index shall be based upon the
6 equalized assessed valuation of the school district and other
7 measures of relative wealth to determine the percentage of the
8 total cost of corrective action for which reimbursement shall
9 be authorized. The Grant Index for any school district is equal
10 to one minus the ratio of the district's equalized assessed
11 valuation per pupil in weighted daily average attendance to the
12 equalized assessed valuation per pupil in weighted average
13 daily attendance of the district located at the ninetieth
14 percentile for all districts of the same type. The Grant Index
15 for any school district shall be not less than .50 and no
16 greater than 1.00. The product of the district's Grant Index
17 and the project cost, as determined by the Agency ~~Department~~
18 for approved corrective action, equals the total amount that
19 shall be reimbursed to the school according to the provisions
20 of this Section. All non-public schools shall be eligible for
21 reimbursement in an amount equal to 50% of the cost of
22 corrective action.

23 Out of funds appropriated for such purpose, 20% of the
24 amount of reimbursement to which any school is determined
25 entitled shall be paid in each of 5 successive fiscal years.
26 The Agency ~~Department~~ shall request an annual appropriation in

1 an amount sufficient to cover all expected reimbursements to be
2 paid out in that fiscal year.

3 For purposes of reimbursement under this Section,
4 corrective action means removal, encapsulation or enclosure.
5 Schools reimbursed pursuant to this Section for corrective
6 action shall not be eligible for grants under Section 9b with
7 respect to the corrective action for which they are so
8 reimbursed.

9 (Source: P.A. 84-1245.)

10 (105 ILCS 105/9b) (from Ch. 122, par. 1409b)

11 Sec. 9b. Grants for asbestos abatement work undertaken on
12 or after January 1, 1986. Schools which undertake corrective
13 action on or after January 1, 1986 shall be eligible for grants
14 for asbestos abatement activities conducted in accordance with
15 this Act and the rules promulgated thereunder. Funds shall be
16 provided only to those schools which have been inspected
17 pursuant to this Act. Schools which desire abatement grants
18 shall apply to the Agency ~~Department~~ for such grants on forms
19 designed and provided by the Agency ~~Department~~. The Agency
20 ~~Department~~ shall evaluate applications to establish priorities
21 for funding recognizing the degree of health hazard present and
22 shall categorize school needs using a numerical ranking.

23 In conjunction with the State Board of Education, the
24 Agency ~~Department~~ shall calculate the amount of grant for which
25 a public school district is eligible, based upon a Grant Index

1 developed by the State Board of Education. The Grant Index
2 shall be based upon the equalized assessed valuation of the
3 school district and other measures of relative wealth to
4 determine the percentage of the total cost of corrective action
5 for which grants shall be authorized. The Grant Index for any
6 school district is equal to one minus the ratio of the
7 district's equalized assessed valuation per pupil in weighted
8 daily average attendance to the equalized assessed valuation
9 per pupil in weighted average daily attendance of the district
10 located at the ninetieth percentile for all districts of the
11 same type. The Grant Index for any school district shall be not
12 less than .50 and no greater than 1.00. The product of the
13 district's Grant Index and the project cost, as determined by
14 the Agency ~~Department~~ for approved corrective action, equals
15 the amount that shall be expended on behalf of the school. All
16 non-public schools shall be eligible for grants in an amount
17 equal to 50% of the cost of corrective action.

18 In conjunction with the Capital Development Board, the
19 Agency ~~Department~~ shall issue grants to schools for corrective
20 action. The Capital Development Board shall, in conjunction
21 with the schools, contract with a contractor whose name appears
22 on the Agency's ~~Department's~~ list of approved contractors for
23 the corrective action determined necessary according to
24 provisions of this Act and the rules promulgated thereunder.
25 All such contractors shall be prequalified as may be required
26 by The Illinois Purchasing Act. All contracts entered into by

1 the schools and the Capital Development Board shall include a
2 provision that all work to be conducted under that contract
3 shall be undertaken in accordance with this Act and the rules
4 promulgated thereunder. The Capital Development Board shall
5 exercise general supervision over corrective action financed
6 pursuant to the provisions of this Act and the rules
7 promulgated thereunder in schools. The Capital Development
8 Board shall request an annual appropriation in an amount
9 sufficient to cover all expected grants to be awarded in that
10 year. For purposes of reimbursement under this Section,
11 corrective action means removal, encapsulation or enclosure.

12 A school district may levy a tax in accordance with Section
13 17-2.11 of "The School Code" in order to provide local funding
14 for corrective action ordered under this Act. A school may use
15 federal loans or grants to finance the cost of corrective
16 action, but no State funding shall be used to repay any federal
17 loan received by a school for asbestos abatement projects.

18 (Source: P.A. 84-1096.)

19 (105 ILCS 105/10) (from Ch. 122, par. 1410)

20 Sec. 10. Asbestos Abatement Contractors. The Agency
21 ~~Department~~ shall prepare a list in cooperation with appropriate
22 State and federal agencies on an annual basis of asbestos
23 abatement contractors familiar with and capable of complying
24 with all applicable federal and State standards for asbestos
25 containment and removal. Additional asbestos abatement

1 contractors wishing to be placed on this list shall notify the
2 Agency Department. The Agency Department shall evaluate this
3 request based on the training and experience of such a
4 potential asbestos abatement contractor and render a decision.
5 If the Agency Department denies the request, such contractor
6 may appeal such a decision pursuant to the provisions of the
7 "Administrative Review Law". Such list shall be made available
8 to all school districts. In contracting for response action
9 services, schools shall select an asbestos abatement
10 contractor from the Agency's Department's list.
11 (Source: P.A. 86-416.)

12 (105 ILCS 105/10a) (from Ch. 122, par. 1410a)
13 Sec. 10a. Licensing. No inspector, management planner,
14 project designer, project manager, air sampling professional,
15 asbestos abatement contractor, worker or project supervisor
16 may be employed as a response action contractor unless that
17 individual or entity is licensed by the Agency Department.
18 Those individuals and entities wishing to be licensed shall
19 make application on forms prescribed and furnished by the
20 Agency Department. A license shall expire annually according to
21 a schedule determined by the Agency Department. Applications
22 for renewal of licenses shall be filed with the Agency
23 Department at least 30 days before the expiration date. When a
24 licensure examination is required, the application for
25 licensure shall be submitted to the Department at least 30 days

1 prior to the date of the scheduled examination. The Agency
2 ~~Department~~ shall evaluate each application based on its minimum
3 standards for licensure, promulgated as rules, and render a
4 decision. Such standards may include a requirement for the
5 successful completion of a course of training approved by the
6 Agency ~~Department~~. If the Agency ~~Department~~ denies the
7 application, the applicant may appeal such decision pursuant to
8 the provisions of the "Administrative Review Law".

9 (Source: P.A. 86-416.)

10 (105 ILCS 105/10b) (from Ch. 122, par. 1410b)

11 Sec. 10b. Certified Industrial Hygienists. For purposes of
12 this Act and the rules promulgated thereunder, the Agency
13 ~~Department~~ shall use the list of certified industrial
14 hygienists as prepared by the American Board of Industrial
15 Hygiene.

16 (Source: P.A. 86-981.)

17 (105 ILCS 105/11) (from Ch. 122, par. 1411)

18 Sec. 11. Recordkeeping. Each school district shall:

19 (a) Keep a record of each asbestos abatement project that
20 is performed in schools; and

21 (b) Make that record available to the Agency ~~Department~~ at
22 any reasonable time.

23 (Source: P.A. 83-1325.)

1 (105 ILCS 105/12a) (from Ch. 122, par. 1412a)

2 Sec. 12a. Emergency stop work orders. Whenever the Agency
3 ~~Department~~ finds that an emergency exists which requires
4 immediate action to protect the public health, it may, without
5 notice or hearing, issue an order reciting the existence of
6 such an emergency and then require that such action be taken as
7 it may deem necessary to meet the emergency, including but not
8 limited to the issuance of a stop work order and the immediate
9 removal of a contractor or contractors from the list provided
10 for in Section 10. Notwithstanding any other provision in this
11 Act, such order shall be effective immediately. The State's
12 Attorney and Sheriff of the county in which the school is
13 located shall enforce the order after receiving notice thereof.
14 Any contractor affected by such an order is entitled, upon
15 request, to a hearing as provided for in rules and regulations
16 promulgated pursuant to this Act. When such conditions are
17 abated, in the opinion of the Agency ~~Department~~, the Agency
18 ~~Department~~ may authorize the reinstatement of the activities
19 and inclusion on the list of contractors of those activities
20 and contractors which were the subject of a stop work order.

21 (Source: P.A. 84-951.)

22 (105 ILCS 105/12b) (from Ch. 122, par. 1412b)

23 Sec. 12b. Civil Penalties. The Agency ~~Department~~ is
24 empowered to assess civil penalties against a contractor
25 inspector, management planner, project designer, supervisor,

1 worker, project manager, or air sampling professional for
2 violations of this Act and the rules promulgated thereunder,
3 pursuant to rules for such penalties established by the Agency
4 ~~Department~~.

5 (Source: P.A. 86-416.)

6 (105 ILCS 105/12c) (from Ch. 122, par. 1412c)

7 Sec. 12c. Under emergency conditions, an employee of a
8 school district may clean or dispose of less than 3 linear feet
9 or 3 square feet of friable or non-friable asbestos containing
10 material in schools without meeting the definition of an
11 "asbestos worker" as defined in this Act, provided the employee
12 has completed the maximum asbestos awareness program provided
13 for in federal law or rules. "Emergency conditions" for the
14 purpose of this Section shall mean:

15 1) the facility is without heat, water, gas, or electric;
16 or

17 2) the facility is unable to keep outside elements such as
18 water from entering the interior of the structure; or

19 3) the dislodging or falling of less than 3 linear feet or
20 3 square feet of asbestos containing materials.

21 The Agency ~~Department~~ may further define, by rule, what
22 circumstances constitute an "emergency condition" under this
23 Section. The Agency ~~Department~~ may also set forth, by rule, the
24 training or awareness program a school employee must meet as a
25 prerequisite to conducting of asbestos clean-up or disposal

1 pursuant to this Section.

2 (Source: P.A. 86-647.)

3 (105 ILCS 105/13) (from Ch. 122, par. 1413)

4 Sec. 13. Federal funding. To the extent that federal funds
5 become available for the removal of asbestos from schools and
6 subject to any limitations which may be imposed, such federal
7 funds shall be used in lieu of State financing of corrective
8 actions and for any administrative costs incurred by the Agency
9 ~~Department~~ in the administration of this Act.

10 (Source: P.A. 83-1325.)

11 (105 ILCS 105/15a) (from Ch. 122, par. 1415a)

12 Sec. 15a. Contractor's Certificates of Financial
13 Responsibility. Each contractor wishing to be placed on the
14 Agency's ~~Department's~~ approved list of contractors shall
15 submit to the Agency ~~Department~~ a certificate documenting that
16 the contractor carries liability insurance, self insurance,
17 group insurance, group self insurance, a letter of credit or
18 bond in an amount of at least \$500,000 for work performed
19 pursuant to the Asbestos Abatement Act and the rules
20 promulgated thereunder. No contractor may be placed on the
21 approved list in the absence of such a certificate. ~~All~~
22 ~~contractors presently on the approved list shall submit said~~
23 ~~certificate within 90 days of the effective date of this~~
24 ~~amendatory Act of 1985, or the Department shall remove their~~

1 ~~names from the approved list.~~

2 Each contractor shall maintain on file with the Agency
3 ~~Department~~ a current certificate of financial responsibility
4 throughout the entire length of time the contractor's name
5 appears on the Agency's ~~Department's~~ list of approved
6 contractors. A contractor shall notify the Agency ~~Department~~ of
7 any change in the status of a certificate which has been filed
8 including expiration, renewal, or alteration of the terms of
9 the certificate.

10 (Source: P.A. 84-1096.)

11 (105 ILCS 105/16) (from Ch. 122, par. 1416)

12 Sec. 16. Illinois School Asbestos Abatement Fund. All fees
13 and penalties collected by the Agency ~~Department~~ pursuant to
14 this Act shall be deposited into the Illinois School Asbestos
15 Abatement Fund which is hereby created in the State Treasury.
16 Subject to appropriation, all monies deposited in the Illinois
17 School Asbestos Abatement Fund under this Act shall be
18 available to the Agency ~~Department~~ for its administration of
19 this Act and of the federal Asbestos Hazard Emergency Response
20 Act of 1986. Subject to appropriation, all moneys deposited in
21 the Illinois School Asbestos Abatement Fund shall be available
22 to the Agency ~~Department of Public Health~~ for administration of
23 the Asbestos Abatement Act and the Commercial and Public
24 Building Asbestos Abatement Act.

25 (Source: P.A. 89-143, eff. 7-14-95.)

1 Section 10. The Commercial and Public Building Asbestos
2 Abatement Act is amended by changing Sections 15, 20, 30, 35,
3 45, 55, and 60 as follows:

4 (225 ILCS 207/15)

5 Sec. 15. Definitions. As used in this Act:

6 "Agency" means the Illinois Environmental Protection
7 Agency.

8 "Asbestos abatement contractor" means any entity that
9 provides removal, enclosure, encapsulation, or disposal of
10 asbestos containing materials.

11 "Asbestos containing building materials" or "ACBM" means
12 surfacing asbestos containing materials or ACM, thermal system
13 insulation ACM, or miscellaneous ACM that is found in or on
14 interior structural members or other parts of a building.

15 "Asbestos" means the asbestiform varieties of chrysotile,
16 amosite, crocidolite, tremolite, anthrophyllite, and
17 actinolite.

18 "Asbestos inspector" means an individual who performs
19 inspections of commercial and public buildings for the presence
20 of asbestos containing materials.

21 "Asbestos materials" means any material or product that
22 contains more than 1% asbestos.

23 "Asbestos consultant" means a person offering expert or
24 professional advice as an asbestos professional or designated

1 person.

2 "Asbestos professional" means an individual who is
3 licensed by the Agency ~~Department~~ to perform the duties of an
4 inspector, management planner, project designer, project
5 supervisor, project manager, or air sampling professional, as
6 applicable, except project supervisors under the direct employ
7 of a licensed asbestos abatement contractor.

8 "Asbestos supervisor" means an asbestos abatement
9 contractor, foreman, or person designated as the asbestos
10 abatement contractor's representative who is responsible for
11 the onsite supervision of the removal, encapsulation, or
12 enclosure of friable or nonfriable asbestos-containing
13 materials in a commercial or public building.

14 "Asbestos worker" means an individual who cleans, removes,
15 encapsulates, encloses, hauls, or disposes of friable asbestos
16 material.

17 "Building/facility owner" is the legal entity, including a
18 lessee, that exercises control over management and record
19 keeping functions relating to a building or facility in which
20 activities covered by this standard take place.

21 "Commercial or public building" means the interior space of
22 any building, except that the term does not include any
23 residential apartment building of fewer than 10 units or
24 detached single family homes. The term includes, but is not
25 limited to: industrial and office buildings, residential
26 apartment buildings and condominiums of 10 or more dwelling

1 units, government-owned buildings, colleges, museums,
2 airports, hospitals, churches, schools, preschools, stores,
3 warehouses, and factories. Interior space includes exterior
4 hallways connecting buildings, porticos, and mechanical
5 systems used to condition interior space.

6 ~~"Department" means the Department of Public Health.~~

7 "Designated person" means a person designated by the local
8 education agency, as defined by the Asbestos Abatement Act, to
9 ensure that the management plan has been properly implemented.

10 "Director" means the Director of the Illinois
11 Environmental Protection Agency ~~Public Health.~~

12 "Encapsulation" means the treatment of ACBM with a material
13 that surrounds or embeds asbestos fibers in an adhesive matrix
14 that prevents the release of fibers as the encapsulant creates
15 a membrane over the surfaces (bridging encapsulant) or
16 penetrates the material and binds its components together
17 (penetrating encapsulant).

18 "Enclosure" means the construction of airtight walls and
19 ceilings between the asbestos containing material and the
20 building environment, or around surfaces coated with asbestos
21 containing materials, or any other appropriate scientific
22 procedure as determined by the Agency ~~Department~~ that prevents
23 the release of asbestos.

24 "Friable", when referring to material in a commercial or
25 public building, means that the material, when dry, may be
26 crumbled, pulverized, or reduced to powder by hand pressure and

1 includes previously nonfriable materials after such previously
2 nonfriable material becomes damaged to the extent that, when
3 dry, it may be crumbled, pulverized, or reduced to powder by
4 hand pressure.

5 "Inspection" means an activity undertaken in a public or
6 commercial building to determine the presence or location, or
7 to assess the condition of, friable or nonfriable asbestos
8 containing building material (ACBM) or suspected ACBM, whether
9 by visual or physical examination, or by collecting samples of
10 such material.

11 "Nonfriable" means material in a commercial or public
12 building which, when dry, may not be crumbled, pulverized, or
13 reduced to powder by hand pressure.

14 "Person" means any individual, group of individuals,
15 association, trust, partnership, corporation, person doing
16 business under an assumed name, or any other entity.

17 "Project designer" means an individual who designs
18 response actions for commercial or public buildings.

19 "Response action" means a method, including removal,
20 encapsulation, enclosure, repair, operations and maintenance,
21 that protects human health and the environment from friable
22 ACBM.

23 "Response action contractor" means any entity that engages
24 in response action services.

25 "Response action services" means the service of designing
26 and conducting removal, encapsulation, enclosure, repair, or

1 operations and maintenance of friable asbestos containing
2 building materials, inspection of public or commercial
3 buildings, and inspection of asbestos containing materials.
4 The term does not include the design or conducting of response
5 actions that involve removal or possible disturbance of an
6 amount of asbestos containing building material comprising
7 less than 3 square feet or less than 3 lineal feet of other
8 friable asbestos containing building material.

9 (Source: P.A. 93-894, eff. 8-10-04.)

10 (225 ILCS 207/20)

11 Sec. 20. Powers and Duties of the Agency ~~Department~~.

12 (a) The Agency ~~Department~~ is empowered to promulgate any
13 rules necessary to ensure proper implementation and
14 administration of this Act, and compliance with the federal
15 Asbestos School Hazard Abatement Reauthorization Act of 1990.

16 (b) Rules promulgated by the Agency ~~Department~~ shall
17 include, but not be limited to, rules relating to the correct
18 and safe performance of response action services, rules for the
19 assessment of civil penalties for violations of this Act or
20 rules promulgated under it, and rules providing for the
21 training and licensing of persons and firms (i) to perform
22 asbestos inspection, (ii) to perform abatement work, and (iii)
23 to serve as asbestos abatement contractors, response action
24 contractors, and asbestos workers. The Agency ~~Department~~ is
25 empowered to inspect activities regulated by this Act to ensure

1 compliance.

2 (c) In carrying out its responsibilities under this Act,
3 the Agency ~~Department~~ shall:

4 (1) Publish a list of response action contractors
5 licensed under this Act, except that the Agency ~~Department~~
6 shall not be required to publish a list of licensed
7 asbestos workers; and

8 (2) Adopt rules for the collection of fees for training
9 course approval and for the licensing of inspectors,
10 project designers, contractors, supervisors, and workers.

11 (d) The provisions of the Illinois Administrative
12 Procedure Act are hereby expressly adopted and shall apply to
13 all administrative rules and procedures of the Agency
14 ~~Department of Public Health~~ under this Act, except that in case
15 of conflict between the Illinois Administrative Procedure Act
16 and this Act the provisions of this Act shall control, and
17 except that Section 5-35 of the Illinois Administrative
18 Procedure Act relating to procedures for rulemaking does not
19 apply to the adoption of any rule required by federal law in
20 connection with which the Agency ~~Department~~ is precluded by law
21 from exercising any discretion.

22 (e) All final administrative decisions of the Agency
23 ~~Department~~ under this Act shall be subject to judicial review
24 pursuant to the provisions of the Administrative Review Law and
25 the rules adopted under it. The term "administrative decision"
26 has the meaning ascribed to it in Section 3-101 of the Code of

1 Civil Procedure.

2 (f) The Director, after notice and opportunity for hearing
3 to the applicant or license holder, may deny, suspend, or
4 revoke a license or expunge such person from the State list in
5 any case in which he or she finds that there has been a
6 substantial failure to comply with the provisions of this Act
7 or the standards or rules established under it. Notice shall be
8 provided by certified mail, return receipt requested, or by
9 personal service setting forth the particular response for the
10 proposed action and fixing a date, not less than 15 days from
11 the date of such mailing or service, at which time the
12 applicant, asbestos abatement contractor, or license holder
13 shall be given an opportunity to request hearing.

14 The hearing shall be conducted by the Director or by an
15 individual designated in writing by the Director as Hearing
16 Officer to conduct the hearing. On the basis of any such
17 hearing, or upon default of the asbestos abatement contractor,
18 applicant or license holder, the Director shall make a
19 determination specifying his or her findings and conclusions. A
20 copy of the determination shall be sent by certified mail,
21 return receipt requested, or served personally upon the
22 applicant, contractor, or license holder.

23 The procedure governing hearings authorized by this
24 Section shall be in accordance with rules promulgated by the
25 Agency Department. A full and complete record shall be kept of
26 all proceedings, including the notice of hearing, complaint,

1 and all other documents in the nature of pleadings, written
2 motions filed in the proceedings, and the report and orders of
3 the Director and Hearing Officer. All testimony shall be
4 reported but need not be transcribed unless the decision is
5 sought to be reviewed under the Administrative Review Law. A
6 copy or copies of the transcript may be obtained by any
7 interested party on payment of the cost of preparing the copy
8 or copies. The Director or Hearing Officer shall, upon his or
9 her own motion or on the written request of any party to the
10 proceeding, issue subpoenas requiring the attendance and the
11 giving of testimony by witnesses, and subpoenas duces tecum
12 requiring the production of books, papers, records, or
13 memoranda. All subpoenas and subpoenas duces tecum issued under
14 this Act may be served by any person of legal age. The fees of
15 witnesses for attendance and travel shall be the same as the
16 fees of witnesses before the courts of this State, such fees to
17 be paid when the witness is excused from further attendance.
18 When the witness is subpoenaed at the instance of the Director
19 or Hearing Officer, such fees shall be paid in the same manner
20 as other expenses of the Agency ~~Department~~, and when the
21 witness is subpoenaed at the instance of any other party to any
22 such proceeding the Agency ~~Department~~ may require that the cost
23 of service of the subpoena or subpoena duces tecum and the fee
24 of the witness be borne by the party at whose instance the
25 witness is summoned. In such case, the Agency ~~Department~~ in its
26 discretion may require a deposit to cover the cost of such

1 service and witness fees. A subpoena or subpoena duces tecum so
2 issued as above stated shall be served in the same manner as a
3 subpoena issued by a circuit court.

4 Any circuit court of this State, upon the application of
5 the Director, or upon the application of any other party to the
6 proceeding, may, in its discretion, compel the attendance of
7 witnesses, the production of books, papers, records, or
8 memoranda and the giving of testimony before the Director or
9 Hearing Officer conducting an investigation or holding a
10 hearing authorized by this Act, by an attachment for contempt
11 or otherwise, in the same manner as production of evidence may
12 be compelled before the court.

13 The Director or Hearing Officer, or any party in an
14 investigation or hearing before the Agency ~~Department~~, may
15 cause the depositions of witnesses within this State to be
16 taken in the manner prescribed by law for like depositions in
17 civil actions in courts of this State, and, to that end, compel
18 the attendance of witnesses and the production of books,
19 papers, records, or memoranda.

20 (Source: P.A. 89-143, eff. 7-14-95.)

21 (225 ILCS 207/30)

22 Sec. 30. Response action contractors. The Agency
23 ~~Department~~ annually shall prepare a list of response action
24 contractors familiar with and capable of complying with all
25 applicable federal and State standards for asbestos

1 containment and removal. Additional response action
2 contractors that wish to be placed on this list shall apply to
3 the Agency Department. The Agency Department shall evaluate
4 this request based on the training, experience, and background
5 of the response action contractors and render a decision. If
6 the Agency Department denies a request, the response action
7 contractor may appeal the decision under the provisions of the
8 Administrative Review Law. The list shall be made available to
9 all building/facility owners who request the list. In
10 contracting for response action services, building/facility
11 owners shall select a response action contractor from the
12 Department's list.

13 (Source: P.A. 89-143, eff. 7-14-95.)

14 (225 ILCS 207/35)

15 Sec. 35. Licensing.

16 (1) No person may act as an asbestos abatement contractor
17 providing response action services unless the person is
18 licensed as an Asbestos Abatement Contractor by the Agency
19 ~~Department~~ in accordance with the Asbestos Abatement Act and
20 rules promulgated under it.

21 (2) No person may act as an asbestos supervisor providing
22 response action services unless the person is licensed as a
23 Supervisor by the Agency Department in accordance with the
24 Asbestos Abatement Act and rules promulgated under it.

25 (3) No person may act as a project designer providing

1 response action services unless the person is licensed as a
2 Project Designer by the Agency ~~Department~~ in accordance with
3 the Asbestos Abatement Act and rules promulgated under it.

4 (4) No person may act as an asbestos worker providing
5 response action services unless the person is licensed as an
6 Asbestos Worker or a Supervisor by the Agency ~~Department~~ in
7 accordance with the Asbestos Abatement Act and rules
8 promulgated under it.

9 (5) No person may act as an asbestos inspector unless the
10 person is licensed as an Asbestos Inspector by the Agency
11 ~~Department~~ in accordance with the Asbestos Abatement Act and
12 rules promulgated under it.

13 (6) No person may act as an air sampling professional
14 unless the person is licensed as an air sampling professional
15 by the Agency ~~Department~~ in accordance with the Asbestos
16 Abatement Act and rules promulgated under it.

17 (7) No person may act as a project manager unless the
18 person is licensed as a project manager by the Agency
19 ~~Department~~ in accordance with the Asbestos Abatement Act and
20 rules promulgated under it.

21 (8) No person may act as a management planner unless the
22 person is licensed as a management planner by the Agency
23 ~~Department~~ in accordance with the Asbestos Abatement Act and
24 rules promulgated under it.

25 (9) Beginning January 1, 2005, no person may act as an
26 asbestos consultant unless the person is licensed as a

1 consultant by the Agency ~~Department~~ in accordance with this Act
2 and rules promulgated under it. The following are exempt from
3 the licensure requirement of this subsection:

4 (A) An employee of a local education agency who is that
5 local education agency's designated person.

6 (B) An employee of a State agency while he or she is
7 engaged in his or her professional duties for that State
8 agency.

9 (10) Individuals and entities that wish to be licensed
10 shall make application on forms prescribed and furnished by the
11 Agency ~~Department~~. Licenses shall expire annually according to
12 a schedule determined by the Agency ~~Department~~. Applications
13 for renewal of licenses shall be filed with the Agency
14 ~~Department~~ at least 30 days before the expiration date. When a
15 licensure examination is required, the license application
16 shall be submitted to the Agency ~~Department~~ at least 30 days
17 prior to the date of the scheduled examination. The Agency
18 ~~Department~~ shall evaluate each application based on its minimum
19 standards for licensure, promulgated as rules, and render a
20 decision. Such standards may include a requirement for the
21 successful completion of a course of training approved by the
22 Agency ~~Department~~. If the Agency ~~Department~~ denies the
23 application, the applicant may appeal the decision under the
24 provisions of the Administrative Review Law.

25 (Source: P.A. 93-894, eff. 8-10-04.)

1 (225 ILCS 207/45)

2 Sec. 45. Asbestos abatement contractor's certificate of
3 financial responsibility. Each asbestos abatement contractor
4 that wishes to be placed on the Agency's ~~Department's~~ approved
5 list of asbestos abatement contractors shall submit to the
6 Agency ~~Department~~ a certificate documenting that the
7 contractor carries liability insurance from a company with at
8 least an "A" rating accorded by A.M. Best & Co., self
9 insurance, group insurance, or group self insurance in an
10 amount of at least \$1,000,000 for work performed pursuant to
11 this Act and the rules promulgated under it. No asbestos
12 abatement contractor may be placed on the approved list in the
13 absence of such a certificate. All asbestos abatement
14 contractors presently licensed by the Agency ~~Department~~ in
15 accordance with the Asbestos Abatement Act for public and
16 private schools in Illinois who wish to be on the approved list
17 shall submit the certificate within 90 days of the effective
18 date of this Act.

19 Each asbestos abatement contractor shall maintain on file
20 with the Agency ~~Department~~ a current certificate of financial
21 responsibility throughout the entire length of time the
22 contractor's name appears on the Agency's ~~Department's~~ list of
23 approved contractors. An asbestos abatement contractor shall
24 notify the Agency ~~Department~~ of any change in the status of a
25 certificate that has been filed including expiration, renewal,
26 or alteration of the terms of the certificate.

1 (Source: P.A. 89-143, eff. 7-14-95.)

2 (225 ILCS 207/55)

3 Sec. 55. Civil penalties. The Agency ~~Department~~ is
4 empowered to assess civil penalties for violations of this Act
5 and the rules promulgated under this Act pursuant to rules for
6 such penalties established by the Agency ~~Department~~.

7 (Source: P.A. 89-143, eff. 7-14-95.)

8 (225 ILCS 207/60)

9 Sec. 60. Illinois School Asbestos Abatement Fund. All fees
10 and penalties collected by the Agency ~~Department~~ pursuant to
11 this Act shall be deposited into the Illinois School Asbestos
12 Abatement Fund created by Section 16 of the Asbestos Abatement
13 Act, and shall be available to the Agency ~~Department~~ as
14 provided in that Act.

15 (Source: P.A. 89-143, eff. 7-14-95.)

16 Section 15. The Environmental Protection Act is amended by
17 adding Section 59 as follows:

18 (415 ILCS 5/59 new)

19 Sec. 59. Asbestos Abatement Act; Commercial and Public
20 Buildings Asbestos Abatement Act.

21 (a) On July 1, 2013, all powers, duties, rights, and
22 responsibilities of the Department of Public Health and the

1 Director of Public Health under the Asbestos Abatement Act and
2 the Commercial and Public Buildings Asbestos Abatement Act are
3 transferred to the Illinois Environmental Protection Agency
4 and the Director of Illinois Environmental Protection Agency.
5 In the context of any statutes or regulations needed to
6 implement or enforce the provisions of either the Asbestos
7 Abatement Act or the Commercial and Public Buildings Asbestos
8 Abatement Act, including but not limited to Part 855 of Title
9 77 of the Illinois Administrative Code, on and after July 1,
10 2013, all references to the Department of Public Health shall
11 be construed to mean the Illinois Environmental Protection
12 Agency, and all references to the Director of Public Health
13 shall be construed to mean the Director of the Illinois
14 Environmental Protection Agency.

15 (b) At the discretion of the Director of the Illinois
16 Environmental Protection Agency, those employees of the
17 Department of Public Health needed to administer either the
18 Asbestos Abatement Act or the Commercial and Public Buildings
19 Asbestos Abatement Act may be transferred to the Illinois
20 Environmental Protection Agency. The status and rights of such
21 employees under the Personnel Code shall not be affected by the
22 transfer. The rights of the employees and the State of Illinois
23 and its agencies under the Personnel Code and applicable
24 collective bargaining agreements or under any pension,
25 retirement, or annuity plan shall not be affected by this
26 amendatory Act.

1 (c) All books, records, papers, documents, property (real
2 and personal), contracts, causes of action, and pending
3 business pertaining to the powers, duties, rights, and
4 responsibilities transferred by this amendatory Act from the
5 Department of Public Health to the Illinois Environmental
6 Protection Agency, including, but not limited to, material in
7 electronic or magnetic format and necessary computer hardware
8 and software, shall be transferred to the Illinois
9 Environmental Protection Agency.

10 (d) All unexpended appropriations and balances and other
11 funds available for use by the Department of Public Health for
12 the administration of the Asbestos Abatement Act or the
13 Commercial and Public Buildings Asbestos Abatement Act shall be
14 transferred for use by the Illinois Environmental Protection
15 Agency pursuant to the direction of the Director of the
16 Illinois Environmental Protection Agency. Unexpended balances
17 so transferred shall be expended only for the purpose for which
18 the appropriations were originally made.

19 (e) Whenever reports or notices are now required to be made
20 or given or papers or documents furnished or served by any
21 person to or upon the Department of Public Health in connection
22 with any of the powers, duties, rights, and responsibilities
23 transferred by this amendatory Act, the same shall be made,
24 given, furnished, or served in the same manner to or upon the
25 Illinois Environmental Protection Agency.

26 (f) This amendatory Act does not affect any act done,

1 ratified, or canceled or any right occurring or established or
2 any action or proceeding had or commenced in an administrative,
3 civil, or criminal cause by the Department of Public Health
4 before this amendatory Act takes effect; such actions or
5 proceedings may be prosecuted and continued by the Illinois
6 Environmental Protection Agency.

7 (g) Any rules of the Department of Public Health in
8 connection with any of the powers, duties, rights, and
9 responsibilities transferred by this amendatory Act and that
10 are in full force on the effective date of this amendatory Act
11 shall become the rules of the Illinois Environmental Protection
12 Agency. This amendatory Act does not affect the legality of any
13 such rules in the Illinois Administrative Code.

14 Any proposed rules filed with the Secretary of State by the
15 Department of Public Health in connection with any of the
16 powers, duties, rights, and responsibilities transferred by
17 this amendatory Act that are pending in the rulemaking process
18 on the effective date of this amendatory Act and pertain to the
19 powers, duties, rights, and responsibilities transferred,
20 shall be deemed to have been filed by the Illinois
21 Environmental Protection Agency.

22 As soon as practicable after the effective date of this
23 Section, the Illinois Environmental Protection Agency shall
24 review, revise and clarify the rules transferred to it under
25 this amendatory Act to reflect the reorganization of powers,
26 duties, rights, and responsibilities affected by this

1 amendatory Act, using the procedures for recodification of
2 rules available under the Illinois Administrative Procedure
3 Act, except that existing title, part, and section numbering
4 for the affected rules may be retained. In so doing, the
5 Illinois Environmental Protection Agency shall ensure that a
6 single set of standards apply to all parties similarly
7 situated.

8 Section 99. Effective date. This Act takes effect July 1,
9 2013.