



Rep. Emily McAsey

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LRB099 17490 MJP 47165 a

1 AMENDMENT TO HOUSE BILL 5369

2 AMENDMENT NO. _____. Amend House Bill 5369 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.160, 22.51, 22.51a, and 22.51b as follows:

6 (415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

7 Sec. 3.160. Construction or demolition debris.

8 (a) "General construction or demolition debris" means
9 non-hazardous, uncontaminated materials resulting from the
10 construction, remodeling, repair, and demolition of utilities,
11 structures, and roads, limited to the following: bricks,
12 concrete, and other masonry materials; soil; rock; wood,
13 including non-hazardous painted, treated, and coated wood and
14 wood products; wall coverings; plaster; drywall; plumbing
15 fixtures; non-asbestos insulation; roofing shingles and other
16 roof coverings; reclaimed or other asphalt pavement; glass;

1 plastics that are not sealed in a manner that conceals waste;
2 electrical wiring and components containing no hazardous
3 substances; and corrugated cardboard, piping or metals
4 incidental to any of those materials.

5 General construction or demolition debris does not include
6 uncontaminated soil generated during construction, remodeling,
7 repair, and demolition of utilities, structures, and roads
8 provided the uncontaminated soil is not commingled with any
9 general construction or demolition debris or other waste.

10 To the extent allowed by federal law, uncontaminated
11 concrete with protruding rebar shall be considered clean
12 construction or demolition debris and shall not be considered
13 "waste" if it is separated or processed and returned to the
14 economic mainstream in the form of raw materials or products
15 within 4 years of its generation, if it is not speculatively
16 accumulated and, if used as a fill material, it is used in
17 accordance with item (i) in subsection (b) of this Section.

18 (b) "Clean construction or demolition debris" means
19 uncontaminated broken concrete without protruding metal bars,
20 bricks, rock, stone, reclaimed or other asphalt pavement, or
21 soil generated from construction or demolition activities.

22 Clean construction or demolition debris does not include
23 uncontaminated soil generated during construction, remodeling,
24 repair, and demolition of utilities, structures, and roads
25 provided the uncontaminated soil is not commingled with any
26 clean construction or demolition debris or other waste.

1 To the extent allowed by federal law, clean construction or
2 demolition debris shall not be considered "waste" if it is (i)
3 used as fill material outside of a setback zone if the fill is
4 ~~placed no higher than the highest point of elevation existing~~
5 ~~prior to the filling immediately adjacent to the fill area, and~~
6 ~~if~~ covered by sufficient uncontaminated soil to support
7 vegetation within 30 days of the completion of filling or if
8 covered by a road or structure, and, if used as fill material
9 in a current or former quarry, mine, or other excavation, is
10 used in accordance with the requirements of Section 22.51 of
11 this Act and the rules adopted thereunder or (ii) separated or
12 processed and returned to the economic mainstream in the form
13 of raw materials or products, if it is not speculatively
14 accumulated and, if used as a fill material, it is used in
15 accordance with item (i), or (iii) solely broken concrete
16 without protruding metal bars used for erosion control, or (iv)
17 generated from the construction or demolition of a building,
18 road, or other structure and used to construct, on the site
19 where the construction or demolition has taken place, a manmade
20 functional structure not to exceed 20 feet above the highest
21 point of elevation of the property immediately adjacent to the
22 new manmade functional structure as that elevation existed
23 prior to the creation of that new structure, provided that the
24 structure shall be covered with sufficient soil materials to
25 sustain vegetation or by a road or structure, and further
26 provided that no such structure shall be constructed within a

1 home rule municipality with a population over 500,000 without
2 the consent of the municipality.

3 For purposes of this subsection (b), reclaimed or other
4 asphalt pavement shall not be considered speculatively
5 accumulated if: (i) it is not commingled with any other clean
6 construction or demolition debris or any waste; (ii) it is
7 returned to the economic mainstream in the form of raw
8 materials or products within 4 years after its generation;
9 (iii) at least 25% of the total amount present at a site during
10 a calendar year is transported off of the site during the next
11 calendar year; and (iv) if used as a fill material, it is used
12 in accordance with item (i) of the second paragraph of this
13 subsection (b).

14 (c) For purposes of this Section, the term "uncontaminated
15 soil" means soil that does not contain contaminants in
16 concentrations that pose a threat to human health and safety
17 and the environment.

18 (1) No later than one year after the effective date of
19 this amendatory Act of the 96th General Assembly, the
20 Agency shall propose, and, no later than one year after
21 receipt of the Agency's proposal, the Board shall adopt,
22 rules specifying the maximum concentrations of
23 contaminants that may be present in uncontaminated soil for
24 purposes of this Section. For carcinogens, the maximum
25 concentrations shall not allow exposure to exceed an excess
26 upper-bound lifetime risk of 1 in 1,000,000; provided that

1 if the most stringent remediation objective or applicable
2 background concentration for a contaminant set forth in 35
3 Ill. Adm. Code 742 is greater than the concentration that
4 would allow exposure at an excess upper-bound lifetime risk
5 of 1 in 1,000,000, the Board may consider allowing that
6 contaminant in concentrations up to its most stringent
7 remediation objective or applicable background
8 concentration set forth in 35 Ill. Adm. Code 742 in soil
9 used as fill material in a current or former quarry, mine,
10 or other excavation in accordance with Section 22.51 or
11 22.51a of this Act and rules adopted under those Sections.
12 Any background concentration set forth in 35 Ill. Adm. Code
13 742 that is adopted as a maximum concentration must be
14 based upon the location of the quarry, mine, or other
15 excavation where the soil is used as fill material.

16 (2) To the extent allowed under federal law and
17 regulations, uncontaminated soil shall not be considered a
18 waste.

19 (Source: P.A. 96-235, eff. 8-11-09; 96-1416, eff. 7-30-10;
20 97-137, eff. 7-14-11.)

21 (415 ILCS 5/22.51)

22 Sec. 22.51. Clean Construction or Demolition Debris Fill
23 Operations.

24 (a) No person shall conduct any clean construction or
25 demolition debris fill operation in violation of this Act or

1 any regulations or standards adopted by the Board.

2 (b) (1) (A) Beginning August 18, 2005 but prior to July 1,
3 2008, no person shall use clean construction or demolition
4 debris as fill material in a current or former quarry, mine, or
5 other excavation, unless they have applied for an interim
6 authorization from the Agency for the clean construction or
7 demolition debris fill operation.

8 (B) The Agency shall approve an interim authorization upon
9 its receipt of a written application for the interim
10 authorization that is signed by the site owner and the site
11 operator, or their duly authorized agent, and that contains the
12 following information: (i) the location of the site where the
13 clean construction or demolition debris fill operation is
14 taking place, (ii) the name and address of the site owner,
15 (iii) the name and address of the site operator, and (iv) the
16 types and amounts of clean construction or demolition debris
17 being used as fill material at the site.

18 (C) The Agency may deny an interim authorization if the
19 site owner or the site operator, or their duly authorized
20 agent, fails to provide to the Agency the information listed in
21 subsection (b) (1) (B) of this Section. Any denial of an interim
22 authorization shall be subject to appeal to the Board in
23 accordance with the procedures of Section 40 of this Act.

24 (D) No person shall use clean construction or demolition
25 debris as fill material in a current or former quarry, mine, or
26 other excavation for which the Agency has denied interim

1 authorization under subsection (b)(1)(C) of this Section. The
2 Board may stay the prohibition of this subsection (D) during
3 the pendency of an appeal of the Agency's denial of the interim
4 authorization brought under subsection (b)(1)(C) of this
5 Section.

6 (2) Beginning September 1, 2006, owners and operators of
7 clean construction or demolition debris fill operations shall,
8 in accordance with a schedule prescribed by the Agency, submit
9 to the Agency applications for the permits required under this
10 Section. The Agency shall notify owners and operators in
11 writing of the due date for their permit application. The due
12 date shall be no less than 90 days after the date of the
13 Agency's written notification. Owners and operators who do not
14 receive a written notification from the Agency by October 1,
15 2007, shall submit a permit application to the Agency by
16 January 1, 2008. The interim authorization of owners and
17 operators who fail to submit a permit application to the Agency
18 by the permit application's due date shall terminate on (i) the
19 due date established by the Agency if the owner or operator
20 received a written notification from the Agency prior to
21 October 1, 2007, or (ii) or January 1, 2008, if the owner or
22 operator did not receive a written notification from the Agency
23 by October 1, 2007.

24 (3) On and after July 1, 2008, no person shall use clean
25 construction or demolition debris as fill material in a current
26 or former quarry, mine, or other excavation (i) without a

1 permit granted by the Agency for the clean construction or
2 demolition debris fill operation or in violation of any
3 conditions imposed by such permit, including periodic reports
4 and full access to adequate records and the inspection of
5 facilities, as may be necessary to assure compliance with this
6 Act and with Board regulations and standards adopted under this
7 Act or (ii) in violation of any regulations or standards
8 adopted by the Board under this Act.

9 (4) This subsection (b) does not apply to:

10 (A) the use of clean construction or demolition debris
11 as fill material in a current or former quarry, mine, or
12 other excavation located on the site where the clean
13 construction or demolition debris was generated;

14 (B) the use of clean construction or demolition debris
15 as fill material in an excavation other than a current or
16 former quarry or mine if this use complies with Illinois
17 Department of Transportation specifications; or

18 (C) current or former quarries, mines, and other
19 excavations that do not use clean construction or
20 demolition debris as fill material.

21 (c) In accordance with Title VII of this Act, the Board may
22 adopt regulations to promote the purposes of this Section. The
23 Agency shall consult with the mining and construction
24 industries during the development of any regulations to promote
25 the purposes of this Section.

26 (1) No later than December 15, 2005, the Agency shall

1 propose to the Board, and no later than September 1, 2006,
2 the Board shall adopt, regulations for the use of clean
3 construction or demolition debris as fill material in
4 current and former quarries, mines, and other excavations.
5 Such regulations shall include, but shall not be limited
6 to, standards for clean construction or demolition debris
7 fill operations and the submission and review of permits
8 required under this Section.

9 (2) Until the Board adopts rules under subsection
10 (c)(1) of this Section, all persons using clean
11 construction or demolition debris as fill material in a
12 current or former quarry, mine, or other excavation shall:

13 (A) Assure that only clean construction or
14 demolition debris is being used as fill material by
15 screening each truckload of material received using a
16 device approved by the Agency that detects volatile
17 organic compounds. Such devices may include, but are
18 not limited to, photo ionization detectors. All
19 screening devices shall be operated and maintained in
20 accordance with manufacturer's specifications.
21 Unacceptable fill material shall be rejected from the
22 site; and

23 (B) Retain for a minimum of 3 years the following
24 information:

25 (i) The name of the hauler, the name of the
26 generator, and place of origin of the debris or

1 soil;

2 (ii) The approximate weight or volume of the
3 debris or soil; and

4 (iii) The date the debris or soil was received.

5 (d) This Section applies only to clean construction or
6 demolition debris that is not considered "waste" as provided in
7 Section 3.160 of this Act.

8 (e) For purposes of this Section:

9 (1) The term "operator" means a person responsible for
10 the operation and maintenance of a clean construction or
11 demolition debris fill operation.

12 (2) The term "owner" means a person who has any direct
13 or indirect interest in a clean construction or demolition
14 debris fill operation or in land on which a person operates
15 and maintains a clean construction or demolition debris
16 fill operation. A "direct or indirect interest" does not
17 include the ownership of publicly traded stock. The "owner"
18 is the "operator" if there is no other person who is
19 operating and maintaining a clean construction or
20 demolition debris fill operation.

21 (3) The term "clean construction or demolition debris
22 fill operation" means a current or former quarry, mine, or
23 other excavation where clean construction or demolition
24 debris is used as fill material.

25 (4) The term "uncontaminated soil" shall have the same
26 meaning as uncontaminated soil under Section 3.160 of this

1 Act.

2 (f) (1) No later than July 30, 2011 ~~one year after~~ (the
3 effective date of P.A. 96-1416) ~~this amendatory Act of the 96th~~
4 ~~General Assembly~~, the Agency shall propose to the Board, and,
5 no later than one year after the Board's receipt of the
6 Agency's proposal, the Board shall adopt, rules for the use of
7 clean construction or demolition debris and uncontaminated
8 soil as fill material at clean construction or demolition
9 debris fill operations. The rules must include standards and
10 procedures necessary to protect groundwater, which may
11 include, but shall not be limited to, the following:
12 requirements regarding testing and certification of soil used
13 as fill material, surface water runoff, liners or other
14 protective barriers, monitoring (including, but not limited
15 to, groundwater monitoring), corrective action, recordkeeping,
16 reporting, closure and post-closure care, financial assurance,
17 post-closure land use controls, location standards, and the
18 modification of existing permits to conform to the requirements
19 of this Act and Board rules. The rules may also include limits
20 on the use of recyclable concrete and asphalt as fill material
21 at clean construction or demolition debris fill operations,
22 taking into account factors such as technical feasibility,
23 economic reasonableness, and the availability of markets for
24 such materials.

25 (2) Until the effective date of the Board rules adopted
26 under subdivision (f) (1) of this Section, and in addition to

1 any other requirements, owners and operators of clean
2 construction or demolition debris fill operations must do all
3 of the following in subdivisions (f) (2) (A) through (f) (2) (D) of
4 this Section for all clean construction or demolition debris
5 and uncontaminated soil accepted for use as fill material. The
6 requirements in subdivisions (f) (2) (A) through (f) (2) (D) of
7 this Section shall not limit any rules adopted by the Board.

8 (A) Document the following information for each load of
9 clean construction or demolition debris or uncontaminated
10 soil received: (i) the name of the hauler, the address of
11 the site of origin, and the owner and the operator of the
12 site of origin of the clean construction or demolition
13 debris or uncontaminated soil, (ii) the weight or volume of
14 the clean construction or demolition debris or
15 uncontaminated soil, and (iii) the date the clean
16 construction or demolition debris or uncontaminated soil
17 was received.

18 (B) For all soil, obtain either (i) a certification
19 from the owner or operator of the site from which the soil
20 was removed that the site has never been used for
21 commercial or industrial purposes and is presumed to be
22 uncontaminated soil or (ii) a certification from a licensed
23 Professional Engineer or licensed Professional Geologist
24 that the soil is uncontaminated soil. Certifications
25 required under this subdivision (f) (2) (B) must be on forms
26 and in a format prescribed by the Agency.

1 (C) Confirm that the clean construction or demolition
2 debris or uncontaminated soil was not removed from a site
3 as part of a cleanup or removal of contaminants, including,
4 but not limited to, activities conducted under the
5 Comprehensive Environmental Response, Compensation, and
6 Liability Act of 1980, as amended; as part of a Closure or
7 Corrective Action under the Resource Conservation and
8 Recovery Act, as amended; or under an Agency remediation
9 program, such as the Leaking Underground Storage Tank
10 Program or Site Remediation Program, but excluding sites
11 subject to Section 58.16 of this Act where there is no
12 presence or likely presence of a release or a substantial
13 threat of a release of a regulated substance at, on, or
14 from the real property.

15 (D) Document all activities required under subdivision
16 (f)(2) of this Section. Documentation of any chemical
17 analysis must include, but is not limited to, (i) a copy of
18 the lab analysis, (ii) accreditation status of the
19 laboratory performing the analysis, and (iii)
20 certification by an authorized agent of the laboratory that
21 the analysis has been performed in accordance with the
22 Agency's rules for the accreditation of environmental
23 laboratories and the scope of accreditation.

24 (3) Owners and operators of clean construction or
25 demolition debris fill operations must maintain all
26 documentation required under subdivision (f)(2) of this

1 Section for a minimum of 3 years following the receipt of each
2 load of clean construction or demolition debris or
3 uncontaminated soil, except that documentation relating to an
4 appeal, litigation, or other disputed claim must be maintained
5 until at least 3 years after the date of the final disposition
6 of the appeal, litigation, or other disputed claim. Copies of
7 the documentation must be made available to the Agency and to
8 units of local government for inspection and copying during
9 normal business hours. The Agency may prescribe forms and
10 formats for the documentation required under subdivision
11 (f) (2) of this Section.

12 Chemical analysis conducted under subdivision (f) (2) of
13 this Section must be conducted in accordance with the
14 requirements of 35 Ill. Adm. Code 742, as amended, and "Test
15 Methods for Evaluating Solid Waste, Physical/Chemical
16 Methods", USEPA Publication No. SW-846, as amended.

17 (4) No later than one year after the effective date of this
18 amendatory Act of the 99th General Assembly, the Agency shall
19 propose rules to the Board. No later than one year after the
20 Board's receipt of the Agency's proposal, the Board shall adopt
21 rules for the protection of groundwater at clean construction
22 or demolition debris fill operations. The groundwater
23 protection procedures established by these rules must include,
24 but shall not be limited to, the following: a detection
25 monitoring program which shall specify constituents to be
26 monitored; monitoring frequency; monitoring duration; a

1 methodology specifying the minimum required number of
2 groundwater monitoring wells and well locations; and remedial
3 action procedures.

4 (g) (1) No person shall use soil other than uncontaminated
5 soil as fill material at a clean construction or demolition
6 debris fill operation.

7 (2) No person shall use construction or demolition debris
8 other than clean construction or demolition debris as fill
9 material at a clean construction or demolition debris fill
10 operation.

11 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

12 (415 ILCS 5/22.51a)

13 Sec. 22.51a. Uncontaminated Soil Fill Operations.

14 (a) For purposes of this Section:

15 (1) The term "uncontaminated soil" shall have the same
16 meaning as uncontaminated soil under Section 3.160 of this
17 Act.

18 (2) The term "uncontaminated soil fill operation"
19 means a current or former quarry, mine, or other excavation
20 where uncontaminated soil is used as fill material, but
21 does not include a clean construction or demolition debris
22 fill operation.

23 (b) No person shall use soil other than uncontaminated soil
24 as fill material at an uncontaminated soil fill operation.

25 (c) Owners and operators of uncontaminated soil fill

1 operations must register the fill operations with the Agency.
2 Uncontaminated soil fill operations that received
3 uncontaminated soil prior to the effective date of this
4 amendatory Act of the 96th General Assembly must be registered
5 with the Agency no later than March 31, 2011. Uncontaminated
6 soil fill operations that first receive uncontaminated soil on
7 or after the effective date of this amendatory Act of the 96th
8 General Assembly must be registered with the Agency prior to
9 the receipt of any uncontaminated soil. Registrations must be
10 submitted on forms and in a format prescribed by the Agency.

11 (d) (1) No later than July 30, 2011 ~~one year after~~ (the
12 effective date of P.A. 96-1416) ~~this amendatory Act of the 96th~~
13 ~~General Assembly~~, the Agency shall propose to the Board, and,
14 no later than one year after the Board's receipt of the
15 Agency's proposal, the Board shall adopt, rules for the use of
16 uncontaminated soil as fill material at uncontaminated soil
17 fill operations. The rules must include standards and
18 procedures necessary to protect groundwater, which shall
19 include, but shall not be limited to, testing and certification
20 of soil used as fill material and requirements for
21 recordkeeping.

22 (2) Until the effective date of the Board rules adopted
23 under subdivision (d) (1) of this Section, owners and operators
24 of uncontaminated soil fill operations must do all of the
25 following in subdivisions (d) (2) (A) through (d) (2) (F) of this
26 Section for all uncontaminated soil accepted for use as fill

1 material. The requirements in subdivisions (d) (2) (A) through
2 (d) (2) (F) of this Section shall not limit any rules adopted by
3 the Board.

4 (A) Document the following information for each load of
5 uncontaminated soil received: (i) the name of the hauler,
6 the address of the site of origin, and the owner and the
7 operator of the site of origin of the uncontaminated soil,
8 (ii) the weight or volume of the uncontaminated soil, and
9 (iii) the date the uncontaminated soil was received.

10 (B) Obtain either (i) a certification from the owner or
11 operator of the site from which the soil was removed that
12 the site has never been used for commercial or industrial
13 purposes and is presumed to be uncontaminated soil or (ii)
14 a certification from a licensed Professional Engineer or a
15 licensed Professional Geologist that the soil is
16 uncontaminated soil. Certifications required under this
17 subdivision (d) (2) (B) must be on forms and in a format
18 prescribed by the Agency.

19 (C) Confirm that the uncontaminated soil was not
20 removed from a site as part of a cleanup or removal of
21 contaminants, including, but not limited to, activities
22 conducted under the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980, as amended; as
24 part of a Closure or Corrective Action under the Resource
25 Conservation and Recovery Act, as amended; or under an
26 Agency remediation program, such as the Leaking

1 Underground Storage Tank Program or Site Remediation
2 Program, but excluding sites subject to Section 58.16 of
3 this Act where there is no presence or likely presence of a
4 release or a substantial threat of a release of a regulated
5 substance at, on, or from the real property.

6 (D) Visually inspect each load to confirm that only
7 uncontaminated soil is being accepted for use as fill
8 material.

9 (E) Screen each load of uncontaminated soil using a
10 device that is approved by the Agency and detects volatile
11 organic compounds. Such a device may include, but is not
12 limited to, a photo ionization detector or a flame
13 ionization detector. All screening devices shall be
14 operated and maintained in accordance with the
15 manufacturer's specifications. Unacceptable soil must be
16 rejected from the fill operation.

17 (F) Document all activities required under subdivision
18 (d)(2) of this Section. Documentation of any chemical
19 analysis must include, but is not limited to, (i) a copy of
20 the lab analysis, (ii) accreditation status of the
21 laboratory performing the analysis, and (iii)
22 certification by an authorized agent of the laboratory that
23 the analysis has been performed in accordance with the
24 Agency's rules for the accreditation of environmental
25 laboratories and the scope of accreditation.

26 (3) Owners and operators of uncontaminated soil fill

1 operations must maintain all documentation required under
2 subdivision (d)(2) of this Section for a minimum of 3 years
3 following the receipt of each load of uncontaminated soil,
4 except that documentation relating to an appeal, litigation, or
5 other disputed claim must be maintained until at least 3 years
6 after the date of the final disposition of the appeal,
7 litigation, or other disputed claim. Copies of the
8 documentation must be made available to the Agency and to units
9 of local government for inspection and copying during normal
10 business hours. The Agency may prescribe forms and formats for
11 the documentation required under subdivision (d)(2) of this
12 Section.

13 Chemical analysis conducted under subdivision (d)(2) of
14 this Section must be conducted in accordance with the
15 requirements of 35 Ill. Adm. Code 742, as amended, and "Test
16 Methods for Evaluating Solid Waste, Physical/Chemical
17 Methods", USEPA Publication No. SW-846, as amended.

18 (4) No later than one year after the effective date of this
19 amendatory Act of the 99th General Assembly, the Agency shall
20 propose rules to the Board. No later than one year after the
21 Board's receipt of the Agency's proposal, the Board shall adopt
22 rules for the protection of groundwater at uncontaminated soil
23 fill operations. The groundwater protection procedures
24 established by these rules must include, but shall not be
25 limited to, the following: a detection monitoring program which
26 shall specify constituents to be monitored; monitoring

1 frequency; monitoring duration; a methodology specifying the
2 minimum required number of groundwater monitoring wells and
3 well locations; and remedial action procedures.

4 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

5 (415 ILCS 5/22.51b)

6 Sec. 22.51b. Fees for permitted facilities accepting clean
7 construction or demolition debris or uncontaminated soil.

8 (a) The Agency shall assess and collect a fee from the
9 owner or operator of each clean construction or demolition
10 debris fill operation that is permitted or required to be
11 permitted by the Agency. The fee assessed and collected under
12 this subsection shall be 95 ~~20~~ cents per cubic yard of clean
13 construction or demolition debris or uncontaminated soil
14 accepted by the clean construction or demolition debris fill
15 operation, or, alternatively, the owner or operator may weigh
16 the quantity of the clean construction or demolition debris or
17 uncontaminated soil with a device for which certification has
18 been obtained under the Weights and Measures Act and pay a fee
19 of \$2.00 ~~14 cents~~ per ton of clean construction or demolition
20 debris or uncontaminated soil. The fee shall apply to
21 construction or demolition debris or uncontaminated soil if (i)
22 the clean construction or demolition debris fill operation is
23 located off the site where the clean construction or demolition
24 debris or uncontaminated soil was generated and (ii) the clean
25 construction or demolition debris fill operation is owned,

1 controlled, and operated by a person other than the generator
2 of the clean construction or demolition debris or
3 uncontaminated soil. In no case shall the fee collected or paid
4 by the owner or operator under this subsection (a) exceed \$1.55
5 per cubic yard or \$3.27 per ton.

6 (b) The Agency shall establish rules relating to the
7 collection of the fees authorized by subsection (a) of this
8 Section. These rules shall include, but are not limited to, the
9 following:

10 (1) Records identifying the quantities of clean
11 construction or demolition debris and uncontaminated soil
12 received.

13 (2) The form and submission of reports to accompany the
14 payment of fees to the Agency.

15 (3) The time and manner of payment of fees to the
16 Agency, which payments shall not be more often than
17 quarterly.

18 (c) Fees collected under this Section shall be in addition
19 to any other fees collected under any other Section.

20 (d) The Agency shall not refund any fee paid to it under
21 this Section.

22 (e) The Agency shall deposit all fees collected under this
23 subsection into the Environmental Protection Permit and
24 Inspection Fund. Pursuant to appropriation, all moneys
25 collected under this Section shall be used by the Agency for
26 the implementation of this Section and for permit and

1 inspection activities.

2 (f) A unit of local government, as defined in the Local
3 Solid Waste Disposal Act, in which a clean construction or
4 demolition debris fill operation is located and which has
5 entered into a delegation agreement with the Agency pursuant to
6 subsection (r) of Section 4 of this Act for inspection,
7 investigation, or enforcement functions related to clean
8 construction or demolition debris fill operations may
9 establish a fee, tax, or surcharge with regard to clean
10 construction or demolition debris or uncontaminated soil
11 accepted by clean construction or demolition debris fill
12 operations. All fees, taxes, and surcharges collected under
13 this subsection shall be used for inspection, investigation,
14 and enforcement functions performed by the unit of local
15 government pursuant to the delegation agreement with the
16 Agency. Fees, taxes, and surcharges established under this
17 subsection (f) shall not exceed a total of 60 ~~10~~ cents per
18 cubic yard of clean construction or demolition debris or
19 uncontaminated soil accepted by the clean construction or
20 demolition debris fill operation, unless the owner or operator
21 weighs the quantity of the clean construction or demolition
22 debris or uncontaminated soil with a device for which
23 certification has been obtained under the Weights and Measures
24 Act, in which case the fee shall not exceed \$1.27 ~~7 cents~~ per
25 ton of clean construction or demolition debris or
26 uncontaminated soil.

1 (g) For the purposes of this Section:

2 (1) The term "uncontaminated soil" shall have the same
3 meaning as uncontaminated soil under Section 3.160 of this
4 Act.

5 (2) The term "clean construction or demolition debris
6 fill operation" shall have the same meaning as clean
7 construction or demolition debris fill operation under
8 Section 22.51 of this Act.

9 (Source: P.A. 96-1416, eff. 7-30-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."