

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 3.160, 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;
17 plastics that are not sealed in a manner that conceals waste;
18 electrical wiring and components containing no hazardous
19 substances; and corrugated cardboard, piping or metals
20 incidental to any of those materials.

21 General construction or demolition debris does not include
22 uncontaminated soil generated during construction, remodeling,
23 repair, and demolition of utilities, structures, and roads

1 provided the uncontaminated soil is not commingled with any
2 general construction or demolition debris or other waste.

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

11 (b) "Clean construction or demolition debris" means
12 uncontaminated broken concrete without protruding metal bars,
13 bricks, rock, stone, reclaimed or other asphalt pavement, or
14 soil generated from construction or demolition activities.

15 Clean construction or demolition debris does not include
16 uncontaminated soil generated during construction, remodeling,
17 repair, and demolition of utilities, structures, and roads
18 provided the uncontaminated soil is not commingled with any
19 clean construction or demolition debris or other waste.

20 To the extent allowed by federal law, clean construction or
21 demolition debris shall not be considered "waste" if it is (i)
22 used as fill material outside of a setback zone if the fill is
23 ~~placed no higher than the highest point of elevation existing~~
24 ~~prior to the filling immediately adjacent to the fill area, and~~
25 ~~if~~ covered by sufficient uncontaminated soil to support
26 vegetation within 30 days of the completion of filling or if

1 covered by a road or structure, and, if used as fill material
2 in a current or former quarry, mine, or other excavation, is
3 used in accordance with the requirements of Section 22.51 of
4 this Act and the rules adopted thereunder or (ii) separated or
5 processed and returned to the economic mainstream in the form
6 of raw materials or products, if it is not speculatively
7 accumulated and, if used as a fill material, it is used in
8 accordance with item (i), or (iii) solely broken concrete
9 without protruding metal bars used for erosion control, or (iv)
10 generated from the construction or demolition of a building,
11 road, or other structure and used to construct, on the site
12 where the construction or demolition has taken place, a manmade
13 functional structure not to exceed 20 feet above the highest
14 point of elevation of the property immediately adjacent to the
15 new manmade functional structure as that elevation existed
16 prior to the creation of that new structure, provided that the
17 structure shall be covered with sufficient soil materials to
18 sustain vegetation or by a road or structure, and further
19 provided that no such structure shall be constructed within a
20 home rule municipality with a population over 500,000 without
21 the consent of the municipality.

22 For purposes of this subsection (b), reclaimed or other
23 asphalt pavement shall not be considered speculatively
24 accumulated if: (i) it is not commingled with any other clean
25 construction or demolition debris or any waste; (ii) it is
26 returned to the economic mainstream in the form of raw

1 materials or products within 4 years after its generation;
2 (iii) at least 25% of the total amount present at a site during
3 a calendar year is transported off of the site during the next
4 calendar year; and (iv) if used as a fill material, it is used
5 in accordance with item (i) of the second paragraph of this
6 subsection (b).

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

11 (1) No later than one year after the effective date of
12 this amendatory Act of the 96th General Assembly, the
13 Agency shall propose, and, no later than one year after
14 receipt of the Agency's proposal, the Board shall adopt,
15 rules specifying the maximum concentrations of
16 contaminants that may be present in uncontaminated soil for
17 purposes of this Section. For carcinogens, the maximum
18 concentrations shall not allow exposure to exceed an excess
19 upper-bound lifetime risk of 1 in 1,000,000; provided that
20 if the most stringent remediation objective or applicable
21 background concentration for a contaminant set forth in 35
22 Ill. Adm. Code 742 is greater than the concentration that
23 would allow exposure at an excess upper-bound lifetime risk
24 of 1 in 1,000,000, the Board may consider allowing that
25 contaminant in concentrations up to its most stringent
26 remediation objective or applicable background

1 concentration set forth in 35 Ill. Adm. Code 742 in soil
2 used as fill material in a current or former quarry, mine,
3 or other excavation in accordance with Section 22.51 or
4 22.51a of this Act and rules adopted under those Sections.
5 Any background concentration set forth in 35 Ill. Adm. Code
6 742 that is adopted as a maximum concentration must be
7 based upon the location of the quarry, mine, or other
8 excavation where the soil is used as fill material.

9 (2) To the extent allowed under federal law and
10 regulations, uncontaminated soil shall not be considered a
11 waste.

12 (Source: P.A. 96-235, eff. 8-11-09; 96-1416, eff. 7-30-10;
13 97-137, eff. 7-14-11.)

14 (415 ILCS 5/22.51)

15 Sec. 22.51. Clean Construction or Demolition Debris Fill
16 Operations.

17 (a) No person shall conduct any clean construction or
18 demolition debris fill operation in violation of this Act or
19 any regulations or standards adopted by the Board.

20 (b) (1) (A) Beginning August 18, 2005 but prior to July 1,
21 2008, no person shall use clean construction or demolition
22 debris as fill material in a current or former quarry, mine, or
23 other excavation, unless they have applied for an interim
24 authorization from the Agency for the clean construction or
25 demolition debris fill operation.

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

11 (C) The Agency may deny an interim authorization if the
12 site owner or the site operator, or their duly authorized
13 agent, fails to provide to the Agency the information listed in
14 subsection (b) (1) (B) of this Section. Any denial of an interim
15 authorization shall be subject to appeal to the Board in
16 accordance with the procedures of Section 40 of this Act.

17 (D) No person shall use clean construction or demolition
18 debris as fill material in a current or former quarry, mine, or
19 other excavation for which the Agency has denied interim
20 authorization under subsection (b) (1) (C) of this Section. The
21 Board may stay the prohibition of this subsection (D) during
22 the pendency of an appeal of the Agency's denial of the interim
23 authorization brought under subsection (b) (1) (C) of this
24 Section.

25 (2) Beginning September 1, 2006, owners and operators of
26 clean construction or demolition debris fill operations shall,

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

17 (3) On and after July 1, 2008, no person shall use clean
18 construction or demolition debris as fill material in a current
19 or former quarry, mine, or other excavation (i) without a
20 permit granted by the Agency for the clean construction or
21 demolition debris fill operation or in violation of any
22 conditions imposed by such permit, including periodic reports
23 and full access to adequate records and the inspection of
24 facilities, as may be necessary to assure compliance with this
25 Act and with Board regulations and standards adopted under this
26 Act or (ii) in violation of any regulations or standards

1 adopted by the Board under this Act.

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

3 (A) the use of clean construction or demolition debris
4 as fill material in a current or former quarry, mine, or
5 other excavation located on the site where the clean
6 construction or demolition debris was generated;

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

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

14 (c) In accordance with Title VII of this Act, the Board may
15 adopt regulations to promote the purposes of this Section. The
16 Agency shall consult with the mining and construction
17 industries during the development of any regulations to promote
18 the purposes of this Section.

19 (1) No later than December 15, 2005, the Agency shall
20 propose to the Board, and no later than September 1, 2006,
21 the Board shall adopt, regulations for the use of clean
22 construction or demolition debris as fill material in
23 current and former quarries, mines, and other excavations.
24 Such regulations shall include, but shall not be limited
25 to, standards for clean construction or demolition debris
26 fill operations and the submission and review of permits

1 required under this Section.

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

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

16 (B) Retain for a minimum of 3 years the following
17 information:

18 (i) The name of the hauler, the name of the
19 generator, and place of origin of the debris or
20 soil;

21 (ii) The approximate weight or volume of the
22 debris or soil; and

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

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

1 (e) For purposes of this Section:

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

5 (2) The term "owner" means a person who has any direct
6 or indirect interest in a clean construction or demolition
7 debris fill operation or in land on which a person operates
8 and maintains a clean construction or demolition debris
9 fill operation. A "direct or indirect interest" does not
10 include the ownership of publicly traded stock. The "owner"
11 is the "operator" if there is no other person who is
12 operating and maintaining a clean construction or
13 demolition debris fill operation.

14 (3) The term "clean construction or demolition debris
15 fill operation" means a current or former quarry, mine, or
16 other excavation where clean construction or demolition
17 debris is used as fill material.

18 (4) The term "uncontaminated soil" shall have the same
19 meaning as uncontaminated soil under Section 3.160 of this
20 Act.

21 (f) (1) No later than July 30, 2011 ~~one year after~~ (the
22 effective date of P.A. 96-1416) ~~this amendatory Act of the 96th~~
23 ~~General Assembly~~, the Agency shall propose to the Board, and,
24 no later than one year after the Board's receipt of the
25 Agency's proposal, the Board shall adopt, rules for the use of
26 clean construction or demolition debris and uncontaminated

1 soil as fill material at clean construction or demolition
2 debris fill operations. The rules must include standards and
3 procedures necessary to protect groundwater, which may
4 include, but shall not be limited to, the following:
5 requirements regarding testing and certification of soil used
6 as fill material, surface water runoff, liners or other
7 protective barriers, monitoring (including, but not limited
8 to, groundwater monitoring), corrective action, recordkeeping,
9 reporting, closure and post-closure care, financial assurance,
10 post-closure land use controls, location standards, and the
11 modification of existing permits to conform to the requirements
12 of this Act and Board rules. The rules may also include limits
13 on the use of recyclable concrete and asphalt as fill material
14 at clean construction or demolition debris fill operations,
15 taking into account factors such as technical feasibility,
16 economic reasonableness, and the availability of markets for
17 such materials.

18 (2) Until the effective date of the Board rules adopted
19 under subdivision (f)(1) of this Section, and in addition to
20 any other requirements, owners and operators of clean
21 construction or demolition debris fill operations must do all
22 of the following in subdivisions (f)(2)(A) through (f)(2)(D) of
23 this Section for all clean construction or demolition debris
24 and uncontaminated soil accepted for use as fill material. The
25 requirements in subdivisions (f)(2)(A) through (f)(2)(D) of
26 this Section shall not limit any rules adopted by the Board.

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

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

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

1 Recovery Act, as amended; or under an Agency remediation
2 program, such as the Leaking Underground Storage Tank
3 Program or Site Remediation Program, but excluding sites
4 subject to Section 58.16 of this Act where there is no
5 presence or likely presence of a release or a substantial
6 threat of a release of a regulated substance at, on, or
7 from the real property.

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

17 (3) Owners and operators of clean construction or
18 demolition debris fill operations must maintain all
19 documentation required under subdivision (f)(2) of this
20 Section for a minimum of 3 years following the receipt of each
21 load of clean construction or demolition debris or
22 uncontaminated soil, except that documentation relating to an
23 appeal, litigation, or other disputed claim must be maintained
24 until at least 3 years after the date of the final disposition
25 of the appeal, litigation, or other disputed claim. Copies of
26 the documentation must be made available to the Agency and to

1 units of local government for inspection and copying during
2 normal business hours. The Agency may prescribe forms and
3 formats for the documentation required under subdivision
4 (f) (2) of this Section.

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

10 (4) No later than one year after the effective date of this
11 amendatory Act of the 100th General Assembly, the Agency shall
12 propose rules to the Board. No later than one year after the
13 Board's receipt of the Agency's proposal, the Board shall adopt
14 rules for the protection of groundwater at clean construction
15 or demolition debris fill operations. The groundwater
16 protection procedures established by these rules must include,
17 but shall not be limited to, the following: a detection
18 monitoring program which shall specify constituents to be
19 monitored; monitoring frequency; monitoring duration; a
20 methodology specifying the minimum required number of
21 groundwater monitoring wells and well locations; and remedial
22 action procedures.

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

26 (2) No person shall use construction or demolition debris

1 other than clean construction or demolition debris as fill
2 material at a clean construction or demolition debris fill
3 operation.

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

5 (415 ILCS 5/22.51a)

6 Sec. 22.51a. Uncontaminated Soil Fill Operations.

7 (a) For purposes of this Section:

8 (1) The term "uncontaminated soil" shall have the same
9 meaning as uncontaminated soil under Section 3.160 of this
10 Act.

11 (2) The term "uncontaminated soil fill operation"
12 means a current or former quarry, mine, or other excavation
13 where uncontaminated soil is used as fill material, but
14 does not include a clean construction or demolition debris
15 fill operation.

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

18 (c) Owners and operators of uncontaminated soil fill
19 operations must register the fill operations with the Agency.
20 Uncontaminated soil fill operations that received
21 uncontaminated soil prior to the effective date of this
22 amendatory Act of the 96th General Assembly must be registered
23 with the Agency no later than March 31, 2011. Uncontaminated
24 soil fill operations that first receive uncontaminated soil on
25 or after the effective date of this amendatory Act of the 96th

1 General Assembly must be registered with the Agency prior to
2 the receipt of any uncontaminated soil. Registrations must be
3 submitted on forms and in a format prescribed by the Agency.

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

15 (2) Until the effective date of the Board rules adopted
16 under subdivision (d) (1) of this Section, owners and operators
17 of uncontaminated soil fill operations must do all of the
18 following in subdivisions (d) (2) (A) through (d) (2) (F) of this
19 Section for all uncontaminated soil accepted for use as fill
20 material. The requirements in subdivisions (d) (2) (A) through
21 (d) (2) (F) of this Section shall not limit any rules adopted by
22 the Board.

23 (A) Document the following information for each load of
24 uncontaminated soil received: (i) the name of the hauler,
25 the address of the site of origin, and the owner and the
26 operator of the site of origin of the uncontaminated soil,

1 (ii) the weight or volume of the uncontaminated soil, and
2 (iii) the date the uncontaminated soil was received.

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

12 (C) Confirm that the uncontaminated soil was not
13 removed from a site as part of a cleanup or removal of
14 contaminants, including, but not limited to, activities
15 conducted under the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980, as amended; as
17 part of a Closure or Corrective Action under the Resource
18 Conservation and Recovery Act, as amended; or under an
19 Agency remediation program, such as the Leaking
20 Underground Storage Tank Program or Site Remediation
21 Program, but excluding sites subject to Section 58.16 of
22 this Act where there is no presence or likely presence of a
23 release or a substantial threat of a release of a regulated
24 substance at, on, or from the real property.

25 (D) Visually inspect each load to confirm that only
26 uncontaminated soil is being accepted for use as fill

1 material.

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

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

19 (3) Owners and operators of uncontaminated soil fill
20 operations must maintain all documentation required under
21 subdivision (d)(2) of this Section for a minimum of 3 years
22 following the receipt of each load of uncontaminated soil,
23 except that documentation relating to an appeal, litigation, or
24 other disputed claim must be maintained until at least 3 years
25 after the date of the final disposition of the appeal,
26 litigation, or other disputed claim. Copies of the

1 documentation must be made available to the Agency and to units
2 of local government for inspection and copying during normal
3 business hours. The Agency may prescribe forms and formats for
4 the documentation required under subdivision (d)(2) of this
5 Section.

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

11 (4) No later than one year after the effective date of this
12 amendatory Act of the 100th General Assembly, the Agency shall
13 propose rules to the Board. No later than one year after the
14 Board's receipt of the Agency's proposal, the Board shall adopt
15 rules for the protection of groundwater at uncontaminated soil
16 fill operations. The groundwater protection procedures
17 established by these rules must include, but shall not be
18 limited to, the following: a detection monitoring program which
19 shall specify constituents to be monitored; monitoring
20 frequency; monitoring duration; a methodology specifying the
21 minimum required number of groundwater monitoring wells and
22 well locations; and remedial action procedures.

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

24 (415 ILCS 5/22.51b)

25 Sec. 22.51b. Fees for permitted facilities accepting clean

1 construction or demolition debris or uncontaminated soil.

2 (a) The Agency shall assess and collect a fee from the
3 owner or operator of each clean construction or demolition
4 debris fill operation that is permitted or required to be
5 permitted by the Agency. The fee assessed and collected under
6 this subsection shall be 95 ~~20~~ cents per cubic yard of clean
7 construction or demolition debris or uncontaminated soil
8 accepted by the clean construction or demolition debris fill
9 operation, or, alternatively, the owner or operator may weigh
10 the quantity of the clean construction or demolition debris or
11 uncontaminated soil with a device for which certification has
12 been obtained under the Weights and Measures Act and pay a fee
13 of \$2.00 ~~14 cents~~ per ton of clean construction or demolition
14 debris or uncontaminated soil. The fee shall apply to
15 construction or demolition debris or uncontaminated soil if (i)
16 the clean construction or demolition debris fill operation is
17 located off the site where the clean construction or demolition
18 debris or uncontaminated soil was generated and (ii) the clean
19 construction or demolition debris fill operation is owned,
20 controlled, and operated by a person other than the generator
21 of the clean construction or demolition debris or
22 uncontaminated soil. In no case shall the fee collected or paid
23 by the owner or operator under this subsection (a) exceed \$1.55
24 per cubic yard or \$3.27 per ton.

25 (b) The Agency shall establish rules relating to the
26 collection of the fees authorized by subsection (a) of this

1 Section. These rules shall include, but are not limited to, the
2 following:

3 (1) Records identifying the quantities of clean
4 construction or demolition debris and uncontaminated soil
5 received.

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

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

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

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

15 (e) The Agency shall deposit all fees collected under this
16 subsection into the Environmental Protection Permit and
17 Inspection Fund. Pursuant to appropriation, all moneys
18 collected under this Section shall be used by the Agency for
19 the implementation of this Section and for permit and
20 inspection activities.

21 (f) A unit of local government, as defined in the Local
22 Solid Waste Disposal Act, in which a clean construction or
23 demolition debris fill operation is located and which has
24 entered into a delegation agreement with the Agency pursuant to
25 subsection (r) of Section 4 of this Act for inspection,
26 investigation, or enforcement functions related to clean

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

20 (g) For the purposes of this Section:

21 (1) The term "uncontaminated soil" shall have the same
22 meaning as uncontaminated soil under Section 3.160 of this
23 Act.

24 (2) The term "clean construction or demolition debris
25 fill operation" shall have the same meaning as clean
26 construction or demolition debris fill operation under

1 Section 22.51 of this Act.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.