



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4423**

Introduced 1/6/2006, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.372 new	
415 ILCS 5/3.380	was 415 ILCS 5/3.30
415 ILCS 5/3.381 new	
415 ILCS 5/3.535	was 415 ILCS 5/3.53
415 ILCS 15/3	from Ch. 85, par. 5953
415 ILCS 20/2.1	from Ch. 111 1/2, par. 7052.1

Amends the Environmental Protection Act. In a definitions Section, provides that the term "waste" does not include discarded materials that are: (i) collected for recycling; (ii) processed for recycling; or (iii) recovered for reuse (now, waste includes all discarded material). Defines "reclamation", "recycling", and "reuse" as individual terms (now, single definition for recycling, reclamation, or reuse). Amends the Solid Waste Planning and Recycling Act and the Solid Waste Management Act to make corresponding changes. Effective immediately.

LRB094 15888 RSP 51110 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by  
5 changing Sections 3.380 and 3.535 and by adding Sections 3.372  
6 and 3.381 as follows:

7 (415 ILCS 5/3.372 new)

8 Sec. 3.372. Reclamation. "Reclamation" means a method,  
9 technique, or process designed to remove any contaminant from  
10 waste so as to render that waste reusable.

11 (415 ILCS 5/3.380) (was 415 ILCS 5/3.30)

12 ~~Sec. 3.380. Recycling, reclamation or reuse. "Recycling,~~  
13 ~~reclamation or reuse" means a method, technique, or process~~  
14 ~~designed to remove any contaminant from waste so as to render~~  
15 ~~such waste reusable, or any process by which materials that~~  
16 ~~would otherwise be disposed of or discarded are collected,~~  
17 ~~separated, or processed and returned to the economic mainstream~~  
18 ~~in the form of raw materials or products.~~

19 (Source: P.A. 92-574, eff. 6-26-02.)

20 (415 ILCS 5/3.381 new)

21 Sec. 3.381. Reuse. "Reuse" means the recovery or  
22 reapplication of a package, used product, or material in a  
23 manner that retains its original form or identity and does not  
24 involve processes that significantly alter the original  
25 condition of the package, product, or material.

26 (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

27 Sec. 3.535. Waste. "Waste" means any garbage, sludge from  
28 a waste treatment plant, water supply treatment plant, or air  
29 pollution control facility or other discarded material,

1 including solid, liquid, semi-solid, or contained gaseous  
2 material resulting from industrial, commercial, mining and  
3 agricultural operations, and from community activities, but  
4 does not include solid or dissolved material in domestic  
5 sewage, or solid or dissolved materials in irrigation return  
6 flows, or coal combustion by-products as defined in Section  
7 3.135, or industrial discharges which are point sources subject  
8 to permits under Section 402 of the Federal Water Pollution  
9 Control Act, as now or hereafter amended, or source, special  
10 nuclear, or by-product materials as defined by the Atomic  
11 Energy Act of 1954, as amended (68 Stat. 921) or any solid or  
12 dissolved material from any facility subject to the Federal  
13 Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)  
14 or the rules and regulations thereunder or any law or rule or  
15 regulation adopted by the State of Illinois pursuant thereto.

16 "Discarded material" does not include materials (i)  
17 collected for recycling; (ii) processed for recycling; or (iii)  
18 recovered for reuse.

19 (Source: P.A. 92-574, eff. 6-26-02.)

20 Section 10. The Solid Waste Planning and Recycling Act is  
21 amended by changing Section 3 as follows:

22 (415 ILCS 15/3) (from Ch. 85, par. 5953)

23 Sec. 3. As used in this Act, unless the context clearly  
24 indicates otherwise:

25 "Agency" means the Illinois Environmental Protection  
26 Agency.

27 "Composting" means the biological process by which  
28 microorganisms decompose the organic fraction of waste,  
29 producing a humus-like material that may be used as a soil  
30 conditioner.

31 "County" means any county of the State and includes the  
32 City of Chicago.

33 "Department" means the Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~.

1 "Municipal waste" means garbage, general household,  
2 institutional and commercial waste, industrial lunchroom or  
3 office waste, landscape waste, and construction and demolition  
4 debris.

5 "Person" means any individual, partnership, cooperative  
6 enterprise, unit of local government, institution, corporation  
7 or agency, or any other legal entity whatsoever which is  
8 recognized by law as the subject of rights and duties.

9 ~~"Recycling, reclamation or reuse" means a method,~~  
10 ~~technique or process designed to remove any contaminant from~~  
11 ~~waste so as to render the waste reusable, or any process by~~  
12 which materials that would otherwise be disposed of or  
13 discarded are collected, separated, or processed and returned  
14 to the economic mainstream in the form of raw materials or  
15 products.

16 "Recycling center" means a facility that accepts only  
17 segregated, nonhazardous, nonspecial, homogeneous,  
18 nonputrescible materials, such as dry paper, glass, cans or  
19 plastics, for subsequent use in the secondary materials market.  
20 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

21 Section 15. The Illinois Solid Waste Management Act is  
22 amended by changing Section 2.1 as follows:

23 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

24 Sec. 2.1. Definitions. When used in this Act, unless the  
25 context otherwise requires, the following terms have the  
26 meanings ascribed to them in this Section:

27 "Department", when a particular entity is not specified,  
28 means (i) in the case of a function to be performed on or after  
29 July 1, 1995 (the effective date of the Department of Natural  
30 Resources Act), the Department of Commerce and Community  
31 Affairs (now Department of Commerce and Economic Opportunity),  
32 as successor to the former Department of Energy and Natural  
33 Resources under the Department of Natural Resources Act; or  
34 (ii) in the case of a function required to be performed before

1 July 1, 1995, the former Illinois Department of Energy and  
2 Natural Resources.

3 "Deinked stock" means paper that has been processed to  
4 remove inks, clays, coatings, binders and other contaminants.

5 "End product" means only those items that are designed to  
6 be used until disposal; items designed to be used in production  
7 of a subsequent item are excluded.

8 "High grade printing and writing papers" includes offset  
9 printing paper, duplicator paper, writing paper (stationery),  
10 office paper, note pads, xerographic paper, envelopes, form  
11 bond including computer paper and carbonless forms, book  
12 papers, bond papers, ledger paper, book stock and cotton fiber  
13 papers.

14 "Paper and paper products" means high grade printing and  
15 writing papers, tissue products, newsprint, unbleached  
16 packaging and recycled paperboard.

17 "Postconsumer material" means only those products  
18 generated by a business or consumer which have served their  
19 intended end uses, and which have been separated or diverted  
20 from solid waste; wastes generated during production of an end  
21 product are excluded.

22 "Recovered paper material" means paper waste generated  
23 after the completion of the papermaking process, such as  
24 postconsumer materials, envelope cuttings, bindery trimmings,  
25 printing waste, cutting and other converting waste, butt rolls,  
26 and mill wrappers, obsolete inventories, and rejected unused  
27 stock. "Recovered paper material", however, does not include  
28 fibrous waste generated during the manufacturing process such  
29 as fibers recovered from waste water or trimmings of paper  
30 machine rolls (mill broke), or fibrous byproducts of  
31 harvesting, extraction or woodcutting processes, or forest  
32 residues such as bark.

33 "Recycled paperboard" includes recycled paperboard  
34 products, folding cartons and pad backing.

35 "Recycling" means any ~~the~~ process by which materials that  
36 would otherwise be disposed of or discarded are ~~solid waste is~~

1 collected, separated, or ~~and~~ processed and returned to the  
2 economic mainstream in the form of ~~for reuse as either a raw~~  
3 materials material or ~~a~~ products ~~product which itself is~~  
4 ~~subject to recycling, but does not include the combustion of~~  
5 ~~waste for energy recovery or volume reduction.~~

6 "Tissue products" includes toilet tissue, paper towels,  
7 paper napkins, facial tissue, paper doilies, industrial  
8 wipers, paper bags and brown papers.

9 "Unbleached packaging" includes corrugated and fiber  
10 boxes.

11 "USEPA Guidelines for federal procurement" means all  
12 minimum recycled content standards recommended by the U.S.  
13 Environmental Protection Agency.

14 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

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