



Rep. William B. Black

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09500HB4172ham003

LRB095 14143 RCE 49974 a

1 AMENDMENT TO HOUSE BILL 4172

2 AMENDMENT NO. _____. Amend House Bill 4172, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, as follows:

5 by replacing line 12 on page 7 through line 19 on page 8 with
6 the following:

7 "determinations in accordance with this subsection (b).

8 Notwithstanding any other rulemaking authority that may
9 exist, neither the Governor nor any agency or agency head under
10 the jurisdiction of the Governor shall make or promulgate rules
11 to implement or enforce the provisions of this amendatory Act
12 of the 95th General Assembly. Nothing contained in this
13 amendatory Act of the 95th General Assembly shall be
14 interpreted to grant rulemaking authority under any other
15 Illinois statute where such authority is not otherwise
16 explicitly given. For the purposes of this paragraph, "rules"
17 is given the meaning contained in Section 1-70 of the Illinois

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

6 No later than January 1, 2009, the Governor, in
7 coordination with the Agency and the Board, must propose rules
8 to the General Assembly by filing them with the Clerk of the
9 House and the Secretary of the Senate and request that the
10 General Assembly authorize such rulemaking by law, enact those
11 proposed rules into law, or take any other appropriate action
12 in the General Assembly's discretion. The proposed rules must
13 concern the use of CCB under item (8) of subsection (a). The
14 proposed rules must include specific guidelines for the use of
15 CCB as structural fill and a site-approval process. The
16 proposed rules must specify that agency approval is not
17 required for a structural fill project if that project uses
18 less than 10,000 tons of CCB material or if the fill material
19 meets the ASTM D3987-85 standards for Class 1 Groundwater. The
20 proposed rules for a site-approval process must include, along
21 with other permits that may be required, (i) specific
22 timeframes for Agency approval and (ii) informal consultation
23 with the Department of Natural Resources on whether the
24 structural fill project will harm any endangered species."