

SB0671



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0671

Introduced 2/25/2021, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

See Index

Creates the Executive Order 3 (2017) Implementation Act. Implements and supersedes the provisions of Executive Order 3 (2017) concerning transfers from the Department of Commerce and Economic Opportunity to the Environmental Protection Agency. Transfers various powers, duties, rights, and responsibilities of the Office of Energy and Recycling under the Department of Commerce and Economic Opportunity to the Environmental Protection Agency. Makes corresponding changes throughout the statutes. Effective immediately.

LRB102 13562 CPF 18910 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Executive Order 3 (2017) Implementation Act.

6 Section 5. Effect. This Act, including all of the
7 amendatory provisions of this Act, implements and supersedes
8 the provisions of Executive Order 3 (2017) concerning the
9 transfer of rights, powers, duties, responsibilities,
10 employees, property, funds, and functions from the Department
11 of Commerce and Economic Opportunity to the Environmental
12 Protection Agency.

13 Section 10. Functions transferred. Except as provided in
14 Section 15, on the effective date of this Act or as soon
15 thereafter as practical, those powers, duties, rights,
16 responsibilities, and functions of the Office of Energy and
17 Recycling under the Department of Commerce and Economic
18 Opportunity that are referenced in this Act are transferred to
19 the Environmental Protection Agency as provided in this Act.
20 All of the general powers reasonably necessary and convenient
21 to implement and administer those functions of the Office of
22 Energy and Recycling transferred by this Act are vested in and

1 shall be exercised by the Environmental Protection Agency.

2 Section 15. Functions not transferred. The functions
3 associated with the Office of Energy and Recycling that are
4 transferred to the Environmental Protection Agency under
5 Section 10 do not include any one or more of the following:

6 (1) electric energy efficiency programs administered
7 by the Department of Commerce and Economic Opportunity
8 under Section 8-103 of the Public Utilities Act;

9 (2) natural gas efficiency programs administered by
10 the Department of Commerce and Economic Opportunity under
11 Section 8-104 of the Public Utilities Act; or

12 (3) any functions of the Office of Energy and
13 Recycling not transferred to the Environmental Protection
14 Agency by this Act.

15 Section 20. Representation on boards or other entities.
16 With respect to the Department of Commerce and Economic
17 Opportunity, the transfers under this Act shall not affect:

18 (1) the composition of any multi-member board,
19 commission, or authority, unless otherwise provided in
20 this Act;

21 (2) the manner in which any official is appointed,
22 except that when any provision of an Executive Order or
23 Act provides for the membership of the Department of
24 Commerce and Economic Opportunity on any council,

1 commission, board, or other entity in relation to any
2 function of the Office of Energy and Recycling transferred
3 to the Environmental Protection Agency under this Act, the
4 Director of the Environmental Protection Agency or his or
5 her designee shall serve in that place; if more than one
6 such person is required by law to serve on any council,
7 commission, board, or other entity, then an equivalent
8 number of representatives of the Environmental Protection
9 Agency shall so serve;

10 (3) whether the nomination or appointment of any
11 official is subject to the advice and consent of the
12 Senate;

13 (4) any eligibility or qualification requirements
14 pertaining to service as an official; or

15 (5) the service or term of any incumbent official
16 serving as of the effective date of this Act.

17 Section 25. Personnel transferred. Personnel and positions
18 within the Department of Commerce and Economic Opportunity
19 that are engaged in the performance of functions of the Office
20 of Energy and Recycling transferred to the Environmental
21 Protection Agency under this Act are transferred to and shall
22 continue their service within the Environmental Protection
23 Agency. The status and rights of those employees under the
24 Personnel Code shall not be affected by this Act. The rights of
25 the employees and the State of Illinois and its agencies under

1 the Personnel Code and applicable collective bargaining
2 agreements or under any pension, retirement, or annuity plan
3 shall not be affected by this Act.

4 Section 30. Books and records transferred. All books,
5 records, papers, documents, property (real and personal),
6 contracts, causes of action, and pending business, pertaining
7 to the powers, duties, rights, and responsibilities
8 transferred to the Environmental Protection Agency under this
9 Act, including, but not limited to, material in electronic or
10 magnetic format and necessary computer hardware and software,
11 shall be transferred to the Environmental Protection Agency.

12 Section 35. Successor agency; unexpended moneys
13 transferred. With respect to the functions of the Office of
14 Energy and Recycling transferred under this Act, the
15 Environmental Protection Agency is the successor agency to the
16 Department of Commerce and Economic Opportunity under the
17 Successor Agency Act and Section 9b of the State Finance Act.
18 All unexpended appropriations and balances and other funds
19 available for use by the Office of Energy and Recycling shall,
20 pursuant to the direction of the Governor, be transferred for
21 use by the Environmental Protection Agency in accordance with
22 this Act. Unexpended balances so transferred shall be expended
23 by the Environmental Protection Agency only for the purpose
24 for which the appropriations were originally made.

1 Section 40. Reports, notices, or papers. Whenever reports
2 or notices are required to be made or given or papers or
3 documents furnished or served by any person to or upon the
4 Department of Commerce and Economic Opportunity in connection
5 with any of the powers, duties, rights, or responsibilities
6 transferred by this Act to the Environmental Protection
7 Agency, the same shall instead be made, given, furnished, or
8 served in the same manner to or upon the Environmental
9 Protection Agency.

10 Section 45. Rules.

11 (a) Any rules that (1) relate to the functions of the
12 Office of Energy and Recycling transferred to the
13 Environmental Protection Agency by this Act, (2) are in full
14 force on the effective date of this Act, and (3) have been duly
15 adopted by the Department of Commerce and Economic Opportunity
16 shall become the rules of the Environmental Protection Agency.
17 This Act does not affect the legality of any such rules in the
18 Illinois Administrative Code.

19 (b) Any proposed rule filed with the Secretary of State by
20 the Department of Commerce and Economic Opportunity that
21 pertains to the functions of the Office of Energy and
22 Recycling transferred to the Environmental Protection Agency
23 by this Act, and that is pending in the rulemaking process on
24 the effective date of this Act shall be deemed to have been

1 filed by the Environmental Protection Agency.

2 (c) On and after the effective date of this Act, the
3 Environmental Protection Agency may propose and adopt, under
4 the Illinois Administrative Procedure Act, other rules that
5 relate to the functions of the Office of Energy and Recycling
6 transferred to the Environmental Protection Agency by this
7 Act.

8 Section 50. Rights, obligations, and duties unaffected by
9 transfer. The transfer of powers, duties, rights, and
10 responsibilities to the Environmental Protection Agency under
11 this Act does not affect any person's rights, obligations, or
12 duties, including any civil or criminal penalties applicable
13 thereto, arising out of those transferred powers, duties,
14 rights, and responsibilities.

15 Section 55. Acts and actions unaffected by transfer.

16 (a) This Act does not affect any act done, ratified, or
17 canceled, or any right accruing or established, before the
18 effective date of Executive Order 3 (2017) in connection with
19 any function of the Office of Energy and Recycling transferred
20 under this Act.

21 This Act does not affect any action or proceeding had or
22 commenced before the effective date of Executive Order 3
23 (2017) in an administrative, civil, or criminal cause
24 regarding a function of the Office of Energy and Recycling

1 transferred from the Department of Commerce and Economic
2 Opportunity, but any such action or proceeding may be
3 defended, prosecuted, or continued by the Environmental
4 Protection Agency.

5 Section 60. Exercise of transferred powers; savings
6 provisions. The powers, duties, rights, and responsibilities
7 related to the functions of the Office of Energy and Recycling
8 transferred under this Act are vested in and shall be
9 exercised by the Environmental Protection Agency. Each act
10 done in the exercise of those powers, duties, rights, and
11 responsibilities shall have the same legal effect as if done
12 by the Department of Commerce and Economic Opportunity or its
13 divisions, officers, or employees.

14 Section 900. The Electric Vehicle Act is amended by
15 changing Section 15 as follows:

16 (20 ILCS 627/15)

17 Sec. 15. Electric Vehicle Coordinator. The Governor shall
18 appoint a person within the Environmental Protection Agency
19 ~~Department of Commerce and Economic Opportunity~~ to serve as
20 the Electric Vehicle Coordinator for the State of Illinois.
21 This person may be an existing employee with other duties. The
22 Coordinator shall act as a point person for electric vehicle
23 related policies and activities in Illinois.

1 (Source: P.A. 97-89, eff. 7-11-11.)

2 Section 915. The Illinois Renewable Fuels Development
3 Program Act is amended by changing Sections 5, 10, 15, 25, and
4 30 as follows:

5 (20 ILCS 689/5)

6 Sec. 5. Findings and State policy. The General Assembly
7 recognizes that agriculture is a vital sector of the Illinois
8 economy and that an important growth industry for the Illinois
9 agricultural sector is renewable fuels production. Renewable
10 fuels produced from Illinois agricultural products hold great
11 potential for growing the State's economy, reducing our
12 dependence on foreign oil supplies, and improving the
13 environment by reducing harmful emissions from vehicles.
14 Illinois is the nation's leading producer of ethanol, a clean,
15 renewable fuel with significant environmental benefits. The
16 General Assembly finds that reliable supplies of renewable
17 fuels will be integral to the long term energy security of the
18 United States. The General Assembly declares that it is the
19 public policy of the State of Illinois to promote and
20 encourage the production and use of renewable fuels as a means
21 not only to improve air quality in the State and the nation,
22 but also to grow the agricultural sector of the Illinois
23 economy. To achieve these public policy objectives, the
24 General Assembly hereby authorizes the creation and

1 implementation of the Illinois Renewable Fuels Development
2 Program within the Agency Department.

3 (Source: P.A. 93-15, eff. 6-11-03.)

4 (20 ILCS 689/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Agency" means the Environmental Protection Agency.

7 "Biodiesel" means a renewable diesel fuel derived from
8 biomass that is intended for use in diesel engines.

9 "Biodiesel blend" means a blend of biodiesel with
10 petroleum-based diesel fuel in which the resultant product
11 contains no less than 1% and no more than 99% biodiesel.

12 "Biomass" means non-fossil organic materials that have an
13 intrinsic chemical energy content. "Biomass" includes, but is
14 not limited to, soybean oil, other vegetable oils, and
15 ethanol.

16 ~~"Department" means the Department of Commerce and Economic
17 Opportunity.~~

18 "Diesel fuel" means any product intended for use or
19 offered for sale as a fuel for engines in which the fuel is
20 injected into the combustion chamber and ignited by pressure
21 without electric spark.

22 "Director" means the Director of the Agency ~~Commerce and
23 Economic Opportunity.~~

24 "Ethanol" means a product produced from agricultural
25 commodities or by-products used as a fuel or to be blended with

1 other fuels for use in motor vehicles.

2 "Fuel" means fuel as defined in Section 1.19 of the Motor
3 Fuel Tax Law.

4 "Gasohol" means motor fuel that is no more than 90%
5 gasoline and at least 10% denatured ethanol that contains no
6 more than 1.25% water by weight.

7 "Gasoline" means all products commonly or commercially
8 known or sold as gasoline (including casing head and
9 absorption or natural gasoline).

10 "Illinois agricultural product" means any agricultural
11 commodity grown in Illinois that is used by a production
12 facility to produce renewable fuel in Illinois, including, but
13 not limited to, corn, barley, and soy beans.

14 "Labor Organization" means any organization defined as a
15 "labor organization" under Section 2 of the National Labor
16 Relations Act (29 U.S.C. 152).

17 "Majority blended ethanol fuel" means motor fuel that
18 contains no less than 70% and no more than 90% denatured
19 ethanol and no less than 10% and no more than 30% gasoline.

20 "Motor vehicles" means motor vehicles as defined in the
21 Illinois Vehicle Code and watercraft propelled by an internal
22 combustion engine.

23 "Owner" means any individual, sole proprietorship, limited
24 partnership, co-partnership, joint venture, corporation,
25 cooperative, or other legal entity, including its agents, that
26 operates or will operate a plant located within the State of

1 Illinois.

2 "Plant" means a production facility that produces a
3 renewable fuel. "Plant" includes land, any building or other
4 improvement on or to land, and any personal properties deemed
5 necessary or suitable for use, whether or not now in
6 existence, in the processing of fuel from agricultural
7 commodities or by-products.

8 "Renewable fuel" means ethanol, gasohol, majority blended
9 ethanol fuel, biodiesel blend fuel, and biodiesel.

10 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;
11 94-793, eff. 5-19-06.)

12 (20 ILCS 689/15)

13 Sec. 15. Illinois Renewable Fuels Development Program.

14 (a) The Agency may ~~Department must develop and~~ administer
15 the Illinois Renewable Fuels Development Program to assist in
16 the construction, modification, alteration, or retrofitting of
17 renewable fuel plants in Illinois. The recipient of a grant
18 under this Section must:

19 (1) be constructing, modifying, altering, or
20 retrofitting a plant in the State of Illinois;

21 (2) be constructing, modifying, altering, or
22 retrofitting a plant that has annual production capacity
23 of no less than 5,000,000 gallons of renewable fuel per
24 year; and

25 (3) enter into a project labor agreement as prescribed

1 by Section 25 of this Act.

2 (b) Grant applications must be made on forms provided by
3 and in accordance with procedures established by the Agency
4 ~~Department~~.

5 (c) The Agency ~~Department~~ must give preference to
6 applicants that use Illinois agricultural products in the
7 production of renewable fuel at the plant for which the grant
8 is being requested.

9 (Source: P.A. 96-140, eff. 1-1-10.)

10 (20 ILCS 689/25)

11 Sec. 25. Project labor agreements.

12 (a) The project labor agreement must include the
13 following:

14 (1) provisions establishing the minimum hourly wage
15 for each class of labor organization employee;

16 (2) provisions establishing the benefits and other
17 compensation for each class of labor organization
18 employee; and

19 (3) provisions establishing that no strike or disputes
20 will be engaged in by the labor organization employees.

21 The owner of the plant and the labor organizations shall have
22 the authority to include other terms and conditions as they
23 deem necessary.

24 (b) The project labor agreement shall be filed with the
25 Director in accordance with procedures established by the

1 ~~Agency Department~~. At a minimum, the project labor agreement
2 must provide the names, addresses, and occupations of the
3 owner of the plant and the individuals representing the labor
4 organization employees participating in the project labor
5 agreement. The agreement must also specify the terms and
6 conditions required in subsection (a).

7 (Source: P.A. 93-15, eff. 6-11-03.)

8 (20 ILCS 689/30)

9 Sec. 30. Administration of the Act; rules. The Agency may
10 ~~Department shall~~ administer this Act and shall adopt any rules
11 necessary for that purpose.

12 (Source: P.A. 93-15, eff. 6-11-03.)

13 Section 920. The Energy Conservation and Coal Development
14 Act is amended by changing Sections 1 and 3 as follows:

15 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

16 Sec. 1. Definitions; transfer of duties.

17 (a) For the purposes of this Act, unless the context
18 otherwise requires:

19 "Department" means the Department of Commerce and
20 Economic Opportunity.

21 "Director" means the Director of Commerce and Economic
22 Opportunity.

23 (b) As provided in Section 80-20 of the Department of

1 Natural Resources Act, the Department of Commerce and
2 Community Affairs (now Department of Commerce and Economic
3 Opportunity) shall assume the rights, powers, and duties of
4 the former Department of Energy and Natural Resources under
5 this Act, except as those rights, powers, and duties are
6 otherwise allocated or transferred by this amendatory Act of
7 the 102nd General Assembly or any other law.

8 (Source: P.A. 94-793, eff. 5-19-06.)

9 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

10 Sec. 3. Powers and duties.

11 (a) In addition to its other powers, the Environmental
12 Protection Agency Department has the following powers:

13 (1) To administer for the State any energy programs
14 and activities under federal law, regulations or
15 guidelines, and to coordinate such programs and activities
16 with other State agencies, units of local government, and
17 educational institutions.

18 (2) To represent the State in energy matters involving
19 the federal government, other states, units of local
20 government, and regional agencies.

21 (3) To prepare energy assurance ~~contingency~~ plans for
22 consideration by the Governor and the General Assembly.
23 Such plans may ~~shall~~ include procedures for determining
24 when a foreseeable danger exists of energy shortages,
25 including shortages of petroleum, coal, nuclear power,

1 natural gas, and other forms of energy, and may ~~shall~~
2 specify the actions to be taken to minimize hardship and
3 maintain the general welfare during such energy shortages.

4 (4) To cooperate with State colleges and universities
5 and their governing boards in energy programs and
6 activities.

7 (5) (Blank).

8 (6) To accept, receive, expend, and administer,
9 including by contracts and grants to other State agencies,
10 any energy-related gifts, grants, cooperative agreement
11 funds, and other funds made available to the Agency
12 ~~Department~~ by the federal government and other public and
13 private sources, as well as any of those funds made
14 available to the Department before the effective date of
15 this amendatory Act of the 102nd General Assembly.

16 (7) To assist the Department of Central Management
17 Services in establishing and maintaining a system to
18 analyze and report energy consumption of facilities leased
19 by the Department of Central Management Services.

20 (a-5) In addition to its other powers, the Department has
21 the following powers:

22 (1) ~~(7)~~ To investigate practical problems, seek and
23 utilize financial assistance, implement studies and
24 conduct research relating to the production, distribution
25 and use of alcohol fuels.

26 (2) ~~(8)~~ To serve as a clearinghouse for information on

1 alcohol production technology; provide assistance,
2 information and data relating to the production and use of
3 alcohol; develop informational packets and brochures, and
4 hold public seminars to encourage the development and
5 utilization of the best available technology.

6 (3) ~~(9)~~ To coordinate with other State agencies in
7 order to promote the maximum flow of information and to
8 avoid unnecessary overlapping of alcohol fuel programs. In
9 order to effectuate this goal, the Director of the
10 Department or his representative shall consult with the
11 Directors, or their representatives, of the Departments of
12 Agriculture, Central Management Services, Transportation,
13 and Revenue, the Office of the State Fire Marshal, and the
14 Environmental Protection Agency.

15 (4) ~~(10)~~ To operate, within the Department, an Office
16 of Coal Development and Marketing for the promotion and
17 marketing of Illinois coal both domestically and
18 internationally. The Department may use monies
19 appropriated for this purpose for necessary administrative
20 expenses.

21 The Office of Coal Development and Marketing shall
22 develop and implement an initiative to assist the coal
23 industry in Illinois to increase its share of the
24 international coal market.

25 (5) ~~(11)~~ To assist the Department of Central
26 Management Services in establishing and maintaining a

1 system to analyze and report energy consumption of
2 facilities leased by the Department of Central Management
3 Services.

4 (6) ~~(12)~~ To consult with the Department ~~Departments~~ of
5 ~~Natural Resources~~ and Transportation and the Illinois
6 Environmental Protection Agency for the purpose of
7 developing methods and standards that encourage the
8 utilization of coal combustion by-products as value added
9 products in productive and benign applications.

10 (7) ~~(13)~~ To provide technical assistance and
11 information to sellers and distributors of storage hot
12 water heaters doing business in Illinois, ~~pursuant to~~
13 ~~Section 1 of the Hot Water Heater Efficiency Act.~~

14 (b) (Blank).

15 (c) (Blank).

16 (d) The Agency ~~Department~~ shall develop a package of
17 educational materials containing information regarding the
18 necessity of waste reduction and recycling to reduce
19 dependence on landfills and to maintain environmental quality.
20 The Agency ~~Department~~ shall make this information available to
21 the public on its website and for schools to access for their
22 development of materials. Those materials shall be suitable
23 for instructional use in grades 3, 4 and 5.

24 (e) (Blank).

25 (f) (Blank).

26 (g) (Blank).

1 (h) (Blank).

2 (i) (Blank).

3 (Source: P.A. 98-44, eff. 6-28-13; 98-692, eff. 7-1-14.)

4 Section 925. The Energy Conservation Act is amended by
5 changing Section 4 as follows:

6 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

7 Sec. 4. Technical Assistance Programs.

8 (a) The Environmental Protection Agency may ~~Department of~~
9 ~~Commerce and Economic Opportunity shall~~ provide to a unit of
10 local government, upon request by the unit, technical
11 assistance in the development of energy efficiency standards,
12 including, but not limited to, thermal efficiency standards
13 and lighting efficiency standards ~~to units of local~~
14 ~~government, upon request by such unit.~~

15 (b) (Blank). ~~The Department shall provide technical~~
16 ~~assistance in the development of a program for energy~~
17 ~~efficiency in procurement to units of local government, upon~~
18 ~~request by such unit.~~

19 (c) The Technical Assistance Programs provided in this
20 Section shall be supported by funds provided to the State
21 pursuant to the federal "Energy Policy and Conservation Act of
22 1975" or other federal acts that provide funds for energy
23 conservation efforts through the use of building codes.

24 (Source: P.A. 94-793, eff. 5-19-06.)

1 (20 ILCS 1115/5 rep.)

2 Section 930. The Energy Conservation Act is amended by
3 repealing Section 5.

4 Section 935. The Energy Efficient Building Act is amended
5 by changing Sections 10, 15, 25, and 30 as follows:

6 (20 ILCS 3125/10)

7 Sec. 10. Definitions.

8 "Agency" means the Environmental Protection Agency.

9 "Board" means the Capital Development Board.

10 "Building" includes both residential buildings and
11 commercial buildings.

12 "Code" means the latest published edition of the
13 International Code Council's International Energy Conservation
14 Code as adopted by the Board, including any published
15 supplements adopted by the Board and any amendments and
16 adaptations to the Code that are made by the Board.

17 "Commercial building" means any building except a building
18 that is a residential building, as defined in this Section.

19 ~~"Department" means the Department of Commerce and Economic
20 Opportunity.~~

21 "Municipality" means any city, village, or incorporated
22 town.

23 "Residential building" means (i) a detached one-family or

1 2-family dwelling or (ii) any building that is 3 stories or
2 less in height above grade that contains multiple dwelling
3 units, in which the occupants reside on a primarily permanent
4 basis, such as a townhouse, a row house, an apartment house, a
5 convent, a monastery, a rectory, a fraternity or sorority
6 house, a dormitory, and a rooming house; provided, however,
7 that when applied to a building located within the boundaries
8 of a municipality having a population of 1,000,000 or more,
9 the term "residential building" means a building containing
10 one or more dwelling units, not exceeding 4 stories above
11 grade, where occupants are primarily permanent.

12 (Source: P.A. 101-144, eff. 7-26-19.)

13 (20 ILCS 3125/15)

14 Sec. 15. Energy Efficient Building Code. The Board, in
15 consultation with the Agency Department, shall adopt the Code
16 as minimum requirements for commercial buildings, applying to
17 the construction of, renovations to, and additions to all
18 commercial buildings in the State. The Board, in consultation
19 with the Agency Department, shall also adopt the Code as the
20 minimum and maximum requirements for residential buildings,
21 applying to the construction of all residential buildings in
22 the State, except as provided for in Section 45 of this Act.
23 The Board may appropriately adapt the International Energy
24 Conservation Code to apply to the particular economy,
25 population distribution, geography, and climate of the State

1 and construction therein, consistent with the public policy
2 objectives of this Act.

3 (Source: P.A. 96-778, eff. 8-28-09.)

4 (20 ILCS 3125/25)

5 Sec. 25. Technical assistance.

6 (a) The Agency ~~Department~~ shall make available to
7 builders, designers, engineers, and architects implementation
8 materials and training to explain the requirements of the Code
9 and describe methods of compliance acceptable to Code
10 Enforcement Officials.

11 (b) The materials shall include software tools, simplified
12 prescriptive options, and other materials as appropriate. The
13 simplified materials shall be designed for projects in which a
14 design professional may not be involved.

15 (c) The Agency ~~Department~~ shall provide local
16 jurisdictions with technical assistance concerning
17 implementation and enforcement of the Code.

18 (Source: P.A. 97-1033, eff. 8-17-12.)

19 (20 ILCS 3125/30)

20 Sec. 30. Enforcement. The Board, in consultation with the
21 Agency ~~Department~~, shall determine procedures for compliance
22 with the Code. These procedures may include but need not be
23 limited to certification by a national, State, or local
24 accredited energy conservation program or inspections from

1 private Code-certified inspectors using the Code.

2 (Source: P.A. 93-936, eff. 8-13-04.)

3 Section 940. The Green Governments Illinois Act is amended
4 by changing Section 20 as follows:

5 (20 ILCS 3954/20)

6 Sec. 20. Responsibilities of the Council. The Council is
7 responsible for the development and dissemination of programs,
8 plans, and policies to reduce the environmental footprint of
9 State government and for improving the implementation of
10 greening the government initiatives in other institutions,
11 thereby reducing costs to taxpayers and improving efficiency
12 in operations. The Council shall convene on a quarterly basis
13 and shall be responsible for the following:

14 (a) Establishing long-term environmental
15 sustainability goals that the State will strive to achieve
16 within a period of 3, 5, and 10 years to improve the energy
17 and environmental performance of State buildings,
18 consistent with efficiency and economic objectives. These
19 goals shall, at a minimum, include the following:
20 broad-based performance goals for energy efficiency; use
21 of renewable fuels; water conservation; green purchasing;
22 paper consumption; and solid waste generation. These goals
23 can be met through increased efficiency, operational
24 changes, and improved maintenance and use of

1 cost-effective alternative technologies, raw materials,
2 and fuels.

3 The Council shall:

4 (1) communicate the environmental sustainability
5 goals to all State agencies;

6 (2) establish an electronic system to track and
7 report on environmental progress;

8 (3) monitor improvement activities; and

9 (4) propose new goals as appropriate.

10 (b) Coordinating an awards program that recognizes
11 units of State and local government and educational
12 institutions for developing, adopting, and implementing
13 innovative or exemplary environmental sustainability plans
14 in conformance with this Act.

15 (c) Creating specific guidance materials for State
16 agencies, educational institutions, and units of local
17 government on how to integrate environmental
18 sustainability into existing management systems, planning,
19 and operational practices, while still providing necessary
20 services and ensuring efficient and effective operations.
21 These guidance materials must include a list of
22 environmental and energy best practices, case studies,
23 policy language, model plans, and other resource
24 information. These materials must be made available on a
25 website devoted to the Green Governments Illinois program.

26 (d) Developing and implementing, to the extent

1 fiscally feasible, training programs designed to instill
2 the importance and value of environmental sustainability.

3 (e) Providing new ways for State government to build
4 markets for environmentally preferable products and
5 services without compromising price, competition, and
6 availability. The Council shall initially focus on
7 integrated pest management, bio-based products, recycled
8 content paper, energy efficiency, renewable energy,
9 alternative fuel vehicles, and green cleaning supplies.
10 Within existing resources, and within 60 days after the
11 effective date of this amendatory Act of the 96th General
12 Assembly, the Department of Central Management Services,
13 with the approval of the council, shall designate a single
14 point of contact for State agencies, suppliers, and other
15 interested parties to contact regarding environmentally
16 preferable purchasing issues.

17 (f) Working collaboratively with State agencies, units
18 of local government, educational institutions, and the
19 legislative branches of government to promote
20 benchmarking, commissioning, and retro-commissioning to
21 make government and institutional buildings more
22 resource-efficient, energy efficient, and healthful public
23 places.

24 (g) Reviewing budgetary policy and making
25 recommendations to the Governor on incentives for State
26 agencies to undertake environmental improvements that

1 result in long-term cost-savings, productivity
2 enhancements, or other outcomes deemed appropriate to the
3 State's sustainability goals.

4 (h) Reporting annually to the Governor and the General
5 Assembly on the results of environmental sustainability
6 actions taken by State agencies, educational institutions
7 and units of local government during the prior fiscal
8 year. The report must include the environmental and
9 economic benefits of the environmental sustainability
10 actions, where feasible, the consumption of those actions,
11 and provide recommendations for future environmental
12 improvement activities during the following year. The
13 report shall be filed by September 1, 2008, and November 1
14 of each subsequent year.

15 (h-5) Participating in the proposal review and
16 subgrant award processes conducted by the Environmental
17 Protection Agency ~~Department of Commerce and Economic~~
18 ~~Opportunity~~ to distribute the portion of funds eligible
19 for State government use under the federal Energy
20 Independence and Security Act of 2007, H.R. 6, Title V,
21 Subtitle E (Energy Efficiency and Conservation Block
22 Grants). A designee of the Governor shall also participate
23 in these processes, and no subgrant may be awarded unless
24 the Governor's designee first approves that subgrant.

25 (i) The chairman of the Council shall determine
26 whether or not the I-Cycle program is operating

1 effectively and make recommendations concerning management
2 of the I-Cycle program. The chairman has the authority to
3 dissolve the I-Cycle program if the program is found to be
4 ineffective.

5 (Source: P.A. 95-657, eff. 10-10-07; 96-74, eff. 7-24-09.)

6 Section 945. The School Code is amended by changing
7 Sections 10-20.19c and 34-18.15 as follows:

8 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

9 Sec. 10-20.19c. Recycled paper and paper products and
10 solid waste management.

11 (a) Definitions. As used in this Section, the following
12 terms shall have the meanings indicated, unless the context
13 otherwise requires:

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

16 "High grade printing and writing papers" includes offset
17 printing paper, duplicator paper, writing paper (stationery),
18 tablet paper, office paper, note pads, xerographic paper,
19 envelopes, form bond including computer paper and carbonless
20 forms, book papers, bond papers, ledger paper, book stock and
21 cotton fiber papers.

22 "Paper and paper products" means high grade printing and
23 writing papers, tissue products, newsprint, unbleached
24 packaging and recycled paperboard.

1 "Postconsumer material" means only those products
2 generated by a business or consumer which have served their
3 intended end uses, and which have been separated or diverted
4 from solid waste; wastes generated during the production of an
5 end product are excluded.

6 "Recovered paper material" means paper waste generated
7 after the completion of the papermaking process, such as
8 postconsumer materials, envelope cuttings, bindery trimmings,
9 printing waste, cutting and other converting waste, butt
10 rolls, and mill wrappers, obsolete inventories, and rejected
11 unused stock. "Recovered paper material", however, does not
12 include fibrous waste generated during the manufacturing
13 process such as fibers recovered from waste water or trimmings
14 of paper machine rolls (mill broke), or fibrous byproducts of
15 harvesting, extraction or woodcutting processes, or forest
16 residues such as bark.

17 "Recycled paperboard" includes paperboard products,
18 folding cartons and pad backings.

19 "Tissue products" includes toilet tissue, paper towels,
20 paper napkins, facial tissue, paper doilies, industrial
21 wipers, paper bags and brown papers. These products shall also
22 be unscented and shall not be colored.

23 "Unbleached packaging" includes corrugated and fiber
24 storage boxes.

25 (a-5) Each school district shall periodically review its
26 procurement procedures and specifications related to the

1 purchase of products and supplies. Those procedures and
2 specifications must be modified as necessary to require the
3 school district to seek out products and supplies that contain
4 recycled materials and to ensure that purchased products and
5 supplies are reusable, durable, or made from recycled
6 materials, if economically and practically feasible. In
7 selecting products and supplies that contain recycled
8 material, preference must be given to products and supplies
9 that contain the highest amount of recycled material and that
10 are consistent with the effective use of the product or
11 supply, if economically and practically feasible.

12 (b) Wherever economically and practically feasible, as
13 determined by the school board, the school board, all public
14 schools and attendance centers within a school district, and
15 their school supply stores shall procure recycled paper and
16 paper products as follows:

17 (1) Beginning July 1, 2008, at least 10% of the total
18 dollar value of paper and paper products purchased by
19 school boards, public schools and attendance centers, and
20 their school supply stores shall be recycled paper and
21 paper products.

22 (2) Beginning July 1, 2011, at least 25% of the total
23 dollar value of paper and paper products purchased by
24 school boards, public schools and attendance centers, and
25 their school supply stores shall be recycled paper and
26 paper products.

1 (3) Beginning July 1, 2014, at least 50% of the total
2 dollar value of paper and paper products purchased by
3 school boards, public schools and attendance centers, and
4 their school supply stores shall be recycled paper and
5 paper products.

6 (4) Beginning July 1, 2020, at least 75% of the total
7 dollar value of paper and paper products purchased by
8 school boards, public schools and attendance centers, and
9 their school supply stores shall be recycled paper and
10 paper products.

11 (5) Beginning upon the effective date of this
12 amendatory Act of 1992, all paper purchased by the board
13 of education, public schools and attendance centers for
14 publication of student newspapers shall be recycled
15 newsprint. The amount purchased shall not be included in
16 calculating the amounts specified in paragraphs (1)
17 through (4).

18 (c) Paper and paper products purchased from private sector
19 vendors pursuant to printing contracts are not considered
20 paper and paper products for the purposes of subsection (b),
21 unless purchased under contract for the printing of student
22 newspapers.

23 (d) (1) Wherever economically and practically feasible, the
24 recycled paper and paper products referred to in subsection
25 (b) shall contain postconsumer or recovered paper materials as
26 specified by paper category in this subsection:

1 (i) Recycled high grade printing and writing paper
2 shall contain at least 50% recovered paper material. Such
3 recovered paper material, until July 1, 2008, shall
4 consist of at least 20% deinked stock or postconsumer
5 material; and beginning July 1, 2008, shall consist of at
6 least 25% deinked stock or postconsumer material; and
7 beginning July 1, 2010, shall consist of at least 30%
8 deinked stock or postconsumer material; and beginning July
9 1, 2012, shall consist of at least 40% deinked stock or
10 postconsumer material; and beginning July 1, 2014, shall
11 consist of at least 50% deinked stock or postconsumer
12 material.

13 (ii) Recycled tissue products, until July 1, 1994,
14 shall contain at least 25% postconsumer material; and
15 beginning July 1, 1994, shall contain at least 30%
16 postconsumer material; and beginning July 1, 1996, shall
17 contain at least 35% postconsumer material; and beginning
18 July 1, 1998, shall contain at least 40% postconsumer
19 material; and beginning July 1, 2000, shall contain at
20 least 45% postconsumer material.

21 (iii) Recycled newsprint, until July 1, 1994, shall
22 contain at least 40% postconsumer material; and beginning
23 July 1, 1994, shall contain at least 50% postconsumer
24 material; and beginning July 1, 1996, shall contain at
25 least 60% postconsumer material; and beginning July 1,
26 1998, shall contain at least 70% postconsumer material;

1 and beginning July 1, 2000, shall contain at least 80%
2 postconsumer material.

3 (iv) Recycled unbleached packaging, until July 1,
4 1994, shall contain at least 35% postconsumer material;
5 and beginning July 1, 1994, shall contain at least 40%
6 postconsumer material; and beginning July 1, 1996, shall
7 contain at least 45% postconsumer material; and beginning
8 July 1, 1998, shall contain at least 50% postconsumer
9 material; and beginning July 1, 2000, shall contain at
10 least 55% postconsumer material.

11 (v) Recycled paperboard, until July 1, 1994, shall
12 contain at least 80% postconsumer material; and beginning
13 July 1, 1994, shall contain at least 85% postconsumer
14 material; and beginning July 1, 1996, shall contain at
15 least 90% postconsumer material; and beginning July 1,
16 1998, shall contain at least 95% postconsumer material.

17 (2) For the purposes of this Section, "postconsumer
18 material" includes:

19 (i) paper, paperboard, and fibrous waste from
20 retail stores, office buildings, homes and so forth,
21 after the waste has passed through its end usage as a
22 consumer item, including used corrugated boxes, old
23 newspapers, mixed waste paper, tabulating cards, and
24 used cordage; and

25 (ii) all paper, paperboard, and fibrous wastes
26 that are diverted or separated from the municipal

1 waste stream.

2 (3) For the purposes of this Section, "recovered paper
3 material" includes:

4 (i) postconsumer material;

5 (ii) dry paper and paperboard waste generated
6 after completion of the papermaking process (that is,
7 those manufacturing operations up to and including the
8 cutting and trimming of the paper machine reel into
9 smaller rolls or rough sheets), including envelope
10 cuttings, bindery trimmings, and other paper and
11 paperboard waste resulting from printing, cutting,
12 forming and other converting operations, or from bag,
13 box and carton manufacturing, and butt rolls, mill
14 wrappers, and rejected unused stock; and

15 (iii) finished paper and paperboard from obsolete
16 inventories of paper and paperboard manufacturers,
17 merchants, wholesalers, dealers, printers, converters
18 or others.

19 (e) Nothing in this Section shall be deemed to apply to art
20 materials, nor to any newspapers, magazines, text books,
21 library books or other copyrighted publications which are
22 purchased or used by any school board or any public school or
23 attendance center within a school district, or which are sold
24 in any school supply store operated by or within any such
25 school or attendance center, other than newspapers written,
26 edited or produced by students enrolled in the school

1 district, public school or attendance center.

2 (e-5) Each school district shall periodically review its
3 procedures on solid waste reduction regarding the management
4 of solid waste generated by academic, administrative, and
5 other institutional functions. Those waste reduction
6 procedures must be designed to, when economically and
7 practically feasible, recycle the school district's waste
8 stream, including without limitation landscape waste, computer
9 paper, and white office paper. School districts are encouraged
10 to have procedures that provide for the investigation of
11 potential markets for other recyclable materials that are
12 present in the school district's waste stream. The waste
13 reduction procedures must be designed to achieve, before July
14 1, 2020, at least a 50% reduction in the amount of solid waste
15 that is generated by the school district.

16 (f) The State Board of Education, in coordination with the
17 Department ~~Departments~~ of Central Management Services ~~and~~
18 ~~Commerce and Economic Opportunity~~, may adopt such rules and
19 regulations as it deems necessary to assist districts in
20 carrying out the provisions of this Section.

21 (Source: P.A. 94-793, eff. 5-19-06; 95-741, eff. 7-18-08.)

22 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

23 Sec. 34-18.15. Recycled paper and paper products and solid
24 waste management.

25 (a) Definitions. As used in this Section, the following

1 terms shall have the meanings indicated, unless the context
2 otherwise requires:

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

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

11 "Paper and paper products" means high grade printing and
12 writing papers, tissue products, newsprint, unbleached
13 packaging and recycled paperboard.

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

19 "Recovered paper material" means paper waste generated
20 after the completion of the papermaking process, such as
21 postconsumer materials, envelope cuttings, bindery trimmings,
22 printing waste, cutting and other converting waste, butt
23 rolls, and mill wrappers, obsolete inventories, and rejected
24 unused stock. "Recovered paper material", however, does not
25 include fibrous waste generated during the manufacturing
26 process as fibers recovered from waste water or trimmings of

1 paper machine rolls (mill broke), or fibrous byproducts of
2 harvesting, extraction or woodcutting processes, or forest
3 residues such as bark.

4 "Recycled paperboard" includes paperboard products,
5 folding cartons and pad backings.

6 "Tissue products" includes toilet tissue, paper towels,
7 paper napkins, facial tissue, paper doilies, industrial
8 wipers, paper bags and brown papers. These products shall also
9 be unscented and shall not be colored.

10 "Unbleached packaging" includes corrugated and fiber
11 storage boxes.

12 (a-5) The school district shall periodically review its
13 procurement procedures and specifications related to the
14 purchase of products and supplies. Those procedures and
15 specifications must be modified as necessary to require the
16 school district to seek out products and supplies that contain
17 recycled materials and to ensure that purchased products and
18 supplies are reusable, durable, or made from recycled
19 materials, if economically and practically feasible. In
20 selecting products and supplies that contain recycled
21 material, preference must be given to products and supplies
22 that contain the highest amount of recycled material and that
23 are consistent with the effective use of the product or
24 supply, if economically and practically feasible.

25 (b) Wherever economically and practically feasible, as
26 determined by the board of education, the board of education,

1 all public schools and attendance centers within the school
2 district, and their school supply stores shall procure
3 recycled paper and paper products as follows:

4 (1) Beginning July 1, 2008, at least 10% of the total
5 dollar value of paper and paper products purchased by the
6 board of education, public schools and attendance centers,
7 and their school supply stores shall be recycled paper and
8 paper products.

9 (2) Beginning July 1, 2011, at least 25% of the total
10 dollar value of paper and paper products purchased by the
11 board of education, public schools and attendance centers,
12 and their school supply stores shall be recycled paper and
13 paper products.

14 (3) Beginning July 1, 2014, at least 50% of the total
15 dollar value of paper and paper products purchased by the
16 board of education, public schools and attendance centers,
17 and their school supply stores shall be recycled paper and
18 paper products.

19 (4) Beginning July 1, 2020, at least 75% of the total
20 dollar value of paper and paper products purchased by the
21 board of education, public schools and attendance centers,
22 and their school supply stores shall be recycled paper and
23 paper products.

24 (5) Beginning upon the effective date of this
25 amendatory Act of 1992, all paper purchased by the board
26 of education, public schools and attendance centers for

1 publication of student newspapers shall be recycled
2 newsprint. The amount purchased shall not be included in
3 calculating the amounts specified in paragraphs (1)
4 through (4).

5 (c) Paper and paper products purchased from private sector
6 vendors pursuant to printing contracts are not considered
7 paper and paper products for the purposes of subsection (b),
8 unless purchased under contract for the printing of student
9 newspapers.

10 (d) (1) Wherever economically and practically feasible, the
11 recycled paper and paper products referred to in subsection
12 (b) shall contain postconsumer or recovered paper materials as
13 specified by paper category in this subsection:

14 (i) Recycled high grade printing and writing paper
15 shall contain at least 50% recovered paper material. Such
16 recovered paper material, until July 1, 2008, shall
17 consist of at least 20% deinked stock or postconsumer
18 material; and beginning July 1, 2008, shall consist of at
19 least 25% deinked stock or postconsumer material; and
20 beginning July 1, 2010, shall consist of at least 30%
21 deinked stock or postconsumer material; and beginning July
22 1, 2012, shall consist of at least 40% deinked stock or
23 postconsumer material; and beginning July 1, 2014, shall
24 consist of at least 50% deinked stock or postconsumer
25 material.

26 (ii) Recycled tissue products, until July 1, 1994,

1 shall contain at least 25% postconsumer material; and
2 beginning July 1, 1994, shall contain at least 30%
3 postconsumer material; and beginning July 1, 1996, shall
4 contain at least 35% postconsumer material; and beginning
5 July 1, 1998, shall contain at least 40% postconsumer
6 material; and beginning July 1, 2000, shall contain at
7 least 45% postconsumer material.

8 (iii) Recycled newsprint, until July 1, 1994, shall
9 contain at least 40% postconsumer material; and beginning
10 July 1, 1994, shall contain at least 50% postconsumer
11 material; and beginning July 1, 1996, shall contain at
12 least 60% postconsumer material; and beginning July 1,
13 1998, shall contain at least 70% postconsumer material;
14 and beginning July 1, 2000, shall contain at least 80%
15 postconsumer material.

16 (iv) Recycled unbleached packaging, until July 1,
17 1994, shall contain at least 35% postconsumer material;
18 and beginning July 1, 1994, shall contain at least 40%
19 postconsumer material; and beginning July 1, 1996, shall
20 contain at least 45% postconsumer material; and beginning
21 July 1, 1998, shall contain at least 50% postconsumer
22 material; and beginning July 1, 2000, shall contain at
23 least 55% postconsumer material.

24 (v) Recycled paperboard, until July 1, 1994, shall
25 contain at least 80% postconsumer material; and beginning
26 July 1, 1994, shall contain at least 85% postconsumer

1 material; and beginning July 1, 1996, shall contain at
2 least 90% postconsumer material; and beginning July 1,
3 1998, shall contain at least 95% postconsumer material.

4 (2) For the purposes of this Section, "postconsumer
5 material" includes:

6 (i) paper, paperboard, and fibrous waste from
7 retail stores, office buildings, homes and so forth,
8 after the waste has passed through its end usage as a
9 consumer item, including used corrugated boxes, old
10 newspapers, mixed waste paper, tabulating cards, and
11 used cordage; and

12 (ii) all paper, paperboard, and fibrous wastes
13 that are diverted or separated from the municipal
14 waste stream.

15 (3) For the purpose of this Section, "recovered paper
16 material" includes:

17 (i) postconsumer material;

18 (ii) dry paper and paperboard waste generated
19 after completion of the papermaking process (that is,
20 those manufacturing operations up to and including the
21 cutting and trimming of the paper machine reel into
22 smaller rolls or rough sheets), including envelope
23 cuttings, bindery trimmings, and other paper and
24 paperboard waste resulting from printing, cutting,
25 forming and other converting operations, or from bag,
26 box and carton manufacturing, and butt rolls, mill

1 wrappers, and rejected unused stock; and

2 (iii) finished paper and paperboard from obsolete
3 inventories of paper and paperboard manufacturers,
4 merchants, wholesalers, dealers, printers, converters
5 or others.

6 (e) Nothing in this Section shall be deemed to apply to art
7 materials, nor to any newspapers, magazines, text books,
8 library books or other copyrighted publications which are
9 purchased or used by the board of education or any public
10 school or attendance center within the school district, or
11 which are sold in any school supply store operated by or within
12 any such school or attendance center, other than newspapers
13 written, edited or produced by students enrolled in the school
14 district, public school or attendance center.

15 (e-5) The school district shall periodically review its
16 procedures on solid waste reduction regarding the management
17 of solid waste generated by academic, administrative, and
18 other institutional functions. Those waste reduction
19 procedures must be designed to, when economically and
20 practically feasible, recycle the school district's waste
21 stream, including without limitation landscape waste, computer
22 paper, and white office paper. The school district is
23 encouraged to have procedures that provide for the
24 investigation of potential markets for other recyclable
25 materials that are present in the school district's waste
26 stream. The waste reduction procedures must be designed to

1 achieve, before July 1, 2020, at least a 50% reduction in the
2 amount of solid waste that is generated by the school
3 district.

4 (f) The State Board of Education, in coordination with the
5 Department ~~Departments~~ of Central Management Services ~~and~~
6 ~~Commerce and Economic Opportunity~~, may adopt such rules and
7 regulations as it deems necessary to assist districts in
8 carrying out the provisions of this Section.

9 (Source: P.A. 94-793, eff. 5-19-06; 95-741, eff. 7-18-08.)

10 Section 950. The Environmental Protection Act is amended
11 by changing Sections 22.15, 22.16b, 55.3, 55.7, 58.14a, and
12 58.15 as follows:

13 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

14 Sec. 22.15. Solid Waste Management Fund; fees.

15 (a) There is hereby created within the State Treasury a
16 special fund to be known as the Solid Waste Management Fund, to
17 be constituted from the fees collected by the State pursuant
18 to this Section, from repayments of loans made from the Fund
19 for solid waste projects, from registration fees collected
20 pursuant to the Consumer Electronics Recycling Act, and from
21 amounts transferred into the Fund pursuant to Public Act
22 100-433. Moneys received by either the Agency or the
23 Department of Commerce and Economic Opportunity in repayment
24 of loans made pursuant to the Illinois Solid Waste Management

1 Act shall be deposited into the General Revenue Fund.

2 (b) The Agency shall assess and collect a fee in the amount
3 set forth herein from the owner or operator of each sanitary
4 landfill permitted or required to be permitted by the Agency
5 to dispose of solid waste if the sanitary landfill is located
6 off the site where such waste was produced and if such sanitary
7 landfill is owned, controlled, and operated by a person other
8 than the generator of such waste. The Agency shall deposit all
9 fees collected into the Solid Waste Management Fund. If a site
10 is contiguous to one or more landfills owned or operated by the
11 same person, the volumes permanently disposed of by each
12 landfill shall be combined for purposes of determining the fee
13 under this subsection. Beginning on July 1, 2018, and on the
14 first day of each month thereafter during fiscal years 2019
15 through 2021, the State Comptroller shall direct and State
16 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
17 per fiscal year from the Solid Waste Management Fund to the
18 General Revenue Fund.

19 (1) If more than 150,000 cubic yards of non-hazardous
20 solid waste is permanently disposed of at a site in a
21 calendar year, the owner or operator shall either pay a
22 fee of 95 cents per cubic yard or, alternatively, the
23 owner or operator may weigh the quantity of the solid
24 waste permanently disposed of with a device for which
25 certification has been obtained under the Weights and
26 Measures Act and pay a fee of \$2.00 per ton of solid waste

1 permanently disposed of. In no case shall the fee
2 collected or paid by the owner or operator under this
3 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

4 (2) If more than 100,000 cubic yards but not more than
5 150,000 cubic yards of non-hazardous waste is permanently
6 disposed of at a site in a calendar year, the owner or
7 operator shall pay a fee of \$52,630.

8 (3) If more than 50,000 cubic yards but not more than
9 100,000 cubic yards of non-hazardous solid waste is
10 permanently disposed of at a site in a calendar year, the
11 owner or operator shall pay a fee of \$23,790.

12 (4) If more than 10,000 cubic yards but not more than
13 50,000 cubic yards of non-hazardous solid waste is
14 permanently disposed of at a site in a calendar year, the
15 owner or operator shall pay a fee of \$7,260.

16 (5) If not more than 10,000 cubic yards of
17 non-hazardous solid waste is permanently disposed of at a
18 site in a calendar year, the owner or operator shall pay a
19 fee of \$1050.

20 (c) (Blank).

21 (d) The Agency shall establish rules relating to the
22 collection of the fees authorized by this Section. Such rules
23 shall include, but not be limited to:

24 (1) necessary records identifying the quantities of
25 solid waste received or disposed;

26 (2) the form and submission of reports to accompany

1 the payment of fees to the Agency;

2 (3) the time and manner of payment of fees to the
3 Agency, which payments shall not be more often than
4 quarterly; and

5 (4) procedures setting forth criteria establishing
6 when an owner or operator may measure by weight or volume
7 during any given quarter or other fee payment period.

8 (e) Pursuant to appropriation, all monies in the Solid
9 Waste Management Fund shall be used by the Agency ~~and the~~
10 ~~Department of Commerce and Economic Opportunity~~ for the
11 purposes set forth in this Section and in the Illinois Solid
12 Waste Management Act, including for the costs of fee
13 collection and administration, and for the administration of
14 (1) the Consumer Electronics Recycling Act and (2) until
15 January 1, 2020, the Electronic Products Recycling and Reuse
16 Act.

17 (f) The Agency is authorized to enter into such agreements
18 and to promulgate such rules as are necessary to carry out its
19 duties under this Section and the Illinois Solid Waste
20 Management Act.

21 (g) On the first day of January, April, July, and October
22 of each year, beginning on July 1, 1996, the State Comptroller
23 and Treasurer shall transfer \$500,000 from the Solid Waste
24 Management Fund to the Hazardous Waste Fund. Moneys
25 transferred under this subsection (g) shall be used only for
26 the purposes set forth in item (1) of subsection (d) of Section

1 22.2.

2 (h) The Agency is authorized to provide financial
3 assistance to units of local government for the performance of
4 inspecting, investigating and enforcement activities pursuant
5 to Section 4(r) at nonhazardous solid waste disposal sites.

6 (i) The Agency is authorized to conduct household waste
7 collection and disposal programs.

8 (j) A unit of local government, as defined in the Local
9 Solid Waste Disposal Act, in which a solid waste disposal
10 facility is located may establish a fee, tax, or surcharge
11 with regard to the permanent disposal of solid waste. All
12 fees, taxes, and surcharges collected under this subsection
13 shall be utilized for solid waste management purposes,
14 including long-term monitoring and maintenance of landfills,
15 planning, implementation, inspection, enforcement and other
16 activities consistent with the Solid Waste Management Act and
17 the Local Solid Waste Disposal Act, or for any other
18 environment-related purpose, including but not limited to an
19 environment-related public works project, but not for the
20 construction of a new pollution control facility other than a
21 household hazardous waste facility. However, the total fee,
22 tax or surcharge imposed by all units of local government
23 under this subsection (j) upon the solid waste disposal
24 facility shall not exceed:

25 (1) 60¢ per cubic yard if more than 150,000 cubic
26 yards of non-hazardous solid waste is permanently disposed

1 of at the site in a calendar year, unless the owner or
2 operator weighs the quantity of the solid waste received
3 with a device for which certification has been obtained
4 under the Weights and Measures Act, in which case the fee
5 shall not exceed \$1.27 per ton of solid waste permanently
6 disposed of.

7 (2) \$33,350 if more than 100,000 cubic yards, but not
8 more than 150,000 cubic yards, of non-hazardous waste is
9 permanently disposed of at the site in a calendar year.

10 (3) \$15,500 if more than 50,000 cubic yards, but not
11 more than 100,000 cubic yards, of non-hazardous solid
12 waste is permanently disposed of at the site in a calendar
13 year.

14 (4) \$4,650 if more than 10,000 cubic yards, but not
15 more than 50,000 cubic yards, of non-hazardous solid waste
16 is permanently disposed of at the site in a calendar year.

17 (5) \$650 if not more than 10,000 cubic yards of
18 non-hazardous solid waste is permanently disposed of at
19 the site in a calendar year.

20 The corporate authorities of the unit of local government
21 may use proceeds from the fee, tax, or surcharge to reimburse a
22 highway commissioner whose road district lies wholly or
23 partially within the corporate limits of the unit of local
24 government for expenses incurred in the removal of
25 nonhazardous, nonfluid municipal waste that has been dumped on
26 public property in violation of a State law or local

1 ordinance.

2 A county or Municipal Joint Action Agency that imposes a
3 fee, tax, or surcharge under this subsection may use the
4 proceeds thereof to reimburse a municipality that lies wholly
5 or partially within its boundaries for expenses incurred in
6 the removal of nonhazardous, nonfluid municipal waste that has
7 been dumped on public property in violation of a State law or
8 local ordinance.

9 If the fees are to be used to conduct a local sanitary
10 landfill inspection or enforcement program, the unit of local
11 government must enter into a written delegation agreement with
12 the Agency pursuant to subsection (r) of Section 4. The unit of
13 local government and the Agency shall enter into such a
14 written delegation agreement within 60 days after the
15 establishment of such fees. At least annually, the Agency
16 shall conduct an audit of the expenditures made by units of
17 local government from the funds granted by the Agency to the
18 units of local government for purposes of local sanitary
19 landfill inspection and enforcement programs, to ensure that
20 the funds have been expended for the prescribed purposes under
21 the grant.

22 The fees, taxes or surcharges collected under this
23 subsection (j) shall be placed by the unit of local government
24 in a separate fund, and the interest received on the moneys in
25 the fund shall be credited to the fund. The monies in the fund
26 may be accumulated over a period of years to be expended in

1 accordance with this subsection.

2 A unit of local government, as defined in the Local Solid
3 Waste Disposal Act, shall prepare and distribute to the
4 Agency, in April of each year, a report that details spending
5 plans for monies collected in accordance with this subsection.
6 The report will at a minimum include the following:

7 (1) The total monies collected pursuant to this
8 subsection.

9 (2) The most current balance of monies collected
10 pursuant to this subsection.

11 (3) An itemized accounting of all monies expended for
12 the previous year pursuant to this subsection.

13 (4) An estimation of monies to be collected for the
14 following 3 years pursuant to this subsection.

15 (5) A narrative detailing the general direction and
16 scope of future expenditures for one, 2 and 3 years.

17 The exemptions granted under Sections 22.16 and 22.16a,
18 and under subsection (k) of this Section, shall be applicable
19 to any fee, tax or surcharge imposed under this subsection
20 (j); except that the fee, tax or surcharge authorized to be
21 imposed under this subsection (j) may be made applicable by a
22 unit of local government to the permanent disposal of solid
23 waste after December 31, 1986, under any contract lawfully
24 executed before June 1, 1986 under which more than 150,000
25 cubic yards (or 50,000 tons) of solid waste is to be
26 permanently disposed of, even though the waste is exempt from

1 the fee imposed by the State under subsection (b) of this
2 Section pursuant to an exemption granted under Section 22.16.

3 (k) In accordance with the findings and purposes of the
4 Illinois Solid Waste Management Act, beginning January 1, 1989
5 the fee under subsection (b) and the fee, tax or surcharge
6 under subsection (j) shall not apply to:

7 (1) waste which is hazardous waste;

8 (2) waste which is pollution control waste;

9 (3) waste from recycling, reclamation or reuse
10 processes which have been approved by the Agency as being
11 designed to remove any contaminant from wastes so as to
12 render such wastes reusable, provided that the process
13 renders at least 50% of the waste reusable;

14 (4) non-hazardous solid waste that is received at a
15 sanitary landfill and composted or recycled through a
16 process permitted by the Agency; or

17 (5) any landfill which is permitted by the Agency to
18 receive only demolition or construction debris or
19 landscape waste.

20 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;
21 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
22 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

23 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

24 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency
25 shall assess and collect a fee from the owner or operator of

1 each new municipal waste incinerator. The fee shall be
2 calculated by applying the rates established from time to time
3 for the disposal of solid waste at sanitary landfills under
4 subdivision (b)(1) of Section 22.15 to the total amount of
5 municipal waste accepted for incineration at the new municipal
6 waste incinerator. The exemptions provided by this Act to the
7 fees imposed under subsection (b) of Section 22.15 shall not
8 apply to the fee imposed by this Section.

9 The owner or operator of any new municipal waste
10 incinerator permitted after January 1, 1990, but before July
11 1, 1990 by the Agency for the development or operation of a new
12 municipal waste incinerator shall be exempt from this fee, but
13 shall include the following conditions:

14 (1) The owner or operator shall provide information
15 programs to those communities serviced by the owner or
16 operator concerning recycling and separation of waste not
17 suitable for incineration.

18 (2) The owner or operator shall provide information
19 programs to those communities serviced by the owner or
20 operator concerning the Agency's household hazardous waste
21 collection program and participation in that program.

22 For the purposes of this Section, "new municipal waste
23 incinerator" means a municipal waste incinerator initially
24 permitted for development or construction on or after January
25 1, 1990.

26 Amounts collected under this subsection shall be deposited

1 into the Municipal Waste Incinerator Tax Fund, which is hereby
2 established as an interest-bearing special fund in the State
3 Treasury. Monies in the Fund may be used, subject to
4 appropriation:

5 (1) by the Agency ~~Department of Commerce and Economic~~
6 ~~Opportunity~~ to fund its public information programs on
7 recycling in those communities served by new municipal
8 waste incinerators; and

9 (2) by the Agency to fund its household hazardous
10 waste collection activities in those communities served by
11 new municipal waste incinerators.

12 (b) Any permit issued by the Agency for the development or
13 operation of a new municipal waste incinerator shall include
14 the following conditions:

15 (1) The incinerator must be designed to provide
16 continuous monitoring while in operation, with direct
17 transmission of the resultant data to the Agency, until
18 the Agency determines the best available control
19 technology for monitoring the data. The Agency shall
20 establish the test methods, procedures and averaging
21 periods, as certified by the USEPA for solid waste
22 incinerator units, and the form and frequency of reports
23 containing results of the monitoring. Compliance and
24 enforcement shall be based on such reports. Copies of the
25 results of such monitoring shall be maintained on file at
26 the facility concerned for one year, and copies shall be

1 made available for inspection and copying by interested
2 members of the public during business hours.

3 (2) The facility shall comply with the emission limits
4 adopted by the Agency under subsection (c).

5 (3) The operator of the facility shall take reasonable
6 measures to ensure that waste accepted for incineration
7 complies with all legal requirements for incineration. The
8 incinerator operator shall establish contractual
9 requirements or other notification and inspection
10 procedures sufficient to assure compliance with this
11 subsection (b)(3) which may include, but not be limited
12 to, routine inspections of waste, lists of acceptable and
13 unacceptable waste provided to haulers and notification to
14 the Agency when the facility operator rejects and sends
15 loads away. The notification shall contain at least the
16 name of the hauler and the site from where the load was
17 hauled.

18 (4) The operator may not accept for incineration any
19 waste generated or collected in a municipality that has
20 not implemented a recycling plan or is party to an
21 implemented county plan, consistent with State goals and
22 objectives. Such plans shall include provisions for
23 collecting, recycling or diverting from landfills and
24 municipal incinerators landscape waste, household
25 hazardous waste and batteries. Such provisions may be
26 performed at the site of the new municipal incinerator.

1 The Agency, after careful scrutiny of a permit application
2 for the construction, development or operation of a new
3 municipal waste incinerator, shall deny the permit if (i) the
4 Agency finds in the permit application noncompliance with the
5 laws and rules of the State or (ii) the application indicates
6 that the mandated air emissions standards will not be reached
7 within six months of the proposed municipal waste incinerator
8 beginning operation.

9 (c) The Agency shall adopt specific limitations on the
10 emission of mercury, chromium, cadmium and lead, and good
11 combustion practices, including temperature controls from
12 municipal waste incinerators pursuant to Section 9.4 of the
13 Act.

14 (d) The Agency shall establish household hazardous waste
15 collection centers in appropriate places in this State. The
16 Agency may operate and maintain the centers itself or may
17 contract with other parties for that purpose. The Agency shall
18 ensure that the wastes collected are properly disposed of. The
19 collection centers may charge fees for their services, not to
20 exceed the costs incurred. Such collection centers shall not
21 (i) be regulated as hazardous waste facilities under RCRA nor
22 (ii) be subject to local siting approval under Section 39.2 if
23 the local governing authority agrees to waive local siting
24 approval procedures.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

2 Sec. 55.3. (a) Upon finding that an accumulation of used
3 or waste tires creates an immediate danger to health, the
4 Agency may take action pursuant to Section 34 of this Act.

5 (b) Upon making a finding that an accumulation of used or
6 waste tires creates a hazard posing a threat to public health
7 or the environment, the Agency may undertake preventive or
8 corrective action in accordance with this subsection. Such
9 preventive or corrective action may consist of any or all of
10 the following:

11 (1) Treating and handling used or waste tires and
12 other infested materials within the area for control of
13 mosquitoes and other disease vectors.

14 (2) Relocation of ignition sources and any used or
15 waste tires within the area for control and prevention of
16 tire fires.

17 (3) Removal of used and waste tire accumulations from
18 the area.

19 (4) Removal of soil and water contamination related to
20 tire accumulations.

21 (5) Installation of devices to monitor and control
22 groundwater and surface water contamination related to
23 tire accumulations.

24 (6) Such other actions as may be authorized by Board
25 regulations.

26 (c) The Agency may, subject to the availability of

1 appropriated funds, undertake a consensual removal action for
2 the removal of up to 1,000 used or waste tires at no cost to
3 the owner according to the following requirements:

4 (1) Actions under this subsection shall be taken
5 pursuant to a written agreement between the Agency and the
6 owner of the tire accumulation.

7 (2) The written agreement shall at a minimum specify:

8 (i) that the owner relinquishes any claim of an
9 ownership interest in any tires that are removed, or
10 in any proceeds from their sale;

11 (ii) that tires will no longer be allowed to be
12 accumulated at the site;

13 (iii) that the owner will hold harmless the Agency
14 or any employee or contractor utilized by the Agency
15 to effect the removal, for any damage to property
16 incurred during the course of action under this
17 subsection, except for gross negligence or intentional
18 misconduct; and

19 (iv) any conditions upon or assistance required
20 from the owner to assure that the tires are so located
21 or arranged as to facilitate their removal.

22 (3) The Agency may by rule establish conditions and
23 priorities for removal of used and waste tires under this
24 subsection.

25 (4) The Agency shall prescribe the form of written
26 agreements under this subsection.

1 (d) The Agency shall have authority to provide notice to
2 the owner or operator, or both, of a site where used or waste
3 tires are located and to the owner or operator, or both, of the
4 accumulation of tires at the site, whenever the Agency finds
5 that the used or waste tires pose a threat to public health or
6 the environment, or that there is no owner or operator
7 proceeding in accordance with a tire removal agreement
8 approved under Section 55.4.

9 The notice provided by the Agency shall include the
10 identified preventive or corrective action, and shall provide
11 an opportunity for the owner or operator, or both, to perform
12 such action.

13 For sites with more than 250,000 passenger tire
14 equivalents, following the notice provided for by this
15 subsection (d), the Agency may enter into a written
16 reimbursement agreement with the owner or operator of the
17 site. The agreement shall provide a schedule for the owner or
18 operator to reimburse the Agency for costs incurred for
19 preventive or corrective action, which shall not exceed 5
20 years in length. An owner or operator making payments under a
21 written reimbursement agreement pursuant to this subsection
22 (d) shall not be liable for punitive damages under subsection
23 (h) of this Section.

24 (e) In accordance with constitutional limitations, the
25 Agency shall have authority to enter at all reasonable times
26 upon any private or public property for the purpose of taking

1 whatever preventive or corrective action is necessary and
2 appropriate in accordance with the provisions of this Section,
3 including but not limited to removal, processing or treatment
4 of used or waste tires, whenever the Agency finds that used or
5 waste tires pose a threat to public health or the environment.

6 (f) In undertaking preventive, corrective or consensual
7 removal action under this Section the Agency may consider use
8 of the following: rubber reuse alternatives, shredding or
9 other conversion through use of mobile or fixed facilities,
10 energy recovery through burning or incineration, and landfill
11 disposal. ~~To the extent practicable, the Agency shall consult~~
12 ~~with the Department of Commerce and Economic Opportunity~~
13 ~~regarding the availability of alternatives to landfilling used~~
14 ~~and waste tires, and shall make every reasonable effort to~~
15 ~~coordinate tire cleanup projects with applicable programs that~~
16 ~~relate to such alternative practices.~~

17 (g) Except as otherwise provided in this Section, the
18 owner or operator of any site or accumulation of used or waste
19 tires at which the Agency has undertaken corrective or
20 preventive action under this Section shall be liable for all
21 costs thereof incurred by the State of Illinois, including
22 reasonable costs of collection. Any monies received by the
23 Agency hereunder shall be deposited into the Used Tire
24 Management Fund. The Agency may in its discretion store,
25 dispose of or convey the tires that are removed from an area at
26 which it has undertaken a corrective, preventive or consensual

1 removal action, and may sell or store such tires and other
2 items, including but not limited to rims, that are removed
3 from the area. The net proceeds of any sale shall be credited
4 against the liability incurred by the owner or operator for
5 the costs of any preventive or corrective action.

6 (h) Any person liable to the Agency for costs incurred
7 under subsection (g) of this Section may be liable to the State
8 of Illinois for punitive damages in an amount at least equal
9 to, and not more than 2 times, the costs incurred by the State
10 if such person failed without sufficient cause to take
11 preventive or corrective action pursuant to notice issued
12 under subsection (d) of this Section.

13 (i) There shall be no liability under subsection (g) of
14 this Section for a person otherwise liable who can establish
15 by a preponderance of the evidence that the hazard created by
16 the tires was caused solely by:

17 (1) an act of God;

18 (2) an act of war; or

19 (3) an act or omission of a third party other than an
20 employee or agent, and other than a person whose act or
21 omission occurs in connection with a contractual
22 relationship with the person otherwise liable.

23 For the purposes of this subsection, "contractual
24 relationship" includes, but is not limited to, land contracts,
25 deeds and other instruments transferring title or possession,
26 unless the real property upon which the accumulation is

1 located was acquired by the defendant after the disposal or
2 placement of used or waste tires on, in or at the property and
3 one or more of the following circumstances is also established
4 by a preponderance of the evidence:

5 (A) at the time the defendant acquired the
6 property, the defendant did not know and had no reason
7 to know that any used or waste tires had been disposed
8 of or placed on, in or at the property, and the
9 defendant undertook, at the time of acquisition, all
10 appropriate inquiries into the previous ownership and
11 uses of the property consistent with good commercial
12 or customary practice in an effort to minimize
13 liability;

14 (B) the defendant is a government entity which
15 acquired the property by escheat or through any other
16 involuntary transfer or acquisition, or through the
17 exercise of eminent domain authority by purchase or
18 condemnation; or

19 (C) the defendant acquired the property by
20 inheritance or bequest.

21 (j) Nothing in this Section shall affect or modify the
22 obligations or liability of any person under any other
23 provision of this Act, federal law, or State law, including
24 the common law, for injuries, damages or losses resulting from
25 the circumstances leading to Agency action under this Section.

26 (k) The costs and damages provided for in this Section may

1 be imposed by the Board in an action brought before the Board
2 in accordance with Title VIII of this Act, except that
3 subsection (c) of Section 33 of this Act shall not apply to any
4 such action.

5 (l) The Agency shall, when feasible, consult with the
6 Department of Public Health prior to taking any action to
7 remove or treat an infested tire accumulation for control of
8 mosquitoes or other disease vectors. The Agency may by
9 contract or agreement secure the services of the Department of
10 Public Health, any local public health department, or any
11 other qualified person in treating any such infestation as
12 part of an emergency or preventive action.

13 (m) Neither the State, the Agency, the Board, the
14 Director, nor any State employee shall be liable for any
15 damage or injury arising out of or resulting from any action
16 taken under this Section.

17 (Source: P.A. 94-793, eff. 5-19-06.)

18 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

19 Sec. 55.7. The Agency ~~Department of Commerce and Economic~~
20 ~~Opportunity~~ may adopt regulations as necessary for the
21 administration of the grant and loan programs funded from the
22 Used Tire Management Fund, including but not limited to
23 procedures and criteria for applying for, evaluating, awarding
24 and terminating grants and loans. The Agency ~~Department of~~
25 ~~Commerce and Economic Opportunity~~ may by rule specify criteria

1 for providing grant assistance rather than loan assistance;
2 such criteria shall promote the expeditious development of
3 alternatives to the disposal of used tires, and the efficient
4 use of monies for assistance. Evaluation criteria may be
5 established by rule, considering such factors as:

6 (1) the likelihood that a proposal will lead to the
7 actual collection and processing of used tires and
8 protection of the environment and public health in
9 furtherance of the purposes of this Act;

10 (2) the feasibility of the proposal;

11 (3) the suitability of the location for the proposed
12 activity;

13 (4) the potential of the proposal for encouraging
14 recycling and reuse of resources; and

15 (5) the potential for development of new technologies
16 consistent with the purposes of this Act.

17 (Source: P.A. 94-793, eff. 5-19-06.)

18 (415 ILCS 5/58.14a)

19 Sec. 58.14a. River Edge Redevelopment Zone Site
20 Remediation Tax Credit Review.

21 (a) Prior to applying for the River Edge Redevelopment
22 Zone site remediation tax credit under subsection (n) of
23 Section 201 of the Illinois Income Tax Act, a Remediation
24 Applicant must first submit to the Agency an application for
25 review of remediation costs. The Agency shall review the

1 application ~~in consultation with the Department of Commerce~~
2 ~~and Economic Opportunity~~. The application and review process
3 must be conducted in accordance with the requirements of this
4 Section and the rules adopted under subsection (g). A
5 preliminary review of the estimated remediation costs for
6 development and implementation of the Remedial Action Plan may
7 be obtained in accordance with subsection (d).

8 (b) No application for review may be submitted until a No
9 Further Remediation Letter has been issued by the Agency and
10 recorded in the chain of title for the site in accordance with
11 Section 58.10. The Agency shall review the application to
12 determine whether the costs submitted are remediation costs
13 and whether the costs incurred are reasonable. The application
14 must be on forms prescribed and provided by the Agency. At a
15 minimum, the application must include the following:

16 (1) information identifying the Remediation Applicant,
17 the site for which the tax credit is being sought, and the
18 date of acceptance of the site into the Site Remediation
19 Program;

20 (2) a copy of the No Further Remediation Letter with
21 official verification that the letter has been recorded in
22 the chain of title for the site and a demonstration that
23 the site for which the application is submitted is the
24 same site as the one for which the No Further Remediation
25 Letter is issued;

26 (3) a demonstration that the release of the regulated

1 substances of concern for which the No Further Remediation
2 Letter was issued were not caused or contributed to in any
3 material respect by the Remediation Applicant.
4 Determinations as to credit availability shall be made
5 consistent with the Pollution Control Board rules for the
6 administration and enforcement of Section 58.9 of this
7 Act;

8 (4) an itemization and documentation, including
9 receipts, of the remediation costs incurred;

10 (5) a demonstration that the costs incurred are
11 remediation costs as defined in this Act and its rules;

12 (6) a demonstration that the costs submitted for
13 review were incurred by the Remediation Applicant who
14 received the No Further Remediation Letter;

15 (7) an application fee in the amount set forth in
16 subsection (e) for each site for which review of
17 remediation costs is requested and, if applicable,
18 certification from the Department of Commerce and Economic
19 Opportunity that the site is located in a River Edge
20 Redevelopment Zone; and

21 (8) any other information deemed appropriate by the
22 Agency.

23 (c) Within 60 days after receipt by the Agency of an
24 application meeting the requirements of subsection (b), the
25 Agency shall issue a letter to the applicant approving,
26 disapproving, or modifying the remediation costs submitted in

1 the application. If the remediation costs are approved as
2 submitted, then the Agency's letter must state the amount of
3 the remediation costs to be applied toward the River Edge
4 Redevelopment Zone site remediation tax credit. If an
5 application is disapproved or approved with modification of
6 remediation costs, then the Agency's letter must set forth the
7 reasons for the disapproval or modification and must state the
8 amount of the remediation costs, if any, to be applied toward
9 the River Edge Redevelopment Zone site remediation tax credit.

10 If a preliminary review of a budget plan has been obtained
11 under subsection (d), then the Remediation Applicant may
12 submit, with the application and supporting documentation
13 under subsection (b), a copy of the Agency's final
14 determination accompanied by a certification that the actual
15 remediation costs incurred for the development and
16 implementation of the Remedial Action Plan are equal to or
17 less than the costs approved in the Agency's final
18 determination on the budget plan. The certification must be
19 signed by the Remediation Applicant and notarized. Based on
20 that submission, the Agency is not required to conduct further
21 review of the costs incurred for development and
22 implementation of the Remedial Action Plan, and it may approve
23 the costs as submitted. Within 35 days after the receipt of an
24 Agency letter disapproving or modifying an application for
25 approval of remediation costs, the Remediation Applicant may
26 appeal the Agency's decision to the Board in the manner

1 provided for the review of permits under Section 40 of this
2 Act.

3 (d) A Remediation Applicant may obtain a preliminary
4 review of estimated remediation costs for the development and
5 implementation of the Remedial Action Plan by submitting a
6 budget plan along with the Remedial Action Plan. The budget
7 plan must be set forth on forms prescribed and provided by the
8 Agency and must include, without limitation, line-item
9 estimates of the costs associated with each line item (such as
10 personnel, equipment, and materials) that the Remediation
11 Applicant anticipates will be incurred for the development and
12 implementation of the Remedial Action Plan. The Agency shall
13 review the budget plan along with the Remedial Action Plan to
14 determine whether the estimated costs submitted are
15 remediation costs and whether the costs estimated for the
16 activities are reasonable.

17 If the Remedial Action Plan is amended by the Remediation
18 Applicant or as a result of Agency action, then the
19 corresponding budget plan must be revised accordingly and
20 resubmitted for Agency review.

21 The budget plan must be accompanied by the applicable fee
22 as set forth in subsection (e).

23 The submittal of a budget plan is deemed to be an automatic
24 60-day waiver of the Remedial Action Plan review deadlines set
25 forth in this Section and its rules.

26 Within the applicable period of review, the Agency shall

1 issue a letter to the Remediation Applicant approving,
2 disapproving, or modifying the estimated remediation costs
3 submitted in the budget plan. If a budget plan is disapproved
4 or approved with modification of estimated remediation costs,
5 then the Agency's letter must set forth the reasons for the
6 disapproval or modification.

7 Within 35 days after receipt of an Agency letter
8 disapproving or modifying a budget plan, the Remediation
9 Applicant may appeal the Agency's decision to the Board in the
10 manner provided for the review of permits under Section 40 of
11 this Act.

12 (e) Any fee for a review conducted under this Section is in
13 addition to any other fees or payments for Agency services
14 rendered under the Site Remediation Program. The fees under
15 this Section are as follows:

16 (1) the fee for an application for review of
17 remediation costs is \$250 for each site reviewed; and

18 (2) there is no fee for the review of the budget plan
19 submitted under subsection (d).

20 The application fee must be made payable to the State of
21 Illinois, for deposit into the Hazardous Waste Fund. Pursuant
22 to appropriation, the Agency shall use the fees collected
23 under this subsection for development and administration of
24 the review program.

25 (f) The Agency has the authority to enter into any
26 contracts or agreements that may be necessary to carry out its

1 duties and responsibilities under this Section.

2 (g) The Agency shall adopt rules prescribing procedures
3 and standards for its administration of this Section. Prior to
4 the effective date of rules adopted under this Section, the
5 Agency may conduct reviews of applications under this Section.
6 The Agency may publish informal guidelines concerning this
7 Section to provide guidance.

8 (Source: P.A. 95-454, eff. 8-27-07.)

9 (415 ILCS 5/58.15)

10 Sec. 58.15. Brownfields Programs.

11 (A) Brownfields Redevelopment Loan Program.

12 (a) The Agency shall establish and administer a revolving
13 loan program to be known as the "Brownfields Redevelopment
14 Loan Program" for the purpose of providing loans to be used for
15 site investigation, site remediation, or both, at brownfields
16 sites. All principal, interest, and penalty payments from
17 loans made under this subsection (A) shall be deposited into
18 the Brownfields Redevelopment Fund and reused in accordance
19 with this Section.

20 (b) General requirements for loans:

21 (1) Loans shall be at or below market interest rates
22 in accordance with a formula set forth in regulations
23 promulgated under subdivision (A)(c) of this subsection
24 (A).

25 (2) Loans shall be awarded subject to availability of

1 funding based on the order of receipt of applications
2 satisfying all requirements as set forth in the
3 regulations promulgated under subdivision (A)(c) of this
4 subsection (A).

5 (3) The maximum loan amount under this subsection (A)
6 for any one project is \$1,000,000.

7 (4) In addition to any requirements or conditions
8 placed on loans by regulation, loan agreements under the
9 Brownfields Redevelopment Loan Program shall include the
10 following requirements:

11 (A) the loan recipient shall secure the loan
12 repayment obligation;

13 (B) completion of the loan repayment shall not
14 exceed 15 years or as otherwise prescribed by Agency
15 rule; and

16 (C) loan agreements shall provide for a confession
17 of judgment by the loan recipient upon default.

18 (5) Loans shall not be used to cover expenses incurred
19 prior to the approval of the loan application.

20 (6) If the loan recipient fails to make timely
21 payments or otherwise fails to meet its obligations as
22 provided in this subsection (A) or implementing
23 regulations, the Agency is authorized to pursue the
24 collection of the amounts past due, the outstanding loan
25 balance, and the costs thereby incurred, either pursuant
26 to the Illinois State Collection Act of 1986 or by any

1 other means provided by law, including the taking of
2 title, by foreclosure or otherwise, to any project or
3 other property pledged, mortgaged, encumbered, or
4 otherwise available as security or collateral.

5 (c) The Agency shall have the authority to enter into any
6 contracts or agreements that may be necessary to carry out its
7 duties or responsibilities under this subsection (A). The
8 Agency shall have the authority to promulgate regulations
9 setting forth procedures and criteria for administering the
10 Brownfields Redevelopment Loan Program. The regulations
11 promulgated by the Agency for loans under this subsection (A)
12 shall include, but need not be limited to, the following
13 elements:

- 14 (1) loan application requirements;
- 15 (2) determination of credit worthiness of the loan
16 applicant;
- 17 (3) types of security required for the loan;
- 18 (4) types of collateral, as necessary, that can be
19 pledged for the loan;
- 20 (5) special loan terms, as necessary, for securing the
21 repayment of the loan;
- 22 (6) maximum loan amounts;
- 23 (7) purposes for which loans are available;
- 24 (8) application periods and content of applications;
- 25 (9) procedures for Agency review of loan applications,
26 loan approvals or denials, and loan acceptance by the loan

1 recipient;

2 (10) procedures for establishing interest rates;

3 (11) requirements applicable to disbursement of loans
4 to loan recipients;

5 (12) requirements for securing loan repayment
6 obligations;

7 (13) conditions or circumstances constituting default;

8 (14) procedures for repayment of loans and delinquent
9 loans including, but not limited to, the initiation of
10 principal and interest payments following loan acceptance;

11 (15) loan recipient responsibilities for work
12 schedules, work plans, reports, and record keeping;

13 (16) evaluation of loan recipient performance,
14 including auditing and access to sites and records;

15 (17) requirements applicable to contracting and
16 subcontracting by the loan recipient, including
17 procurement requirements;

18 (18) penalties for noncompliance with loan
19 requirements and conditions, including stop-work orders,
20 termination, and recovery of loan funds; and

21 (19) indemnification of the State of Illinois and the
22 Agency by the loan recipient.

23 (d) Moneys in the Brownfields Redevelopment Fund may be
24 used as a source of revenue or security for the principal and
25 interest on revenue or general obligation bonds issued by the
26 State or any political subdivision or instrumentality thereof,

1 if the proceeds of those bonds will be deposited into the Fund.

2 (B) Brownfields Site Restoration Program.

3 (a) (1) The Agency, ~~with the assistance of the Department~~
4 ~~of Commerce and Economic Opportunity,~~ must establish and
5 administer a program for the payment of remediation costs
6 to be known as the Brownfields Site Restoration Program.
7 The Agency, through the Program, shall provide Remediation
8 Applicants with financial assistance for the investigation
9 and remediation of abandoned or underutilized properties.
10 The investigation and remediation shall be performed in
11 accordance with this Title XVII of this Act.

12 (2) For each State fiscal year in which funds are made
13 available to the Agency for payment under this subsection
14 (B), the Agency must, subject to the availability of
15 funds, allocate 20% of the funds to be available to
16 Remediation Applicants within counties with populations
17 over 2,000,000. The remaining funds must be made available
18 to all other Remediation Applicants in the State.

19 (3) The Agency must not approve payment in excess of
20 \$750,000 to a Remediation Applicant for remediation costs
21 incurred at a remediation site. Eligibility must be
22 determined based on a minimum capital investment in the
23 redevelopment of the site, and payment amounts must not
24 exceed the net economic benefit to the State of the
25 remediation project. In addition to these limitations, the

1 total payment to be made to an applicant must not exceed an
2 amount equal to 20% of the capital investment at the site.

3 (4) Only those remediation projects for which a No
4 Further Remediation Letter is issued by the Agency after
5 December 31, 2001 are eligible to participate in the
6 Brownfields Site Restoration Program. The program does not
7 apply to any sites that have received a No Further
8 Remediation Letter prior to December 31, 2001 or for costs
9 incurred prior to the Agency ~~Department of Commerce and~~
10 ~~Economic Opportunity (formerly Department of Commerce and~~
11 ~~Community Affairs)~~ approving a site eligible for the
12 Brownfields Site Restoration Program.

13 (5) Brownfields Site Restoration Program funds shall
14 be subject to availability of funding and distributed
15 based on the order of receipt of applications satisfying
16 all requirements as set forth in this Section.

17 (b) Prior to applying to the Agency for payment, a
18 Remediation Applicant shall first submit to the Agency its
19 proposed remediation costs. The Agency shall make a
20 pre-application assessment, which is not to be binding upon
21 ~~the Department of Commerce and Economic Opportunity or upon~~
22 future review of the project, relating only to whether the
23 Agency has adequate funding to reimburse the applicant for the
24 remediation costs if the applicant is found to be eligible for
25 reimbursement of remediation costs. If the Agency determines
26 that it is likely to have adequate funding to reimburse the

1 applicant for remediation costs, the Remediation Applicant may
2 then submit to the Agency ~~Department of Commerce and Economic~~
3 ~~Opportunity~~ an application for review of eligibility. The
4 Agency ~~Department~~ must review the eligibility application to
5 determine whether the Remediation Applicant is eligible for
6 the payment. The application must be on forms prescribed and
7 provided by the Agency ~~Department of Commerce and Economic~~
8 ~~Opportunity~~. At a minimum, the application must include the
9 following:

10 (1) Information identifying the Remediation Applicant
11 and the site for which the payment is being sought and the
12 date of acceptance into the Site Remediation Program.

13 (2) Information demonstrating that the site for which
14 the payment is being sought is abandoned or underutilized
15 property. "Abandoned property" means real property
16 previously used for, or that has the potential to be used
17 for, commercial or industrial purposes that reverted to
18 the ownership of the State, a county or municipal
19 government, or an agency thereof, through donation,
20 purchase, tax delinquency, foreclosure, default, or
21 settlement, including conveyance by deed in lieu of
22 foreclosure; or privately owned property that has been
23 vacant for a period of not less than 3 years from the time
24 an application is made to the Agency ~~Department of~~
25 ~~Commerce and Economic Opportunity~~. "Underutilized
26 property" means real property of which less than 35% of

1 the commercially usable space of the property and
2 improvements thereon are used for their most commercially
3 profitable and economically productive uses.

4 (3) Information demonstrating that remediation of the
5 site for which the payment is being sought will result in a
6 net economic benefit to the State of Illinois. The "net
7 economic benefit" must be determined based on factors
8 including, but not limited to, the capital investment, the
9 number of jobs created, the number of jobs retained if it
10 is demonstrated the jobs would otherwise be lost, capital
11 improvements, the number of construction-related jobs,
12 increased sales, material purchases, other increases in
13 service and operational expenditures, and other factors
14 established by the Agency ~~Department of Commerce and~~
15 ~~Economic Opportunity~~. Priority must be given to sites
16 located in areas with high levels of poverty, where the
17 unemployment rate exceeds the State average, where an
18 enterprise zone exists, or where the area is otherwise
19 economically depressed as determined by the Agency
20 ~~Department of Commerce and Economic Opportunity~~.

21 (4) An application fee in the amount set forth in
22 subdivision (B)(c) for each site for which review of an
23 application is being sought.

24 (c) The fee for eligibility reviews conducted by the
25 Agency ~~Department of Commerce and Economic Opportunity~~ under
26 this subsection (B) is \$1,000 for each site reviewed. The

1 application fee must be made payable to the Agency Department
2 ~~of Commerce and Economic Opportunity~~ for deposit into the
3 Brownfields Redevelopment Workforce, Technology, and Economic
4 ~~Development~~ Fund. These application fees shall be used by the
5 Agency Department for administrative expenses incurred under
6 this subsection (B).

7 (d) Within 60 days after receipt by the Agency Department
8 ~~of Commerce and Economic Opportunity~~ of an application meeting
9 the requirements of subdivision (B) (b), the Agency Department
10 ~~of Commerce and Economic Opportunity~~ must issue a letter to
11 the applicant approving the application, approving the
12 application with modifications, or disapproving the
13 application. If the application is approved or approved with
14 modifications, the Agency's Department of Commerce and
15 ~~Economic Opportunity's~~ letter must also include its
16 determination of the "net economic benefit" of the remediation
17 project and the maximum amount of the payment to be made
18 available to the applicant for remediation costs. The payment
19 by the Agency under this subsection (B) must not exceed the
20 "net economic benefit" of the remediation project, ~~as~~
21 ~~determined by the Department of Commerce and Economic~~
22 ~~Opportunity.~~

23 (e) An application for a review of remediation costs must
24 not be submitted to the Agency unless the Agency Department of
25 ~~Commerce and Economic Opportunity~~ has determined the
26 Remediation Applicant is eligible under subdivision (B) (d). If

1 the Agency ~~Department of Commerce and Economic Opportunity~~ has
2 determined that a Remediation Applicant is eligible under
3 subdivision (B)(d), the Remediation Applicant may submit an
4 application for payment to the Agency under this subsection
5 (B). Except as provided in subdivision (B)(f), an application
6 for review of remediation costs must not be submitted until a
7 No Further Remediation Letter has been issued by the Agency
8 and recorded in the chain of title for the site in accordance
9 with Section 58.10. The Agency must review the application to
10 determine whether the costs submitted are remediation costs
11 and whether the costs incurred are reasonable. The application
12 must be on forms prescribed and provided by the Agency. At a
13 minimum, the application must include the following:

14 (1) Information identifying the Remediation Applicant
15 and the site for which the payment is being sought and the
16 date of acceptance of the site into the Site Remediation
17 Program.

18 (2) A copy of the No Further Remediation Letter with
19 official verification that the letter has been recorded in
20 the chain of title for the site and a demonstration that
21 the site for which the application is submitted is the
22 same site as the one for which the No Further Remediation
23 Letter is issued.

24 (3) A demonstration that the release of the regulated
25 substances of concern for which the No Further Remediation
26 Letter was issued was not caused or contributed to in any

1 material respect by the Remediation Applicant. The Agency
2 must make determinations as to reimbursement availability
3 consistent with rules adopted by the Pollution Control
4 Board for the administration and enforcement of Section
5 58.9 of this Act.

6 (4) A copy of the Agency's ~~Department of Commerce and~~
7 ~~Economic Opportunity's~~ letter approving eligibility,
8 including the net economic benefit of the remediation
9 project.

10 (5) An itemization and documentation, including
11 receipts, of the remediation costs incurred.

12 (6) A demonstration that the costs incurred are
13 remediation costs as defined in this Act and rules adopted
14 under this Act.

15 (7) A demonstration that the costs submitted for
16 review were incurred by the Remediation Applicant who
17 received the No Further Remediation Letter.

18 (8) An application fee in the amount set forth in
19 subdivision (B)(j) for each site for which review of
20 remediation costs is requested.

21 (9) Any other information deemed appropriate by the
22 Agency.

23 (f) An application for review of remediation costs may be
24 submitted to the Agency prior to the issuance of a No Further
25 Remediation Letter if the Remediation Applicant has a Remedial
26 Action Plan approved by the Agency under the terms of which the

1 Remediation Applicant will remediate groundwater for more than
2 one year. The Agency must review the application to determine
3 whether the costs submitted are remediation costs and whether
4 the costs incurred are reasonable. The application must be on
5 forms prescribed and provided by the Agency. At a minimum, the
6 application must include the following:

7 (1) Information identifying the Remediation Applicant
8 and the site for which the payment is being sought and the
9 date of acceptance of the site into the Site Remediation
10 Program.

11 (2) A copy of the Agency letter approving the Remedial
12 Action Plan.

13 (3) A demonstration that the release of the regulated
14 substances of concern for which the Remedial Action Plan
15 was approved was not caused or contributed to in any
16 material respect by the Remediation Applicant. The Agency
17 must make determinations as to reimbursement availability
18 consistent with rules adopted by the Pollution Control
19 Board for the administration and enforcement of Section
20 58.9 of this Act.

21 (4) A copy of the Agency's ~~Department of Commerce and~~
22 ~~Economic Opportunity's~~ letter approving eligibility,
23 including the net economic benefit of the remediation
24 project.

25 (5) An itemization and documentation, including
26 receipts, of the remediation costs incurred.

1 (6) A demonstration that the costs incurred are
2 remediation costs as defined in this Act and rules adopted
3 under this Act.

4 (7) A demonstration that the costs submitted for
5 review were incurred by the Remediation Applicant who
6 received approval of the Remediation Action Plan.

7 (8) An application fee in the amount set forth in
8 subdivision (B)(j) for each site for which review of
9 remediation costs is requested.

10 (9) Any other information deemed appropriate by the
11 Agency.

12 (g) For a Remediation Applicant seeking a payment under
13 subdivision (B)(f), until the Agency issues a No Further
14 Remediation Letter for the site, no more than 75% of the
15 allowed payment may be claimed by the Remediation Applicant.
16 The remaining 25% may be claimed following the issuance by the
17 Agency of a No Further Remediation Letter for the site. For a
18 Remediation Applicant seeking a payment under subdivision
19 (B)(e), until the Agency issues a No Further Remediation
20 Letter for the site, no payment may be claimed by the
21 Remediation Applicant.

22 (h) (1) Within 60 days after receipt by the Agency of an
23 application meeting the requirements of subdivision (B)(e)
24 or (B)(f), the Agency must issue a letter to the applicant
25 approving, disapproving, or modifying the remediation
26 costs submitted in the application. If an application is

1 disapproved or approved with modification of remediation
2 costs, then the Agency's letter must set forth the reasons
3 for the disapproval or modification.

4 (2) If a preliminary review of a budget plan has been
5 obtained under subdivision (B)(i), the Remediation
6 Applicant may submit, with the application and supporting
7 documentation under subdivision (B)(e) or (B)(f), a copy
8 of the Agency's final determination accompanied by a
9 certification that the actual remediation costs incurred
10 for the development and implementation of the Remedial
11 Action Plan are equal to or less than the costs approved in
12 the Agency's final determination on the budget plan. The
13 certification must be signed by the Remediation Applicant
14 and notarized. Based on that submission, the Agency is not
15 required to conduct further review of the costs incurred
16 for development and implementation of the Remedial Action
17 Plan and may approve costs as submitted.

18 (3) Within 35 days after receipt of an Agency letter
19 disapproving or modifying an application for approval of
20 remediation costs, the Remediation Applicant may appeal
21 the Agency's decision to the Board in the manner provided
22 for the review of permits in Section 40 of this Act.

23 (i) (1) A Remediation Applicant may obtain a preliminary
24 review of estimated remediation costs for the development
25 and implementation of the Remedial Action Plan by
26 submitting a budget plan along with the Remedial Action

1 Plan. The budget plan must be set forth on forms
2 prescribed and provided by the Agency and must include,
3 but is not limited to, line item estimates of the costs
4 associated with each line item (such as personnel,
5 equipment, and materials) that the Remediation Applicant
6 anticipates will be incurred for the development and
7 implementation of the Remedial Action Plan. The Agency
8 must review the budget plan along with the Remedial Action
9 Plan to determine whether the estimated costs submitted
10 are remediation costs and whether the costs estimated for
11 the activities are reasonable.

12 (2) If the Remedial Action Plan is amended by the
13 Remediation Applicant or as a result of Agency action, the
14 corresponding budget plan must be revised accordingly and
15 resubmitted for Agency review.

16 (3) The budget plan must be accompanied by the
17 applicable fee as set forth in subdivision (B)(j).

18 (4) Submittal of a budget plan must be deemed an
19 automatic 60-day waiver of the Remedial Action Plan review
20 deadlines set forth in this subsection (B) and rules
21 adopted under this subsection (B).

22 (5) Within the applicable period of review, the Agency
23 must issue a letter to the Remediation Applicant
24 approving, disapproving, or modifying the estimated
25 remediation costs submitted in the budget plan. If a
26 budget plan is disapproved or approved with modification

1 of estimated remediation costs, the Agency's letter must
2 set forth the reasons for the disapproval or modification.

3 (6) Within 35 days after receipt of an Agency letter
4 disapproving or modifying a budget plan, the Remediation
5 Applicant may appeal the Agency's decision to the Board in
6 the manner provided for the review of permits in Section
7 40 of this Act.

8 (j) The fees for reviews conducted by the Agency under
9 this subsection (B) are in addition to any other fees or
10 payments for Agency services rendered pursuant to the Site
11 Remediation Program and are as follows:

12 (1) The fee for an application for review of
13 remediation costs is \$1,000 for each site reviewed.

14 (2) The fee for the review of the budget plan
15 submitted under subdivision (B)(i) is \$500 for each site
16 reviewed.

17 The application fee and the fee for the review of the
18 budget plan must be made payable to the State of Illinois, for
19 deposit into the Brownfields Redevelopment Fund.

20 (k) Moneys in the Brownfields Redevelopment Fund may be
21 used for the purposes of this Section, including payment for
22 the costs of administering this subsection (B). Any moneys
23 remaining in the Brownfields Site Restoration Program Fund on
24 the effective date of this amendatory Act of the 92nd General
25 Assembly shall be transferred to the Brownfields Redevelopment
26 Fund. Total payments made to all Remediation Applicants by the

1 Agency for purposes of this subsection (B) must not exceed
2 \$1,000,000 in State fiscal year 2002.

3 (l) The ~~Department and the~~ Agency is ~~are~~ authorized to
4 enter into any contracts or agreements that may be necessary
5 to carry out the Agency's ~~their~~ duties and responsibilities
6 under this subsection (B).

7 (m) Within 6 months after the effective date of this
8 amendatory Act of 2002, the Department of Commerce and
9 Community Affairs (now Department of Commerce and Economic
10 Opportunity) and the Agency must propose rules prescribing
11 procedures and standards for the administration of this
12 subsection (B). Within 9 months after receipt of the proposed
13 rules, the Board shall adopt on second notice, pursuant to
14 Sections 27 and 28 of this Act and the Illinois Administrative
15 Procedure Act, rules that are consistent with this subsection
16 (B). Prior to the effective date of rules adopted under this
17 subsection (B), the Department of Commerce and Community
18 Affairs (now Department of Commerce and Economic Opportunity)
19 and the Agency may conduct reviews of applications under this
20 subsection (B) and the Agency is further authorized to
21 distribute guidance documents on costs that are eligible or
22 ineligible as remediation costs.

23 (Source: P.A. 97-333, eff. 8-12-11.)

24 Section 960. The Solid Waste Planning and Recycling Act is
25 amended by changing Section 7 as follows:

1 (415 ILCS 15/7) (from Ch. 85, par. 5957)

2 Sec. 7. (a) Each county shall begin implementation of its
3 waste management plan, including the recycling program, within
4 one year of adoption of the plan. The county may enter into
5 written agreements with other persons, including a
6 municipality or persons transporting municipal waste on the
7 effective date of this Act, pursuant to which the persons
8 undertake to fulfill some or all of the county's
9 responsibilities under this Act. A person who enters into an
10 agreement shall be responsible with the county for the
11 implementation of such programs.

12 (b) In implementing the recycling program, consideration
13 for the collection, marketing and disposition of recyclable
14 materials shall be given to persons engaged in the business of
15 recycling within the county on the effective date of this Act,
16 whether or not the persons were operating for profit.

17 If a township within the county is operating a recycling
18 program on the effective date of the plan which substantially
19 conforms with or exceeds the requirements of the recycling
20 program included in the plan, the township may continue to
21 operate its recycling program, and such operation shall
22 constitute, within the township, implementation of the
23 recycling program included in the plan. A township may at any
24 time adopt and implement a recycling program that is more
25 stringent than that required by the county waste management

1 plan.

2 (c) The Agency ~~Department~~ shall assist counties in
3 implementing recycling programs under this Act, and may,
4 pursuant to appropriation, make grants and loans from the
5 Solid Waste Management Fund to counties or other units of
6 local government for that purpose, to be used for capital
7 assistance or for the payment of recycling diversion credits
8 or for other recycling program purposes, in accordance with
9 such guidelines as may be adopted by the Agency ~~Department~~.
10 (Source: P.A. 97-333, eff. 8-12-11.)

11 Section 970. The Illinois Solid Waste Management Act is
12 amended by changing Sections 2.1, 3, 3.1, 6, 6a, 7, and 8 as
13 follows:

14 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

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

18 "Agency" means the Environmental Protection Agency.

19 "Department", when a particular entity is not specified,
20 means (i) in the case of a function to be performed on or after
21 July 1, 1995 (the effective date of the Department of Natural
22 Resources Act) and until the effective date of this amendatory
23 Act of the 102nd General Assembly, the Department of Commerce
24 and Community Affairs (now Department of Commerce and Economic

1 Opportunity), as successor to the former Department of Energy
2 and Natural Resources under the Department of Natural
3 Resources Act; or (ii) in the case of a function required to be
4 performed before July 1, 1995, the former Illinois Department
5 of Energy and Natural Resources.

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

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

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

17 "Paper and paper products" means high grade printing and
18 writing papers, tissue products, newsprint, unbleached
19 packaging and recycled paperboard.

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

25 "Recovered paper material" means paper waste generated
26 after the completion of the papermaking process, such as

1 postconsumer materials, envelope cuttings, bindery trimmings,
2 printing waste, cutting and other converting waste, butt
3 rolls, and mill wrappers, obsolete inventories, and rejected
4 unused stock. "Recovered paper material", however, does not
5 include fibrous waste generated during the manufacturing
6 process such as fibers recovered from waste water or trimmings
7 of paper machine rolls (mill broke), or fibrous byproducts of
8 harvesting, extraction or woodcutting processes, or forest
9 residues such as bark.

10 "Recycled paperboard" includes recycled paperboard
11 products, folding cartons and pad backing.

12 "Recycling" means the process by which solid waste is
13 collected, separated and processed for reuse as either a raw
14 material or a product which itself is subject to recycling,
15 but does not include the combustion of waste for energy
16 recovery or volume reduction.

17 "Tissue products" includes toilet tissue, paper towels,
18 paper napkins, facial tissue, paper doilies, industrial
19 wipers, paper bags and brown papers.

20 "Unbleached packaging" includes corrugated and fiber
21 boxes.

22 "USEPA Guidelines for federal procurement" means all
23 minimum recycled content standards recommended by the U.S.
24 Environmental Protection Agency.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

2 Sec. 3. State agency materials recycling program.

3 (a) All State agencies responsible for the maintenance of
4 public lands in the State shall, to the maximum extent
5 feasible, use compost materials in all land maintenance
6 activities which are to be paid with public funds.

7 (a-5) All State agencies responsible for the maintenance
8 of public lands in the State shall review its procurement
9 specifications and policies to determine (1) if incorporating
10 compost materials will help reduce stormwater run-off and
11 increase infiltration of moisture in land maintenance
12 activities and (2) the current recycled content usage and
13 potential for additional recycled content usage by the Agency
14 in land maintenance activities and report to the General
15 Assembly by December 15, 2015.

16 (b) The Department of Central Management Services, in
17 coordination with the Agency ~~Department of Commerce and~~
18 ~~Economic Opportunity~~, shall implement waste reduction
19 programs, including source separation and collection, for
20 office wastepaper, corrugated containers, newsprint and mixed
21 paper, in all State buildings as appropriate and feasible.
22 Such waste reduction programs shall be designed to achieve
23 waste reductions of at least 25% of all such waste by December
24 31, 1995, and at least 50% of all such waste by December 31,
25 2000. Any source separation and collection program shall
26 include, at a minimum, procedures for collecting and storing

1 recyclable materials, bins or containers for storing
2 materials, and contractual or other arrangements with buyers
3 of recyclable materials. If market conditions so warrant, the
4 Department of Central Management Services, in coordination
5 with the Agency ~~Department of Commerce and Economic~~
6 ~~Opportunity~~, may modify programs developed pursuant to this
7 Section.

8 The Department of Commerce and Community Affairs (now
9 Department of Commerce and Economic Opportunity) shall conduct
10 waste categorization studies of all State facilities for
11 calendar years 1991, 1995 and 2000. Such studies shall be
12 designed to assist the Department of Central Management
13 Services to achieve the waste reduction goals established in
14 this subsection.

15 (c) Each State agency shall, upon consultation with the
16 Agency ~~Department of Commerce and Economic Opportunity~~,
17 periodically review its procurement procedures and
18 specifications related to the purchase of products or
19 supplies. Such procedures and specifications shall be modified
20 as necessary to require the procuring agency to seek out
21 products and supplies that contain recycled materials, and to
22 ensure that purchased products or supplies are reusable,
23 durable or made from recycled materials whenever economically
24 and practically feasible. In choosing among products or
25 supplies that contain recycled material, consideration shall
26 be given to products and supplies with the highest recycled

1 material content that is consistent with the effective and
2 efficient use of the product or supply.

3 (d) Wherever economically and practically feasible, the
4 Department of Central Management Services shall procure
5 recycled paper and paper products as follows:

6 (1) Beginning July 1, 1989, at least 10% of the total
7 dollar value of paper and paper products purchased by the
8 Department of Central Management Services shall be
9 recycled paper and paper products.

10 (2) Beginning July 1, 1992, at least 25% of the total
11 dollar value of paper and paper products purchased by the
12 Department of Central Management Services shall be
13 recycled paper and paper products.

14 (3) Beginning July 1, 1996, at least 40% of the total
15 dollar value of paper and paper products purchased by the
16 Department of Central Management Services shall be
17 recycled paper and paper products.

18 (4) Beginning July 1, 2000, at least 50% of the total
19 dollar value of paper and paper products purchased by the
20 Department of Central Management Services shall be
21 recycled paper and paper products.

22 (e) Paper and paper products purchased from private
23 vendors pursuant to printing contracts are not considered
24 paper products for the purposes of subsection (d). However,
25 the Department of Central Management Services shall report to
26 the General Assembly on an annual basis the total dollar value

1 of printing contracts awarded to private sector vendors that
2 included the use of recycled paper.

3 (f) (1) Wherever economically and practically feasible,
4 the recycled paper and paper products referred to in
5 subsection (d) shall contain postconsumer or recovered
6 paper materials as specified by paper category in this
7 subsection:

8 (i) Recycled high grade printing and writing paper
9 shall contain at least 50% recovered paper material.
10 Such recovered paper material, until July 1, 1994,
11 shall consist of at least 20% deinked stock or
12 postconsumer material; and beginning July 1, 1994,
13 shall consist of at least 25% deinked stock or
14 postconsumer material; and beginning July 1, 1996,
15 shall consist of at least 30% deinked stock or
16 postconsumer material; and beginning July 1, 1998,
17 shall consist of at least 40% deinked stock or
18 postconsumer material; and beginning July 1, 2000,
19 shall consist of at least 50% deinked stock or
20 postconsumer material.

21 (ii) Recycled tissue products, until July 1, 1994,
22 shall contain at least 25% postconsumer material; and
23 beginning July 1, 1994, shall contain at least 30%
24 postconsumer material; and beginning July 1, 1996,
25 shall contain at least 35% postconsumer material; and
26 beginning July 1, 1998, shall contain at least 40%

1 postconsumer material; and beginning July 1, 2000,
2 shall contain at least 45% postconsumer material.

3 (iii) Recycled newsprint, until July 1, 1994,
4 shall contain at least 40% postconsumer material; and
5 beginning July 1, 1994, shall contain at least 50%
6 postconsumer material; and beginning July 1, 1996,
7 shall contain at least 60% postconsumer material; and
8 beginning July 1, 1998, shall contain at least 70%
9 postconsumer material; and beginning July 1, 2000,
10 shall contain at least 80% postconsumer material.

11 (iv) Recycled unbleached packaging, until July 1,
12 1994, shall contain at least 35% postconsumer
13 material; and beginning July 1, 1994, shall contain at
14 least 40% postconsumer material; and beginning July 1,
15 1996, shall contain at least 45% postconsumer
16 material; and beginning July 1, 1998, shall contain at
17 least 50% postconsumer material; and beginning July 1,
18 2000, shall contain at least 55% postconsumer
19 material.

20 (v) Recycled paperboard, until July 1, 1994, shall
21 contain at least 80% postconsumer material; and
22 beginning July 1, 1994, shall contain at least 85%
23 postconsumer material; and beginning July 1, 1996,
24 shall contain at least 90% postconsumer material; and
25 beginning July 1, 1998, shall contain at least 95%
26 postconsumer material.

1 (2) For the purposes of this Section, "postconsumer
2 material" includes:

3 (i) paper, paperboard, and fibrous wastes from
4 retail stores, office buildings, homes, and so forth,
5 after the waste has passed through its end usage as a
6 consumer item, including used corrugated boxes, old
7 newspapers, mixed waste paper, tabulating cards, and
8 used cordage; and

9 (ii) all paper, paperboard, and fibrous wastes
10 that are diverted or separated from the municipal
11 solid waste stream.

12 (3) For the purposes of this Section, "recovered paper
13 material" includes:

14 (i) postconsumer material;

15 (ii) dry paper and paperboard waste generated
16 after completion of the papermaking process (that is,
17 those manufacturing operations up to and including the
18 cutting and trimming of the paper machine reel into
19 smaller rolls or rough sheets), including envelope
20 cuttings, bindery trimmings, and other paper and
21 paperboard waste resulting from printing, cutting,
22 forming, and other converting operations, or from bag,
23 box and carton manufacturing, and butt rolls, mill
24 wrappers, and rejected unused stock; and

25 (iii) finished paper and paperboard from obsolete
26 inventories of paper and paperboard manufacturers,

1 merchants, wholesalers, dealers, printers, converters,
2 or others.

3 (g) The Department of Central Management Services may
4 adopt regulations to carry out the provisions and purposes of
5 this Section.

6 (h) Every State agency shall, in its procurement
7 documents, specify that, whenever economically and practically
8 feasible, a product to be procured must consist, wholly or in
9 part, of recycled materials, or be recyclable or reusable in
10 whole or in part. When applicable, if state guidelines are not
11 already prescribed, State agencies shall follow USEPA
12 guidelines for federal procurement.

13 (i) All State agencies shall cooperate with the Department
14 of Central Management Services in carrying out this Section.
15 The Department of Central Management Services may enter into
16 cooperative purchasing agreements with other governmental
17 units in order to obtain volume discounts, or for other
18 reasons in accordance with the Governmental Joint Purchasing
19 Act, or in accordance with the Intergovernmental Cooperation
20 Act if governmental units of other states or the federal
21 government are involved.

22 (j) The Department of Central Management Services shall
23 submit an annual report to the General Assembly concerning its
24 implementation of the State's collection and recycled paper
25 procurement programs. This report shall include a description
26 of the actions that the Department of Central Management

1 Services has taken in the previous fiscal year to implement
2 this Section. This report shall be submitted on or before
3 November 1 of each year.

4 (k) The Department of Central Management Services, in
5 cooperation with all other appropriate departments and
6 agencies of the State, shall institute whenever economically
7 and practically feasible the use of re-refined motor oil in
8 all State-owned motor vehicles and the use of remanufactured
9 and retread tires whenever such use is practical, beginning no
10 later than July 1, 1992.

11 (l) (Blank).

12 (m) The Department of Central Management Services, in
13 coordination with the Department of Commerce and Community
14 Affairs (now Department of Commerce and Economic Opportunity),
15 has implemented an aluminum can recycling program in all State
16 buildings within 270 days of the effective date of this
17 amendatory Act of 1997. The program provides for (1) the
18 collection and storage of used aluminum cans in bins or other
19 appropriate containers made reasonably available to occupants
20 and visitors of State buildings and (2) the sale of used
21 aluminum cans to buyers of recyclable materials.

22 Proceeds from the sale of used aluminum cans shall be
23 deposited into I-CYCLE accounts maintained in the Facilities
24 Management Revolving Fund and, subject to appropriation, shall
25 be used by the Department of Central Management Services and
26 any other State agency to offset the costs of implementing the

1 aluminum can recycling program under this Section.

2 All State agencies having an aluminum can recycling
3 program in place shall continue with their current plan. If a
4 State agency has an existing recycling program in place,
5 proceeds from the aluminum can recycling program may be
6 retained and distributed pursuant to that program, otherwise
7 all revenue resulting from these programs shall be forwarded
8 to Central Management Services, I-CYCLE for placement into the
9 appropriate account within the Facilities Management Revolving
10 Fund, minus any operating costs associated with the program.

11 (Source: P.A. 101-636, eff. 6-10-20.)

12 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

13 Sec. 3.1. Institutions of higher learning.

14 (a) For purposes of this Section "State-supported
15 institutions of higher learning" or "institutions" means the
16 University of Illinois, Southern Illinois University, the
17 colleges and universities under the jurisdiction of the Board
18 of Governors of State Colleges and Universities, the colleges
19 and universities under the jurisdiction of the Board of
20 Regents of Regency Universities, and the public community
21 colleges subject to the Public Community College Act.

22 (b) Each State-supported institution of higher learning
23 shall develop a comprehensive waste reduction plan covering a
24 period of 10 years which addresses the management of solid
25 waste generated by academic, administrative, student housing

1 and other institutional functions. The waste reduction plan
2 shall be developed by January 1, 1995. The initial plan
3 required under this Section shall be updated by the
4 institution every 5 years, and any proposed amendments to the
5 plan shall be submitted for review in accordance with
6 subsection (f).

7 (c) Each waste reduction plan shall address, at a minimum,
8 the following topics: existing waste generation by volume,
9 waste composition, existing waste reduction and recycling
10 activities, waste collection and disposal costs, future waste
11 management methods, and specific goals to reduce the amount of
12 waste generated that is subject to landfill disposal.

13 (d) Each waste reduction plan shall provide for recycling
14 of marketable materials currently present in the institution's
15 waste stream, including but not limited to landscape waste,
16 corrugated cardboard, computer paper, and white office paper,
17 and shall provide for the investigation of potential markets
18 for other recyclable materials present in the institution's
19 waste stream. The recycling provisions of the waste reduction
20 plan shall be designed to achieve, by January 1, 2000, at least
21 a 40% reduction (referenced to a base year of 1987) in the
22 amount of solid waste that is generated by the institution and
23 identified in the waste reduction plan as being subject to
24 landfill disposal.

25 (e) Each waste reduction plan shall evaluate the
26 institution's procurement policies and practices to eliminate

1 procedures which discriminate against items with recycled
2 content, and to identify products or items which are procured
3 by the institution on a frequent or repetitive basis for which
4 products with recycled content may be substituted. Each waste
5 reduction plan shall prescribe that it will be the policy of
6 the institution to purchase products with recycled content
7 whenever such products have met specifications and standards
8 of equivalent products which do not contain recycled content.

9 (f) Each waste reduction plan developed in accordance with
10 this Section shall be submitted to the Agency ~~Department of~~
11 ~~Commerce and Economic Opportunity~~ for review and approval. The
12 Agency's ~~Department's~~ review shall be conducted in cooperation
13 with the Board of Higher Education and the Illinois Community
14 College Board.

15 (g) The Agency ~~Department of Commerce and Economic~~
16 ~~Opportunity~~ shall provide technical assistance, technical
17 materials, workshops and other information necessary to assist
18 in the development and implementation of the waste reduction
19 plans. The Agency ~~Department~~ shall develop guidelines and
20 funding criteria for providing grant assistance to
21 institutions for the implementation of approved waste
22 reduction plans.

23 (Source: P.A. 94-793, eff. 5-19-06.)

24 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

25 Sec. 6. The Agency ~~Department of Commerce and Economic~~

1 ~~Opportunity~~ shall be the lead agency for implementation of
2 this Act and shall have the following powers:

3 (a) To provide technical and educational assistance for
4 applications of technologies and practices which will minimize
5 the land disposal of non-hazardous solid waste; economic
6 feasibility of implementation of solid waste management
7 alternatives; analysis of markets for recyclable materials and
8 energy products; application of the Geographic Information
9 System to provide analysis of natural resource, land use, and
10 environmental impacts; evaluation of financing and ownership
11 options; and evaluation of plans prepared by units of local
12 government pursuant to Section 22.15 of the Environmental
13 Protection Act.

14 (b) (Blank).

15 (c) To provide loans or recycling and composting grants to
16 businesses and not-for-profit and governmental organizations
17 for the purposes of increasing the quantity of materials
18 recycled or composted in Illinois; developing and implementing
19 innovative recycling methods and technologies; developing and
20 expanding markets for recyclable materials; and increasing the
21 self-sufficiency of the recycling industry in Illinois. The
22 Agency ~~Department~~ shall work with and coordinate its
23 activities with existing for-profit and not-for-profit
24 collection and recycling systems to encourage orderly growth
25 in the supply of and markets for recycled materials and to
26 assist existing collection and recycling efforts.

1 The Agency Department shall develop a public education
2 program concerning the importance of both composting and
3 recycling in order to preserve landfill space in Illinois.

4 (d) To establish guidelines and funding criteria for the
5 solicitation of projects under this Act, and to receive and
6 evaluate applications for loans or grants for solid waste
7 management projects based upon such guidelines and criteria.
8 Funds may be loaned with or without interest.

9 (e) To support and coordinate solid waste research in
10 Illinois, and to approve the annual solid waste research
11 agenda prepared by the University of Illinois.

12 (f) To provide loans or grants for research, development
13 and demonstration of innovative technologies and practices,
14 including but not limited to pilot programs for collection and
15 disposal of household wastes.

16 (g) To promulgate such rules and regulations as are
17 necessary to carry out the purposes of subsections (c), (d)
18 and (f) of this Section.

19 (h) (Blank). ~~To cooperate with the Environmental~~
20 ~~Protection Agency for the purposes specified herein.~~

21 The Agency Department is authorized to accept any and all
22 grants, repayments of interest and principal on loans,
23 matching funds, reimbursements, appropriations, income derived
24 from investments, or other things of value from the federal or
25 state governments or from any institution, person,
26 partnership, joint venture, corporation, public or private.

1 The Agency ~~Department~~ is authorized to use moneys
2 available for that purpose, subject to appropriation,
3 expressly for the purpose of implementing a loan program
4 according to procedures established pursuant to this Act.
5 Those moneys shall be used by the Agency ~~Department~~ for the
6 purpose of financing additional projects and for the Agency's
7 ~~Department's~~ administrative expenses related thereto.

8 (Source: P.A. 100-621, eff. 7-20-18.)

9 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

10 Sec. 6a. The Agency ~~Department of Commerce and Economic~~
11 ~~Opportunity~~ shall:

12 (1) Work with nationally based consumer groups and
13 trade associations to support the development of
14 nationally recognized logos which may be used to indicate
15 whether a container and any other consumer products which
16 are claimed to be recyclable by a product manufacturer are
17 recyclable, compostable, or biodegradable.

18 (2) Work with nationally based consumer groups and
19 trade associations to develop nationally recognized
20 criteria for determining under what conditions the logos
21 may be used.

22 (3) Develop and conduct a public education and
23 awareness campaign to encourage the public to look for and
24 buy products in containers which are recyclable or made of
25 recycled materials.

1 (4) Develop and prepare educational materials
2 describing the benefits and methods of recycling for
3 distribution to elementary schools in Illinois.

4 (Source: P.A. 99-306, eff. 1-1-16.)

5 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

6 Sec. 7. It is the intent of this Act to provide the
7 framework for a comprehensive solid waste management program
8 in Illinois.

9 The Department shall prepare and submit to the Governor
10 and the General Assembly on or before January 1, 1992, a report
11 evaluating the effectiveness of the programs provided under
12 this Act and Section 22.14 of the Environmental Protection
13 Act; assessing the need for a continuation of existing
14 programs, development and implementation of new programs and
15 appropriate funding mechanisms; and recommending legislative
16 and administrative action to fully implement a comprehensive
17 solid waste management program in Illinois.

18 The Department shall investigate the suitability and
19 advisability of providing tax incentives for Illinois
20 businesses to use recycled products and purchase or lease
21 recycling equipment and shall report to the Governor and the
22 General Assembly by January 1, 1987 on the results of this
23 investigation.

24 By July 1, 1989, the Department shall submit to the
25 Governor and members of the General Assembly a waste reduction

1 report:

2 (a) that describes various mechanisms that could be
3 utilized to stimulate and enhance the reduction of
4 industrial and post-consumer waste in the State, including
5 their advantages and disadvantages. The mechanisms to be
6 analyzed shall include, but not be limited to, incentives
7 for prolonging product life, methods for ensuring product
8 recyclability, taxes for excessive packaging, tax
9 incentives, prohibitions on the use of certain products,
10 and performance standards for products; and

11 (b) that includes specific recommendations to
12 stimulate and enhance waste reduction in the industrial
13 and consumer sector, including, but not limited to,
14 legislation, financial incentives and disincentives, and
15 public education.

16 The Agency ~~Department of Commerce and Economic~~
17 ~~Opportunity~~, with the cooperation of the State Board of
18 Education, ~~the Illinois Environmental Protection Agency~~, and
19 others as needed, shall develop, coordinate and conduct an
20 education program for solid waste management and recycling.
21 The program shall include, but not be limited to, education
22 for the general public, businesses, government, educators and
23 students.

24 The education program shall address, at a minimum, the
25 following topics: the solid waste management alternatives of
26 recycling, composting, and source reduction; resource

1 allocation and depletion; solid waste planning; reuse of
2 materials; pollution prevention; and household hazardous
3 waste.

4 The Agency ~~Department of Commerce and Economic Opportunity~~
5 shall cooperate with municipal and county governments,
6 regional school superintendents, educational ~~educational~~
7 service centers, local school districts, and planning agencies
8 and committees to coordinate local and regional education
9 programs and workshops and to expedite the exchange of
10 technical information.

11 By March 1, 1989, the Department shall prepare a report on
12 strategies for distributing and marketing landscape waste
13 compost from centralized composting sites operated by units of
14 local government. The report shall, at a minimum, evaluate the
15 effects of product quality, assured supply, cost and public
16 education on the availability of compost, free delivery, and
17 public sales composting program. The evaluation of public
18 sales programs shall focus on direct retail sale of bagged
19 compost at the site or special distribution centers and bulk
20 sale of finished compost to wholesalers for resale.

21 (Source: P.A. 101-81, eff. 7-12-19.)

22 Section 975. The Recycled Newsprint Use Act is amended by
23 changing Sections 2002.03, 2004, 2005, 2007, 2008, 2010, 2011,
24 2012, and 2013 as follows:

1 (415 ILCS 110/2002.03 new)

2 Sec. 2002.03. Agency. "Agency" means the Environmental
3 Protection Agency.

4 (415 ILCS 110/2004) (from Ch. 96 1/2, par. 9754)

5 Sec. 2004. Consumer usage certification. Each consumer of
6 newsprint within the State shall, on or before March 1 of each
7 year, certify to the Agency ~~Department~~ the amount in tons of
8 every type of newsprint used by the consumer of newsprint the
9 previous year and the percentage of recycled fibers present in
10 each type of newsprint, so that the Agency ~~Department~~ can
11 calculate the recycled fiber usage for that consumer of
12 newsprint. All Illinois consumers of newsprint shall submit
13 the first consumer usage certificate by March 1, 1992, for the
14 calendar year 1991. Only consumers of newsprint who provide
15 timely usage certificates shall receive credit for recycled
16 fiber usage.

17 (Source: P.A. 91-583, eff. 1-1-00.)

18 (415 ILCS 110/2005) (from Ch. 96 1/2, par. 9755)

19 Sec. 2005. Audit. Every consumer of newsprint who submits
20 recycled fiber usage certification may be subject to an audit
21 by the Agency ~~Department~~ to ensure that the recycled fiber
22 percentage requirement was met.

23 (Source: P.A. 86-1443.)

1 (415 ILCS 110/2007) (from Ch. 96 1/2, par. 9757)
2 Sec. 2007. List identifying consumers and suppliers. For
3 the purposes of implementing and enforcing this Act, the
4 Agency ~~Department~~ shall develop and maintain a list that
5 identifies every consumer of newsprint in Illinois and every
6 person who supplies a consumer of newsprint with newsprint.
7 The Agency ~~Department~~ may use information from local business
8 permits, trade publications, or any other relevant information
9 to develop the list.

10 (Source: P.A. 86-1443.)

11 (415 ILCS 110/2008) (from Ch. 96 1/2, par. 9758)
12 Sec. 2008. Comparable quality standards.
13 (a) For the purposes of implementing and enforcing this
14 Act, the Agency ~~Department~~ shall set comparable quality
15 standards for each of the grades of newsprint available from
16 all suppliers of newsprint to determine the comparable quality
17 of recycled content newsprint to virgin material. The
18 standards shall be based on the average numerical standards of
19 printing opacity, brightness level, and cross machine tear
20 strength.
21 (b) The Agency ~~Department~~ shall review its standards at
22 least once every 2 years and determine whether they should be
23 adjusted to reflect changes in industry standards and
24 practices, and if so, the Agency ~~Department~~ shall set new
25 standards.

1 (Source: P.A. 86-1443.)

2 (415 ILCS 110/2010) (from Ch. 96 1/2, par. 9760)

3 Sec. 2010. Content of delivered newsprint. If any person
4 knowingly provides a consumer of newsprint with a false or
5 misleading certificate concerning the recycled fiber
6 percentage of the delivered newsprint, the Agency Department,
7 within 30 days of making this determination, shall refer the
8 false or misleading certificate to the Attorney General for
9 prosecution for fraud.

10 (Source: P.A. 86-1443.)

11 (415 ILCS 110/2011) (from Ch. 96 1/2, par. 9761)

12 Sec. 2011. Consumer use certificate. Any consumer of
13 newsprint who knowingly provides the Agency Department with a
14 false or misleading certificate concerning the percentage of
15 recycled fiber used commits a Class C misdemeanor, and the
16 Agency Department, within 30 days of making this
17 determination, shall refer the false or misleading certificate
18 to the Attorney General for prosecution.

19 (Source: P.A. 86-1443.)

20 (415 ILCS 110/2012) (from Ch. 96 1/2, par. 9762)

21 Sec. 2012. Prices; confidential proprietary information.
22 Specific information on newsprint prices included as part of a
23 certificate submitted to the Agency Department by newsprint

1 consumers or suppliers is proprietary information and shall
2 not be made available to the general public.

3 (Source: P.A. 86-1443.)

4 (415 ILCS 110/2013) (from Ch. 96 1/2, par. 9763)

5 Sec. 2013. Mandatory recycling.

6 (a) If the Department determines that the 1993 annual
7 aggregate average of recycled fiber usage does not meet or
8 exceed the goal established in Section 2003 of this Act, the
9 provisions of this Section shall be implemented.

10 (b) During the year 1994 every consumer of newsprint in
11 Illinois shall be required to ensure that its recycled fiber
12 usage is at least 28%, unless he complies with subsection (c)
13 or (d).

14 (c) If recycled content newsprint cannot be found that
15 meets quality standards established by the Agency Department,
16 or if recycled content newsprint cannot be found in sufficient
17 quantities to meet recycled fiber usage requirements within a
18 given year, or if recycled newsprint cannot be found at a price
19 comparable to that of newsprint made from 100% virgin fibers,
20 the consumer of newsprint shall so certify to the Agency
21 ~~Department~~ and provide the Agency Department with the specific
22 reasons for failing to meet recycled fiber usage requirements.

23 (d) A consumer of newsprint who has made previous
24 contracts with newsprint suppliers before January 1, 1991, may
25 be exempt from the requirements of this Act if those

1 requirements are in conflict with the agreements set forth in
2 the contract. The consumer of newsprint must conform to the
3 conditions of this Act immediately upon expiration or
4 nullification of the contract. Contracts may not be entered
5 into or renewed as an attempt to evade the requirements of this
6 Act.

7 (e) Any consumer of newsprint who knowingly provides the
8 Agency ~~Department~~ with a false or misleading certificate
9 concerning why the consumer of newsprint was unable to obtain
10 the minimum amount of recycled content newsprint needed to
11 achieve the recycled fiber usage requirements, commits a Class
12 C misdemeanor, and the Agency ~~Department~~, within 30 days of
13 making this determination, shall refer the false or misleading
14 certificate to the Attorney General for prosecution.

15 (f) Any person who knowingly violates subsection (b) of
16 this Section is guilty of a business offense punishable by a
17 fine of not more than \$1,000.

18 (Source: P.A. 90-655, eff. 7-30-98.)

19 Section 980. The Alternate Fuels Act is amended by
20 changing Sections 15, 31, and 32 as follows:

21 (415 ILCS 120/15)

22 Sec. 15. Rulemaking. The Agency shall promulgate rules and
23 dedicate sufficient resources to implement the purposes of
24 Section 30 of this Act. Such rules shall be consistent with the

1 provisions of the Clean Air Act Amendments of 1990 and any
2 regulations promulgated pursuant thereto. The Secretary of
3 State may promulgate rules to implement Section 35 of this
4 Act. The Agency ~~Department of Commerce and Economic~~
5 ~~Opportunity~~ may promulgate rules to implement Section 25 of
6 this Act.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 (415 ILCS 120/31)

9 Sec. 31. Alternate Fuel Infrastructure Program. Subject to
10 appropriation, the Agency ~~may~~ ~~Department of Commerce and~~
11 ~~Community Affairs (now Department of Commerce and Economic~~
12 ~~Opportunity) shall~~ establish a grant program to provide
13 funding for the building of E85 blend, propane, at least 20%
14 biodiesel blended fuel, and compressed natural gas (CNG)
15 fueling facilities, including private on-site fueling
16 facilities, to be built within the covered area or in Illinois
17 metropolitan areas over 100,000 in population. The Agency
18 ~~Department of Commerce and Economic Opportunity~~ shall be
19 responsible for reviewing the proposals and awarding the
20 grants.

21 (Source: P.A. 94-62, eff. 6-20-05.)

22 (415 ILCS 120/32)

23 Sec. 32. Clean Fuel Education Program. Subject to
24 appropriation, the Agency ~~Department of Commerce and Economic~~

1 ~~Opportunity~~, in cooperation with the ~~Agency and~~ Chicago Area
2 Clean Cities, may ~~shall~~ administer the Clean Fuel Education
3 Program, the purpose of which is to educate fleet
4 administrators and Illinois' citizens about the benefits of
5 using alternate fuels. The program shall include a media
6 campaign.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 Section 995. The Prevailing Wage Act is amended by
9 changing Section 2 as follows:

10 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

11 Sec. 2. This Act applies to the wages of laborers,
12 mechanics and other workers employed in any public works, as
13 hereinafter defined, by any public body and to anyone under
14 contracts for public works. This includes any maintenance,
15 repair, assembly, or disassembly work performed on equipment
16 whether owned, leased, or rented.

17 As used in this Act, unless the context indicates
18 otherwise:

19 "Public works" means all fixed works constructed or
20 demolished by any public body, or paid for wholly or in part
21 out of public funds. "Public works" as defined herein includes
22 all projects financed in whole or in part with bonds, grants,
23 loans, or other funds made available by or through the State or
24 any of its political subdivisions, including but not limited

1 to: bonds issued under the Industrial Project Revenue Bond Act
2 (Article 11, Division 74 of the Illinois Municipal Code), the
3 Industrial Building Revenue Bond Act, the Illinois Finance
4 Authority Act, the Illinois Sports Facilities Authority Act,
5 or the Build Illinois Bond Act; loans or other funds made
6 available pursuant to the Build Illinois Act; loans or other
7 funds made available pursuant to the Riverfront Development
8 Fund under Section 10-15 of the River Edge Redevelopment Zone
9 Act; or funds from the Fund for Illinois' Future under Section
10 6z-47 of the State Finance Act, funds for school construction
11 under Section 5 of the General Obligation Bond Act, funds
12 authorized under Section 3 of the School Construction Bond
13 Act, funds for school infrastructure under Section 6z-45 of
14 the State Finance Act, and funds for transportation purposes
15 under Section 4 of the General Obligation Bond Act. "Public
16 works" also includes (i) all projects financed in whole or in
17 part with funds from the Environmental Protection Agency
18 ~~Department of Commerce and Economic Opportunity~~ under the
19 Illinois Renewable Fuels Development Program Act for which
20 there is no project labor agreement; (ii) all work performed
21 pursuant to a public private agreement under the Public
22 Private Agreements for the Illiana Expressway Act or the
23 Public-Private Agreements for the South Suburban Airport Act;
24 and (iii) all projects undertaken under a public-private
25 agreement under the Public-Private Partnerships for
26 Transportation Act. "Public works" also includes all projects

1 at leased facility property used for airport purposes under
2 Section 35 of the Local Government Facility Lease Act. "Public
3 works" also includes the construction of a new wind power
4 facility by a business designated as a High Impact Business
5 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone
6 Act. "Public works" does not include work done directly by any
7 public utility company, whether or not done under public
8 supervision or direction, or paid for wholly or in part out of
9 public funds. "Public works" also includes any corrective
10 action performed pursuant to Title XVI of the Environmental
11 Protection Act for which payment from the Underground Storage
12 Tank Fund is requested. "Public works" does not include
13 projects undertaken by the owner at an owner-occupied
14 single-family residence or at an owner-occupied unit of a
15 multi-family residence. "Public works" does not include work
16 performed for soil and water conservation purposes on
17 agricultural lands, whether or not done under public
18 supervision or paid for wholly or in part out of public funds,
19 done directly by an owner or person who has legal control of
20 those lands.

21 "Construction" means all work on public works involving
22 laborers, workers or mechanics. This includes any maintenance,
23 repair, assembly, or disassembly work performed on equipment
24 whether owned, leased, or rented.

25 "Locality" means the county where the physical work upon
26 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent
2 skilled laborers, workers and mechanics to construct the
3 public works efficiently and properly, "locality" includes any
4 other county nearest the one in which the work or construction
5 is to be performed and from which such persons may be obtained
6 in sufficient numbers to perform the work and (2) that, with
7 respect to contracts for highway work with the Department of
8 Transportation of this State, "locality" may at the discretion
9 of the Secretary of the Department of Transportation be
10 construed to include two or more adjacent counties from which
11 workers may be accessible for work on such construction.

12 "Public body" means the State or any officer, board or
13 commission of the State or any political subdivision or
14 department thereof, or any institution supported in whole or
15 in part by public funds, and includes every county, city,
16 town, village, township, school district, irrigation, utility,
17 reclamation improvement or other district and every other
18 political subdivision, district or municipality of the state
19 whether such political subdivision, municipality or district
20 operates under a special charter or not.

21 "Labor organization" means an organization that is the
22 exclusive representative of an employer's employees recognized
23 or certified pursuant to the National Labor Relations Act.

24 The terms "general prevailing rate of hourly wages",
25 "general prevailing rate of wages" or "prevailing rate of
26 wages" when used in this Act mean the hourly cash wages plus

1 annualized fringe benefits for training and apprenticeship
2 programs approved by the U.S. Department of Labor, Bureau of
3 Apprenticeship and Training, health and welfare, insurance,
4 vacations and pensions paid generally, in the locality in
5 which the work is being performed, to employees engaged in
6 work of a similar character on public works.

7 (Source: P.A. 100-1177, eff. 6-1-19.)

8 Section 9995. No acceleration or delay. Where this Act
9 makes changes in a statute that is represented in this Act by
10 text that is not yet or no longer in effect (for example, a
11 Section represented by multiple versions), the use of that
12 text does not accelerate or delay the taking effect of (i) the
13 changes made by this Act or (ii) provisions derived from any
14 other Public Act.

15 Section 9997. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 9999. Effective date. This Act takes effect upon
18 becoming law.

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20 105 ILCS 5/34-18.15 from Ch. 122, par. 34-18.15

21 415 ILCS 5/22.15 from Ch. 111 1/2, par. 1022.15

22 415 ILCS 5/22.16b from Ch. 111 1/2, par. 1022.16b

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